CITY OF WINDSOR MINUTES 07/04/2023

Development & Heritage Standing Committee Meeting

Date: Tuesday, July 04, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour
Member Daniel Grenier
Member John Miller
Member Charles Pidgeon
Member Robert Polewski
Member Khassan Saka
Member William Tape

Members Regrets
Member Jospeh Fratangeli

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:
Sandra Gebauer – Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Chris Nepszy – Commissioner, Infrastructure Services
Joe Baker – Senior Economic Development Officer
Greg Atkinson – Acting City Planner
Rob Vani – Manager Inspections / Deputy Chief Building Official
Micheal Cooke – Manager, Planning Policy
Stacey McGuire- Manager Development

Kate Tracey – Senior Legal Counsel
Kevin Alexander, Planner II – Special Projects
Brian Nagata – Planner II – Development Review
Jim Abbs – Planner III – Subdivisions
Kristina Tang – Planner III – Heritage
Justina Nwaesei – Planner III – Subdivisions
Frank Garardo – Planner III – Policy and Special Studies
Shannon Mills – Technologist III
Clare Amicarelli – Transportation Planning Coordinator
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.1 Josh Burns, Development Manager, Fortis Group/applicant, available for questions
Item 7.1 Mary-Ann Keefner, representing the applicant, available for questions
Item 7.2 Ibram Sobhy, area resident
Item 7.3 Tracey Pillon-Abbs, Principal Planner, representing the applicant, available for questions
Item 7.3 Vijay Vasantgadkar, architect/agent, available for questions
Item 10.1 Gail Hargreaves, property owner, available for questions
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant
Item 11.5 Shane Potvin, owner/applicant, available for questions

Delegations—participating in Council Chambers

Item 7.2 Jackie Lassaline, Principal Planner, representing the applicant
Item 7.2 Gwyneth Edgley, area resident
Item 7.2 Giovanni (John) Miceli, applicant, available for questions
Item 11.3 Raman Gill & Aditya Soma, applicants, available for questions
Item 11.4 Caroline Taylor, Ward 2 resident

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 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 May 23, 2023 entitled "1982 Norman Road, St Jules School – Heritage Evaluation Report (Ward 8)" as he is the Senior Engineer for the project.

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 meeting minutes held June 5, 2023

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

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

Report Number: SCM 170/2023

10. *HERITAGE ACT* MATTERS

10.1. 1148 Victoria Avenue, Kathleen Henderson House - Heritage Permit & Community Heritage Fund Request (Ward 3)
Gail Hargreaves, property owner

Gail Hargreaves, property owner appears before the Development and Heritage Standing Committee via video conference regarding the Administrative report "1148 Victoria Avenue, Kathleen Henderson House – Heritage Permit & Community Heritage Fund Request (Ward 3)" and is available for questions.

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

Decision Number: **DHSC 522**

I. That a Heritage Permit at 1148 Victoria Ave, Kathleen Henderson House, **BE GRANTED** for reconstruction of the front porch.

II. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the restoration.

III. That a total grant of an upset amount of $5,000 from the Community Heritage Fund (Reserve Fund 157) for the cost of the reconstruction of the front porch, **BE GRANTED** to the Owner of the Kathleen Henderson House (Gail Hargreaves), at 1148 Victoria Ave, subject to:

a. Submission of drawings, 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 and the City Building Official for building code compliance;

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 76/2023
Clerk's File: MBA/4881

10.2. 1982 Norman Road, St Jules School – Heritage Evaluation Report (Ward 8)

Raymond Colautti, Solicitor for Olivia Homes/Applicant

Raymond Colautti, Solicitor for Olivia Homes/Applicant appears before the Development and Heritage Standing Committee via video conference regarding the Administrative report "1982 Norman Road, St Jules School – Heritage Evaluation Report" (Ward 8) and provides a brief summary of the owners position related to the application as well as some details related to a possible future development on this property. Mr. Colautti requests that the committee either do nothing or simply leave it on the Windsor Municipal Heritage Register. Mr. Colautti provides information related to his client being opposed to the Notice of Intention to Designate in accordance with the *Ontario Heritage Act* due to previous additions to the property that are causing some concern and may require a demolition permit which would be difficult to obtain if the property is designated.

Councillor Francis inquires whether designating the property would put the development in jeopardy. Mr. Colautti responds yes.

