

PAC: 1

SUBJECT MATTER: Official Plan Review Update (Report #20)

RECOMMENDATIONS:

ADMINISTRATION	PAC
That Official Plan Review Report #20: "Summary of Moving Forward Phase Public Consultation", dated June 12, 2008 BE RECEIVED.	The recommendations of the Planning Advisory Committee and Administration are the same.

NOTE: All parties interested in this matter shall be invited to address Council if they so desire.

COUNCIL FOR INFORMATION

ZO/8949 LiveLink 13686

RE: OFFICIAL PLAN REVIEW UPDATE (REPORT #20)

- The following recommendation was adopted by the Planning Advisory Committee at its meeting of JUNE 26, 2008.
- A copy of the report of the Manager of Planning Policy dated JUNE 12, 2008, recommending the report **BE RECEIVED** is attached.
- The recommendations of the Planning Advisory Committee and the City Planner are **THE SAME**.

Moved by Mr. Baker, seconded by Mr. Sleiman,

I That Official Plan Review Report #20 "Summary of Moving Forward Phase Public Consultation" dated June 12, 2008 **BE RECEIVED**.

Motion **CARRIED, UNANIMOUSLY**.

The following is an extract from the minutes of the Planning Advisory Committee meeting dated June 26, 2008.

Mr. Hunt states that the purpose of tonight's meeting is to present a number of Foundation Studies that were undertaken to fulfill the requirements of the Official Plan Review. He introduces the Project Team participants in attendance at tonight's meeting. Mr. Chris Aspila, the Official Plan Review Project Manager and the OP Review Lead Consultant is Ron Shishido, Dillon Consulting Ltd. Natural Areas Policy Review – Matthew Child, Rebecca Belanger and Dan Lebedyk, Essex Region Conservation Authority and finally, the Residual Market Demand and Impact Analysis – Rowan Faludi, Urban Metrics.

Item No. 1 - RESIDENTIAL INTENSIFICATION ANALYSIS REPORT

Mr. Aspila reviews the Residential Intensification Analysis Report. He notes that Windsor is now growing slowly and growth is projected at 0.33% between 2006 and 2011 (results from Lapointe Consulting, 2008). The consultant also projects a return to near the historical normal of 1.00% for the years 2011-2031. Estimated demand for new housing is based on population growth and low growth rate in population, therefore, translates to a lower demand for new dwelling units (information taken from *Housing Market Outlook For the City of Windsor 2008 to 2011*, prepared by Will Dunning Inc., 2008). The report also showed an opportunity for infill development with single detached dwelling in the South Cameron, East Riverside and Roseland Planning Districts. Mr. Aspila notes a number of factors that supports the physical potential for intensification; i.e. land use compatibility; proximity to transit; location and site history and environmental constraints. Some of the factors that act as constraints to intensification are parks and open space; designated environmental areas, designated heritage buildings, stable neighbourhoods and active, stable business and industrial areas.

Mr. Aspila states that the City retained Will Dunning Inc. to undertake a 'Housing Market Outlook for the City of Windsor: 2008-2011'. One of the findings was that the vast bulk of housing demand can be satisfied within the existing housing inventory. The report also noted that the Windsor economy has weakened sharply since 2003 and the employment rate has also fallen. The report also pointed out that there is a lagged relationship between employment and housing and changes in local employment situations have gradual impacts on the housing market. The report showed that there is a strong implication that housing construction in Windsor will remain very weak for several more years with no substantive improvement in housing starts during the 2008-2011 period.

In closing, Mr. Aspila reviews a number of recommendations including the recommendation of an intensification target of 10% to be established for the period 2006-2026. Lastly, he points out that while the market may dictate the shape and form of development that occurs on any given site, there are a wide range of attractive options and opportunities for intensification development.

Mr. Hunt explains that some of the information contained in the report is driven by population/employment projections. Windsor has a good potential to have intensification occur, however, the economy will be the driver of that. More recently, the discussion that is occurring on energy consumption and pricing is the other driver for intensification and that seems to have changed even in the short time frame since the Official Plan Review was undertaken in 2007 and is driving the market in a different direction. PAC may want to consider changes to Policy reflecting energy changes in the future.

Councillor Hatfield refers to Little River Acres and states that the City is working with the residents there to provide parkland amenities for the neighbourhood. The City is considering the sale of 19 surplus lots and using the profit from the sale of the lots to develop the amenities for the park. He is concerned because it was noted in the Intensification Report that parks and open space would not be considered for intensification.

Mr. Hunt states that typically constraints to intensification are natural areas and utilized/viable parks. The Little River Acres park is an example of a park that is larger than required for the area it is serving and it does have surplus lands. Therefore, it is an exception and the lands can be considered for residential intensification. Mr. Hunt goes on to say that a heritage designation on a building isn't typically a restraint to redevelopment; however, any redevelopment must be sensitively done. As an example, he notes the change of use for the designated Medical Arts Building for residential use.

Councillor Hatfield asks how parking will be provided for the future residents of the Medical Arts Building.

Mr. Hunt replies that there are situations where it is not desirable or necessary to provide parking. In the downtown core, perhaps it is not desirable to promote parking as that leads to the creation of surface parking lots. The provision of parking in the downtown is a debate that needs to take place in order to tie together new policy directions with existing Official Plan policies. In order to achieve high-density development, the parking issue must be tackled and in his opinion, surface parking lots is not the answer in an urban context.

Mr. Sleiman refers to the study detailing the number of dwelling units needed for Windsor in the future and asks if the apartment units being converted to condominium units are being taken into consideration.

Mr. Aspila states that the Study projections only consider the construction of new units.

Mr. Sleiman confirms from Mr. Aspila that the lands that were annexed from the Town of Tecumseh were included in the present analysis.

Ms. Cross-Leal asks if there are any incentives being promoted by Administration to encourage developers to infill instead of building in new areas or outside the City boundaries.

