CITY OF WINDSOR MINUTES 08/01/2023

Development & Heritage Standing Committee Meeting

Date: Tuesday, August 1, 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 Anthony Arbour
Member John Miller
Member Robert Polewski
Member Khassan Saka
Member William Tape

Members Regrets
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:
Councillor Kieran McKenzie
Sandra Gebauer – Council Assistant
Tracey Tang – Planner II

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne – Commissioner, Economic Development & Innovation
Neil Robertson – Acting City Planner
Wira Vendrasco – Deputy City Solicitor
Greg Atkinson – Manager, Development
Stacey McGuire- Executive Director, Engineering / Deputy City Engineer

Brian Nagata – Planner II – Development Review
Adam Szymczak – Planner III - Zoning
Jim Abbs – Planner III – Subdivisions
Kristina Tang – Planner III – Heritage
Justina Nwaesei – Planner III – Subdivisions
Stefan Fediuk – Landscape Architect
Rob Perissinotti, Development Engineer
Brandon Calleja, Deputy Chief Building Official
Clare Amicarelli – Transportation Planning Coordinator
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.1 Dan Amicone, Architecttura
Item 7.1 Rio Aiello, Applicant, Dior Homes
Item 7.2 Tracey Pillon-Abbs, Principal Planner, representing the applicant
Item 7.2 Jason Thibert, Senior Project Manager & Jerry Kavanaugh, Owner & Senior Directing Partner, ADA Architecture
Item 7.3 Jacky Ng and Mohammad Hanash, Project & Architectural Designers, Avant Group
Item 7.3 Bassem Mazloum, area resident
Item 10.1 Gail Hargreaves, property owner
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant
Item 11.1 Dave Mitchell, area resident
Item 11.5 Shane Potvin, owner/applicant

Delegations—participating in Council Chambers

Item 7.3 Cynthia Williams, area resident
Item 7.3 Justine Nakigozi, area resident
Item 7.3 Lee Ann Robertson, area resident
Item 7.3 Theodore Kahiya, area resident
Item 7.3 Gajendra Singh, area resident
Item 7.3 Bruce Sheardown, area resident
Item 7.3 Michael Chen, area resident
Item 7.3 Victor Ferranti, area resident
Item 10.1 Dr. Natali Delia Deckard, Applicant
Item 11.1 Jo-Ann & Ron Kohuch, area residents
Item 11.3 Thomas Ji, owner
Item 11.3 Ding Jian Xie, Jun Wuyan & En Li, owners

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) to order at 4:52 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member William Tape discloses an interest and abstains from voting on Item 10.2 being the report of the Heritage Planner dated July 7, 2023 entitled "160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)" as his office is involved in the project.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

4.1. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

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

Decision Number: **DHSC 531**
That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED.**
Carried.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee Minutes held July 4, 2023

Moved by: Member Miller
Seconded by: Member Tape

That the minutes of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 185/2023

10. *HERITAGE ACT* MATTERS

10.1. 546 and 548-550 Devonshire Road, Semi-Detached Houses - Heritage Permits & Community Heritage Fund Requests (Ward 4)

Dr. Natalie Delia Deckard, Applicant

Dr. Natalie Delia Deckard, Applicant appears before the Development and Heritage Standing Committee Meeting regarding the administrative report "546 and 548-550 Devonshire Road, Semi-Detached Houses—Heritage Permits & Community Heritage Fund Requests Ward 4" and commends the Heritage Planner and her staff for the support and information she received throughout the entire process, provides a brief overview of the proposed project and the importance of the preservation of Windsor's Heritage; and concludes by outlining the difficulty in finding qualified Heritage trades people in the area.

Member John Miller, inquires whether the application is for the replacement of both sides of the building. Dr. Deckard indicates it is for both sides.