Councillor Kieran McKenzie, inquires about the additions completed in the 1960's as it relates to the administrative report. Mr. Colautti provides details about the structure, which changes the characteristic of the building which is in contravention to what the Heritage Planner thinks and in his opinion negates the Heritage value of the property.

Councillor Kieran Mckenzie inquires whether Mr. Colautti's client was aware of his property being on the Heritage Register when he purchased it. Mr. Colautti indicates that his client was aware of it. Mr. Colautti provides details related to ongoing concerns with vandalism and security of the property.

Member John Miller expresses concern related to the potential demolition of the building if it isn't designated and the probability of demolition. Mr. Colautti indicates that the process to demolish the building has to be followed prior to any demolition being issued which would protect the building.

Councillor Kieran McKenzie inquires when the property was listed on the Heritage register and when it was purchased by Mr. Colautti's client. Kristina Tang, Heritage Planner appears before the Development and Heritage Standing Committee regarding the Administrative report "1982 Norman Road, St Jules School – Heritage Evaluation Report" (Ward 8) and indicates the property was added to the list on June 4, 2013 and the planning department was contacted by the new owner in the Fall of 2019. Ms. Tang indicates that the Catholic School Board knew the property was listed on the register.

Councillor Kieran McKenzie inquires about what impact the other parts of the property have that are not on the registered list. Ms. Tang indicates through the Heritage Listed property development review process, currently, the whole parcel is reviewed. The Heritage Planner has oversight of new construction and re-development details related to adaptive re-use are provided.

Councillor Kieran McKenzie, requests clarification related to the administrative recommendations and the 2 options. Administration provides next steps related to the process.. Ms. Tang indicates that related to Bill 23 the property will be removed from the Heritage register if there is no designation by January 2025. Administration indicates they have been open and receptive to development, although they haven't seen an application. The school continues to deteriorate and may lose the potential for restoration. There are ways that development at a school can support the heritage impact summary.

Councillor Jim Morrison inquires about how many properties are currently listed on the heritage register. Ms. Tang indicates that there are 884 properties on the heritage register. Ms. Tang indicated as per Bill 23, the City will have until Jan 1, 2025 to make decisions related to properties on the heritage register and whether to designate them or remove them.

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

Decision Number: **DHSC 523**

I. That the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the St Jules School, at 1982 Norman Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'; and,

II. That City Legal staff **PREPARE** the By-law for Council to designate the property.

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

Report Number: S 37/2023
Clerk's File: MBA/14604

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:57 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:01 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF (*Planning Act* Matters*)*

None disclosed.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the June 5, 2023 Development & Heritage Standing Committee (*Planning Act* Matters*)*

Moved by: Member Anthony Arbour
Seconded by: Member Daniel Grenier

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

Report Number: SCM 180/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Item 7.2

7. *PLANNING ACT* MATTERS

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* –CDM 005-23 [CDM-7029] 2481939 Ontario Inc. 3817 Howard Ave Ward 9

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

Decision Number: **DHSC 519**
That the application of 2481939 Ontario Inc. for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 78 dwelling units and 6 commercial unit and 14 parking units, as shown on the attached Map No. CDM-005/23-1 and CDM-005/23-2 on a parcel legally described as; Part of Lot 85, Concession 3, Lot 28 and Part of Lot 29, Plan 1431; Part 2, 12R-29025 located at 3817 Howard Ave **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 72/2023
Clerk's File: Z/14590

7.2. Zoning By-law Amendment Application for the property at the southwest corner of Tecumseh Road West and Mark Avenue; Applicant: 2832765 Ontario Inc.; File No. Z-036/2022, ZNG/6897; Ward 10.

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

Decision Number: **DHSC 520**

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Tecumseh Road West and Mark Avenue, described as Lots 131 and 132, Registered Plan 1342 [PIN 01208-0145 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"474 SOUTHWEST CORNER OF TECUMSEH ROAD WEST AND MARK AVENUE

For the land comprising Lots 131 and 132, Registered Plan 1342 [PIN 01208-0145 LT], a *Multiple Dwelling with 11 or more dwelling units* shall be an additional permitted use and the following shall apply:

1. The provisions in section 15.2.5, save and except for sections 15.2.5.10 and 15.2.5.15
2. Building setback from an exterior lot line abutting Tecumseh Road West – minimum 5.0 m
3. Parking Area separation from the south lot line – minimum 1.2 m (to be maintained as a *landscaped open space)*
4. Parking - per Dwelling Unit – minimum 1 parking space per unit
5. Parking is prohibited in any front yard

[ZDM 4; ZNG/6897]"

II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:

a) Sanitary Sampling Manhole;
b) Corner Cut-Off - 4.6 m x 4.6 m (15' x 15') corner cut-off required at the intersection of Tecumseh Road West and Mark Avenue per City of Windsor Standard;
c) Land Conveyance – convey approximately 3.5 metres along the entire Tecumseh Road West frontage of the subject land for road widening;
d) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;
e) Curbs and Gutters – construct new concrete curb and gutter along the entire Mark Avenue frontage of the subject land;
f) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
g) Tree Survey to determine appropriate tree preservation for the site
h) Noise mitigation measures as recommended in a Noise Impact Study that will be submitted at the time of Site Plan Control application;

i) Railway Warning clause (s. 4.7.1.9 (d), South Cameron Planning Area, OP Vol. II);
j) Enbridge Gas minimum separation requirements;
k) Adequate clearance from existing ENWIN's pole lines and power lines;
l) Canada Post multi-unit policy; and
m) Record of Site Condition.

Carried.

Report Number: S 73/2023
Clerk's File: Z/14571

7.3. Z 015-22 [ZNG-6738] 2356976 Ontario Inc 0 & 845 Riverside E and 856 & 864 Chatham E

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

Decision Number: **DHSC 521**

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Plan 140 W PT lot 7, Plan 143 E PT lot 1, Plan 140 W PT Lot 7, Plan 143 E PT lot 12 (Roll No: 3739-030-050-00200-0000, 3739-030-050-00100-0000, 3739-030-040-09400-0000, 3739-030-050-01400-0000, 3739-030-040-08800-0000), situated on the north side of Chatham Street east, west of Parent Avenue and known municipally as 0 & 845 Riverside Drive East, and 856, & 864 Chatham Street East by adding a site specific exception to Section 20(1) as follows:

X. SOUTH SIDE OF RIVERSIDE DRIVE EAST, NORTH OF CHATHAM STREET EAST, BETWEEN PARENT AVENUE AND MARENTETTE AVENUE

For the lands comprising of Plan 140 W PT lot 7, Plan 143 E PT lot 1, Plan 140 W PT Lot 7, Plan 143 E PT lot 12; a *multiple dwelling* shall be an additional permitted use subject to the following provisions apply:

.1 Lot Area – minimum
a) for the first 19 dwelling units – 1825.0 square metres
b) for each additional dwelling unit- 45.0 square metres per unit

.2 Lot Frontage – minimum- 45.0 m

.3 Lot Coverage – maximum - 35.0 %

.4 Landscape Open Space Yard – minimum - 35% of the *lot area*

.5 Main Building Height – maximum – 20.0 m

.6 Building Setback:

a) *front yard depth*- from most northerly front lot line – minimum - 6.0m
b) *rear yard depth* - north limit of Chatham Street east right of way- minimum- 7.5 m
c) *side yard width*: minimum - 4.5 m

7. Parking:

a) *Parking spaces* – minimum - *1.1 per unit*
b) A *parking space* is prohibited in any *front* yard
c) *Parking spaces* shall be setback a minimum of 6.0 m from the most northerly front lot line abutting the Riverside Drive East right-of-way, and shall be screened from Riverside Drive East
d) Vehicular *access* from Riverside Drive East is prohibited
e) Indoor ground floor *amenity space* – minimum – 4.0 square metres per unit

II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

a) Provide an Energy Strategy as per the terms of reference from the Environmental and Sustainability Coordinator;

b) Provide a Tree Preservation and Landscaping Plan as per the comments of the Landscape Architect;

c) Noise warning clause(s) and other noise abatement measures identified in the Acoustical Study dated August 12, 2021;

d) Provide a design brief in accordance with the urban design chapter of the City of Windsor Official Plan as part of site plan control (pedestrian connectivity, enclosure of front facade); and,

e) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix F attached.

Carried.

Report Number: S 74/2023
Clerk's File: Z/14430

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:34 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:34 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 11.3, 11.4, 11.5

11. ADMINISTRATIVE ITEMS

11.3. Closure of east/west alley between Rockwell Avenue and Closed Woodland Avenue; east/west alley between Closed Woodland Avenue and Granada Avenue West, Ward 1, SAA-6921
Raman Gill & Aditya Soma, applicants

Raman Gill & Aditya Soma, applicants appear before the Development and Heritage Standing Committee regarding the Administrative report "Closure of the east/west alley between Rockwell Avenue and Closed Woodland Avenue; east/west alley between Closed Woodlan Avenue and Granada Avenue West, Ward 1, SAA-6921" and are available for questions.

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

Decision Number: **DHSC 526**

I. That the 4.27-metre-wide east/west alley located between Rockwell Avenue and Closed Woodland Avenue, and shown on Drawing No. CC-1825 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject west alley", **BE ASSUMED** for subsequent closure;

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

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

        i. Bell Canada to accommodate existing aerial facilities;
        ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V hydro pole distribution with guy and anchor; and
        iii. MNSi to accommodate existing aerial facilities.

III. That the 4.88-metre-wide east/west alley located between Closed Woodland Avenue and Granada Avenue West, and shown on Drawing No. CC-1825 (*attached* hereto as Appendix

"A"), and hereinafter referred to as the "subject east alley", **BE ASSUMED** for subsequent closure;

IV. That the subject east 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 utility infrastructure), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
   i. Bell Canada to accommodate existing aerial facilities;
   ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V hydro pole distribution with guy and anchor; 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.

V. That Conveyance Cost **BE SET** as follows:
c. 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.

VI. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1825, *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.

Carried.

Report Number: S 69/2023
Clerk's File: SAA2023

11.5. Main Street CIP/Ford City CIP Application,1000 Drouillard Road, Owner: SPOTVIN INC. (C/O: Shane Potvin)

Shane Potvin, owner/applicant appears via video conference before the Development and Heritage Standing Committee regarding the Administrative report "Main Street CIP/Ford City CIP Application, 1000 Drouillard Road, Owner: SPOTVIN INC. (C/O: Shane Potvin)" and is available for questions.

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

Decision Number: **DHSC 528**

I. **That** the request for incentives through the *Main Streets Community Improvement Plan* (*CIP*), *Building Facade Improvement Program* made by Spotvin Inc. (c/o: Shane Potvin) , owner of the property located at 1000 Drouillard Road **BE APPROVED** for grants totalling +/-$5,367.50 in principle for the supply and installation of a projecting wall sign (see Appendix 'B') subject to completion and review satisfactory to the City Planner, Chief Building Official, and Manager of Right-of-Way;

II. **That** request for incentives under the *Ford City Community Improvement Plan (CIP), Municipal Development Fees Grant Program* made by Spotvin Inc., (c/o Shane Potvin), owner of the property located at 1000 Drouillard Road **BE APPROVED**, for grants totalling +/- $3,247.85 for costs related to the installation of the a projecting wall sign, subject to completion and review satisfactory to the City Planner, Chief Building Official, and Manager of Right-of-Way;

III. **That** funds in the amount of +/-$5,367.50 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 +/- $3,247.85 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 Spotvin Inc., (c/o Shane Potvin), upon completion and installation of a projecting sign located at 1000 Drouillard Road from the *Main Streets CIP* Fund (Project #7219018) and *Ford City CIP* Fund (Project #7181046) to the satisfaction of the City Planner, Chief Building Official and Manager of Right-of-Way;

VI. **That** the annual Encroachment Fee of $25.00 and Annual Inspection Fee of $68.00 identified in Encroachment Policy M67-2015 **BE WAIVED** for the projecting wall sign located at the corner of 1000 Drouillard Road; and

VII. **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 77/2023
Clerk's File:Z/13002

11.4. Riverside Drive Streetscape Standards Manual, Spans Wards 2 through 7.

Caroline Taylor, Ward 2 resident

Caroline Taylor, Ward 2 resident appears before the Development and Heritage Standing Committee regarding the Administrative report "Riverside Drive Streetscape Standards Manual, Spans Ward 2 through 7" and urges Council to consider reducing Riverside Drive to 2 lanes, to allow safer pedestrian crossing from Devonshire to Caron. Ms. Taylor expresses concern with the narrow sidewalk on the South Side of Riverside Drive with no barrier; and concludes by suggesting that separated bike lanes and a turning lane in the middle will allow traffic to move slowly and smoothly; bike racks should be mounted closer to the buildings and benches should be facing the road way.

Councillor Fred Francis indicates that benches are situated facing away from the street so that when people stand up they likely won't stumble into traffic. Kevin Alexander, Senior Planner, Special Projects appears before the Development & Heritage Standing Committee regarding the administrative report "Riverside Drive Streetscape Standards Manual, Spans Wards 2 through 7, and indicates that every location is reviewed on a case by case basis, related to the public's safety.

Councillor Kieran McKenzie inquires about traffic calming. Mr. Alexander indicates there is an opportunity for traffic calming, there will be nodes and special activities areas with pedestrian crossings, raised tables, intersection lights, different landscape elements, lanes narrowing and bike lanes which will create a visual impact and alert drivers.

Councillor Kieran McKenzie inquires about the challenging areas to cross the street. Mr. Alexander indicates there will be more pedestrian crossings and extra traffic lights which will make it easier and safer for people to drive and walk through the area. Mr. Alexander indicates that each phase will be brought forward with different implementation plans related to budgeting.

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

Decision Number: DHSC 527

I. **That** the Riverside Drive Streetscape Standards Manual identified in Appendix 'A' **BE ADOPTED** as the minimum design standard to consistently implement the *Riverside Drive Vista Improvement Streetscape Guidelines* identified through the Riverside Drive Vista Improvement Project Environmental Assessment (E.A.) and future phases of the Riverside Drive Vista Improvements.

Carried.

Report Number: S 67/2023
Clerk's File: SR2023

11.1. Municipal Sewer Servicing Charges for Residential Properties - Septic System Changeover - City Wide

Councillor Kieran McKenzie inquires about the Baseline LIP project being development driven and part of the official plan, and the St. Patrick's potential development on a different scale and whether there is a prioritization. Stacey McGuire, Manager of Development appears before the Development and Heritage Standing Committee regarding the Administrative report Municipal sewer Servicing Charges for Residential Properties-Septic system Changeover-City Wide" and indicates that the administrative report provides another option where the LIP is not appropriate, when development is driving it, there is a disadvantage with no LIP policies, or special payment options, this report provides for a level playing field while moving development forward.

Councillor Kieran McKenzie inquires about the size of a development. Ms. McGuire indicates that it isn't a scale or size and that any development would precipitate this, as soon as it affects other properties the policy will kick in.

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

Decision Number: **DHSC 524**

I. That Council **APPROVE** the extension of the local improvement charges flat rate, private drain connection flat rate and local improvement payment terms for the construction of sanitary sewers and private drain connections to those properties that:

   A. Are zoned residential for single unit, duplex or semi-detached dwellings only; and,
   B. Contain an existing dwelling currently on private septic system and not connected to a municipal sanitary sewer; and,
   C. Have a municipal mainline sanitary sewer within 30m of any property abutting a municipal right-of-way; and,

II. That Council **APPROVE** the extension of local improvement charges flat rate, private drain connection flat rate and local improvement payment terms for the construction of storm sewers and private drain connections for those properties that qualify under Recommendation I above, when the property owner connects to the municipal storm sewer if one is available plus interest at a rate deemed appropriate by administration applied from the date the storm mainline sewer was substantially completed; and,

III. That property owners qualifying under Recommendation I above with permits issued by the City for septic systems less than 10 years old **BE GRANTED** either three (3) years to connect to the available sanitary sewer system once it is made available or the difference between the age of their septic system and ten (10) years, whichever is greater; and,

IV. That Council **APPROVE** the use of the private local improvement process in Part III of O. Reg. 586/06 under the *Municipal Act*, for property owners qualifying under Recommendation

I above for the cost of the work related to the decommissioning of septic systems and construction of sanitary private drain connections on private property, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign agreements, with property owners that consent to their lots being specially charged to raise which agreement shall be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer; and,

V. That for property owners qualifying under Recommendation I above, Council **PASS** by-laws as required for the decommissioning of septic systems and construction of sanitary private drain connections on private property as a local improvement in accordance with Part III of O. Reg. 586/06 under the *Municipal Act*, for a period of up to 20 years and at an interest rate deemed appropriate by Administration; and,

VI. That Administration **BE DIRECTED** to prepare the appropriate by-laws and policies to effect the recommendations above.

Carried.

Report Number: S 78/2023
Clerk's File: SL2023

11.2. Closure of east/west alley between closed Fifth Street R.O.W. and E. C. Row Expressway westbound onramp; Closure of Hudson Avenue R.O.W. between 4505 Fourth Street and E. C. Row Expressway westbound onramp; Amend Alley Closing By-law 10354, Ward 2, SAA-6688

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

Decision Number: **DHSC 525**

I. That the 4.57-metre-wide east/west alley located between the closed Fifth Street right-of-way and E. C. Row Expressway westbound onramp at Huron Church Road, shown on Drawing No. CC-1831 (*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 owner of the property known municipally as 0 Hudson Avenue (legally described as Lots 94 & 95, Plan 1154) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following;

a. Location survey to determine if existing City of Windsor underground street light conductor is situated within the subject alley; and
b. Relocation of City of Windsor underground street light conductor from the subject alley if deemed necessary by EnWin Utilities Ltd.

III. That the 20.12-metre-wide Hudson Avenue right-of-way located between the property known municipally as 4505 Fourth Street (P.I.N. No. 01262-1533) and E. C. Row Expressway westbound onramp at Huron Church Road, shown on Drawing No. CC-1831 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject right-of-way", **BE ASSUMED** for subsequent closure;

IV. That the subject right-of-way **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 0 Hudson Avenue (legally described as Lots 94 & 95, Plan 1154) and as necessary, in a manner deemed appropriate by the City Planner;

V. That Conveyance Cost **BE SET** as follows:

a. For right-of-way and alley abutting lands zoned MD1.4, $7.00 per square foot without easements plus HST (if applicable), and $3.50 per square foot with easements plus HST (if applicable). Survey cost and deed preparation cost included.

VI. That Alley Closing By-law 10354, adopted on July 16, 1990, and registered on title on July 24, 1990 as Registration No. R1135300 **BE AMENDED** as follows:

By **DELETING** the following wording under section 2. to the By-law:

That each of the owners whose lands abut upon lands described herein shall have the right to purchase, at a price of $1.00 per square foot, that part thereof upon which his land abuts to the middle line of such closed up and stopped up part; provided, however, that any such owner shall notify the Clerk of The Corporation of the City of Windsor, in writing, of his intention to exercise his right to purchase by not later than July 27, 1990, provided that, if such owner does not exercise his right to purchase on or before such date, the Council may sell the part that he has the right to purchase to any other person at the same or a greater price, as the Council shall see fit.

And **INSERTING:**

That Conveyance Cost **BE SET** as follows:

a. For alley abutting lands zoned MD1.4, $7.00 per square foot without easements plus HST (if applicable), and $3.50 per square foot with easements plus HST (if applicable). Survey cost and deed preparation cost included.

VII. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1831, *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.

Carried.

Report Number: S 66/2023
Clerk's File: SAA2023

12. COMMITTEE MATTERS

12.1. Minutes of the Property Standards Committee of its meeting held May 2, 2023

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

Decision Number: **DHSC 529**
That the minutes of the Property Standards Committee of its meeting held May 2, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 161/2023

12.2. Minutes of the International Relations Committee of its meeting held May 10, 2023

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

Decision Number: **DHSC 530**
That the minutes of the International Relations Committee of its meeting held May 10, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 169/2023

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:55 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, July 04, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour
Member Daniel Grenier
Member John Miller
Member Charles Pidgeon
Member Robert Polewski
Member Khassan Saka
Member William Tape

Members Regrets
Member Jospeh Fratangeli

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:
Sandra Gebauer – Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Chris Nepszy – Commissioner, Infrastructure Services
Joe Baker – Senior Economic Development Officer
Greg Atkinson – Acting City Planner
Rob Vani – Manager Inspections / Deputy Chief Building Official
Micheal Cooke – Manager, Planning Policy
Stacey McGuire- Manager Development

Kate Tracey – Senior Legal Counsel
Kevin Alexander, Planner II – Special Projects
Brian Nagata – Planner II – Development Review
Jim Abbs – Planner III – Subdivisions
Kristina Tang – Planner III – Heritage
Justina Nwaesei – Planner III – Subdivisions
Frank Garardo – Planner III – Policy and Special Studies
Shannon Mills – Technologist III
Clare Amicarelli – Transportation Planning Coordinator
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.1 Josh Burns, Development Manager, Fortis Group/applicant, available for questions
Item 7.1 Mary-Ann Keefner, representing the applicant, available for questions
Item 7.2 Ibram Sobhy, area resident
Item 7.3 Tracey Pillon-Abbs, Principal Planner, representing the applicant, available for questions
Item 7.3 Vijay Vasantgadkar, architect/agent, available for questions
Item 10.1 Gail Hargreaves, property owner, available for questions
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant
Item 11.5 Shane Potvin, owner/applicant, available for questions

Delegations—participating in Council Chambers

Item 7.2 Jackie Lassaline, Principal Planner, representing the applicant
Item 7.2 Gwyneth Edgley, area resident
Item 7.2 Giovanni (John) Miceli, applicant, available for questions
Item 11.3 Raman Gill & Aditya Soma, applicants, available for questions
Item 11.4 Caroline Taylor, Ward 2 resident

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 5:01 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF (*Planning Act* Matters*)*

None disclosed.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the June 5, 2023 Development & Heritage Standing Committee (*Planning Act* Matters*)*

Moved by: Member Anthony Arbour
Seconded by: Member Daniel Grenier

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

Report Number: SCM 180/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Item 7.2

7. *PLANNING ACT* MATTERS

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* –CDM 005-23 [CDM-7029] 2481939 Ontario Inc. 3817 Howard Ave Ward 9

Jim Abbs, Planner (author) is available for questions.

Josh Hurley-Burns, Applicant is available for questions.

Mary-Ann Keefner, Agent is available for questions.

Councillor Marignani asks if there will be charging stations available for vehicles. Mr. Hurley-Burns answers that there will not be any charging stations available for the on surface parking however, the parking garages will have the equipment for installation of charging stations.

Councillor Kieran Mackenzie asks if the Applicant would consider planting trees to the north side of the property for additional privacy. Mr. Hurley-Burns answers that they would consider planting more trees for privacy purposes.

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

Decision Number: **DHSC 519**

That the application of 2481939 Ontario Inc. for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 78 dwelling units and 6 commercial unit and 14 parking units, as shown on the attached Map No. CDM-005/23-1 and CDM-005/23-2 on a parcel legally described as; Part of Lot 85, Concession 3, Lot 28 and Part of Lot 29, Plan 1431; Part 2, 12R-29025 located at 3817 Howard Ave **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 72/2023
Clerk's File: Z/14590

7.2. Zoning By-law Amendment Application for the property at the southwest corner of Tecumseh Road West and Mark Avenue; Applicant: 2832765 Ontario Inc.; File No. Z-036/2022, ZNG/6897; Ward 10.

Justina Nwaesei, Planner (author) presents item.

Jackie Lassaline, Agent (Lassaline Planning Consultants) present item.

Giovanni Micheli, Applicant is available for questions.

Ibram Sobby, 1431 Mark Avenue (area resident) has concerns with parking, noise pollution and height of the proposal.

Gwenyth Edgley, Mark Avenue (area resident) has concerns with the height of the development, parking and garbage disposals.

Councillor Marignani asks if the development will have charging stations. Mr. Micheli confirms that the development will have 2 charging stations.

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

Decision Number: **DHSC 520**

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Tecumseh Road West and Mark Avenue, described as Lots 131 and 132, Registered Plan 1342 [PIN 01208-0145 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"474 SOUTHWEST CORNER OF TECUMSEH ROAD WEST AND MARK AVENUE

For the land comprising Lots 131 and 132, Registered Plan 1342 [PIN 01208-0145 LT], a *Multiple Dwelling with 11 or more dwelling units* shall be an additional permitted use and the following shall apply:

1. The provisions in section 15.2.5, save and except for sections 15.2.5.10 and 15.2.5.15
2. Building setback from an exterior lot line

   abutting Tecumseh Road West – minimum 5.0 m
3. Parking Area separation from the south lot line – minimum 1.2 m (to be maintained as a *landscaped open space)*
4. Parking - per Dwelling Unit – minimum 1 parking space per unit
5. Parking is prohibited in any front yard

[ZDM 4; ZNG/6897]"

II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:

a) Sanitary Sampling Manhole;

b) Corner Cut-Off - 4.6 m x 4.6 m (15' x 15') corner cut-off required at the intersection of Tecumseh Road West and Mark Avenue per City of Windsor Standard;

c) Land Conveyance – convey approximately 3.5 metres along the entire Tecumseh Road West frontage of the subject land for road widening;

d) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;

e) Curbs and Gutters – construct new concrete curb and gutter along the entire Mark Avenue frontage of the subject land;

f) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;

g) Tree Survey to determine appropriate tree preservation for the site

h) Noise mitigation measures as recommended in a Noise Impact Study that will be submitted at the time of Site Plan Control application;

i) Railway Warning clause (s. 4.7.1.9 (d), South Cameron Planning Area, OP Vol. II);

j) Enbridge Gas minimum separation requirements;

k) Adequate clearance from existing ENWIN's pole lines and power lines;

l) Canada Post multi-unit policy; and

m) Record of Site Condition.

Carried.

Report Number: S 73/2023
Clerk's File: Z/14571

7.3. Z 015-22 [ZNG-6738] 2356976 Ontario Inc 0 & 845 Riverside E and 856 & 864 Chatham E

Frank Garardo, Planner (author) is available for questions.

Tracy Pillon-Abbs, Agent (Pillon-Abbs Inc.) is available for questions.

Vijay Vasantgadkar, Agent is available for questions.

Councilor Marigani asks if there will be charging stations available. Ms. Pillon-Abbs answers that it will be taken into consideration during the Site Plan Control process.

Councillor Kieran Mackenzie asks if there will be bike parking on site. Ms. Pillon-Abbs answers that there will be four spaces provided as well as additional spaces inside the building.

Councillor Kieran Mackenzie asks Administration how the capacity is reviewed to ensure it is sufficient for the development. Mr. Garardo answers that Planning reviews the lot coverage. Ms. McGuire adds that the application is reviewed to ensure capacity and more in detail at the Site Plan Control stage.

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

Decision Number: **DHSC 521**

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Plan 140 W PT lot 7, Plan 143 E PT lot 1, Plan 140 W PT Lot 7, Plan 143 E PT lot 12 (Roll No: 3739-030-050-00200-0000, 3739-030-050-00100-0000, 3739-030-040-09400-0000, 3739-030-050-01400-0000, 3739-030-040-08800-0000), situated on the north side of Chatham Street east, west of Parent Avenue and known municipally as 0 & 845 Riverside Drive East, and 856, & 864 Chatham Street East by adding a site specific exception to Section 20(1) as follows:

X. SOUTH SIDE OF RIVERSIDE DRIVE EAST, NORTH OF CHATHAM STREET EAST, BETWEEN PARENT AVENUE AND MARENTETTE AVENUE

For the lands comprising of Plan 140 W PT lot 7, Plan 143 E PT lot 1, Plan 140 W PT Lot 7, Plan 143 E PT lot 12; a *multiple dwelling* shall be an additional permitted use subject to the following provisions apply:

.1 Lot Area – minimum
a) for the first 19 dwelling units – 1825.0 square metres
b) for each additional dwelling unit- 45.0 square metres per unit

.2 Lot Frontage – minimum- 45.0 m

.3 Lot Coverage – maximum - 35.0 %

.4 Landscape Open Space Yard – minimum - 35% of the *lot area*

.5 Main Building Height – maximum – 20.0 m

.6 Building Setback:
a) *front yard depth*- from most northerly front lot line – minimum - 6.0m
b) *rear yard depth* - north limit of Chatham Street east right of way- minimum- 7.5 m
c) *side yard width*: minimum - 4.5 m

7. Parking:
a) *Parking spaces* – minimum - *1.1 per unit*
b) A *parking space* is prohibited in any *front* yard
c) *Parking spaces* shall be setback a minimum of 6.0 m from the most northerly front lot line abutting the Riverside Drive East right-of-way, and shall be screened from Riverside Drive East
d) Vehicular *access* from Riverside Drive East is prohibited
e) Indoor ground floor *amenity space* – minimum – 4.0 square metres per unit

II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

a) Provide an Energy Strategy as per the terms of reference from the Environmental and Sustainability Coordinator;

b) Provide a Tree Preservation and Landscaping Plan as per the comments of the Landscape Architect;

c) Noise warning clause(s) and other noise abatement measures identified in the Acoustical Study dated August 12, 2021;

d) Provide a design brief in accordance with the urban design chapter of the City of Windsor Official Plan as part of site plan control (pedestrian connectivity, enclosure of front facade); and,

e) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix F attached.

Carried.

Report Number: S 74/2023
Clerk's File: Z/14430

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:35 o'clock p.m.

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