CITY OF WINDSOR MINUTES 11/02/2026

Development & Heritage Standing Committee Meeting

Date: Monday, November 2, 2026
Time: 4:30 o'clock p.m.

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

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour

Member Regrets
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development
Aaron Farough, Senior Legal Counsel
Stacey McGuire, Executive Director Operations
Patrick Winters, Manager, Development
Laura Diotte, Manager, Planning
Justina Nwaesei, Planner III – Development
Deborah Yankovic, Legal Assistant
Aashvi Sarvaiya, Development Review Technician
Natasha McMullin, Clerk Steno Senior

Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference
Item 7.1 Tracey Pillon-Abbs, Pillon-Abbs Inc., Agent for Applicant

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act*) minutes of its meeting held October 5, 2026

Moved by: Member Anthony Arbour
Seconded by: Councillor Angelo Marignani

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee of its meeting held October 5, 2026 **BE ADOPTED** as presented.
Carried.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

7.1. Approval of a Draft Plan of Subdivision, Zoning By-law Amendment, and Official Plan Amendment Applications for lands situated at the southwest corner of Richmond and St. Luke; Applicant: 14493559 Canada Inc.; File Nos. Z 015-26 [ZNG-7376] & OPA 202 [OPA-7377] & SDN 001-26 [SDN-7378]; Ward 5

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 878**

I. THAT the City of Windsor Official Plan Volume I - The Primary Plan, **BE AMENDED** by changing the land use designation of the land located on the southwest corner of Richmond Street and St. Luke Road, described as Part of Lot 97, Concession 1, designated as PART 5, PART 6, and PART 7 on Plan 12R30480, [Part of PIN 01093-0029 LT, Part of PIN 01093-0058, and Part of PIN 01093-0069] from Business Park and Industrial to Residential;

II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following clause to Section 91.10:

42. **SOUTHWEST CORNER OF RICHMOND STREET AND ST. LUKE ROAD**

For the land comprising PART 5, PART 6, and PART 7 on Plan 12R30480, [Part of PIN 01093-0029 LT, Part of PIN 01093-0058, and Part of PIN 01093-0069], the following additional provisions shall apply:

a) The front wall of a *garage* forming part of the *main building* shall be set back a *minimum* of 1.0 m from that portion of the front wall of the *dwelling unit* closest to the street.

b) In a *required front yard*, a *parking space* is prohibited, and a driveway leading to a *garage* or a *parking space* is permitted.

c) The *maximum* width of a *carport* or *garage* forming part of the *main building* shall not exceed 50% of the width of the *building*.

d) Stucco or an Exterior Insulation and Finish System (EIFS) is prohibited.

[ZDM 6; ZNG/7376]

III. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of the land located on the southwest corner of Richmond Street and St. Luke Road, described as Part of Lot 97, Concession 1, designated as PART 5, PART 6, and PART 7 on Plan 12R30480, [Part of PIN 01093-0029 LT, Part of PIN 01093-0058, and Part of PIN 01093-0069], from MD2.1 & HMD1.4 to H(2)RD2.2x(42);

IV. THAT the application of 14493559 Canada Inc. for Draft Plan of Subdivision approval for Part of Lot 97, Concession 1, designated as PART 5, PART 6, and PART 7 on Plan 12R30480, [Part of PIN 01093-0029 LT, Part of PIN 01093-0058, and Part of PIN 01093-0069], **BE APPROVED** subject to the following conditions:

A. That the Draft Plan Approval shall lapse on November 23, 2029 (3 years from the date of approval);

B. That this approval applies to the draft plan of residential subdivision presented on attached Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, SDN-001/26-1C prepared by VERHAEGEN Land Surveyors for 2863167 Ontario Inc., consisting of 12 blocks for construction of 24 semi-detached dwelling units, 13 blocks for construction of 51 townhome dwelling units, 3 blocks for Land Reserves, 1 block for corner cut-off, 1 block to be conveyed to the Corporation of the City of Windsor for stormwater facility, and one proposed new road allowance (Street A);

