CITY OF WINDSOR MINUTES 12/04/2023

Development & Heritage Standing Committee Meeting

Date: Monday, December 04, 2023
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 Joseph Fratangeli
Member Daniel Grenier
Member John Miller
Member Charles Pidgeon
Member Robert Polewski
Member Khassan Saka
Member William Tape

Member Regrets
Member Anthony Arbour

Clerk's Note: Member Joseph Fratageli participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Neil Roberston, Acting City Planner

Wira Vendrasco, Acting City Solicitor
Shawna Boakes, Executive Director, Operations & Deputy City Engineer
Greg Atkinson, Deputy City Planner
Patrick Winters, Manager, Development
Emilie Dunnigan, Manager Development Revenue & Financial Administration
Brian Nagata, Planner II – Development Review
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Revitalization & Policy Initiatives
Kevin Alexander, Planner III – Special Projects
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 10.1 – Marcus Letourneau, Consultant, M.R. Letourneau & Associates

Delegations—participating in person

Item 11.7 – Jackie Lassaline, Agent & Planning Consultant
Item 11.8 – Amy Farkas, agent, Dillon Consulting

1. CALL TO ORDER

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. Adoption of the Development & Heritage Standing Committee (*Planning Act* Matters) meeting minutes held November 6, 2023

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 6, 2023 **BE ADOPTED** as presented.

Report Number: SCM 309/2023

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law amendment for lands known as 2500 Central Avenue; Applicant - CARBOHYDRATE LTD.; File No. Z-015/23 (ZNG/7013); Ward 5

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

Decision Number: **DHSC 571**

I. THAT the request by Carbohydrate Ltd. for amendment to Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], located on the southeast corner of Central Avenue and Somme Avenue, by adding the following site-specific zoning provision with a holding symbol (H) to permit *Automobile Detailing Service* and *Automobile Repair Garage* as additional permitted uses on the subject land:

"494. SOUTHEAST CORNER OF CENTRAL AVENUE AND SOMME AVENUE

For the lands comprising East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], *Automobile Detailing Service* and *Automobile Repair Garage* shall be permitted within the existing building subject to the following:

a. An *Automobile Detailing Service* or *Automobile Repair Garage* operation that generates dust, fumes, noise, odour, or vibration that is evident outside the existing building, is prohibited.

b. Notwithstanding section 5.99.7 of Zoning By-law 8600, the storage or display of four or less automobiles for sale, lease or rental purposes within the existing building shall be permitted as an accessory use to an Automobile Repair Garage.

c. Section 18.4.3 shall apply.

[ZDM 11; ZNG-7013]"

II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

a) *Land Conveyance* - The owner(s) shall gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.

b) *Corner Cut-off* – The owner(s) shall gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230

c) *Encroachment Agreement*- The owner shall execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

III. THAT the request of Carbohydrate Ltd. to amend the Zoning By-law 8600 by adding a *Motor Vehicle Dealership* or *Automobile Sales Lot* as additional permitted use on the subject land **BE DENIED** for reasons noted in this report.

Carried.

Report Number: S 157/2023
Clerk's File: Z/14698

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:33 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:35 o'clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee meeting minutes held September 11, 2023

Moved by: Member William Tape
Seconded by: Member Khassan Saka

THAT the minutes of the Development & Heritage Standing Committee meeting held September 11, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 255/2023

8.2. Adoption of the Development & Heritage Standing Committee meeting minutes held October 3, 2023

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

THAT the minutes of the Development & Heritage Standing Committee meeting held October 3, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 267/2023

8.3. Adoption of the Development & Heritage Standing Committee meeting minutes held November 6, 2023

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

THAT the minutes of the Development & Heritage Standing Committee meeting held November 6, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 293/2023

10. *HERITAGE ACT* MATTERS

10.1. Walkerville Heritage Conservation District Study Presentation & Updates

Marcus Letourneau, Consultant, M. R. Letourneau & Associates appears before the Development & Heritage Standing Committee regarding the presentation "Walkerville Heritage Conservation District Study" to outline the process of the study, give background context and to provide details regarding What is a Heritage Conservation District and What is the HCD study process; The HCD process does not have a predetermined outcome; Characteristics of Heritage Conservation Districts; History of Conservation Districts; The *Ontario Heritage Act* mandates; The Process; Why Walkerville?; History of Special Projects and studies in Walkerville; Scope of work; Walkerville Historical Themes and Features and a summary of the Consultation process to date.