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

Decision Number: **DHSC 536**

I. THAT the Heritage Permit at 546 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Natalie Delia Deckard for the removal and reaplcement of the existing cedar wood roof, gable ends, and dormer walls shingles with Perfection cedar shingles; and,

II. THAT the Heritage Permit at 548-550 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Scott Mayrand for the removal and replacement of the existing cedar wood roof and dormer walls shingles and synthetic gable ends siding with Perfection cedar shingles; and,

III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement and gable ends and dormers cladding replacement; and,

IV. THAT a total grant of 30% of the cost to an upset amount of $18,224.76 for the cedar roof shingles and $10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Semi-detached House at 546 Devonshire Rd, subject to:

a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;

b. Determination by the City Planner that the work is completed to heritage conservation standards;

c. Owner's submission of paid receipts for work completed;

d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

V. THAT a total grant of 30% of the cost to an upset amount of $18,224.76 for the cedar roof shingles and $10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owner of the Semi-detached House at 548-550 Devonshire Rd, subject to:

a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;

b. Determination by the City Planner that the work is completed to heritage conservation standards;

c. Owner's submission of paid receipts for work completed;

d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 86/2023
Clerk's File:MBA/14621

10.2. 160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)

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

Decision Number: **DHSC 537**

I. THAT Council **BE INFORMED** of the proposed removal of the rear detached garage structure, rear porch and canopy to facilitate the construction of a two-storey attached additional dwelling unit to the existing dwelling and erection of a detached two-storey additional dwelling unit at the rear of 160 Askin Avenue.

Carried.

Member William Tape discloses an interest and abstains from voting on this matter.

Report Number: S 87/2023
Clerk's File:MBA/14622

10.3. Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23 (City-wide)

Councillor Fred Francis highlights the issues between the new Provincial Policy Standards and the changes that have to be implemented. Jelena Payne, Commissioner Economic Development and Innovation appears before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23- City Wide" and indicates that there are changes related to all the new legislation being implemented. Ms. Payne adds that administration is going to be working on updated internal policies, and ensuring the community is aware of the changes coming. Ms. Payne indicates there is a great deal of work ahead of us, over the next few years moving forward and she is unaware if there are any further legislation changes coming.

Councillor Jim Morrison inquires about Strategy 1 as outlined in the administrative report related to designation through Walkerville Heritage Conservation District Study and whether all properties in the area will be registered even if they don't have any heritage value. Kristina Tang, Heritage Planner appears before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23- City Wide" and provides some detail including that this would be a geographically bound area and boundaries would be determined accordingly, the properties within the boundaries would be registered and the properties with no Heritage contributions wouldn't be designated, the details would be worked out through the district and plan.

Councillor Jim Morrison inquires about Strategy 2—Designation through Development Review and Incentive Programs and cites St. Jules School as an example. Ms. Tang indicates that would be correct, that designation was triggered through development review.

Councillor Jim Morrison inquires about Strategy 4—exploring new ways to designate, and whether administration is contemplating hiring a consultant to undertake this or are they doing it in house. Ms. Tang indicates they would be exploring alternative methods to try to increase capacity including research through other resources. Ms. Tang indicates that Council may choose to approve more funding to increase the number of designations to be completed more efficiently.

Member John Miller expresses concern with the process involved and indicates that education is key in order to get more buy in from the public.

Member William Tape inquires as to how many of the 884 properties is Administration going to be able to get through before the deadline. Ms. Tang admits that it will be a huge undertaking as highlighted in the report. Ms. Tang indicates they will begin by a focus on Strategy 1, evaluation of the properties as a group. Ms. Tang adds that they will explore new ways to designate, and explore ways to make it less labour intensive. Ms. Tang adds that the designation process includes an appeal mechanism. Administration will be working closely with owners, consulting, engaging and educating them related to the process in order to attempt to reduce the number of appeals. All proposed designations will come forward to the Heritage committee and property owners will be able to contact administration before and during the meeting to express concerns, the committee will be making the decision.

Administration indicates that Strategy 4—batch designation, they will determine methods to bring certain categories of properties forward at the same time to make it easier. Administration will try to reduce labour and produce efficiencies, to make the decision process quicker.

Councillor Angelo Marignani inquires whether administration is prioritizing the batch designation specifically Walkerville and Sandwich. Ms. Tang indicates the priority is Walkerville including the Heritage Conservation District Study area first. Ms. Tang adds that there are 300 properties in that area which would be evaluated, not all will be designated. Ms. Tang adds that as per Strategy 3 properties with the strongest cultural heritage value such as landmarks would be considered first.