C. That the owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;

D. That the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix D, attached hereto) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. Conveyance Requirements:

a. The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor

i) 4.60 m x 4.60 m corner cut-off at the intersection of Richmond Street and St. Luke Road

ii) Block 21 on Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, & SDN-001/26-1C, for Storm Water Management (SWM) Facility purposes; and

iii) Block 29 *(0.3m wide strip of land along the north limit of Block 20*) and Block 30 *(0.3m wide strip of land along the north limit of Block 2*) on Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, SDN-001/26-1C, for land reserve purposes.

b. The conveyances listed in paragraph 2(a) above shall be to the satisfaction of the City Engineer and the City Solicitor.

F. **Offsite Improvements** - The owner(s) shall agree to fully construct all future municipal right-of-ways, include, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations - Local Residential Roads: complete with 20.1 metre right-of-ways. Pavements to be constructed in accordance with General Provision G-2(6).

G. The owner(s) shall agree to submit the following prior to issuance of the Enhanced Permit:

1) A detailed cost estimate for the Offsite Improvements, supported by preliminary design drawings prepared by an Engineer licensed in the Province of Ontario

2) Approval by the Manager of Risk Management of all necessary securities and insurance

3) Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule

H. **Servicing Study** - The owner(s) shall, prior to the issuance of a construction permit and at its entire expense, agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures. Any improvements and/or mitigating measures recommended in the Servicing Study shall be incorporated in the Subdivision Agreement and registered on title, prior to Final Plan approval.

I. **Sidewalks -** The owner(s) shall agree to construct at their expense and according to City of Windsor Standard Specifications, concrete sidewalks constructed to the satisfaction of the City Engineer. Sidewalks are to be constructed at the following locations:

- Street A – Along the east boulevard

J. **Record of Site Condition (RSC)** – The owner(s) shall, prior to the issuance of a construction permit, submit to the City Planner

1) A Record of Site Condition prepared by a Qualified Person and filed with Ontario's Ministry of the Environment, Conservation and Parks (MECP). The RSC needs to confirm that the property meets the required soil and groundwater standards for its intended use (as outlined in regulations like Ontario Regulation 153/04).

2) A copy of acknowledgement letter from the Ministry.

K. **Traffic Impact Study (TIS)** – The owner(s) shall, prior to Final Plan approval, submit an updated TIS deemed satisfactory by the City Engineer. All upgrades, if any, recommended in the revised TIS shall be incorporated in the Subdivision Agreement and registered on title, prior to Final Plan approval.

L. **Species At Risk (SAR) Preliminary Screening** – The owner(s) shall, prior to Final Plan approval, submit an updated SAR Preliminary Screening report to the satisfaction of the City Planner.

M. **SAR Remediation Compliance** – The owner(s) shall agree to comply with remediation / mitigation recommendations, if any, in the updated SAR report, to the satisfaction of the Chief Building Official and the City Planner, or an agreement registered on title to the property to comply with the remediation / mitigation recommendations in the required SAR study.

N. **Parkland Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit, pay cash-in-lieu of the 5% of lands to be developed, in accordance with By-law 12780, to the satisfaction of the Executive Director of Parks and the City Planner.

O. **Tree Replacement / Compensation** – Prior to the issuance of any construction permit, the owner(s) shall contact the City Forester to determine the appropriate tree replacement and/or compensation requirements associated with the removal of trees identified in the Tree Inventory & Preservation Plan Report dated May 15, 2026, prepared by Jackson Arboriculture Inc. A Tree Canopy Replacement Compensation for the required 76 compensation trees shall be completed to the satisfaction of the City Forester.