Councillor Mark McKenzie inquires as to the next steps in the process Mr. Letourneau indicates that they are going to compile the information, do historical research with staff, finishing some of the inventory work and in the new year bring forward some of the recommendations and findings from the process and provide recommendations for next steps.

Councillor Kieran McKenzie inquires as to what extent does the Provincial deadline with respect to heritage properties impact this timeline and how much pressure does that put on the City to get through this process in a timely manner. Mr. Letourneau indicates that they have posed that question to the ministry and as of January 1, 2025 any listed properties would fall off the register and would no longer be protected under the *Ontario Heritage Act*. Mr. Letourneau indicates that does not preclude that the City can't move forward with designation, it just means that the City can't relist those properties. This doesn't stop a heritage conservation district from adding formerly listed properties, but it comes from the protections that are in place for those listed properties if the

January 1, 2025 deadline is not met. Mr. Letourneau adds that by the end of 2024 they hope to have some sense of where recommendations would go.

Councillor Kieran McKenzie inquires whether they plan to have the consultation process brought forward to council for approval before the December 31st deadline. Mr. Letourneau indicates that the expectation is to have the HCD process brought forward by May or June 2024 to make a recommendation if the findings are to move forward within the HCD guidelines.

Councillor Kieran McKenzie requests clarification related to the process for the property owners that would be required for any property not currently listed. Mr. Letourneau indicates that as part of the inventory process they would work with the community to identify contributing properties to the district that may or may not already be listed and to identify non-contributing properties which may exclude properties from the district.

Councillor Kieran McKenzie inquires about the process for properties that are currently listed or designated and how the City will deal with those properties. Mr. Letourneau indicates that within the process there may be properties that were listed or designated that may not be significant and how they would deal with such properties which will be identified through the process.

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

Decision Number: **DHSC 581**
THAT the Walkerville Heritage Conservation District Study Presentation & Updates **BE RECEIVED**.
Carried.

Clerk's File: MBA2023

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:02 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:02 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.8. Ford City CIP Application for 677 St. Luke Street. Owner: Vito Maggio Holdings Inc. (Bill Maggio) (c/o Dillon Consulting Limited; Amy Farkas) – Ward 5

Amy Farkas, Agent, Dillon Consulting

Amy Farkas, Agent, Dillon Consulting, appears before Council regarding the administrative report dated November 9, 2023 entitled, "Ford City CIP Application for 677 St. Luke Street. Owner: Vito

Maggio Holdings Inc. (Bill Maggio) (c/o Dillon Consulting Limited; Amy Farkas) – Ward 5" and is available for questions.

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

Decision Number: **DHSC 579**

I. THAT the request for incentives under the Ford City CIP Financial Incentive Programs made by Vito Maggio Holdings Inc., (c/o: Bill Maggio), Owner of the property located at 677 St. Luke Street **BE APPROVED**, for the following incentive programs:

   i. Municipal Development Fees Grant Program to a maximum amount of $20,000;

   ii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in an estimated amount of $4,789 per year.

II. THAT Administration **BE AUTHORIZED** to prepare the agreement between the City and Vito Maggio Holdings Inc., (C/O: Amy Farkas; Dillon Consulting Limited) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;

IV. THAT funds in the amount of up to a maximum of $20,000 under the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Ford City CIP Fund (Project #7181046) once the work is completed; and,

V. THAT grants **BE PAID** to Vito Maggio Holdings Inc. upon the completion of the of the two (2) storey warehouse building from the Ford City CIP Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and,

VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions will be considered at the discretion of the City Planner.

Carried.

Report Number: S 151/2023
Clerk's File: SPL2023

11.2 Closure of part of north/south alley located between College Avenue and Grove Avenue, Ward 2, SAA-6923

Brian Nagata, Planner II-Development Review appears before the Development & Heritage Standing Committee regarding the administrative report entitled “Closure of part of north/south alley located between College Avenue and Grove Avenue, Ward 2, SAA-6923” and indicates that he spoke with the owner of the affected property and he is opposed to the recommendation, if they decided to build an Additional Dwelling Unit in the future, they would like the tenants to be able to have access to the alley, however that criteria would not deem an alley ineligible for closure.

Councillor Kieran McKenzie inquires as to what extent proceeding with the closure potentially creates any legal exposure as it relates to one of the impacted residents raising question of notice and timeline. Mr. Nagata indicates that the proponents would have been issued notice of application several months ago and as a courtesy we also issue notice of public meeting. Administration did not receive any correspondence from the property owner leading up to the meeting with any objections.