Mr. Hunt states that any intensification will only result if there is a market for it to occur. In the Toronto area, there are much higher intensification targets because of their more vibrant economy. Also in Toronto, there is a growth area boundary and when limits are set on Greenfield development, the market starts to look for sites that are available. Typically in Windsor, infrastructure has been extended to Greenfield sites at a high cost. Council is now reconsidering this scenario, as it might not continue to be feasible in the future. In answer to the question, if Council stops permitting infrastructure into Greenfield sites, then developers may look at infill in the City. The City can also offer a Community Improvement Plan scenario, i.e. waiving of development fees, to provide incentive to develop in a certain area. However, this type of scenario can only work with a coordinated effort with other projects elsewhere in the City and with the Towns bordering Windsor. The Intensification Study is directed from the Province and must also be done by the Town of Tecumseh, Lakeshore and LaSalle, and Administration expects and hopes that the Province will be setting similar targets for them as well.

Mr. Baker notes that the majority of the sites that are earmarked for infill development are zoned 'commercial' or 'industrial' at the present time. He asks what in the Official Plan is going to encourage developers not to make use of that existing designation.

Mr. Aspila replies that several of the sites identified for intensification development are designated in the Official Plan for mixed use, where there would be the opportunity for commercial on the lower floor and upper floor residential dwellings. Some of the major intensification sites are now zoned 'industrial' and it is now necessary to analyze the results of the Employment Protection and Employment Needs Analysis (EDP Consulting 2008), which discussed what the future needs would be for commercial and industrial land. More study is needed to resolve the issue of building residential developments on lands zoned for industrial uses.

Mr. Baker points out that the conclusions on projected population growth and housing needs by Lapointe Consulting may conflict with the Dunning Housing Market outlook. He also notes that Administration decided to support the notion that population growth will turn around by 2011 and that the historical population growth of 1% will resume and this is not what Dunning infers. He asks how Administration arrived at the 1% figure.

Mr. Aspila agrees that the Lapointe projections are based on a 20-25 year time period and they do differ from the Dunning projections that are only for the time period of 2008 to 2011. The two studies had different objectives – the Lapointe projections were based on 2006 Canada Census data whereas the Dunning Study was based on more recent data available from the Province that took into account actual economic impacts that Windsor is currently experiencing. The EDP

Consulting Study forecasted that the region would start to experience a turnaround in approximately 2011.

Councillor Hatfield asks if the School Board is consulted when doing economic projection studies. He points out that the School Board would have an enrolment projection plan showing which schools are scheduled to be closed or expanded resulting in more or less housing demand in that area.

Mr. Aspila replies that the School Board has not forwarded any comments to the City during this Official Plan Review process.

Mr. Hunt notes that there is also an opportunity to receive feedback from the School Board from the City/ School Board Liaison Committee. Mr. Hunt points out that schools are the backbone to a stable neighbourhood and there is always a concern about declining enrolment and losing schools in neighbourhoods. Schools can also be the catalyst for growth in an area.

The Chair notes that recent health studies are promoting the benefits of walking and she asks if there is anything contained in the updated Official Plan that will increase the amount of parkland.

Mr. Aspila replies that any new development will require parkland to be included as per the Official Plan.

The Chair states that she is concerned because developers also have the opportunity to pay cash-in-lieu of providing parkland.

Mr. Hunt states that in the future, instead of providing more space, Administration will investigate better utilization of existing public space. Mr. Hunt refers to 'incomplete roads' which are built only for cars and are limited in terms of sidewalks and for bicycle use. With the aging population, progressive thinking suggests providing 'connectivity' – or improved ways to get around, for people. Mr. Hunt points out that at the present time, Windsor has a high percentage of park space for its population; however, it might not be distributed evenly over the City.

Mr. Asmar asks what specific data is being used to support the projection that Windsor will revert to a 1% population growth rate in 2011. Mr. Asmar then confirms from Mr. Aspila that building permit data was from the years up to 2006. The demographic data from Canada Census was also from 2006.

Mr. Aspila states that in January 2008, the Employment Projections and Employment Needs Analysis, prepared by the EDP Consulting, was presented to PAC. The majority of the information contained in that report was based on information received from the Windsor-Essex County Development Commission.

Mr. Asmar points out that Windsor has undergone many recent economic changes and he is concerned that the information contained in these reports is not current and does not reflect the downturn in Windsor's economy. He asks what tools are available to Administration to obtain the most current information to aid in the preparation of the Official Plan.

Mr. Hunt notes that forecasts are not completely accurate and there is always a lag as data collection and compilation takes time. He notes that there are other data involved in Administration's data forecasting, such as population, employment opportunities, migration and

the economic position relative to the rest of Ontario. He also notes that for Windsor a change in value of the Canadian dollar relative to the US dollar might result in an upturn in our economy and even the outcome of the American presidential election might have an effect on our area. These are all dynamics that Planners must consider and he notes that some flexibility must be included when putting together an economic forecast. Lastly, he states that it is more difficult to forecast for a 3-year period and Administration is more confident with the numbers for the longer horizon.

Mr. Asmar confirms from Mr. Hunt that Administration will highlight the above factors that can actually cause the projections to either increase or decrease.

Ms. Lena Angelidis, 221 Askin, appears before PAC. She refers to the notation in the Study regarding 15 potential development sites for residential dwelling units. She asks if the Planners have a preference for intensifying certain areas over other areas.

Mr. Aspila states that the 15 potential sites are samples of potential intensification opportunities in the City. Administration is not encouraging intensification in one area over another.

Mr. Camille Pelchat, 3787 Howard Avenue, appears before PAC. Mr. Pelchat states that in his opinion, the most important things influencing today's world are the environment and energy. He states that he would like to see more reference in the Building Code to using 'Green' technology in construction, such as heat pump and solar panels.

Mr. Hunt states that he agrees with Mr. Pelchat's comments and notes that one of the objectives of this study is to have development occur within the built boundary of the City and not into outlying areas that would require more energy consumption to develop. He notes that the Official Plan will speak to issues regarding the use of 'Green' technology in the future. It is not a component of this study but the energy issue is front and center as part of the Official Plan review.

Ms. Pat Malicki, 275 Ford Boulevard, appears before PAC. She is pleased that the Official Plan policies will be addressing the need for sidewalks and she encourages the installation of sidewalks in all new residential areas. She refers to the conversion of the Medical Arts Building for residential use and notes that it may be difficult to provide the amount of parking required by the By-law. She suggests that underground parking may be an option for the project. She is concerned that the only reference made to 'Heritage properties' in the Studies was as a constraint to intensification and re-development. She asks if there has been any suggestion to combine commercial and residential; with commercial development on the street level and residential units above rather than a strip mall of commercial units, e.g. Ottawa and Walker Road area.