Councillor Kieran McKenzie expresses concern with the new legislation adding to the administrative burden. Ms. Payne provides details related to the Provincial Government's goal in implementing this legislation to build housing in Windsor and throughout the province and to try to remove obstacles and barriers to get communities to provide housing faster and more efficiently, trying to see some action from these properties instead of seeing them on a list with no action moving forward.

Councillor Kieran McKenzie commends administration for their report and that administration has made it clear to the province that we have a resource problem. Neil Robertson Acting City Planner, appears before the before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial

Bill 23- City Wide" and indicates that he is not aware of any available funding to address the resource concerns. Mr. Robertson adds that the whole suite of legislative changes has fallen to municipalities to implement. Mr. Robertson provides details related to the most recent budget request to add resources and will have to request more budget funding allocation to do more. Mr. Robertson provides details of several Planning association that have also expressed concern with implementing the legislation.

Moved by: Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 538**

I. THAT City Council **APPROVE** the Heritage Register Evaluation Strategies formulated in response to Provincial Bill 23; and

- Strategy 1: Designation through Walkerville Heritage Conservation District Study
- Strategy 2: Designation through Development Review and Incentive Programs
- Strategy 3: Designation of properties of "strongest" and/or missing representation of Cultural Heritage Value/Interest:
- Strategy 4: Exploring new ways to designate
- Strategy 5: Protection of City-Owned Heritage resources through Council direction
- Strategy 6: Protections through Demolition Control Bylaw
- Strategy 7: Continued recognition of heritage properties through a Windsor Heritage Inventory; and,

II. THAT Administration **BE DIRECTED** to implement the Heritage Register Evaluation Strategies to the existing 884 'listed' properties on the Windsor Municipal Heritage Register; and,

III. THAT City Council **COMMIT TO** protecting Heritage properties that are city-owned in the same fashion as pre-Bill 23, even if properties are removed as a result of Bill 23, and **TO ENCOURAGE** a high degree of heritage sensitivity by all City Departments in conformance with the City of Windsor Official Plan; and,

IV. THAT Administration **BE DIRECTED** to keep a Municipal Heritage Inventory of all non-designated properties that are removed from the Heritage Register as a result of Bill 23 for recognition, records, and information purposes; and,

V. THAT Administration **BE REQUESTED** to send a letter to the Premier along with all appropriate Ministers, local MPP'S, Association of Municipalities of Ontario (AMO), and any other advocacy organization indicating the challenges the City of Windsor is facing with respect to heritage assets in the context of the tight timelines regarding new *Heritage Act* legislation to address housing challenges in Ontario.

Carried.

Report Number: S 88/2023
Clerk's File:MBA/14619

10.4. 1646 Alexis Road, Former Gordon McGregor School – Heritage Designation Report (Ward 8)

Moved by: Councillor Fred Francis
Seconded by: Member William Tape

Decision Number: **DHSC 539**

I. THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Gordon McGregor, at 1646 Alexis Road, in accordance with Part IV of the Ontario *Heritage Act* according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,

II. THAT the City Solicitor **PREPARE** the By-law for Council to designate the property after receipt of the legal description of the property from the Property Owner; and,

III. THAT Council **AGREE** with Parway Inc, Property Owner of 1646 Alexis Road, that the restrictions set out in paragraph 2 of subsection 29(1.2), and paragraph 1 of subsection 29 (8) of *Ontario Heritage Act* for Designation by municipal by-law do not apply in respect of the Property at 1646 Alexis Road, to allow time for the designation process.

Carried.

Report Number: S 89/2023
Clerk's File:MBA/14620

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:33 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:36 o'clock p.m.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Item 7.1, 7.2 & 7.3.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the July 4, 2023 Development & Heritage Standing Committee (*Planning Act* Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 4, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 199/2023

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

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

Decision Number: **DHSC 532**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"**481" SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST**

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

a) The provisions in section 15.2.5.

b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*;

c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*; and

d) Parking - per *Dwelling Unit* – minimum 1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following and other requirements found in Appendix F of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;
b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
c) Adequate clearance from existing ENWIN's pole lines and power lines;
d) Canada Post multi-unit policy; and
e) Record of Site Condition.

Carried.

Report Number: S 91/2023
Clerk's File:Z/14574

7.2. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

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

Decision Number: **DHSC 533**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-detached Dwelling*, or *Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:
   a) the *front lot line* shall be the longest *exterior lot line*;

b) the minimum *lot area* shall be 135.0 m^2 per *dwelling unit*;

c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.