Councillor Kieran McKenzie inquires whether there was an email from the property owner included in the report highlighting their strenuous objection, and is concerned that this may create a challenge for the City moving forward. Mr. Nagata indicates that they don’t foresee any risk moving forward as the objections would not satisfy the criteria to keep the alley open and despite the objection, it would not change the administrative recommendation to close the alley. Mr. Nagata adds that there is no legislative requirement for street and alley closures to issue notice, the City does it as a courtesy.

Councillor Jim Morrison requests clarification related to notification if the item is deferred. Mr. Nagata indicates yes, the City would send the notice of public meeting again.

The Chair acknowledges a member of the public gallery who wishes to speak.

Albert Janisse, Ward 2 resident

Albert Janisse, Ward 2 resident appears before the Development & Heritage Standing Committee regarding the administrative report entitled “Closure of part of north/south alley located between College Avenue and Grove Avenue, Ward 2, SAA-6923” and indicates that he is the applicant and states that he did not receive notification of the meeting today. Mr. Nagata will follow up with the resident related to the notification.

Councillor Angelo Marignani requests clarification as to the different costs related to various alley closures. Mr. Nagata indicates that the cost is it is based on zoning at current market value.

Moved by:Councillor Fred Francis
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 573**

I. THAT the approximately 86.0 metre portion of the 3.05-metre-wide north/south alley located between College Avenue and Grove Avenue, and shown on Drawing No. CC-1827 (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 and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to accommodate existing aerial facilities;
ii. ENWIN Utilities Ltd. to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down guy wires; and
iii. MNSi. to accommodate existing aerial infrastructure.

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

a. For alley conveyed to abutting lands zoned RD3.1, $20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and $10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as Item No. 11.2 invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
b. For alley conveyed to abutting lands zoned RD1.3, $1.00 plus HST (if applicable), 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.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1827, *attached* hereto as Appendix "A";

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.

Report Number: S 141/2023
Clerk's File: SAA2023

11.7. Sandwich CIP/Demolition Control By-law Exemption Report-731 Mill St; Owners: Ravindranath and Usha Thayyil (c/o Roshan Thayyil)

Jackie Lassaline, Agent & Planning Consultant

Jackie Lassaline, Agent & Planning Consultant, appears before Council regarding the administrative report dated November 6, 2023 entitled, “Sandwich CIP/Demolition Control By-law Exemption Report731 Mill Street; Owners: Ravindranath and Usha Thayyil (c/o Roshan Thayyil)” and is available for questions.

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

Decision Number: **DHSC 578**

I. THAT the Chief Building Official **BE AUTHORIZED** to issue a Demolition Permit to the registered owner Ravindranath and Usha Thayyil (c/o Roshan Thayyil), to demolish a Single Family Detached Dwelling located at 731 Mill Street (see Appendix ‘A'), to construct a two (2) story six (6) unit dwelling (See Appendix ‘B’)

II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;

III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:

    i. The redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;

    ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk will enter the sum of Twenty Thousand Dollars ($20,000) on the collectors roll of the property and prepare a certificate for registration;

IV. THAT the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;

V. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner Ravindranath Thayyil of the property located at 731 Mill Street, **BE APPROVED** for the following programs:

    i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of $20,000**;**

    ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (estimated at $3,764.5 per year);

VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;

VII. THAT funds to a maximum amount of $20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;

VIII. THAT grants **BE PAID** to Ravindranath Thayyil upon completion of the two (2) story six (6)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

IX. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions may be at the discretion of the City Planner.

Carried.

Report Number: S 143/2023
Clerk's File: SPL2023

11.1. Closure of east/west alley located between Elsmere Avenue and 888 Hanna Street East, and north/south alley located immediately north of east/west alley, Ward 4, SAA-6925

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

Decision Number: **DHSC 572**

I. THAT the 3.96-metre-wide east/west alley located between Elsmere Avenue and the east limit of Lot 44 on Registered Plan 622, and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;

II. THAT the subject east/west alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
   i. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
   ii. MNSi. to accommodate existing aerial infrastructure.

III. THAT the 4.57-metre-wide east/west alley located between the subject east/west alley and the west limit of the property known municipally as 888 Hanna Street East (legally described as Lots 137 to 139, and Part of Lot 136 & Closed Alley, Registered Plan 937), and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject centre alley", **BE ASSUMED** for subsequent closure;

IV. THAT the subject centre alley **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 888 Hanna Street East and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to protect existing buried and aerial facilities;
ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
iii. MNSi. to accommodate existing aerial infrastructure.