Mr. Aspila states that 'constraint' may have been too strong a word. Administration wanted to emphasize that heritage buildings are unique opportunities for intensification and each site must be carefully investigated. Administration would also support commercial main floor with residential upper floor development on the main streets of the City.

Ms. Malicki asks to see any future wording on the conversion of 'Heritage' buildings.

Mr. Ron Shisido, Dillon Consulting Ltd., appears before PAC to explain why the Intensification Analysis was done in that manner. He explains that the Province requires each municipality to have an intensification target. Typically, the target is developed by looking at physical potential and it assumes that market potential is there. The Provincial Policy Statement (PPS) was

primarily prepared to deal with issues existing in the Greater Toronto Area and the concept that a market existed was simply built into the PPS. He points out that if intensification is just based on physical potential, the number of units is going to be high because this does not take into account the market potential. In the process of setting the intensification target for Windsor, Dillon Consulting met with the Province to explain that Windsor's short-term economy is facing a number of challenges and the traditional way of looking at intensification will not work for Windsor. The Province approved the request that Windsor be permitted to have an interim target and look at the more broad based intensification review in the next 5 year period. Rather than doing the overall physical review, it was decided to do a 'Market Snapshot' (prepared by Dunning) that forecasts what will happen over the next few years based on the existing building permit activity. This approach was accepted by the Ministry of Municipal Affairs. The interim target for Windsor is 10%, which is much lower than the target generally required for a city of Windsor's size. This will permit Windsor to have a target, incorporate it into the Plan so that the Plan can be updated and approved. The Lapointe work is demographic based and the numbers contained therein have more relevance in the 10 to 20 year timeframe. The 20-year projection must be done however, because the Province requires that information be placed in the Official Plan.

The Chair refers to the Planning Support System mentioned in the report and asks for an explanation.

Mr. Aspila replies that the Planning Support System is a Geographic Information System based tool developed to help track residential intensification and a wide variety of other planning analysis. This system is made up of GIS and data base software and it also includes maps, graphics and tabular data.

Mr. Baker asks if there is any Ministry sanction if the intensification targets are not met and he asks if the Ministry tracks the intensification efforts.

Mr. Hunt replies that there is no sanction per se; however, the Ministry will not allow the City to expand its urban area boundary until it takes into consideration its target. The Ministry does look at what the City says it can achieve and ties any future growth to areas outside that boundary with that target in mind.

Mr. Shishido explains further that the Province has to approve the update and therefore if the Province does not agree with some of the policies/targets in the Official Plan, they can change those figures to what they consider to be more appropriate. Therefore, it was good that Windsor was proactive and met with the Province to establish a 10% target, which is more realistic for Windsor.

Mr. Sleiman agrees that Windsor does not necessarily need additional parkland, however, there is a need for wider sidewalks on both sides of the street. It is worthwhile to encourage people to walk in their own neighbourhoods and not drive to a park. He suggests that the section of the Official Plan referring to installation of sidewalks be updated to include sidewalks on both sides of the street.

Councillor Hatfield gives a few examples of events that might cause an economic upturn for Windsor. He refers to the cross border solution and highway and bridge and notes that the earliest date construction could start would be December 2009 with construction in 2010. As a result of this project, people might be moving to Windsor and be looking for homes to buy or

rent. He also refers to the new Caesar's Casino Convention site as a catalyst for an upturn in the economy.

Mr. Hunt states that he hopes PAC will receive the report and he notes that Administration can work with PAC and Council in terms of specific changes that may be incorporated into the Official Plan.

Item No. 2 – NATURAL AREA POLICY REVIEW/CANDIDATE NATURAL HERITAGE SITES INVENTORY UPDATE

Mr. Aspila states that the purpose of the Natural Area Policy Review is to update the Candidate Natural Heritage Site Inventory, that was prepared in 1992, and to make sure it is consistent with the Provincial policies that are now in place. As a result of this review, Administration will be able to update the Official Plan regarding environmental matters. Municipalities are responsible for protecting significant heritage features and ecological functions. The intent of the study is to assess those environmentally significant areas that are not currently protected. The Study looked at 18 sites across the City and was based on 2004 aerial photography. Seven additional sites, located in the Sandwich South Planning District (lands transferred from the Town of Tecumseh in 2003) were added to the study. The criteria used to develop and analyze the list of sites is consistent with Provincial Policy. A series of public consultations was held in 2007 and landowners who live near the Natural Heritage Sites were notified. The outcome of the Study determines the most significant Natural Heritage Sites and how the sites have changed since 1992. In closing, Mr. Aspila states that this Study provides Administration with a more up-to-date baseline of the Natural Heritage and Natural Policy Areas in the City and this information will be used along with the information from the Natural Environmental Summary Report, prepared in the Looking Back Phase of the Official Plan Review to ensure that natural heritage features are consistent with the Policy Statement. A number of new policies will be added, such as a new Greenway System and Habitat. Administration is also looking at establishing a policy regarding 'No Negative Impacts' looking to establish setbacks for properties adjacent to Natural Policy Areas. Policies regarding Existing Agricultural Uses in Natural Heritage Areas will also be included.

The next step will be to compile all the information obtained from this Study into the Moving Forward Synthesis Report, which will make recommendations as to what Official Plan amendments need to take place and what work can take place between this Official Plan Review and the start of the next one.

The Chair notes that Windsor is the first municipality in the region to undertake the preparation of a Biological Inventory of Natural Sites. The Chair also suggests that a change be made to the Table of Contents to include both the name and the number to facilitate finding different topics.

Mr. Asmar refers to page 69 of the report and asks what constitutes the need for confidential information regarding the habitat of threatened and endangered species in that area.

Mr. Dan Lebedyk, Conservation Biologist, ERCA, appears before PAC. He states that the species at risk information is protected under the Provincial Endangered Species Act. The biologists have been trained to ensure that such information is protected and kept vague for the general public in order to prevent the destruction of the habitat or species. More specific information is included in reports for Administration.

Councillor Hatfield asks why the Port Authority lands were excluded from the Study.

Mr. Hunt states that the 1992 report did not include the Port Authority lands. After 1992, a site-specific study on the lands was done and a certain area of the lands was protected in the Official Plan (lands along the drain). At that point there was an agreement reached between the Port Authority and the City that that would be the extent to which the natural area would be protected. The Port Authority is a Federal body and has told the City in the past that they have no interest in seeing the lands studied.