3. For any additional permitted use, the following additional provisions shall apply:

a) Parking Area Separation from any *building* wall without a *garage* - minimum 0.90 m

b) Parking Area Separation from any *building* wall with a *garage* - minimum 0.0 m

c) Loading Spaces – minimum 0

d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. THAT the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:

a) The Owner has submitted an application to remove the holding symbol, including the fee; and,

b) When the following conditions have been satisfied:

1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.

3. THAT the Site Plan Approval Officer **BE DIRECTED**:

a) To incorporate the following into any site plan and site plan control agreement:

1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;

2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;

3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.

b) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023 and;

c) To consider improving pedestrian connectivity within, and access to, the development.

Carried.

Report Number: S 92/2023
Clerk's File:Z/14539

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

Decision Number: **DHSC 534**
That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.

Report Number: S 92/2023
Clerk's File:Z/14539

7.3. Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10

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

Decision Number: **DHSC 535**
That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 **BE DENIED** for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

Carried.
Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 56/2023
Clerk's File: Z/14541

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:43 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:45 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Item 11.1 & 11.3.

11. ADMINISTRATIVE ITEMS

11.1. Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10, SAA-6786

Jo-Ann & Ron Kohuch, area residents

Jo-Ann & Ron Kohuch, area residents appear before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10" and provide a brief background of the property and the application and the current fence encroachment; and conclude by indicating that they would like to purchase the remaining portion of alley.

Dave Mitchell, area resident

Dave Mitchell, area resident appears via video conference before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10" and inquires about the existing encroachments remaining where they are, if someone doesn't want to purchase their portion who gets to purchase it and concludes by inquiring about the impact on property taxes purchasing the alley would have if any.

Councillor Marignani inquires about the alley being closed. Brian Nagata, Planner II Development Review appears before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10" and the alley in question is currently not closed and provides details related to the encroachment and purchasing process.

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

Decision Number: **DHSC 540**

I. THAT the 4.57-metre-wide north/south alley located between Alexandra Avenue and Labelle Street, and shown on Drawing No. CC-1817 (*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 protect existing aerial facilities;
   ii. ENWIN Utilities Ltd. to accommodate an existing 16,000-volt pole line and associated distribution system and down guy(s); and
   iii. MNSi to accommodate existing aerial facilities.

b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion abutting 0 Longfellow Avenue (P.I.N. 01311-0965 LT), 2658 Longfellow Avenue, 2659 Alexandra Avenue, 2663 Alexandra Avenue, 2676 Longfellow Avenue and 2695 Alexandra Avenue in which case the middle of the alley shall be used; as well as those portions abutting 2724 Longfellow Avenue and 2799 Alexandra Avenue, in which case the full width of the alley shall be used if it is determined that the aforesaid properties do not have any encroachments in the subject alley.

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

a. For alley conveyed to abutting lands zoned RD1.4, $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-1817, *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

Carried.

Report Number: S 81/2023
Clerk's File:SAA2023

11.2. Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10, SAA-7025

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

Decision Number: **DHSC 518 DHSC 541**

I. THAT the 4.27-metre-wide north/south alley located between Algonquin Street and the property known municipally as 1429 Randolph Avenue (legally described as Lot 9, Lots 513 to 515 & Block C, Plan 973) and shown on Drawing No. CC-1834 (*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 the existing overhead secondary 120/240-volt and 347/600-volt hydro distribution; and
iii. MNSi. to accommodate existing plant on the pole lines.

b. Easement over that portion of the subject alley abutting Lot 513, Plan 973, in favour of 1429 Randolph Avenue for access to repair and maintain the south face of the existing building on the property, **if** the owner of 1429 Randolph Avenue is unable to purchase the full width of the aforesaid portion of the subject alley abutting their property.

c. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except:

i. That portion located between 0, 1450 & 1466 St. Patrick Avenue (legally described as Lots 10 to 16, Plan 973), and 1429 & 1465 Randolph Avenue (legally described as Lots 9, 507 to 515 & Block C, Plan 973), in which case the middle of the alley shall be used.