V. THAT the 4.57-metre-wide north/south alley located between the subject centre alley and the south limit of the closed east/west alley shown on Registered Plan 937, and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;

VI. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to protect existing buried and aerial facilities;
ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
iii. MNSi. to accommodate existing aerial infrastructure.

b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. The Corporation of the City of Windsor to accommodate existing 1,975.0 millimetre reinforced concrete storm sewer.

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

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

VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1829, *attached* hereto as Appendix "A";

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

X. 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;

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

Report Number: S 140/2023
Clerk's File: SAA2023

11.3. Conveyance of north/south alley located south of Closed Manitoba Street R.O.W., Ward 10, Closed by Judge's Order No. 2970/87

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

Decision Number: **DHSC 574**

II. THAT the 4.27-metre-wide north/south alley located between the Closed Manitoba Street right-of-way and the property known municipally as 1954 Huron Church Road (legally described as Lots 97 to 101 and Part of Lots 5 to 7, 96 & Closed Alley, Plan 997), closed by Judge's Order No. 2970/87, registered on February 19, 1988, and shown on Drawing No. CC-1842 (*attached* hereto as Appendix "A"), **BE CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. ENWIN Utilities Ltd. to accommodate existing overhead plant;
ii. Owner of the property known municipally as 0 Huron Church Road (legally described as Lot 3 and Part of Lot 4 & Closed Alley, Plan 997; Parts 1, 3 & 4,

RP 12R-17003) to accommodate southerly utility pole and overhead wires serving the standalone billboard on the said property;

iii. Owner of the property known municipally as 0 Huron Church Road (legally described as Lot 11, Plan 948) to accommodate northerly utility pole and overhead wires serving the two (2) standalone billboards on the said property; and

iv. Owner of the property known municipally as 1954 Huron Church Road (legally described as Part of Lots 5 to 7, 96, 97 to 101 & Closed Alley, Plan 997) to accommodate the aforesaid southerly utility pole and overhead wires serving the motel (Bestway Motel) on the said property.

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

a. For alley conveyed to abutting lands zoned CD4.3, $16.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and $8.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1842, *attached* hereto as Appendix "A";

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.
Carried.

Report Number: S 148/2023
Clerk's File: SAA2023

11.4. University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by 1229 University (Windsor) Inc. (Brigitte Ebner Dia) for 1223 University Ave West (Ward 3)

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

Decision Number: **DHSC 575**

I. THAT the request made by 1229 University (Windsor) Inc. (Brigitte Ebner Dia) (Owner) for the proposed development at 1223 University Ave West to participate in the:

a. Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan.

b. Commercial/Mixed Use Building Facade Improvement Program **BE APPROVED** for grants for up to 50% of the eligible costs of the facade improvements on the commercial unit, up to a maximum of $20,000.

II. THAT Administration **BE DIRECTED** to prepare the agreement between the City and 1229 University (Windsor) Inc. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 1223 University Ave West in accordance with all applicable policies, requirements, and provisions contained within the University Avenue and Wyandotte Street Community Improvement Plan.

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program and the Commercial/Mixed Use Building Facade Improvement Grant Program at 1223 University Ave West to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.

IV. THAT should the facade improvements not be completed within 18 months, City Council **AUTHORIZE** that the funds under the Commercial/Mixed Use Building Facade Improvement Program be uncommitted and made available for other applications.

V. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 139/2023
Clerk's File: SPL2023

11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 and 0 Giles Boulevard East (Ward 3)

Councillor Kieran McKenzie requests clarification related to developers not proceeding and the implications with respect to the grant that is provided by the city, and whether it poses a form of risk to the city. Greg Atkinson, Manager of Development appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 and 0 Giles Boulevard East (Ward 3)" and indicates that if the developer discovers something significant on the environmental assessment which makes the project no longer economically viable, the property owner would make the decision, if Phase 2 is submitted

the grant will be issued, if there is some issue during the study in phase 2, the city is able to share the information with any future owner of the property which is very valuable to have in the future development of the site.

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

Decision Number: **DHSC 576**

I. THAT the request made by Baird AE Inc. on behalf of Bullet Investments Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Designated Substances Survey for the properties located at 285 and 0 Giles Boulevard East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $18,450 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Designated Substances Survey completed in a form acceptable to the City Planner and City Solicitor;

III. THAT the grant funds in the amount of $18,450 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

IV. THAT should the proposed Phase II Environmental Site Assessment Study and Designated Substances Survey not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.
Carried.