Councillor Hatfield asks if there are environmentally sensitive species located there and he asks if people had that information, would they not want the lands to be developed.

Mr. Hunt states that since 1992, there have been several attempts by agencies, especially by the Citizens Environmental Alliance, to contact the Port Authority because they wanted to see that area protected. In this Study, the site was excluded on purpose at their request. There are some special attributes to this property, i.e. it is the last untouched piece of shoreline in the City and if there are any future opportunities to have discussions with the Port Authority, the City would welcome that.

Mr. Matthew Child, ERCA, appears before PAC. He states that he contacted the Port Authority and offered to do a site inventory at their cost and the Port Authority declined the offer as they had already had their own inventory recently completed. He also notes that ERCA requires the landowner's permission before entering the land to conduct an inventory.

The Chair confirms from Mr. Hunt that the landowners were invited to an Open House at Malden Park. The landowners were told, at that time, that the City would get back to them when the Study was complete and explain any new draft policies for those types of lands. Some of the landowners are concerned about the implication of the land study and wonder if their lands are going to be protected and will the landowner be compensated.

Councillor Hatfield confirms from Mr. Child that ERCA is also interested in preparing additional inventories in the neighbouring municipalities. A similar study has also been completed for the west part of Lakeshore and an on-going study is being done in LaSalle.

Mr. Asmar refers to the Chrysler Greenway Nature Walk and asks if this type of development should be encouraged.

Mr. Child replies that the City has expressed an interest in expanding and linking the existing greenway, conservation area to the City of Windsor.

Mr. Hunt adds that the City of Windsor has regular meetings with the Town of Tecumseh and LaSalle to ensure that the natural areas and trails link up at the borders.

Ms. Cross-Leal refers to page 59 in Appendix A, which refers to the fact that the municipality can require an Environmental Evaluation Report to adjacent lands when there is an adjacent development proposed. She is concerned that if PAC and Council accept the report, that these proposals will become policy. She points out that the proposed Coco Development across from Ojibway Park would require an Environmental Report and she supports the need for such a study.

Mr. Hunt states that the Policies referred to in the Appendix are already approved policies for natural areas in the existing Official Plan. If changes are proposed to the existing policies, an additional report outlining the policy changes will come back to PAC for review.

Mr. Camille Pelchat, 3787 Howard Avenue, appears before PAC. He states that, from the beginning of this process, he has asked if it would be possible to designate his property as a Heritage Site and as of today, he still has not had an answer. Mr. Pelchat owns 1-1/2 acres of land on Howard Avenue and collectively on Howard, there is still quite a large area of land with native species.

Mr. Hunt states that the 'Heritage' term is used when referring to Land Use Designations in the Official Plan. 'Natural Heritage' is a designation applied to the best natural areas in the City, i.e. Peche Island, Devon Wood and Ojibway Park. As part of the 'Natural Heritage' designation, is the restriction on development, other than for natural heritage purposes, i.e. trails or nature interpretation. This designation is usually used for quite a large area and it is difficult to make a 'site specific' Natural Heritage designation. Another factor associated with the Natural Heritage designation is scientific justification.

Mr. Pelchat states that near his property on Howard Avenue, there is a park, which does have a Natural Heritage designation.

Mr. Lebedyk states that he has toured Mr. Pelchat's property and states that there are many native species, ponds, gardens and natural habitat. The intent of the Natural Heritage designation is to set aside property for conservation purposes and if the lands are publicly owned, they are set aside for public amenity purposes. In a situation where private landowners wish to naturalize their property, quite often a sanctuary of native species and protected habitats can result. However, these properties are like islands and become separated from larger conservation areas by residential development. He suggests that some type of designation needs to be incorporated into the Official Plan for private landowners to protect the work they have done in preserving the natural habitat of their property, even if the land is sold.

Mr. Hunt adds that it may not be appropriate on the scale of the Official Plan or Land Use Map to show a small property being Natural Heritage; however, there may be another way to protect natural heritage features on private property through future owners. Mr. Hunt suggests that the owner apply a Conservation Easement on title of the property that would run with the property in recognition of the natural features. Any subsequent owner of the property would not be allowed to destroy the natural features or develop the lands.

Mr. Bruno Sfalcin, 3661 Howard Avenue, appears before PAC. He has 2 acres of naturalized area and he propagates native species. He is concerned because even though there are good intentions to protect endangered species, unless the wetlands are protected and encouraged, most of Essex County's native species will become extinct. In his opinion, the Drainage Act and the protection of wetland species is incompatible. As an example, Mr. Sfalcin states that the Tall Grass Prairie in Ojibway Park is in danger of disappearing if the drainage of water in the area continues. The high water table must be maintained to maintain that natural habitat. The Drainage Act must be revisited if the wetlands are going to be preserved.

Mr. Asmar asks what is the cause of the drainage problem in Ojibway.

Mr. Sfalcin replies that there are laws in place to protect wetlands; however, they are not being enforced. There is now a drainage ditch running through the middle of the park, which has

lowered the water table. Also when the ditch was dredged, an invasive plant took over the edges of the ditch killing the previous natural species.

Mr. Asmar confirms from Mr. Lebedyk that the Ojibway Prairie Area, the Nature Reserve Area and all the lands around the Ojibway complex, including those lands owned by the City of Windsor have sandy soils that led to the evolution of the prairie and savannah communities. The water table fluctuates based on input and drainage does have an impact on the amount of water that can infiltrate into the soil. However, there are so many variables, i.e. very dry summers, that it is hard to attribute the changes in the wetlands to increased drainage (man's influences).

Mr. Asmar asks if Mr. Pelchat's land would not be protected unless it became a public entity.

Mr. Hunt replies that if Mr. Pelchat wanted to protect his lands, he could pursue that through his own legal means. At the present time, the lands are designated 'Residential' and zoned for single-family dwellings and any future purchaser would be within their rights to replace the natural habitat with other landscaping. However, through legal means, Mr. Pelchat could attempt to protect the lands from change made by future owners.

Councillor Hatfield asks if, besides the property owned by Mr. Pelchat and Mr. Sfalcin, is Administration aware of any other similar properties in the City of Windsor.

