CITY OF WINDSOR MINUTES 07/04/2022

Development & Heritage Standing Committee Meeting

Date: Monday, July 04, 2022
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 3 - Councillor Bortolin (Chairperson)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members
Member Gyemi
Member Rondot

Members Absent
Member Moore

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Adam Szymczak, Planner III - Zoning
Greg Atkinson, Planner, III - Economic Development
Justina Nwaesei, Planner, III - Subdivisions
Frank Garardo, Senior Planner
Rob Perissinotti, Development Engineer
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
John Revell, Chief Building Official
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1	Andi Shallvari, property owner
Item 7.1, 7.2 & 7.4	Tracey Pillon-Abbs, Principal Planner
Item 7.2	Mohammad Naserian, Applicant
Item 7.2	Maureen Kelly & Kevin Peifer, area residents
Item 7.4	Jeff Belanger, Jabe Inc.

Delegations—participating in Council Chambers

Item 7.2	Lucian Smuczer, area resident
Item 7.2	Lisa & Steve Murray, area residents

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 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. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act* Matters) held June 6, 2022

Moved by: Member Gyemi
Seconded by: Councillor Morrison

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held June 6, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 160/2022

7. *PLANNING ACT* MATTERS

7.1. Rezoning - 1731952 Ontario Limited - 987 and 1003 California Avenue - Z-024/21 [ZNG/6484] - Ward 2

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 408**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Plan 50, Block D, Lots 2 to 10 and Lots 11 and 12 (known municipally as 987 and 1003 California Avenue; Roll No. 020-230-12500 and 020-230-12600) situated on the west side of California Avenue between Davis Street and Giradot Street by changing the district from Residential District 1.3 (RD 1.3) to Residential District 2.2 (RD 2.2) and adding the following site specific provision to Section 20(1):

"**450 WEST SIDE OF CALIFORNIA AVENUE, BETWEEN DAVIS STREET AND GIRADOT STREET**

1. For lands comprising Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D, for a *Townhome Dwelling* the following additional provisions shall apply:

   a) Lot Width – minimum - 19.0 m

   b) Side Yard Width – minimum - 1.23 m

   c) A flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, are prohibited.

[ZDM 4; ZNG/6484]"; and,

II. THAT the owner **BE REQUIRED**, prior to the issuance of a Building Permit, to contribute the sum of $3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

Carried.

Report Number: S 28/2022
Clerk's File: Z/14277

7.2. Rezoning – Mohammad Naserian & Sara Etemad-Rad - 940 Cousineau - Z-013/22 ZNG/6733 - Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 409**
THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478 (known municipally as 940 Cousineau Road; Roll No. 080-080-00200) situated on the north side of Cousineau Road, east of Casgrain Drive, by adding a site specific exception to Section 20(1) as follows:

446. NORTH SIDE OF COUSINEAU ROAD, EAST OF CASGRAIN DRIVE

For the lands comprising of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478, a *semi-detached dwelling* shall be an additional permitted use subject to the semi-detached dwelling provisions in Section 10.4.5.
[ZDM 9; ZNG/6733]

Carried.

Report Number: S 72/2022
Clerk's File: Z/14376

7.3. Rezoning – City of Windsor - 542 Dougall – Z-042/21 - Ward 3

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 410**
THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 Plan 82, (known municipally as 542 Dougall Avenue) Roll No. 040-070-00800;[PIN 01193-0164(LT)], situated on the east side of Dougall Avenue, (north of Wyandotte Street West) by adding a site specific exception to Section 20(1) as follows:

XX. EAST SIDE OF DOUGALL AVENUE, NORTH OF WYANDOTTE STREET WEST

For the lands comprising of Lot 5, Registered Plan 82, a single unit dwelling shall be an additional permitted use, and the following additional provisions shall apply

a)	Lot Width – minimum	9.0 m
b)	Lot Area – minimum	250.0 m2
c)	Lot Coverage – maximum	45.0%
d)	Side Yard Width – minimum	1.20 m

[ZDM 3; ZNG/6625]

Carried.

Report Number: S 68/2022
Clerk's File: Z/14280

7.4. Zoning By-law Amendment Application for 2601 Lauzon Parkway, S/W CNR of Lauzon Parkway and Enterprise Way; Applicant: JBM Capital Inc.; File No. Z-005/22, ZNG/6660; Ward 8

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: **DHSC 411**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the east side of Enterprise Way, north of Hawthorne Drive, described as Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, from Commercial District 3.3 (CD3.3) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provisions:

"448. East side of Enterprise Way, north of Hawthorne Drive
For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242,
1. Section 20(1)97(i) shall not apply to a *multiple dwelling*; and
2. The following additional provision shall apply to a *multiple dwelling*:
a) Front Yard Depth - minimum - 6 metres
[ZDM 15; ZNG/6660]";

II. THAT Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and further,

III. THAT Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and site plan agreement for the proposed development on the subject land:

(a) Easement requests from Utility Companies, as noted in **Appendix D** to this report;
(b) Enbridge Gas minimum separation requirements, as noted in **Appendix D** to this report;
(c) Reciprocal Access and Services Agreement;
(d) Preservation of two existing mature trees along the south boundary of the site;
(e) Parkland Conveyance requirement; and
(f) Record of Site Condition; and
(g) Sidewalk(s) within the subject site for safe pedestrian connection to existing uses north of the subject development.