Report Number: S 152/2023
Clerk's File: SPL2023

11.6. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1362279 Ontario Ltd. for 555 University Avenue East and 304 & 314, 322, 0, and 390 Glengarry Avenue (Ward 3)

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

Decision Number: **DHSC 577**

I. THAT the request made by 1362279 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for the properties located at 555 University Avenue East and 304 & 314, 322, 0, and 390 Glengarry Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $21,950 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Remedial Work Plan completed in a form acceptable to the City Planner and City Solicitor;

III. THAT the grant funds in the amount of $21,950 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

IV. THAT should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 153/2023
Clerk's File: SPL2023

11.9. Amendment to the Sandwich Demolition Control By-law 20-2007

Councillor Kieran McKenzie requests clarification about the by-law and the ongoing intent of the creation of the by-law which was to ensure that the residential parts of sandwich town are protected from being demolished and confirmation that residential properties in manufacturing districts are exempt from the by-law. Administration indicates that is correct.

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

Decision Number: **DHSC 580**

II. THAT By-law 20-2007, being a Demolition Control By-law for the Olde Sandwich Towne Community Planning Study Area **BE AMENDED** to include a new section that will exempt existing dwelling units located on property zoned Manufacturing District (MD) in Zoning By-law 8600 from Demolition Control By-law 20-2007

Carried.

Report Number: S 162/2023
Clerk's File: Z/8581

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 Items) is adjourned at 5:23 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will take place on January 8, 2024.
Carried.

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

CITY OF WINDSOR – DECEMBER 4, 2023

MINUTES

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Monday, December 4, 2023
Time: 4:30 o'clock pm

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 Joseph Fratangeli
Member Daniel Grenier
Member John Miller
Member Charles Pidgeon
Member Robert Polewski
Member Khassan Saka
Member William Tape

Member Regrets
Member Anthony Arbour

Clerk's Note: Member Joseph Fratageli participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:
Neil Roberston, Acting City Planner
Wira Vendrasco, Acting City Solicitor
Shawna Boakes, Executive Director, Operations & Deputy City Engineer
Greg Atkinson, Deputy City Planner
Patrick Winters, Manager, Development

Emilie Dunnigan, Manager Development Revenue & Financial Administration
Brian Nagata, Planner II – Development Review
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Revitalization & Policy Initiatives
Kevin Alexander, Planner III – Special Projects
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference
Item 10.1 – Marcus Letourneau, Consultant, M.R. Letourneau & Associates

Delegations—participating in person
Item 11.7 – Jackie Lassaline, Agent & Planning Consultant
Item 11.8 – Amy Farkas, agent, Dillon Consulting

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock 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 November 6, 2023.

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 6, 2023 **BE ADOPTED** as presented.

Report Number: SCM 309/2023

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. Zoning By-law amendment for lands known as 2500 Central Avenue; Applicant - CARBOHYDRATE LTD.; File No. Z-015/23 (ZNG/7013); Ward 5

Justina Nwaesei (author), Planner III – has a presentation available and is available for questions.

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

Decision Number: **DHSC 571**
I. THAT the request by Carbohydrate Ltd. for amendment to Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], located on the southeast corner of Central Avenue and Somme Avenue, by adding the following site-specific zoning provision with a holding symbol (H) to permit *Automobile Detailing Service* and *Automobile Repair Garage* as additional permitted uses on the subject land:

"494. SOUTHEAST CORNER OF CENTRAL AVENUE AND SOMME AVENUE
For the lands comprising East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], *Automobile Detailing Service* and *Automobile Repair Garage* shall be permitted within the existing building subject to the following:
a. An *Automobile Detailing Service* or *Automobile Repair Garage* operation that generates dust, fumes, noise, odour, or vibration that is evident outside the existing building, is prohibited.

b. Notwithstanding section 5.99.7 of Zoning By-law 8600, the storage or display of four or less automobiles for sale, lease or rental purposes within the existing building shall be permitted as an accessory use to an Automobile Repair Garage.

c. Section 18.4.3 shall apply.

[ZDM 11; ZNG-7013]"
II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

a) *Land Conveyance* - The owner(s) shall gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.

b) *Corner Cut-off* – The owner(s) shall gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230

c) *Encroachment Agreement*- The owner shall execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

III. THAT the request of Carbohydrate Ltd. to amend the Zoning By-law 8600 by adding a *Motor Vehicle Dealership* or *Automobile Sales Lot* as additional permitted use on the subject land **BE DENIED** for reasons noted in this report.

Carried.

Report Number: S 157/2023
Clerk's File: Z/14698

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 4:33 o'clock pm.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk