CITY OF WINDSOR MINUTES 06/05/2023

Development & Heritage Standing Committee Meeting Minutes

Date: Monday, June 05, 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 Keiran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour
Member Daniel Grenier
Member Charles Pidgeon
Member Robert Polewski
Member William Tape

Members Regrets
Member Khassan Saka
Member John Miller

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:

Member Joseph Fratangeli
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Kevin Alexander, Planner II – Special Projects

Neil Robertson – Manager Urban Design/ Deputy City Planner
Adam Szymczak – Planner III – Zoning
Brian Nagata – Planner II – Development Review
Jim Abbs – Planner III – Subdivisions
Greg Atkinson – Planner III – Economic Development
Justina Nwaesei – Planner III – Subdivisions
Frank Garardo – Planner III – Policy and Special Studies
Rob Perissinotti – Development Engineer
Shannon Deehan – Transportation Planning Coordinator
Tracy Tang - Planner II – Revitalization & Policy Initiatives
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.2 Bassem Mazloum, area resident
Item 7.2 Jacky Ng, Project & Architectural Designer, Avant Group Inc.
Item 7.6 Tracey Pillon-Abbs, Principal Planner, representing the applicant

Delegations—participating in Council Chambers

Item 7.2 Bruce Sheardown, area resident
Item 7.2 Michael Chen, area resident
Item 7.2 Justine Nakigozi, area resident
Item 7.2 Mrs. Antonia Laberi, area resident
Item 7.2 Mr. Laberi, area resident
Item 7.5 Amy Farkas, Planner, Dillion Consulting Limitied
Item 7.5 Theresa O'Neill, Planner, Dillion Consulting Limited
Item 10.1 Micheal Schmidlin, Owner/applicant

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

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 held March 6, 2023

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

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

Report Number: SCM 90/2023

8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held April 5, 2023

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

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

Report Number: SCM 127/2023

8.3. May 1, 2023 Development & Heritage Standing Committee minutes

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

That the minutes of the Development & Heritage Standing Committee meeting held May 1, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 136/2023

10. HERITAGE ACT MATTERS

10.1. 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4)

Michael Schmidlin, Owner/applicant

Michael Schmidlin, Owner/applicant appears before the Development and Heritage Standing Committee Meeting regarding the administrative report “793 Devonshire Road, Bell-Coulter House-Heritage Permit & Community Heritage Fund Request (Ward 4)”and is available for questions.

Councillor Kieran McKenzie inquires about the financial matters in the administrative report and the loan component. Tracy Tang, Planner II-Revitalization & Policy Initiatives appears before the Development & Heritage Standing Committee Meeting regarding the administrative report “793 Devonshire Road, Bell-Coulter House-Heritage Permit & Community Heritage Fund Request (Ward 4)” and provides the rational related to the grant component request by the applicant, being 28% instead of the suggested 15% including, inflation costs, increase in material, labour costs increasing, and heritage specialized trades persons shortage. Ms. Tang indicates when all those factors were reviewed with the request, administration recommends approval of the increased amount.

Councillor Kieran McKenzie inquires whether administration is considering formal direction around the thresholds, due to the outlined circumstances and whether updated guidelines are required. Ms. Tang indicates that discussions with Heritage planning staff and management are taking place, reviewing the existing Heritage guidelines and procedures.

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

Decision Number: **DHSC 514**

I. That a Heritage Permit at 793 Devonshire Rd, Bell-Coulter House, **BE GRANTED** for restoration of the chimneys and eavestroughs system.

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 28% of the cost of the chimney repairs and eavestroughs system repairs, to an upset amount of $15,924 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Bell-Coulter House, at 793 Devonshire Rd, subject to:

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

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

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

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

Carried.

Report Number: S 63/2023
Clerk's File: MBA/12592

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:35 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:37 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

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

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

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

Report Number: SCM 128/2023

5.2. May 1, 2023 Development & Heritage Standing Committee Minutes (*Planning Act Matters*)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held May 1, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 148/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Items 7.2, 7.5, 7.6

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS (*PLANNING ACT* MATTERS)

7.1. Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

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

That the report of the Senior Planner, Subdivisions dated May 12, 2023 entitled "Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3" **BE DEFERRED** to the August 1, 2023 Development and Heritage Standing Committee meeting to allow for the applicant to review some of the conditions.
Carried.

Report Number: S 62/2023
Clerk's File: Z/14543

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

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

That the report of the Planner II – Development Review dated May 2, 2023 entitled "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" **BE DEFERRED** to the August 1, 2023 Development & Heritage Standing Committee Meeting to allow for Administration to provide information related to costs for sewer infrastructure that will be required for the proposed development and the costing options that will be available for surrounding residents, as well as issues related to costing for permit parking if required.
Carried.

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

7. *PLANNING ACT* MATTERS

7.3. Zoning Z42-22 [ZNG/6937} - 1155 California Ave Ward 2

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

Decision Number: **DHSC 510**

I. That Zoning By-law 8600 **BE AMENDED** for Plan 1120 N PT Lot 76; S PT Lot 77 (known municipally as 1155 California Avenue); by adding a site-specific exception to Section 20(1) as follows:

4x**x.** **WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Lot Width – minimum	12.0 m
b) Lot Area – minimum	398.0 m2

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.
[ZDM4; ZNG/6937]
Carried.