Carried.

Report Number: S 77/2022
Clerk's File: Z/14313

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:16 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:17 o'clock p.m.

10. *HERITAGE ACT* MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Alley Closure between Spring Garden Road and Yorktown Avenue, and Partial Closure of Yorktown Avenue R.O.W. from Malden Road to east limit of said alley

Moved by: Councillor Sleiman
Seconded by: Councillor Gill

Decision Number: **DHSC 412**

I. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 ***attached*** hereto as **Appendix "A", BE ASSUMED** for subsequent closure.

II. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 ***attached*** hereto as **Appendix "A", BE CLOSED**.

III. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 ***attached*** hereto as **Appendix "A", BE CONVEYED** to the abutting property owners at 1817 Spring Garden Road, 4769 Malden Road and 4787 Malden Road and as necessary, in a manner deemed appropriate by the City Planner.

IV. THAT the 36.4 metre portion of the 20.1 metre wide east/west Yorktown Avenue right-of-way located on the east side of Malden Road, between the properties known municipally as 4787 Malden Road and 4815 Malden Road, and shown on Drawing No. CC-1786 ***attached*** hereto as **Appendix "A", BE DENIED** for subsequent closure.

V. THAT Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned CD1.1: $18.00 per square foot without easements, and $9.00 per square foot with easements.
   b. For alley conveyed to abutting lands zoned RD1.4: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1786, ***attached*** hereto as **Appendix "A"**.

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

VIII. 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.

IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 75/2022
Clerk's File: SAA2022

11.2. Repeal By-law 49-2020 and By-law 50-2020 and Close part of the north/south alley between Ontario Street and 825 Ford Boulevard Applicant/Owner: Donald and Julia Nelson File No.: SAA-5347 Ward 6

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 413**

I. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-laws to repeal By-law 49-2020 and By-law 50-2020.

II. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 ***attached*** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 ***attached*** hereto as **Appendix "D", BE ASSUMED.**

III. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 ***attached*** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 ***attached*** hereto as **Appendix "D", BE CLOSED**.

IV. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 ***attached*** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 ***attached*** hereto as **Appendix "D", BE CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a) Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
   - Bell Canada to accommodate existing buried infrastructure;
   - Cogeco Cable Systems Inc. to accommodate existing infrastructure;

- EnWin to accommodate existing 16 kV & 120/240 volt overhead hydro distribution, pole and down guys; and
- MNSi to accommodate existing aboveground infrastructure.

V. THAT Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned RD1.2: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1726, ***attached*** hereto as **Appendix "A"**.

VII. 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.

VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 79/2022
Clerk's File: SAA2022

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:18 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Monday, July 4, 2022
Time: 4:30 pm

MEMBERS PRESENT:

Councillors:

Ward 3 - Councillor Bortolin (Chair)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members:

Member Gyemi
Member Rondot

Members Absent:

Member Moore

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Adam Szymczak, Planner III - Zoning
Greg Atkinson, Planner, III - Economic Development
Justina Nwaesei, Planner, III - Subdivisions
Frank Garardo, Senior Planner
Rob Perissinotti, Development Engineer
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
John Revell, Chief Building Official
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 pm.

2. DISCLOURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held June 6, 2022.

Moved by: Member Gyemi
Seconded by: Councillor Morrison

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held June 6, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 160/2022

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

Delegations—participating via video conference

Item 7.1	Andi Shallvari, property owner
Item 7.1, 7.2 & 7.4	Tracey Pillon-Abbs, Principal Planner
Item 7.2	Mohammad Naserian, Applicant
Item 7.2	Maureen Kelly & Kevin Peifer, area residents
Item 7.4	Jeff Belanger, Jabe Inc.

Delegations—participating in Council Chambers

Item 7.2	Lucian Smuczer, area resident
Item 7.2	Lisa & Steve Murray, area residents

7. PLANNING ACT MATTERS

7.1 Z-024/21 [ZNG/6484] – 1731952 Ontario Ltd 987 & 1003 California Ave – Rezoning Ward 2

Greg Atkinson (author), Planner III – Economic Development

Ms Tracey Pillon-Abbs (agent) is available for questions.

Mr. Andi Shallvari (applicant) is available for questions.

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 408**

RECOMMENDATIONS

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Plan 50, Block D, Lots 2 to 10 and Lots 11 and 12 (known municipally as 987 and 1003 California Avenue; Roll No. 020-230-12500 and 020-230-12600) situated on the west side of California Avenue between Davis Street and Giradot Street by changing the district from Residential District 1.3 (RD 1.3) to Residential District 2.2 (RD 2.2) and adding the following site specific provision to Section 20(1):

"**450 WEST SIDE OF CALIFORNIA AVENUE, BETWEEN DAVIS STREET AND GIRADOT STREET**

1. For lands comprising Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D, for a *Townhome Dwelling* the following additional provisions shall apply:

a) Lot Width – minimum - 19.0 m

b) Side Yard Width – minimum - 1.23 m

c) A flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, are prohibited.

[ZDM 4; ZNG/6484]"; and,

II. THAT the owner **BE REQUIRED**, prior to the issuance of a Building Permit, to contribute the sum of $3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

Motion CARRIED UNANIMOUSLY.

Report Number: S 28/2022
Clerk's File: Z/14277

7.2 Z-013/22 [ZNG/6733] – Mohammad Naserian & Sara Etemad-Rad 940 Cousineau Rd – Rezoning Ward 1

Adam Szymczak (author) – Planner III – Zoning

Mr. Mohammad Naserian (applicant) and Tracey Pillon-Abbs (agent) are available for questions.

Neighbour is opposed to the proposed to the development citing the following:
- Will reduce value of the properties in the vicinity
- Previous tenants had police there constantly due to excess fighting
- Privacy will be lost due to building height
- Increase in traffic
- Lack of parking availability
- Driveway access very narrow – possibility of increased access
- Flooding will increase due to additional stress on community drain
- No assurances as to how many people will be living inside
- Concern that students will reside/rent and thus poorly kept yards and increased noise

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 409**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478 (known municipally as 940 Cousineau Road; Roll No. 080-080-00200)

situated on the north side of Cousineau Road, east of Casgrain Drive, by adding a site specific exception to Section 20(1) as follows:

446. NORTH SIDE OF COUSINEAU ROAD, EAST OF CASGRAIN DRIVE

For the lands comprising of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478, a *semi-detached dwelling* shall be an additional permitted use subject to the semi-detached dwelling provisions in Section 10.4.5.
[ZDM 9; ZNG/6733]

Motion CARRIED UNANIMOUSLY.

Report Number: S 72/2022
Clerk's File: Z/14376

7.3 Z-042/21 [ZNG/6625] – City of Windsor 542 Dougall Rd – Rezoning Ward 3

Frank Garardo (author), Planner III – Policy & Special Studies

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 410**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 Plan 82, (known municipally as 542 Dougall Avenue) Roll No. 040-070-00800;[PIN 01193-0164(LT)], situated on the east side of Dougall Avenue, (north of Wyandotte Street West) by adding a site specific exception to Section 20(1) as follows:

XX. EAST SIDE OF DOUGALL AVENUE, NORTH OF WYANDOTTE STREET WEST

For the lands comprising of Lot 5, Registered Plan 82, a single unit dwelling shall be an additional permitted use, and the following additional provisions shall apply

a) Lot Width – minimum	9.0 m
b) Lot Area – minimum	250.0 m2
c) Lot Coverage – maximum	45.0%
d) Side Yard Width – minimum	1.20 m

[ZDM 3; ZNG/6625]

Motion CARRIED UNANIMOUSLY.

Report Number: S 68/2022
Clerk's File: Z/14280

7.4 Z-005/22 [ZNG/6660] – JBM Capital Inc 2601 Lauzon Pkwy – Rezoning Ward 8

Justina Nwaesei (author), Planner III – Subdivisions

Ms Nwaesei gives a presentation of the application.

Tracey Pillon-Abbs (agent) is in support of the recommendations and is available for questions.

Committee members requested that staff recommendation be revised to include a statement that onsite sidewalk be prioritized, at site plan approval, to ensure pedestrian connection from proposed development to existing plaza and other northerly uses.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: **DHSC 411**

RECOMMENDATIONS

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the east side of Enterprise Way, north of Hawthorne Drive, described as Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, from Commercial District 3.3 (CD3.3) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provisions:

"448. East side of Enterprise Way, north of Hawthorne Drive
For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242,
1. Section 20(1)97(i) shall not apply to a *multiple dwelling*; and
2. The following additional provision shall apply to a *multiple dwelling*:
a) Front Yard Depth - minimum - 6 metres
[ZDM 15; ZNG/6660]";

I. THAT Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and further,

II. THAT Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and site plan agreement for the proposed development on the subject land:

(a) Easement requests from Utility Companies, as noted in **Appendix D** to this report;
(b) Enbridge Gas minimum separation requirements, as noted in **Appendix D** to this report;

(c) Reciprocal Access and Services Agreement;
(d) Preservation of two existing mature trees along the south boundary of the site;
(e) Parkland Conveyance requirement; and
(f) Record of Site Condition; and
(g) Sidewalk(s) within the subject site for safe pedestrian connection to existing uses north of the subject development.

Motion CARRIED UNANIMOUSLY.

Report Number: S 77/2022
Clerk's File: Z/14313

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:16 p.m.

Ward 3 – Councillor Bortolin (Chairperson)	Thom Hunt (Secretary)