CITY OF WINDSOR MINUTES 01/09/2023

Development & Heritage Standing Committee Meeting

Date: Monday, January 9, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison

Councillor Regrets
Ward 1 – Councillor Fred Francis

Members
Member Baker
Member Foot
Member Fratangeli
Member Gyemi
Member Miller
Member Moore
Member Rondot

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Thom Hunt, City Planner / Executive Director of Planning & Development
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Michael Cooke, Manager, Planning Policy
John Revell, Chief Building Official

Rob Vani, Manager, Inspections /Deputy Chief Building Official
Rob Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions
Justina Nwaesei, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Jeff Hagan, Transportation Planning, Senior Engineer
Brian Nagata, Planner II – Development Review
Alison Pound, Technologist I
Clare Amicarelli, Transportation Planner I
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 11.2 Joe Goncalves, Invest WindsorEssex

Delegations—participating in person

Item 7.1 Karl Tanner, Partner, Dillon Consultin
Item 7.2 Joe Passa, Architect
Item 7.2 John Elliott, Sandwich Teen Action Group
Item 7.2 Myriam Faraj, area resident
Item 10.1 Terry Kennedy, area resident
Item 10.1 Nadja Pelkey, Associate Curator, Projects & Partnerships, Art Windsor-Essex
Item 11.1 Joe Passa, Architect
Item 11.4 Wayne Dumaine, area resident
Item 11.5 Nik Gacesa, Financial Secretary, Serbian Orthodox Church (Grachanica)
Item 11.7 Zeena Biro, area resident

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:32 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.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 1, 2022

Moved by: Member Foot
Seconded by: Councillor Angelo Marignani

That the minutes of the meeting of the Development & Heritage Standing Committee meeting held November 1, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 303/2022

8.2. Minutes of the December 5, 2022 Development & Heritage Standing Committee Meeting

Moved by: Councillor Angelo Marignani
Seconded by: Member Baker

That the minutes of the Development & Heritage Standing Committee meeting held December 5, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 327/2022

10. HERITAGE *ACT* MATTERS

10.1. Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2)

Terry Kennedy, area resident
Terry Kennedy, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report "Request for Heritage Permit—Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District Locations" and concludes by suggesting the proposed artwork does nothing to culturally improve the character of Sandwich town, expresses concern with the proposed project, the location, the public consultation wasn't transparent, and that the project should not be passed or allowed to proceed and should be withdrawn until a full open public consultation session at various venues in Sandwich town can be held.

Nadja Pelkey, Associate Curator, Projects & Partnerships, Art Windsor-Essex
Nadja Pelkey, Associate Curator, Projects & Partnerships, Art Windsor-Essex, appears before the Development & Heritage Standing Committee regarding the administrative report "Request for Heritage Permit—Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District Locations" and indicates that Sandwich is an important neighbourhood to her, provides details related to other public projects that have been completed in the area and is available for questions.

Member Baker commends the group for a terrific project and inquires about the pieces of art and their relevance. Ms. Pelkey indicates that the art work was chosen for a reason and is a way to talk about things and start an open conversation.

Moved by: Member Fratangeli
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 455**

I. **THAT** a Heritage Permit requested by Art Windsor-Essex (legal name 'The Art Gallery of Windsor') **BE APPROVED** for the temporary installation (up to 24 months) of framed reproduction artwork displayed at five locations within the Sandwich Heritage Conservation District in accordance with Appendix A- Heritage Permit Application, subject to the following condition(s)**:**
   a. Submission of satisfactory product details and samples to the City Planner or designate;
   b. Final locational clearance with City Administration (such as Engineering & Parks departments, etc.);
   c. Technical and legal conditions associated with its installation and removal on City property in accordance with the Council Decision on the larger city-wide report (C 207/2022); and

II. **THAT** the City Planner or designate **BE DELEGATED** the authority to approve any further changes including location changes to the heritage permit associated with the proposal.

Carried.

Report Number: S 146/2022
Clerk's File:SR/13926

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* matters) poriton is adjourned at 4:42 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the December 5, 2022 Development & Heritage Standing Committee meeting (Planning Act Matters)

Moved by: Councillor Angelo Marignani
Seconded by: Member Rondot

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held December 5, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 328/2022

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4.

Moved by: Councillor Jim Morrison
Seconded by: Member Moore

Decision Number: **DHSC453 CR457 DHSC431**

I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;

II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

"310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)
Business Office
Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided That all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

.3	Lot Coverage - Total - maximum	- 30.0%
.4	Building Height – maximum	- 14.0 m
.8	Landscape Open Space Yard – minimum	- 15% of *lot* area
.20	Building Setback – minimum:	

a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
d) From the *rear lot line* – 50.0 m;

.50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.

.55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.

.90 A *parking space* is prohibited in any required *front* yard.

.95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*:
(New provisions)

1. The provisions in Section 20(1)310 That apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

.2	Lot Area – minimum	- 93.0 m^2 per unit
.3	Lot Coverage – maximum	- 45%
.4	Main Building Height – maximum	- 18.0 m
.8	Landscape Open Space Yard – minimum	- 35% of *lot* area
.20	Building setback from rear lot line - minimum	- 7.50 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
   a. The *"Exceptions To Maximum Building Height Provisions"* shall not apply to a scenery loft on the subject land; and
   b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]"

III. That the applicant's request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED,** for reasons noted in this report;

IV. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:

a. Reduction in the required minimum building setbacks; and

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

1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
2) Storm Detention
3) Sanitary Sampling Manhole
4) Oil & Grit Separator
5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
6) Parkland dedication;
7) A Record of Site Condition registered on file with the Ministry; and
8) Canada Post requirements and guidelines for the proposed multi-unit development.

Carried.

Report Number: S 116/2022
Clerk's File: Z/14294

7.2. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 454**
THAT the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from "Industrial" to "Residential" **BE DENIED;** and

THAT the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED.**
Carried.

Report Number: S 124/2022
Clerk's File:Z/14428

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* matters) poriton is adjourned at 5:51 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:51 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 731 Goyeau Ltd. and 785 Goyeau Ltd. for property located at 0 and 785 Goyeau Street (Ward 3)

Joe Passa, Architect
Joe Passa, Architect, appears before the Development & Heritage Standing Committee regarding the administrative report "Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 731 Goyeau Ltd. and 785 Goyeau Ltd. for property located at 0 and 785 Goyeau Street (Ward 3)" and provides a brief summary of the project and indicates That the project is on time, proceeding well and is available for questions.

Councillor Jim Morrison wishes the proponent success on the project and looks forward to seeing this property developed.

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

Decision Number: **DHSC 456**

I. THAT the request made by 731 Goyeau Ltd. and 785 Goyeau Ltd. 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 0 & 785 Goyeau Street for 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 731 Goyeau Ltd., 785 Goyeau Ltd., 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 141/2022
Clerk's File: SPL2023

11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by DS C&K Inc. for a Manufacturing Facility located at 3475 Wheelton Drive (Ward 9)

Joe Goncalves, Invest WindsorEssex,
Joe Goncalves, Invest WindsorEssex, appears before the Development and Heritage Standing Committee via video conference regarding the administrative report "Economic Revitalization Community Improvement Plan (CIP) application submitted by DS C&K Inc. for a Manufacturing Facility located at 3475 Wheelton Drive (Ward 9)" and is available for questions.

Councillor Jim Morrison welcomes the development, noting it is a landmark investment, will result in good jobs, looks forward to seeing the project come together and wishes the organization success.

Councillor Kieran McKenzie commends the team for their incredible work and the positive impact it is having on the City, including the on-going daily work that your team is undertaking to attract more investment the City.

Moved by: Councillor Jim Morrison
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 457**

I. THAT the request made by DS C&K Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 3475 Wheelton Drive (shown in Appendix 1) for a period that ends the earlier of 10 years or when 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,

II. THAT, Administration **BE DIRECTED** to prepare an agreement between the City and DS C&K Inc. to implement the Business Development Grant Program in accordance with applicable policies, requirements, and provisions contained within the Economic Revitalization Community

Improvement Plan, and applicable lease terms for the subject property to the satisfaction of the City Planner for content, the Commissioner of Legal Services 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 Business Development Grant Agreement.

Carried.

Report Number: S 144/2022
Clerk's File:SPL2023

11.7. Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740

Zeena Biro, area resident

Zeena Biro, area resident appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4" and is supporting the recommendation submitted by the Parks Department to leave the alley open. Ms. Biro is representing several neighbours and is opposed to the closure as it will limit pedestrian accessibility to the park, cutting off the access point to Lincoln road and will negatively impact the community. Ms. Biro adds that this proposed closure limits access to the back yards and concludes by requesting that the Planning Department reconsider the application to close the alley and recommend denying the request, as it is unsafe and impractical.

Councillor Mark McKenzie inquires about the removal of the curb cut. Brian Nagata, Planner II – Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report " Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4" and indicates that the curb cut wasn't supposed to be removed, it was done inadvertently when the park was being updated and administration is recommending to restore it.

Councillor Angelo Marignani inquires about 1628 Lincloln Road and their access to their garage. Ms. Biro indicates that the only access is through the alley.

Councillor Jim Morrison inquires about the access to Stodgell park. Ms. Biro indicates that people next to the park can still access it but the community will have to go all the way around the block instead of cutting through the alley if it is closed.

Councillor Mark McKenzie requests that the Parks Department comments on their recommendation. Administration indicates that they will comment at the Council Meeting when this report is being considered.

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

That the closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740 BE DENIED.

The motion is **put** and is **lost**.

Aye votes: Councillors Mark McKenzie, Angelo Marginani
Nay votes: Councillors Jim Morrison, Kieren McKenzie
Absent: Councillor Fred Francis
Abstain: None.

Moved by: Councillor Jim Morrison
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 462**

I. THAT the portion of the 2.13 metre wide north/south alley located between the Essex Terminal Railway corridor and the south limit of the property known municipally as 1624 Lincoln Road (legally described as Lot 702, Plan 988) and shown on Drawing No. CC-1811 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

II. THAT the portion of the 2.13 metre wide north/south alley located between the Essex Terminal Railway corridor and the south limit of the property known municipally as 1624 Lincoln Road (legally described as Lot 702, Plan 988) and shown on Drawing No. CC-**1811 *attached* hereto as Appendix "A", 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. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:

      i. Bell Canada to protect existing aerial facilities;
      ii. EnWin Utilities Ltd. to accommodate existing overhead 347/600 volt and 120/240 volt hydro distribution; and
      iii. MNSi for access to service and maintain existing aerial infrastructure;

III. THAT the east/west alley located between Lincoln Road and the aforesaid north/south alley and shown on Drawing No. CC-1811 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

IV. THAT the east/west alley located between Lincoln Road and the aforesaid north/south alley and shown on Drawing No. CC-1811 *attached* hereto as Appendix "A", **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. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Essex Terminal Railway Co. for access to repair and maintain the south face of the two existing buildings on the property known municipally as 0 Morton Drive (PIN No. 01140-0266) IF Essex Terminal Railway Co. waives their right to purchase their half of the east/west alley.

b. Ontario Land Surveyor be directed to include the existing concrete driveway with the lands to be conveyed to the owner of the property known municipally as 1618 Lincoln Road (legally described as Part of Lot 701, Plan 988).

V. THAT the Public Works Operations Department **BE REQUESTED** to restore the Seneca Street curb cut to City Standards, and to the satisfaction of the City Engineer.

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

a. For alley conveyed to abutting lands zoned RD2.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
b. For alley conveyed to abutting lands zoned MD1.1 and MD1.3, $7.00 per square foot without easements and $3.50 per square foot with easements.

VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1811, *attached* hereto as Appendix "A".

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

Carried.
Councillor Mark McKenzie voting nay.

Report Number: S 142/2022
Clerk's File: SAA2023

11.5. Closure of north/south alley between Guy Street & 1980 Meldrum Road; east/west alley between north/south alley & Larkin Road, Ward 5, SAA-6689

Nik Gacesa, Financial Secretary, Serbian Orthodox Church

Nik Gacesa, Financial Secretary, Serbian Orthodox Church, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of north/south alley between Guy Street & 1980 Larkin Road, Meldrum Road; east/west alley between north/south alley

& Larkin Road, Ward 5" and provides a brief summary of their application and inquires about an easement and how that will be handled as well as the cost breakdown.

Councillor Kieran Mckenzie requests that administration respond to Mr. Gacesa's inquires. Mr. Nagata indicates that the Enwin easement will only apply to the alley and not private property, can't add building or structures on the easement and provides details related to the costing according to the Alley Closing Policy with the Real Estate Department coming up with the amount.

Moved by: Councillor Jim Morrison
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 460**

I. THAT the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

II. THAT the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A"**, 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. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:

      i. Bell Canada to protect existing aerial facilities;

      ii. EnWin Utilities Ltd to accommodate the pole, anchors and existing overhead plant; and

      iii. MNSi for access to service and maintain existing aerial infrastructure;

III. THAT the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

IV. THAT the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A"**, BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner:

V. Type THAT Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned RD1.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

b. For alley conveyed to abutting lands zoned ID1.1, $5.00 per square foot without easements and $2.50 per square foot with easements.

VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1809, *attached* hereto as Appendix "A".

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

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

IX. That administration **BE REQUESTED** to undertake further discussion with the proponent regarding some of the issues brought forward; and,

X. That this information **BE BROUGHT FORWARD** when this report proceeds to Council.
Carried.

Report Number: S 135/2022
Clerk's File:SAA2023

11.3. Main Street CIP/Ford City CIP Application for 1367 Drouillard Rd. Owner: HEIMAT LTD (C/O Ryan Stiller) – Ward 5

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 458**

I. **THAT** subject to completion and review satisfactory to the City Planner, the request made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED** for grants totalling a maximum of $30,000 in principle under the *Main Streets Community Improvement Plan(CIP)*;

II. **THAT** subject to completion and review satisfactory to the City Planner, the request for incentives under the *Ford City Community Improvement Plan (CIP)* Financial Incentive Programs made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED**, for the *Municipal Development Fees Grant Program* in the amount of +/-$1,182.85;

III. **THAT** funds in the amount of $30,000 under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund to the *Main Streets CIP* Fund (Project #7219018) upon completion of the work;

IV. **THAT** funds in the amount of +/-$1,182.85 for the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund to the *Ford City CIP* Fund (Project #7181046) upon completion of the work;

V. **THAT** grants **BE PAID** to HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), upon completion of improvements to the Facade(s) of the property located at 1367 Drouillard Road from the *Main Streets CIP* Fund (Project #7219018) and *Ford City CIP* Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and

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

Carried.

Report Number: S 148/2022
Clerk's File: SPL2023

11.4. Closure of N/S Alley b/w Melbourne Road & Closed E/W Alley and Part of N/S Alley b/w Melbourne Road & 3605 Matchett Road, Ward 2, SAA-5925

Wayne Dumaine, area resident
Wayne Dumaine, area resident, appears before the Development & Heritage Standing Committee Meeting and expresses concern with the recommendation in the administrative report "Closure of N/S alley between Melbourne Road & Closed E/W alley and Part of N/S alley between Melbourne Road and 3605 Matchett Road, Ward 2" as he won't be able to access his property and requests that the applicant put the fence back to where it was and that the alley not be closed.

Moved by: Councillor Jim Morrison
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 459**

I. THAT the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

II. THAT the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 3557 Melbourne Road (legally described as Lots 2071 to 2099, 2105 to 2108 & Part of Lot 2109, Plan 1344; Lots 1264 to 1266 & Part of Alley, Plan 1059; and Lots 183 to 190, Plan 673) and as necessary, in a manner deemed appropriate by the City Planner;

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

a. For alley conveyed to abutting lands zoned ID1.1, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT the portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts 13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

V. THAT the portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts 13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **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. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:

i. Bell Canada for access to service and maintain existing aerial plant;
ii. Cogeco for access to service and maintain existing infrastructure;
iii. EnWin Utilities Ltd to accommodate and for access to service and maintain existing overhead 120/240 volt hydro distribution, poles and down guy wires; and
iv. MNSi for access to service and maintain existing aerial infrastructure;

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

a. For alley conveyed to abutting lands zoned RD1.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

b. For alley conveyed to abutting lands zoned ID1.1, $5.00 per square foot without easements and $2.50 per square foot with easements.

VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1765, *attached* hereto as Appendix "A".

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

IX. 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.

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

Report Number: S 125/2022
Clerk's File: SAA2023

11.6. Amendment to CR305/2021 for closure of part of n/s alley b/w north limit of 1216 Tourangeau Rd & closed part of said n/s alley; e/w alley west of Rossini Blvd & south of Via Rail corridor; and e/w alley b/w Rossini Blvd & said n/s alley, Ward 9, SAA-6317

Moved by: Councillor Jim Morrison
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 461**

THAT CR305/2021, adopted on July 5, 2021, **BE AMENDED** as follows:

By **DELETING** the following wording from Recommendation V:

That the portion of the 4.88 metre wide east/west alley between Franklin St and the VIA Rail corridor, east of Tourangeau Rd and west of Rossini Blvd, and shown as Part 3 on Drawing No. CC-1787 *attached* as Appendix "A", **BE RETAINED FOR MUNICIPAL PURPOSES**;

And **INSERTING:**

THAT the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing No. CC-1787 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

THAT the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing

No. CC-1787 *attached* hereto as Appendix "A", **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor.
Carried.

Report Number: S 137/2022
Clerk's File:SAA 2023

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 is adjourned at 6:31 o'clock p.m.
Carried.

Mayor

City Clerk

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Monday, January 9, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison

Councillor Regrets
Ward 1 – Councillor Fred Francis

Members
Member Baker
Member Foot
Member Fratangeli
Member Gyemi
Member Miller
Member Moore
Member Rondot

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Thom Hunt, City Planner / Executive Director of Planning & Development
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Michael Cooke, Manager, Planning Policy
John Revell, Chief Building Official
Rob Vani, Manager, Inspections /Deputy Chief Building Official

Rob Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions
Justina Nwaesei, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Jeff Hagan, Transportation Planning, Senior Engineer
Brian Nagata, Planner II – Development Review
Alison Pound, Technologist I
Clare Amicarelli, Transportation Planner I
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 11.2 Joe Goncalves, Invest WindsorEssex

Delegations—participating in person

Item 7.1 Karl Tanner, Partner, Dillon Consultin
Item 7.2 Joe Passa, Architect
Item 7.2 John Elliott, Sandwich Teen Action Group
Item 7.2 Myriam Faraj, area resident
Item 10.1 Terry Kennedy, area resident
Item 10.1 Nadja Pelkey, Associate Curator, Projects & Partnerships, Art Windsor-Essex
Item 11.1 Joe Passa, Architect
Item 11.4 Wayne Dumaine, area resident
Item 11.5 Nik Gacesa, Financial Secretary, Serbian Orthodox Church (Grachanica)
Item 11.7 Zeena Biro, area resident

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:32 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the December 5, 2022 Development & Heritage Standing Committee meeting (Planning Act Matters)

Moved by: Councillor Angelo Marignani
Seconded by: Member Rondot

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held December 5, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 328/2022

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4

Justina Nwaesei (author), Planner III presents item.

Ms. Nwaesei notes the item has been revised since the October 3, 2022 DHSC meeting. The amended concept plan requires a minimum rear yard of 7.5m and a maximum lot coverage of 45%. The applicant states that the previous request for reduced side yard is no longer necessary and should be deleted from the Recommendation from the October 3, 2022 meeting. Ms. Nwaesei states this change in proposed concept plan with reduced rear yard depth and increased lot coverage was to address the issues that were raised at the Public Meeting. Ms. Nwaesei also presented feedback received from Transportation Planning Division in response to the Committee's inquiry regarding the possibility for installing pedestrian crossing on Hall and Riverside.

Karl Tanner, agent is available for questions.

Councillor McKenzie asks why the pedestrian crossing doesn't qualify when the Vista Project (Pierre and Riverside) does. Mr. Hagan answers that there is a maximum pedestrian volume in order to qualify and the volume is low at the site of the proposal.

Councillor McKenzie asks if there was infrastructure put in place, or is there a study done, to project a number of pedestrians that may cross if it was safer and was this study done for this item. Mr. Hagan answers that the number of non auto trips in peak hours were reviewed for this proposal. Mr. Hagan states that the Ontario Traffic Manual is used as guidance for Transportation Planning warrant process for a pedestrian crossover.

Councillor Morrison asks Mr. Tanner various questions about parking. Mr. Tanner answers that the development will allow 1.65 parking per unit rather than 1.25 parking spaces per unit.

Moved by: Councillor Jim Morrison
Seconded by: Member Moore

Decision Number: **DHSC453 CR457 DHSC431**

I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;

II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313

LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

"310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)
Business Office
Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided That all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

.3 Lot Coverage - Total - maximum - 30.0%
.4 Building Height – maximum - 14.0 m
.8 Landscape Open Space Yard – minimum - 15% of *lot* area
.20 Building Setback – minimum:
a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
d) From the *rear lot line* – 50.0 m;

.50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.

.55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.

.90 A *parking space* is prohibited in any required *front* yard.

.95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 That apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
   .2 Lot Area – minimum - 93.0 m^2 per unit
   .3 Lot Coverage – maximum - 45%
   .4 Main Building Height – maximum - 18.0 m
   .8 Landscape Open Space Yard – minimum - 35% of *lot* area
   .20 Building setback from rear lot line - minimum - 7.50 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
   a. The *"Exceptions To Maximum Building Height Provisions"* shall not apply to a scenery loft on the subject land; and
   b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

   [ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]"

III. That the applicant's request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED,** for reasons noted in this report;

IV. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:
   a. Reduction in the required minimum building setbacks; and

V. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
2) Storm Detention
3) Sanitary Sampling Manhole
4) Oil & Grit Separator
5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
6) Parkland dedication;
7) A Record of Site Condition registered on file with the Ministry; and
8) Canada Post requirements and guidelines for the proposed multi-unit development.

Carried.

7.2. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2

Jim Abbs (author) – Planner III – presents item.

Joseph Passa (agent) – presents item and asks for approval.

John Elliot (resident) - 3735 King St. – Sandwich Team Action Group – has concerns with traffic, health & safety, sanitary overflow and parking.

Myriam Faraj (resident) - 3837 King St.- has concerns with noise and light disturbances.

Member Moore asks why Administration is recommending to not approve this rezoning. Mr. Abbs answers that the property is in the middle of an area that is designated for high intensity industrial uses and is surrounded by high industrial uses already. Mr. Abbs states that it is not an appropriate location for residential use.

Member Gyemi asks Administration if it is possible to create mitigating measures for this property. Mr. Abbs answers that it is zoned for high intensity uses therefore, protecting industrial lands from sensitive land use. Mr. Abbs explains that when you put a sensitive land use in an area that is designated for high intensity industrial uses you can have an impact on what those industrial uses can be.

Member Rondot states that the reason he is not in favor of the proposal is strictly on a Planning perspective and wanted to clarify that his decision is not based on having high density residential in that location of the City.

Councillor Marignani states that he is not in favor of this proposal due to its location being in an industrial park.

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 454**
THAT the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from “Industrial” to “Residential” **BE DENIED;** and

THAT the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED.**
Carried.

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:51pm.

(Chairperson)	Thom Hunt (Secretary)