P. **Noise Control Measures:** The Owner(s) shall agree to design the subject development in compliance with the following criteria:

i) all windows leading to sensitive living areas shall have a minimum sound transmission class (STC) as per Section 4 of the *Acoustical Report dated May 12, 2026,* attached hereto as Appendix C, in order to meet the MOECC indoor noise level criteria;

ii) all walls leading to sensitive living areas shall have a minimum sound transmission class (STC) as per Section 4 of the *Acoustical Report dated May 12, 2026,* attached hereto as Appendix C;

iii) acoustic privacy between units in a multi-tenant building, the inter-unit wall, shall meet or exceed STC-50; and

iv) wall separation between noisy spaces, such as refuse chutes or elevator shafts, and suites shall meet or exceed STC-55.

Q. **Acoustical Consultant Review:** The Owner(s) shall, prior to the issuance of a building permit, and at their entire expense, engage the services of an acoustical consultant to review the sound transmission class (STC) for the proposed development's walls, windows, and doors to ensure they conform to the recommendations outlined in the May 12, 2026, Acoustical Report prepared by BAIRD AE.

R. **Warning Clause(s):** The Owner(s) shall agree to place the following warning clause in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within the subject plan of subdivision [Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, SDN-001/26-1C]

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

NOTES TO DRAFT APPROVAL (File # SDN-001/24)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.*

2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the City Planner / Executive Director of Planning and Development, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*

4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*

5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*

6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

V. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.

VI. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.

VII. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner / Executive Director of the Planning and Development shall **BE ADVISED**, in writing, by the appropriate agencies and/or municipal departments that conditions have been satisfied.

VIII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 108/2026
Clerk's File: Z/15218; Z/15217; Z/15216

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:54 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:55 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Closure of the east/west alley located east of Oak Street, south of Wyandotte Street West and west of Crawford Avenue, SAA-7163, Ward 3

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 879**

I. THAT the 4.27 metre-wide east/west alley, located east of Oak Street, south of Wyandotte Street West and west of Crawford Avenue, and shown on Drawing No. CC-1852 (attached hereto as Appendix "A"), and hereinafter referred to as the "Subject Alley", **BE ASSUMED** for subsequent closure.

II. THAT the Subject Alley **BE CLOSED AND CONVEYED** to the abutting property owners, in a manner deemed appropriate by the City Solicitor, subject to the following:

a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:

i. Cogeco Connexion Inc. to accommodate existing aerial infrastructure;
ii. Enbridge Gas Inc. to accommodate existing Natural Gas infrastructure;
iii. ENWIN Utilities Ltd. to accommodate existing aerial infrastructure;
iv. Managed Network System Inc. ("MNSi") to accommodate existing aerial infrastructure.

III. THAT Conveyance Cost **BE SET** as follows:

a. For alley portions conveyed to abutting lands zoned CD2.2, $20.00 per square foot without easements, plus HST if applicable, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor, and $10.00 per square foot with easements, plus HST if applicable, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

b. For alley portions conveyed to abutting lands zoned MD1.2, $12.00 per square foot without easements, plus HST if applicable, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor, and $6.00 per square foot with easements, plus HST if applicable, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

IV. THAT The City Solicitor **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1852.

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003, and that the City Solicitor be authorized to execute all standard real estate documents in accordance with By-law 366-2003.

Carried.

Report Number: S 103/2026
Clerk's File: SAA2026

11.2. Closure of the east/west alley located north of Grand Marais Road West, east of Everts Avenue and west of Curry Avenue, SAA-7363, Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 880**

I. THAT the 4.27 metre-wide east/west alley, located north of Grand Marais Road West, east of Everts Avenue and west of Curry Avenue, and shown on Drawing No. CC-1881 (attached hereto as Appendix "A"), and hereinafter referred to as the "Subject Alley", **BE ASSUMED** for subsequent closure.

II. THAT the Subject Alley **BE CLOSED AND CONVEYED** to the abutting property owners, in a manner deemed appropriate by the City Solicitor, subject to the following:

a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:

i. ENWIN Utilities Ltd. to accommodate existing overhead hydro distribution pole lines;
ii. Managed Network System Inc. (MNSi) to accommodate existing aerial infrastructure.

III. THAT the Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned RD1.4, $1.00 plus HST, together with deed preparation fee and a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

b. For alley conveyed to abutting lands zoned CD1.1, $20 per square foot ($215.28 per m^2) without easements, plus HST, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor, and $10 per square foot ($107.64 per m^2) with easements, plus HST, together with a proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

IV. THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-law(s).

V. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to **EXECUTE** the necessary documents approved as to form and content satisfactory to the City Solicitor.

VI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003 and that the City Solicitor be authorized to execute all standard real estate documents in accordance with By-law 366-2003.

Carried.

Report Number: S 109/2026
Clerk's File: SAA2026

13. QUESTION PERIOD

Councillor Jim Morrison conveys his thanks to Member Anthony Arbour for his many years serving on the committee.

Councillor Jim Morrison also expresses his thanks to Councillors Fred Francis, Angelo Marignani, Keiran McKenzie, and Mark McKenzie for serving on the *Planning Act* portion of the Committee over the past four years. He commends their work with administration and residents, citing the many regulatory and legislative changes the Committee has had to deal with. Councillor Jim Morrison then expresses his gratitude for the support and efforts of Administration, Planning Department, and Public Works.

Councillor Kieran McKenzie offers his respect and appreciation for Councillor Morrison's work as the Committee chair, and for navigating the many challenges presented to the Committee.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items) is adjourned at 5:01 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on December 1, 2026.
Carried.

Ward 10 – Councillor Jim Morrison (Chairperson)	Deputy City Clerk / Supervisor of Council Services

Development & Heritage Standing Committee Meeting
(*Planning Act* Matters)

Date: November 2, 2026
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour

Member Regrets
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PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development
Aaron Farough, Senior Legal Counsel
Stacey McGuire, Executive Director Operations
Patrick Winters, Manager, Development
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Delegations—participating via video conference
Item 7.1 Tracey Pillon-Abbs, Pillon-Abbs Inc., Agent for Applicant

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held October 5, 2026

Moved by: Member Anthony Arbour
Seconded by: Councillor Angelo Marignani

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee of its meeting held October 5, 2026 **BE ADOPTED** as presented.
Carried.

7. PLANNING *ACT* MATTERS

7.1. Approval of a Draft Plan of Subdivision, Zoning By-law Amendment, and Official Plan Amendment Applications for lands situated at the southwest corner of Richmond and St. Luke; Applicant: 14493559 Canada Inc.; File Nos. Z 015-26 [ZNG-7376] & OPA 202 [OPA-7377] & SDN 001-26 [SDN-7378]; Ward 5

Justina Nwaesei (author), Planner III – Development, presents application.

Tracey Pillon-Abbs (agent) is available for questions. Ms. Pillon-Abbs states that the applicant supports the staff recommendations with the conditions that are noted.

Councillor Angelo Marignani inquires about the municipal infrastructure, including its age, the date of the most recent sewer maintenance or cleaning, and its current capacity considering any sediment accumulation at the bottom. Patrick Winters states that the sewer was constructed in 1983 and is part of the regular maintenance program. Mr. Winters states that if there are concerns about the condition of the sewer, a standard requirement is to conduct a Closed Circuit Television review before allowing to connect to the sewer. Stacey McGuire adds that this sewer is on our cyclical zoom inspection schedule and is inspected every three to four years and examine deposits at that point.

Councillor Marignani inquires if this development would cause stress on the system and existing neighbourhood. Mr. Winters states that a Functional Servicing Study has been submitted and reviewed showing there will be no adverse impact on existing residents and neighbourhood.

Councillor Kieran McKenzie inquires how close the sewer is to capacity with this and future developments. Mr. Winters states that there are no concerns with this proposal. Mr. Winters states that if intensification becomes a problem in the future, then the department will review it at that time.

Councillor Kieran McKenzie inquires about the discrepancy in the Traffic Impact Study (TIS) and the apparent overestimation of traffic impacts. Ms. McGuire advises that the applicant is required to revise the TIS to meet City standards and ensure a complete record. She notes that the study used overly conservative assumptions and a higher-than-required background growth rate, resulting in impacts greater than typically expected. Ms. McGuire advises that Administration has no concerns with the findings and that the revisions are primarily a housekeeping matter for the Department's records.

Councillor Marignani inquires whether the developer will be responsible for the installation of curbs and gutters. Mr. Winters states that the work will be done by the developer and no work will be completed by the City.

Councillor Marignani inquires if there will be curbs and gutters on the road. Mr. Winters states that the road will be built to municipal standard cross section and confirms that there will be curbs and gutters.

Councillor Marignani inquires about the park land conveyance. Ms. Nwaesei states that cash in lieu will be provided to meet the terms of the Planning Act requirement.

Councillor Mark McKenzie inquires whether the removal of access to St. Luke Road was based on concerns raised by residents or a recommendation from Administration, and whether Administration supports the removal of the access. Ms. Nwaesei advises that concerns were raised by both area residents and the Transportation Planning Department regarding alignment issues with Ontario Street, and that both perspectives were taken into consideration.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 878**

I. THAT the City of Windsor Official Plan Volume I - The Primary Plan, **BE AMENDED** by changing the land use designation of the land located on the southwest corner of Richmond Street and St. Luke Road, described as Part of Lot 97, Concession 1, designated as PART 5, PART 6, and PART 7 on Plan 12R30480, [Part of PIN 01093-0029 LT, Part of PIN 01093-0058, and Part of PIN 01093-0069] from Business Park and Industrial to Residential;

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a) The front wall of a *garage* forming part of the *main building* shall be set back a *minimum* of 1.0 m from that portion of the front wall of the *dwelling unit* closest to the street.

b) In a *required front yard*, a *parking space* is prohibited, and a driveway leading to a *garage* or a *parking space* is permitted.

c) The *maximum* width of a *carport* or *garage* forming part of the *main building* shall not exceed 50% of the width of the *building*.

d) Stucco or an Exterior Insulation and Finish System (EIFS) is prohibited.

[ZDM 6; ZNG/7376]

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C. That the owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;

D. That the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix D, attached hereto) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

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a. The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor

i) 4.60 m x 4.60 m corner cut-off at the intersection of Richmond Street and St. Luke Road

ii) Block 21 on Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, & SDN-001/26-1C, for Storm Water Management (SWM) Facility purposes; and

iii) Block 29 *(0.3m wide strip of land along the north limit of Block 20*) and Block 30 *(0.3m wide strip of land along the north limit of Block 2*) on Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, SDN-001/26-1C, for land reserve purposes.

b. The conveyances listed in paragraph 2(a) above shall be to the satisfaction of the City Engineer and the City Solicitor.

F. **Offsite Improvements** - The owner(s) shall agree to fully construct all future municipal right-of-ways, include, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the

following road designations - Local Residential Roads: complete with 20.1 metre right-of-ways. Pavements to be constructed in accordance with General Provision G-2(6).

G. The owner(s) shall agree to submit the following prior to issuance of the Enhanced Permit:

1) A detailed cost estimate for the Offsite Improvements, supported by preliminary design drawings prepared by an Engineer licensed in the Province of Ontario

2) Approval by the Manager of Risk Management of all necessary securities and insurance

3) Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule

H. **Servicing Study** - The owner(s) shall, prior to the issuance of a construction permit and at its entire expense, agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures. Any improvements and/or mitigating measures recommended in the Servicing Study shall be incorporated in the Subdivision Agreement and registered on title, prior to Final Plan approval.

I. **Sidewalks -** The owner(s) shall agree to construct at their expense and according to City of Windsor Standard Specifications, concrete sidewalks constructed to the satisfaction of the City Engineer. Sidewalks are to be constructed at the following locations:

- Street A – Along the east boulevard

J. **Record of Site Condition (RSC)** – The owner(s) shall, prior to the issuance of a construction permit, submit to the City Planner

1) A Record of Site Condition prepared by a Qualified Person and filed with Ontario's Ministry of the Environment, Conservation and Parks (MECP). The RSC needs to confirm that the property meets the required soil and groundwater standards for its intended use (as outlined in regulations like Ontario Regulation 153/04).

2) A copy of acknowledgement letter from the Ministry.

K. **Traffic Impact Study (TIS)** – The owner(s) shall, prior to Final Plan approval, submit an updated TIS deemed satisfactory by the City Engineer. All upgrades, if any, recommended in the revised TIS shall be incorporated in the Subdivision Agreement and registered on title, prior to Final Plan approval.

L. **Species At Risk (SAR) Preliminary Screening** – The owner(s) shall, prior to Final Plan approval, submit an updated SAR Preliminary Screening report to the satisfaction of the City Planner.

M. **SAR Remediation Compliance** – The owner(s) shall agree to comply with remediation / mitigation recommendations, if any, in the updated SAR report, to the satisfaction of the Chief Building Official and the City Planner, or an agreement registered on title to the

property to comply with the remediation / mitigation recommendations in the required SAR study.

N. **Parkland Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit, pay cash-in-lieu of the 5% of lands to be developed, in accordance with By-law 12780, to the satisfaction of the Executive Director of Parks and the City Planner.

O. **Tree Replacement / Compensation** – Prior to the issuance of any construction permit, the owner(s) shall contact the City Forester to determine the appropriate tree replacement and/or compensation requirements associated with the removal of trees identified in the Tree Inventory & Preservation Plan Report dated May 15, 2026, prepared by Jackson Arboriculture Inc. A Tree Canopy Replacement Compensation for the required 76 compensation trees shall be completed to the satisfaction of the City Forester.

P. **Noise Control Measures:** The Owner(s) shall agree to design the subject development in compliance with the following criteria:

i) all windows leading to sensitive living areas shall have a minimum sound transmission class (STC) as per Section 4 of the *Acoustical Report dated May 12, 2026,* attached hereto as Appendix C, in order to meet the MOECC indoor noise level criteria;

ii) all walls leading to sensitive living areas shall have a minimum sound transmission class (STC) as per Section 4 of the *Acoustical Report dated May 12, 2026,* attached hereto as Appendix C;

iii) acoustic privacy between units in a multi-tenant building, the inter-unit wall, shall meet or exceed STC-50; and

iv) wall separation between noisy spaces, such as refuse chutes or elevator shafts, and suites shall meet or exceed STC-55.

Q. **Acoustical Consultant Review:** The Owner(s) shall, prior to the issuance of a building permit, and at their entire expense, engage the services of an acoustical consultant to review the sound transmission class (STC) for the proposed development's walls, windows, and doors to ensure they conform to the recommendations outlined in the May 12, 2026, Acoustical Report prepared by BAIRD AE.

R. **Warning Clause(s):** The Owner(s) shall agree to place the following warning clause in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within the subject plan of subdivision [Map Nos. SDN-001/26-1, SDN-001/26-1A, SDN-001/26-1B, SDN-001/26-1C]

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

NOTES TO DRAFT APPROVAL (File # SDN-001/24)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.*

2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the City Planner / Executive Director of Planning and Development, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*

4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*

5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*

6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

V. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.

VI. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.

VII. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner / Executive Director of the Planning and Development shall **BE ADVISED**, in writing, by the appropriate agencies and/or municipal departments that conditions have been satisfied.

VIII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 108/2026
Clerk's File: Z/15218; Z/15217; Z/15216

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:54 o'clock p.m.

Ward 10 – Councillor Jim Morrison (Chairperson)

Deputy City Clerk / Supervisor of Council Services