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

a. For alley conveyed to abutting lands zoned CD2.1, $20.00 per front foot without easements plus HST (if applicable) and $10.00 per front foot with easements plus HST (if applicable).
b. For alley conveyed to abutting lands zoned RD1.2, $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 for that portion of the subject alley abutting the properties known municipally as 0 and 1466 St. Patrick Avenue.

V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description for the remaining portion of the subject alley abutting the properties legally described as Lots 10 to 13, 17 to 31, 492 to 506 & 510 to 513, Plan 973.

VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) for each portion of the subject alley.

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.

Carried.

Report Number: S 57/2023
Clerk's File:SAA2023

11.3. Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2, SAA-6994

Ding Jian Xie, Jun Wuyan & En Li, owners

Ding Jian Xie, Jun Wuyan & En Li, owners appear before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2" and inquire about the previous alley closure on the North End and the charges to purchase the current portion. Administration will provide that information. The Chair provides information related to the alley closure process.

Thomas Ji, owner, 540 Laforet Street

Thomas Ji, owner, 540 Laforet St, appears before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2" and inquires about the utility location information. Administration indicates they will contact Mr. Ji and provide the information.

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

Decision Number: **DHSC 542**

I. THAT the 5.49-metre-wide north/south alley located between Laforet Street and the property known municipally as 3217 Baby Street (legally described as Part of Lots P & Q, Plan 43; Part of Lot C, Plan 40; and Parts 1 to 3, RP 12R-26943) and shown on Drawing No. CC-1832 (*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 below mentioned infrastructure), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

ii. Bell Canada to accommodate existing aerial facilities;
iii. Enbridge to accommodate existing underground infrastructure; and
iv. ENWIN Utilities Ltd. to accommodate existing 120/240v secondary overhead hydro distribution pole line.

b. Easement over west half of the subject alley abutting the property known municipally as 3231 Baby Street (legally described as Part of Block R, Plan 43), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

v. The owner of 3231 Baby Street for access to repair and maintain the east face of the existing accessory building on the said property **IF** they waive their right to purchase the abutting half of the subject alley;

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

a. For alley conveyed to abutting lands zoned RD3.1, $193.75 per square metre ($18.00 per square foot) without easements plus HST (if applicable), or $96.87 per square metre ($9.00 per square foot) with easements plus HST (if applicable). Survey cost and deed preparation fee included.
b. For alley conveyed to abutting lands zoned RD2.2, $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-1832, *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.

Carried.

Report Number: S 71/2023
Clerk's File:SAA2023

11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Habitat for Humanity Windsor-Essex for 1067 Henry Ford Centre Drive (Ward 5)

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

Decision Number: **DHSC 543**

I. THAT the request made by Habitat for Humanity Windsor-Essex to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 1067 Henry Ford Centre Drive 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 $11,350 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. THAT the grant funds in the amount of $11,350 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 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 84/2023
Clerk's File:Z2023

11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Investrade Developments (Ontario) Limited for 240 Albert Road (Ward 5)

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

Decision Number: **DHSC 544**

I. THAT the request made by Investrade Developments (Ontario) Limited to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 240 Albert Road 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 $23,450 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. THAT the grant funds in the amount of $23,450 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 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 85/2023
Clerk's File:Z2023

11.6. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2821383 Ontario Inc, for 75 Mill Street (Ward 2)

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

Decision Number: **DHSC 545**

I. THAT the request made by 2821383 Ontario Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 75 Mill Street for the earlier of up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. THAT, Administration **BE DIRECTED** to prepare an agreement between 2821383 Ontario Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment 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 implications; and,

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,

IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the 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 80/2023
Clerk's File:Z2023

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 8:04 o'clock p.m.
Carried.