Mr. Hunt replies that there may be similar situations in the South Cameron area. This type of situation happens where there are undeveloped areas within a core area. These tracts of land are visible on the aerial photos. However, they may not be large enough to warrant the kind of study carried out by ERCA.

Councillor Hatfield asks if there would be a tax implication if lands were designated 'Natural Heritage'.

Mr. Hunt replies that there are opportunities for Conservation Land Tax Rebates, which are typically reserved for conservation areas. For a private property, Mr. Hunt is not aware of any program; however, he notes that the Municipality always has the ability through its taxing to provide any rate of rebate if it so desires.

Councillor Hatfield asks Mr. Hunt if he would have sufficient time to prepare a report on Mr. Pelchat's request for a 'Natural Heritage' designation before the matter comes to Council on August 5th.

Mr. Hunt replies that there would not be sufficient time before this series of reports goes to Council; however, he notes that there will likely be another special meeting of PAC in October, which should provide enough time. He notes that the studies being reviewed today are just informing what the policy changes might be.

Ms. R. Belanger, ERCA, appears before PAC. She states that she is willing to assist Mr. Pelchat and Mr. Sfalcin in their search for a Natural Heritage designation or with a legal Conservation Easement for their properties.

Mr. Karl Tanner, Dillon Consulting Ltd., appears before PAC, representing the South Windsor Development Company, who are the primary landowner in the South Cameron area and who also own major holdings in the Spring Garden ANSI area. South Windsor Development was responsible for putting the South Cameron wood lot into public ownership through a land

exchange in the 1990's at no cost to the City of Windsor. They have also exchanged lands with the City of Windsor for lands in the Spring Garden ANSI. Mr. Tanner agrees that this study is just the starting point and policies will be developed in the future that may be quite different from what appears in tonight's document. He notes that there still may be potential conflicts with landowners and he is surprised that there are not more people attending tonight's meeting. With reference to the South Cameron Planning Area, he states that the boundary that is now being created with the new natural area is 160 acres and is in direct conflict with the previous discussion regarding intensification and infill that will take place in the South Cameron Planning Area over the next 20 years. Mr. Tanner wants the Committee to understand that tonight's reports are simply a starting point and that the lands are not frozen. South Windsor Development will continue to do the appropriate background studies to facilitate development or to find other areas that are better suited to being saved. The concept of 'no negative impact' is valid. The result of these studies will have a huge impact, not only on South Windsor Development, but also on the hundreds of abutting property owners across the City of Windsor. The policies that are going to be put into the Official Plan will have a dramatic impact on how some of these lands, which have remained undeveloped for many years, will be developed in the future if at all. Mr. Tanner requests that prior to these policies going to Council for validation and approval, there should be a separate public meeting for the Natural Heritage Policies and what is going to be proposed for the City. In his opinion, it is necessary to get public input on the policies before they are put in place.

The new policies will affect many landowners and they will be in conflict with the City's policies for residential development in the future. In Windsor, the majority of future development will be single detached dwellings and developers have invested in these areas and they want to see some redevelopment come to fruition. If there is a balance between development and preservation, that would be appropriate.

Finally, regarding the issue of right to enter on private property, Mr. Tanner wants to make the City aware that his client sent a letter to the Essex Region Conservation Authority asking that no one enter their property without having a representative biologist from Dillon on the site, not to preclude investigation or documentation, but to aid his client to know what is there. South Windsor Developments has properties in at least 5 or 6 areas contained in the ERCA report.

The Chair asks how the public was advised about tonight's meeting and did they know about the topic.

Mr. Aspila states that the meeting was advertised on the Official Plan Review Web Page for 311. It was advertised at the recent public information center held at the Devonshire Mall in June, where there was a lot of traffic. Every person on the Official Plan Review contact list was sent an email or regular letter.

The Chair confirms from Mr. Aspila that the owners or stakeholders of the particular properties were not necessarily notified of the meeting.

Mr. Sleiman states that there may be a conflict between the use of large tracts of land that are currently vacant and could be used for natural habitat or could be used for residential intensification. He notes that if private property owners with large properties have ponds and natural areas, perhaps the neighbours may be concerned about mosquitoes breeding there. He suggests more study should be done by the City before introducing policies to encourage isolated natural areas surrounded by residential development.

Mr. Aspila notes that the Howard Avenue property is not one of the sample potential intensification sites and there are a wide variety of intensification opportunities throughout the City for a wide variety of uses.

The Chair reminds the Committee that the reports are each providing different information and after all have been presented, policies will be developed. Tonight's studies are part of the on-going process.

Councillor Hatfield asks if the people who attended the meeting at Malden Park are not in attendance tonight because they were only notified about the Council meeting. He notes that people had many questions at the open house held last year at Malden Park.

Mr. Hunt states that the people who attended the Malden Park sessions had specific questions, i.e. what will be the impact of these policies on my property?, will I be compensated?, what will the specific policies be like? Mr. Hunt notes that Administration is still not far enough along in the process to answer those questions. Tonight's Studies are being presented to PAC as information. Administration will be holding more public meetings in the various communities when the policies are drafted. Administration will notify the adjacent landowners to the subject sites of future meetings.

Councillor Hatfield asks why Mr. Tanner's client was not notified when ERCA did the study on their lands.

Mr. Child states that some of the analysis is done by aerial photo interpretation and it is not always necessary to physically walk the interior of the property. There may have been some miscommunication with Mr. Tanner and his client and ERCA is willing to have further discussions with them.

The Chair thanks the representatives from ERCA for all their hard work in putting together such a comprehensive report.

Item No. 3 RESIDUAL MARKET DEMAND AND IMPACT ANALYSIS

Mr. Rowan Faludi, Urban Metrics, economic and market consultants, appears before PAC. He explains that his firm was hired by the City to add with understanding the existing commercial market in the City and to provide projections for required commercial space. Mr. Faludi states that the purpose of the study is to estimate commercial needs to 2031, develop a locational strategy for future commercial development, guide the review of development applications, provide directions to the Official Plan Review and provide the City with an understanding of commercial development trends and planning responses. Mr. Faludi explains the methodology used to obtain their study information.

Mr. Faludi states that at the present time, cross border shopping is not a significant issue and at this time it does not need to be dealt with through planning policy. There is very little expenditure inflow in the retail sector coming from across the border and the expenditure outflow from Windsor residents is mostly concentrated in the apparel category and is insignificant.

With regard to population projections of 50,000 new residents by 2031, Urban Metrics agrees with PAC's suggestion that the projections should be used cautiously due to economic

uncertainty. However, in the long term, with future construction of the new bridge, there will be an opportunity for an economic upturn.

One of the terms of reference was to identify where new commercial space will be located and by looking at potential land development, about 60% of that population growth will occur in the Sandwich South area. It will be necessary to determine population projections for this area before detailed commercial policies are established, as this area will be key to the commercial strategy.

Windsor is a middle-income market and has a commercial structure that is classified as nodes and corridors. The big box clusters are being developed along the Walker Road corridor and in the Tecumseh Mall area. Windsor has a very large services sector, i.e. restaurants and entertainment, which is often seen in tourist cities. Windsor also has a very high vacancy rate of 12%, which is a very significant factor, especially in the city center area. Typically for a municipality, with a balanced market sector, the vacancy rate is from 5% - 7%. The Downtown core also has a very poor perceptual image among Windsor residents. This problem must be dealt with in the Official Plan policies.

The one bright spot in Windsor's commercial structure is the main street, i.e. Erie Street area. These areas define neighbourhood character and quality of life. He notes that recent Provincial Planning Policy is now trying to promote similar environments in city suburbs and Windsor already has successful main street areas. This is an important policy area that must be addressed in the Official Plan to ensure these areas are able to be revitalized and thrive and continue to support the local neighbourhoods.

Most of the demand for new commercial space results from population growth. He goes on to say that there is already more commercial space available than there is demand in the short term (until 2011). The majority of the projected population growth will occur in Sandwich South and therefore new commercial growth will also likely occur there. As a note of caution, Mr. Faludi states that excessive commercial designations in that area may draw sales away from existing retail.

Mr. Faludi reviews the Study's recommendations. He notes that approval of commercial applications should be tied to filling downtown and main street vacancies. Quite often in Official Plans, the statement is made that new commercial applications should not impact downtowns or Main Street areas and in his opinion, Windsor needs to go one step further and say that new commercial applications can be permitted as long as they allow growth and filling vacancies in downtown. There is a real need to make the city center more attractive to Windsor residents as there is a significant alienation by the city residents at large as the tourist function conflicts with the attitude of the residential population of what a downtown should be.

The Chair confirms from Mr. Faludi that a 'Power Centre' and 'Big Box Centre' is the same thing. Usually a Big Box retail store refers to the store itself; whereas a 'Power Centre' refers to a cluster of big box stores.

The Chair then refers to Page I, #2 in the Executive Summary and asks Mr. Faludi to expand on the following "*these commercial formats (power centers) play an important role in today's consumer economy but lack the qualities that enable them to be well integrated into local neighbourhoods*".

Mr. Faludi states that in nearly every municipality across Ontario, the majority of new development in the last 5 years has been big box format, at the exclusion of local and

neighbourhood shopping opportunities. A larger big box store provides a variety of merchandise, offers lower prices and potentially more regional accessibility than a smaller neighbourhood store. However, a small neighbourhood store provides better connectivity to the area, the customer doesn't have to drive as far and, from a design perspective, it is easier to integrate a smaller commercial development into a local neighbourhood than a large format development. Mr. Faludi states that he is recommending that municipalities plan for a greater variety of retail uses and not to just focus on the big box development.

The Chair confirms from Mr. Faludi that the sites he is referring to for intensification were specifically zoned for commercial development. He has not seen the Residential Intensification Study and is not sure whether any of the same sites are mentioned in that report. The Chair notes that many of the sites mentioned in the Residential Intensification Study had 'CD' zoning designations.

Mr. Aspila notes that although a number of sites have a 'CD' zoning designation, the Official Plan designation is mixed use, which allows for commercial use on lower levels with residential use above.

Mr. Baker believes that effectively Mr. Faludi is recommending a development freeze commercially outside the downtown or main street areas and he asks if that recommendation presupposes a level of regional co-operation with the neighbouring municipalities.

Mr. Faludi states that that is an issue that must be faced because any development in LaSalle or Tecumseh will definitely have an impact on Windsor. However, in his opinion, it is very important to protect the downtown and main street areas by limiting commercial development elsewhere.

Mr. Asmar confirms from Mr. Hunt that the BIA's were informed of tonight's PAC meeting. The City's BIA officer has participated throughout the study and reported back the findings of this study to the various BIAs. Changes were made to the reports based on comments and input received back from the BIAs.

Councillor Hatfield asks if Administration agrees with the population growth forecast for Sandwich South or were those lands supposed to be developed for industrial uses.

Mr. Hunt states that the concept that Council approved for the Sandwich South lands included the full range of land use designations. It is anticipated that there will be residential neighbourhoods located there similar to those in the East Riverside area. There is also a large component of 'Employment Lands', where people will find work. Mr. Hunt also notes that Administration has not yet finished the study on the Multi Modal Transportation Facility and therefore do not yet know the impact that will have on the employment lands. PAC and Council may have to review some of the present assumptions when there is more certainty about Windsor's economic direction and then it may be easier to determine the need for residential development in the Sandwich South area.

Councillor Hatfield asks how that would compare with the East Riverside lands that remain undeveloped because of the economy.

Mr. Hunt replies that the current development figure for East Riverside is around 6000 with full build out being 12,500 residents.

Councillor Hatfield confirms from Mr. Hunt that there is a long-range proposal by the Fanelli Group for 1,000,000 sq. ft. of commercial development in the Twin Oaks Industrial Park. He also notes that a portion of that parcel is under appeal at the present time.

Councillor Hatfield then asks about Recommendation 4 (VII), which refers to establishing policies to revitalize the downtown core. He asks what specific types of policies are being suggested.

Mr. Faludi replies that usually when describing the impact on the downtown core from future commercial development, wording such as the following is used "*must ensure that there are no significant impacts on the downtown*" with the inference being that they will not draw sales away from the downtown core. However in Windsor, with the high vacancy situation in the downtown and some of the main streets, future development should also be undertaken in a manner that continues to allow sales growth and space growth in both the downtown and main streets. It is not just protecting it but ensuring that future growth is available.

Councillor Hatfield asks if Mr. Faludi has ever had to make a recommendation like Recommendation I, page 75, in the report, that states: *In that the City has already approved more commercial space than would be required to at least 2011, we would recommend that no approval for additional commercial space in the City be made that would result in new commercial development within the next five years. This should not apply to development in the downtown and main street areas which would serve to strengthen these important commercial districts.*"

Mr. Faludi replies that similar recommendations are also being made in Kingston, Ontario.

Councillor Hatfield confirms from Mr. Faludi that he has not yet received any feedback from Kingston regarding this recommendation. Councillor Hatfield goes on to ask what kind of response can be expected from the commercial community when they are told that the only commercial development allowed in the next 5 years must take place either in the downtown core or in the BIAs.

Mr. Faludi replies that the feedback will likely be unfavourable. He points out that Windsor has a very serious vacancy rate in the downtown core and some very important main street areas that are struggling. He suggests that to allow continued commercial re-designations elsewhere and away from those areas would be a policy direction that he would not recommend. Mr. Faludi reiterates that this will be a Council decision. He also notes that there is a trade-off between big box development and neighbourhood/local retail and it is up to Council to decide if Windsor wants the large format retailing, which provides variety, lower prices and auto-oriented retailing opportunities, or the neighbourhood retailing venues. He recommends that Windsor take the more cautious approach to future commercial designations and development.

Councillor Hatfield notes that Mr. Tanner often represents some of the more prominent commercial developers in the city and he confirms from him that, in his opinion, a recommendation limiting commercial development in the City except for the downtown and main street areas, will not be acceptable. Mr. Tanner goes on to say that he recommends that the City continue to review each application for commercial development on its own merits, as there are always a number of variables that go into making a decision. If Council decides to unilaterally restrict commercial development, developers will simply go to the neighbouring communities, if there is a market there. Mr. Tanner notes that if the retailers do not see a potential return on their

investment, they will not be building at all. In his opinion, the whole market is shrinking, especially for big box retail in Windsor.

Councillor Hatfield confirms that the Windsor market is saturated and the big box retailers have left Windsor, leaving behind huge vacancies downtown and in the BIAs. If Council wants to do something about this situation, they should support building up the downtown/BIA's as opposed to approving more large scale retail in other areas.

Mr. Tanner also suggests that Council restrict new employment lands and force offices and professional workers to locate back downtown.

Mr. Hunt states that he agrees with the other speakers' statements. He refers to the empty Home Depot and Future Shop across from the Devonshire Mall and he notes that it is not just the downtown/BIA's that are being affected by new big box development. Mr. Hunt agrees that in order to revitalize the downtown, there is need for a new commercial policy, accompanied by other types of land use decisions, regarding residential and office uses for downtown. He points out that, in the larger picture, Windsor is currently over-represented by commercial space. At the present time, existing commercial uses are simply moving to other locations leaving behind existing viable sites. From a planning viewpoint, Mr. Hunt is concerned not only about the vacancy rate in the core of the City, but also along the outer fringes of the City. He states that until the population figures for the City start to increase, there is no need to be looking at future commercial designations.

Mr. Faludi states that it was suggested that the Report is recommending a 5-year moratorium; however, they are recommending a 3-year term ending in 2011. In his opinion, it is wise to wait for a couple of years to see what happens with the economy and to see if Windsor's population does grow before getting too aggressive with commercial approvals. Secondly, he states that Sandwich South will be an important area for the City and a lot of the future commercial demand will be tied to Sandwich South's future population and over the next three year period, that area will most likely not be much more developed than it is today. Therefore, it makes sense to take a cautious approach to commercial development over the next 3 years. He also agrees that every development application should be looked at on its own merits as there are always exceptions to the rule and there are regional issues that are hard to take into account in a Study.

Mr. Tanner states that he is present representing developers who are developing both neighbourhood commercial and looking to future big box development. He states that his clients have a number of commercial applications on hold waiting for this study to be released. In his opinion, there is a demand for neighbourhood/commercial type uses. He also notes that there is an on-going issue, which is beyond Council's control, where the building lots are tied up with restrictive covenants or leases or lease agreements that preclude certain types of development. He is personally against a moratorium on commercial development applications as he believes there is a need for some neighbourhood commercial and perhaps a niche big box development. If Council closes the door on commercial development in Windsor, except for downtown and the BIA's, developers will simply go to the neighbouring municipalities.

Mr. Tanner states that there are also certain locations in the City of Windsor that use their location to draw in customers, i.e. Walker Road and the 401 interchange. He points out that this location would be good for business regardless of whether population grows just because of the visible location.

Mr. Tanner states that, in his opinion, over the next 3 or 4 years, the trend will be towards much small scale developments in neighbourhoods, with infilling and trying to make communities more liveable and walkable. In closing, Mr. Tanner urges Administration and Council to be willing to consider individual applications.

The Chair, referring to lands at the Cabana/Dougall intersection, asks how the Study addresses the residentially designated lands in the present Official Plan. At the present time, some of these lands are being converted from residential to commercial uses through the rezoning process.

Mr. Hunt replies that Urban Metrics Study looks at some of the commercial by format, i.e. big box or neighbourhood, and category. A companion study dealing with land use issues, called The Commercial Land Needs Analysis, still has to be completed. This study will look at locational dynamics, etc. Mr. Hunt explains that there is a certain amount of space, through land use designations, that are already on the books for commercial development. Some lands currently designated commercial may have to be re-designated and other land uses may have to be transferred to different locations so that in the end, the space numbers (square footage numbers) are the same; however, the locational dynamics have been changed. Regarding Dougall Avenue, there are residentially zoned lands abutting commercially zoned Dougall Avenue. The residents living on Church Street and the merchants on Dougall are therefore experiencing conflict. On the east side of Dougall, it is mostly commercial, however, on the west side, the uses are intermixed. There is more work to be done by Administration to find solutions through the land needs analysis.

Mr. Aspila states that there are 2 additional foundation studies yet to be completed. Firstly, the Commercial Policy Review, which addresses exactly what policy changes need to be made to the Official Plan Commercial Policies. The second study is the City-Wide Land Needs Analysis, which will address the requirements for each of the Official Plan designations.

Mr. Asmar asks what incentives are available at the present time for businesses in the downtown core and main street areas to encourage development and enhance the areas.