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

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Tuesday, August 1, 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 Anthony Arbour
Member John Miller
Member Robert Polewski
Member Khassan Saka
Member William Tape

Members Regrets
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:
Councillor Kieran McKenzie
Sandra Gebauer – Council Assistant
Tracey Tang – Planner II

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne – Commissioner, Economic Development & Innovation
Neil Robertson – Acting City Planner
Wira Vendrasco – Deputy City Solicitor
Greg Atkinson – Manager, Development
Stacey McGuire- Executive Director, Engineering / Deputy City Engineer
Brian Nagata – Planner II – Development Review

Adam Szymczak – Planner III - Zoning
Jim Abbs – Planner III – Subdivisions
Kristina Tang – Planner III – Heritage
Justina Nwaesei – Planner III – Subdivisions
Stefan Fediuk – Landscape Architect
Rob Perissinotti, Development Engineer
Brandon Calleja, Deputy Chief Building Official
Clare Amicarelli – Transportation Planning Coordinator
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.1 Dan Amicone, Architecttura
Item 7.1 Rio Aiello, Applicant, Dior Homes
Item 7.2 Tracey Pillon-Abbs, Principal Planner, representing the applicant
Item 7.2 Jason Thibert, Senior Project Manager & Jerry Kavanaugh, Owner & Senior Directing Partner, ADA Architecture
Item 7.3 Jacky Ng and Mohammad Hanash, Project & Architectural Designers, Avant Group
Item 7.3 Bassem Mazloum, area resident
Item 10.1 Gail Hargreaves, property owner
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant
Item 11.1 Dave Mitchell, area resident
Item 11.5 Shane Potvin, owner/applicant

Delegations—participating in Council Chambers

Item 7.3 Cynthia Williams, area resident
Item 7.3 Justine Nakigozi, area resident
Item 7.3 Lee Ann Robertson, area resident
Item 7.3 Theodore Kahiya, area resident
Item 7.3 Gajendra Singh, area resident
Item 7.3 Bruce Sheardown, area resident
Item 7.3 Michael Chen, area resident
Item 7.3 Victor Ferranti, area resident
Item 10.1 Dr. Natali Delia Deckard, Applicant
Item 11.1 Jo-Ann & Ron Kohuch, area residents
Item 11.3 Thomas Ji, owner
Item 11.3 Ding Jian Xie, Jun Wuyan & En Li, owners

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) to order at 4:52 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member William Tape discloses an interest and abstains from voting on Item 10.2 being the report of the Heritage Planner dated July 7, 2023 entitled "160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)" as his office is involved in the project.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

4.1. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

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

Decision Number: **DHSC 531**
That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED.**
Carried.

Report Number: CM 7/2023
Clerk's File:SPL2023

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the July 4, 2023 Development & Heritage Standing Committee (*Planning Act* Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 4, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 199/2023

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

Justina Nwaesei, Planner (author) is available for questions.

Rio Aello (applicant) is available for questions.

Councillor Kieran Mackenzie asks if there will be bicycle parking and if so, how many spaces. Mr. Aello answers that there will 6 parking spaces.

Councillor Kieran Mackenzie asks if the intersection at Howard and Cabana has sufficient capacity to withstand the traffic challenges. Mrs. Amicarelli states she does not have details on that at this time.

Councillor K Mackenzie asks Administration to clarify what it means in the report when it says "Current right of way width is not sufficient". Mr. Perissinotti answers that improvements to the intersection have already been completed therefore, any further right-of-way additions would not be required. Mr. Perissinotti adds that in the Official Plan there is a schedule X which outlines requirements for right-of-way roads and those widths are at a high level perspective. Once those details are complete those widths may not be as accurate from the original analysis. Once improvements were completed, those additional Right of Way widths are no longer needed.

Councillor Kieran Mackenzie asks if there is sufficient capacity to address the development that is being proposed and the volume that we are trending towards. Mrs. Amicarelli answers that she does not have the details at this time.

Councillor Mariganani asks where the waste disposal is located for the development.
Mr. Aello answers that they will be enclosed inside the parking garage.

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

Decision Number: **DHSC 532**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"**481" SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST**

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

a) The provisions in section 15.2.5.

b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*;

c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*; and

d) Parking - per *Dwelling Unit* – minimum 1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following and other requirements found in Appendix F of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;
b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
c) Adequate clearance from existing ENWIN's pole lines and power lines;
d) Canada Post multi-unit policy; and
e) Record of Site Condition.

Carried.

Report Number: S 91/2023
Clerk's File:Z/14574

7.2. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

Adam Szymczak, Planner (author) presents the item

Tracey Pillon-Abbs, Agent – Pillon Abbs Inc. - is available for questions.

Jason Thibert and Jerry Kavanagh, ADA Architecture are available for questions.

Councillor Marignani asks if there will be sidewalks for this development.
Mrs. Pillon-Abbs answers that there will be pedestrian connectivity which will be addressed through Site Plan Control.

Councillor Kieran Mackenzie asks if there is a way to maintain the integrity of the design concept if the sidewalk was located closer to the laneway. Mr. Thibert answers that it can be looked into.

Councillor Kieran Mackenzie states that the road along the Howard Avenue corridor is in poor condition; no curbs, no sidewalks, no gutters but it is a great development opportunity.

Councillor Kieran Makenzie adds a subsequent motion with a plan to complete the Engineering and design work for Howard Avenue, South Cameron and Cabana Road and to subsequently create accelerated financial option to be considered in the 2024 Capital Budget discussions.

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

Decision Number: **DHSC 533**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-detached Dwelling*, or *Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:

a) the *front lot line* shall be the longest *exterior lot line*;
b) the minimum *lot area* shall be 135.0 m^2 per *dwelling unit*;
c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.

3. For any additional permitted use, the following additional provisions shall apply:
   a) Parking Area Separation from any *building* wall without a *garage* - minimum 0.90 m
   b) Parking Area Separation from any *building* wall with a *garage* - minimum 0.0 m
   c) Loading Spaces – minimum 0
   d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. THAT the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:
   a) The Owner has submitted an application to remove the holding symbol, including the fee; and,
   b) When the following conditions have been satisfied:
      1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.
3. THAT the Site Plan Approval Officer **BE DIRECTED**:
   a) To incorporate the following into any site plan and site plan control agreement:
      1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;
      2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;
      3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.
   b) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023 and;
   c) To consider improving pedestrian connectivity within, and access to, the development.

Carried.

Report Number: S 92/2023

Clerk's File:Z/14539

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

Decision Number: **DHSC 534**
That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.

Report Number: S 92/2023
Clerk's File:Z/14539

7.3. Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10

Brian Nagata, Planner (author) is available for questions.

Jacky Ng and Mohammad Hanash, Project & Architectural Designer (Avant Group) are available for questions.

Mr. Nagata provided an overview of the Additional Information Memo prepared to satisfy Development & Heritage Standing Committee's (DHSC) June 5, 2023 motion requesting administration to provide information on costs to be incurred by the owners of those properties required to connect to the proposed sanitary sewer extension, as well as payment options; and on the issues related to costs associated with implementing residential permit parking.

Ms. McGuire adds that Local Improvement rates aim to provide a better rate than what would be provided in the existing scenario where the residents would be responsible for 100% of the costs.

Bassem Mazloum, (area resident) 1598 Rankin Avenue - is opposed to the development. Mr. Mazloum has various concerns such as; costs of connecting to the sanitary sewer, compatibility with existing built environment and parking.

Cynthia Williams (area resident) 1498 St. Patrick's Avenue is opposed to the development and has concerns with the proposed development, such as; Residential parking permits and costs for connecting to the sanitary sewer. Ms. Williams presented the following questions to DHSC: Is connecting to the sanitary sewer mandatory? and if so, why is it mandatory?; What financial relief can the City provide or is available to assist property owners? Is there an option for the timeline for connection to the sanitary sewer and decommissioning of septic system to be extended?

Justine Nakigozi (area resident) 1450 St. Patrick's Avenue - has concerns with the development, such as; late delivery of Notice of public meeting and Additional Information Memo did not

provide enough time to thoroughly review the development and the costs associated with the sanitary sewer connection.

Lee Ann Robertson (area resident) 1501 St. Patrick's Avenue – is opposed to the development and has concerns with the financial burden associated with connecting to sanitary sewer.

Theodore Kahiya (area resident) 1482 St. Patrick's Avenue – has various concerns such as financial burden associated with the cost for waterproofing basement (due to flooding) along with the cost of connecting to the sewer. Mr. Kahiya also has concerns with parking and security.

Gajendra Singh (area resident) 1483 St. Patrick's Avenue – has concerns with costs associated with connecting to the sanitary sewer. Mr. Singh noted that he has not received any of the Notices of public meeting.

Bruce Sheardown (area resident) 1469 Askin Avenue - has concerns with the parking permit proposal, costs for the connection to the sanitary sewer and the possibility of heightening crime in the area.

Michael Chen (area resident) 1429 St. Patrick's Avenue - has concerns with the project not going through a Local Improvement, various costs, including maintenance fees associated with connecting to the sanitary sewer. Mr. Chen also has concerns with a decrease in his property value and the proposal not benefitting the homeowners. Mr. Chen includes that the connection to the sanitary sewer would not properly support the street due to inadequate capacity.

Victor Ferranti (family member of area resident 1465 St. Patrick's Avenue – has concerns with the finical burden to the homeowners and the development's compatibility with the existing built environment.

Councillor Kieran Mackenzie asks for clarification on the interest rate used for this City loan. Mr. Perissinotti confirms that the Infrastructure Ontario Rate plus a minimum of 1.0% is being used. Ms. McGuire adds that longer term loans may be subject to a rate greater than 1.0%.

Councillor Kieran Mackenzie asks how the City covers the costs of the infrastructure. Ms. McGuire states it would be paid through the oversizing account.

Councillor Kieran Mackenzie asks who pays for the upfront infrastructure costs in situations where the benefitting property owner enters into an agreement with the City to pay back their share of the costs over an extended period of time. Ms. McGuire advised that the question should be answered by the Finance Department, who unfortunately does not have a representative at this evenings meeting.

Councillor Kieran Mackenzie asks about the benefits to benefitting properties and the City as a whole from replacing septic systems with a municipal sanitary sewer. Ms. McGuire states that there are negative environmental impacts to septic systems, such as the contamination of waterways. Ms. McGuire noted that it has been a long standing goal of the City and province to get properties off of septic systems. Ms. McGuire further notes that benefitting property owners

on septic system could face a substantial financial burden in the event that their system fails and has to be replaced. Ms. McGuire also notes that a benefitting property owner could go through the expense of replacing their septic system only to have a sanitary sewer constructed shortly thereafter, requiring them to connect to it and decommission their septic system as well as bear the associated costs.

Councillor Kieran Mackenzie asks if the proposal does proceed, will it be built to the correct standards. Mr. Perissinotti answers that the detailed design has not been completed for the sanitary sewer and that the existing system can handle the potential flows. Mr. Perissinotti further noted that the approved detailed design may require the sanitary sewer to be upsized from 200.0 mm to 250.0 mm.

Councillor Kieran Mackenzie asks if the homes will become more valuable if they are connected to the sanitary system. Mr. Nagata answers that the connection will provide benefitting property owners with opportunities to establish Additional Dwelling Units. Mr. Nagata also noted that there will now be the opportunity to apply for a Consent to sever to create new lots from the larger benefitting properties.

Councillor Morrison asks if the nearby City initiated Mark Street sanitary sewer extension Local Improvement is similar to that being proposed through this application. Ms. McGuire confirms that the Mark Street sanitary sewer extension is similar, however benefitting properties were not offered the rates and payment terms that are being proposed by Engineering through their upcoming August 8, 2023 report to Council.

Councillor Morrison asks if it is a priority to get all of the City's streets off of septic systems. Ms. McGuire answers that the Engineering Department has made a list of streets currently on septic system, and prioritized them for the installation of municipal sanitary sewers. Ms. McGuire notes that timing is based on available funding.

Councillor Morrison asks if the potential residents in the development will get parking permits and if the current residents will be a priority. Mr. Nagata answers that the potential residents of the subject property would not get 18-20 parking permits, as they are issued on a per property basis versus per unit. Mr. Nagata noted that the allocation of parking spaces is also based on the number available and is at the discretion of the Traffic Operations Department.

Councillor Francis moves a denial due the costs having a negative impact on the surrounding neighbours.

Councillor Kieran Mackenzie opposes the motion and states that he would like to address the septic issue in the City of Windsor and that residents should have modern infrastructure.

Councillor Mark Mackenzie supports Councillor Francis' motion because of the financial burden of the residents.

Councillor Marignani states that the City of Windsor should review the policies in place, specifically the Local Improvement Policy.

Chair Morrison states that the item would move to City Council and states that there will be financial options for the residents.

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

Decision Number: **DHSC 535**
That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 **BE DENIED** for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

Carried.
Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 56/2023
Clerk's File: Z/14541

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:43 o'clock p.m.

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at TIME.

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