Mr. Hunt replies that through the BIAs there are a number of incentives, i.e. Façade Improvement Grants. However, the only incentives are in the \$5000 to \$10,000 range. There are no Provincial or Federal incentives at the present time.

Mr. Asmar confirms from Mr. Hunt that the proposed restrictions to development could be appealed to the OMB. Therefore, Administration has an interest to work with the local developers to make sure that the policies and regulations can be defended before the OMB.

Mr. Asmar states that the one positive thing about the proposed commercial development on the raceway lands would be the job creation in the west end of the City. He asks how Administration can support policies that will restrict development and potential jobs.

Mr. Hunt states that it is not the planner's job to determine Official Plan policy using job creation as a criterion. However, he points out that new jobs created in one part of the City might eventually cause job loss in another section if new stores draw sales from previously established areas.

Mr. Asmar notes that as well as commercial restrictions, he asks if there should be residential restrictions in outlying areas to encourage a rebuilding of the core areas.

Mr. Hunt replies that if there is a policy regime that is restrictive in terms of new residential and try and target new growth to certain areas of the city, the market has to be there. Mr. Hunt explains that by using incentives such as waiving development fees inside the City where infrastructure already exists, developers can be persuaded to build in the core area or provide infill developments. The Planning Department will be looking at these types of policies. He also notes that the City is not in the position at the present time to be extending services to vacant Greenfield parts of the City.

Mr. Asmar confirms from Mr. Hunt that Administration and Council do not have much power to stop developers from taking their projects to other municipalities, who are offering better options, if the City decides to place restrictions on development. However, he notes that regular dialogue takes place between the City and the Towns of Tecumseh and LaSalle. These smaller municipalities are experiencing the same types of dynamics as Windsor and they are also aware that any new development might be at the expense of some other existing development. In periods of low growth, the futures and growth of Windsor's bedroom communities will mirror that of Windsor and they may also not be able to support new commercial development and investment.

Mr. Shishido notes that the Walker Road/401 interchange is the last major gateway to Windsor and it will be the major entranceway to the new bridge crossing area. This area is also close to the airport. In his opinion, development in this area will be Windsor's future. This Official Plan Review will help Council look at the longer-term future and economic diversification.

NEXT STEPS

Mr. Aspila states that 5 of the 7 foundation studies have now been completed. There are 2 remaining studies: The Commercial Policy Review, which will build on Urban Metric's work and will identify the direction in which policy should go with respect to commercial designations in the Official Plan, and The City Wide Land Needs Analysis, which will identify the mix and the recommended locations for all the Official Plan designations. It will include recommendations for any land use changes that should occur to meet the City's long-term goals. The Moving Forward Phase of the Review will be wrapped up with a Synthesis Report that will tie together all of the Foundation Study Reports that have been completed as well as all of the input received from the people of Windsor. The Planning Department will be starting the Advancing Windsor's Vision Phase once Council approval is received to adopt the Moving Forward Synthesis Report. The Advancing Windsor's Vision Phase of the Review is going to consist of Official Plan Amendments to enact the recommendations from the Moving Forward Phase of the Review. It will also include recommendations of what will comprise the Planning Policy Section's 5-year work programme leading up to the next Official Plan Review.

The Chair confirms from Mr. Hunt that the two remaining foundation studies and the Synthesis Report will be presented to PAC in October 2008.



OFFICIAL PLAN 5-YEAR REVIEW

Looking Back, Moving Forward... Advancing Windsor's Vision

Report to the City of Windsor Planning Advisory Committee

June 12, 2008

Re: Official Plan Review Report #20

Overview of Official Plan Review: Moving Forward Foundation Studies

RECOMMENDATIONS:

- I That Official Plan Review Report #20: "Summary of Moving Forward Phase Public Consultation", dated June 12, 2008 **BE RECEIVED**.

AIM:

To inform PAC of the status of the Moving Forward Foundation Studies.

BACKGROUND:

The following Official Plan Review Foundation Studies have been completed:

- i) Residual Market Demand and Impact Analysis;
- ii) Natural Area Policy Review / Candidate Natural Heritage Sites Inventory Update;
- iii) Residential Intensification Analysis.

These studies were initiated in response to amendments to the *Planning Act* that require that municipalities update their population and housing projections during every Official Plan 5-Year Review.

Residual Market Demand and Impact Analysis

The City of Windsor retained UrbanMetrics as a consultant to prepare a Residual Market Demand and Impact Analysis as part of the *Moving Forward* phase of the Official Plan Review. The purpose of the study is to review the supply and need for additional commercial land in the City of Windsor to fulfill requirements in the *Provincial Policy Statement (2005)* and the *Planning Act*. The work program included the completion of a commercial inventory in 2007, the completion of on-street, licence plate and telephone surveys, review of known commercial applications, and the potential future commercial land supply, and a commercial needs assessment.



OFFICIAL PLAN 5-YEAR REVIEW

Looking Back, Moving Forward... Advancing Windsor's Vision

Natural Area Policy Review / Candidate Natural Heritage Sites Inventory Update

The intent of this study is to inventory and assess the most environmentally significant areas in Windsor that are not currently protected so to satisfy the *Provincial Policy Statement (2005)* and the *Planning Act*. This information can be useful to minimize urban development impacts and loss of significant natural features.

Residential Intensification Analysis

The purpose of this study is to satisfy the requirements of the *Provincial Policy Statement (2005)* and the *Planning Act*. This report represents an analysis of sample residential intensification opportunities in Windsor and concludes with a recommended intensification target. The intensification target will be incorporated into the City's updated Official Plan and also used to calculate the City's long-range residential land supply.

CONCLUSIONS AND NEXT STEPS:

The remainder of the foundation studies can now be completed using the information contained in the Residual Market Demand and Impact Analyses. The remaining foundation studies to be completed are:

- Commercial Policy Review; and
- City-wide Land Needs Analyses.

Additionally, a *Moving Forward Synthesis Report* will be prepared to summarize all of the Foundation Studies and the information collected as part of the *Moving Forward* phase

The updated time-line for completion of these studies is late-Summer 2008. The results of the foundation studies will continue to be reported to the Steering Committee and the Technical Committee as they become available.

Thom Hunt, MCIP, RPP
City Planner

Christopher Aspila, GISP
Official Plan Review
Project Manager