Report Number: S 54/2023
Clerk's File: Z/14573

7.4. Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z16-23

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

Decision Number: **DHSC 511**

I. That Official Plan Amendment No. 172 as shown in Appendix A regarding a housekeeping amendment on new policies authorizing the use of additional dwelling units **BE ADOPTED**; and,

II. That a housekeeping amendment to Zoning By-law 8600 as shown in Appendix B implementing additional dwelling units **BE PASSED;** and,

III. That a housekeeping amendment to Zoning By-Law 85-18 as shown in Appendix C implementing additional dwelling units **BE PASSED**;

Carried.

Report Number: S 64/2023
Clerk's File: ZO/13740 & ZB/13739

7.5. Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458 Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7

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

Decision Number: **DHSC 512**

I That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 1 in Figure 5: Areas to be rezoned from Residential District (RD) 1.1 to Residential District (HRD) 2.3;

II That a Hold provision **BE APPLIED** to Lands Identified as Part 1 in Figure 5: Areas to be rezoned and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;

III That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned by adding site specific regulations as follow:

4XX. **South West Corner Clover Avenue & Wyandotte Street**
For the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,
Lot Coverage – Maximum 50%
(ZDM 14; ZNG/7000)

IV That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 2 in Figure 5: Areas to be rezoned from Development Reserve District (DRD) 1.1 to Green District (GD) 1.1;

Carried.

Report Number: S 65/2023
Clerk's File: Z/14572

7.6. OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street - OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2

Moved by: Member Anthony Arbour
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 513**

1. That Schedule "D" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designation of Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from "Business Park" to "Residential".

2. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 13, E/S Russell St, Registered Plan 40 Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from Manufacturing District 1.4 (MD1.4) to Residential District 3.3 (RD3.3) and by adding a site specific exception to Section 20(1) as follows:

471. **CORNER OF RUSSELL STREET, CHIPPAWA STREET AND WILKINSON LANE**

For the lands comprising of Lot 13, E/S Russell Street, Registered Plan 40, Town of Sandwich (PIN 01591-0155) the following shall apply:

1. A *townhome dwelling* is an additional permitted use and shall be subject to the additional provisions in paragraph a) below, the provisions in Section 11.2.5, and all other applicable provisions:
    a) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are required at time of building permit:
        i) Exterior building components shall meet the minimum Acoustic Insulation Factors in Tables 2 and 3 of the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers and dated November 22, 2022, subject to any revisions.
        ii) Installation of central air conditioning
2. For any permitted use in RD3.3, the following additional provisions shall apply:
    a) Notwithstanding Sections 12.3.5.4 and 21(3), *building height* as measured from Russell Street in excess of 4 *storeys* and *building height* as measured from Wilkinson Lane in excess of 3 *storeys* shall be prohibited. For the purpose of this provision, grade means the average elevation of the crown of That part of the street identified above and abutting the subject lot.
    b) *Parking spaces* forming part of a *parking area* shall be permitted in a *front yard* and are subject to the Parking Area Provisions in Section 25.

[ZDM 4; ZNG/6975]

3. That Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at the corner of Russell Street, Chippawa Street, and Wilkinson Lane, **BE CLASSIFIED** as a Class 4 area pursuant to MOECP Environmental Noise

Guideline Publication NPC-300; and, that the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to Windsor Port Authority (3190 Sandwich St), Lafarge Canada (3450 Russell St) and St. Mary's CBM Ready-Mix Plant (3510 Russell St).

4. That, when Site Plan Control is applicable:

A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.

B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:

i) Mitigation measures, including warning clauses, identified in the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers, dated November 22, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.

ii) Requirements of the City of Windsor – Engineering Department – Right-of-Way Division and City of Windsor – Transportation Planning contained in Appendix E of Report S 53/2023, subject to the approval of the City Engineer.

C. The Site Plan Approval Officer **CONSIDER** the comments from municipal departments and external agencies contained in Appendix E of Report S 53/2023.

Carried.

Report Number: S 53/2023
Clerk's File: Z/14559 & Z/14558

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:34 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:34 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4)

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

Decision Number: **DHSC 515**

I. That the request made by Fife Veterinary Professional Corp. on behalf of the property owner to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 816 Hanna Street East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $9,487.50 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. That the grant funds in the amount of $9,487.50 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

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

Report Number: S 51/2023
Clerk's File: Z2023

11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9)

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

Decision Number: **DHSC 516**

I. That the request made by Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3841, 3843, and 3847 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $12,875 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. That the grant funds in the amount of $12,875 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

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

Carried.

Report Number: S 60/2023
Clerk's File: SPL2023

11.3. Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947

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

Decision Number: **DHSC 517**

I. That CR58/2021, adopted on February 1, 2021, **BE AMENDED** as follows:
By **DELETING** the following wording under section IV to the council resolution:

IV. That the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the abutting property owners in equal halves along the centre line of the alley, and adjusted as necessary by the City Planner;

And **INSERTING:**

IV. That the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 884 Matthew Brady Boulevard (legally described as Part of Lot 48 & Part of Closed Alley, Plan 1181) 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. Owner of the property known municipally as 7720 St. Rose Avenue (legally described as Lot 50, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer; and

ii. Owner of the property known municipally as 7730 St. Rose Avenue (legally described as Lot 49, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

Carried.

Report Number: S 61/2023
Clerk's File: SAA2023

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

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

That the report of the Planner II – Development Review dated May 5, 2023 entitled "Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10, SAA-7025" **BE DEFERRED** to the August 1, 2023 Development & Heritage Standing Committee

meeting to coincide with the item related to "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10".
Carried.

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

11.5. Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc, (c/o David Ly)-Ward 2

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

Decision Number: **DHSC 518**

I. That the request for incentives under the Sandwich Incentive Program made by South Rustico Holdings Inc, (c/o David Ly), owner of the property located at 3150 Peter Street, **BE APPROVED** for the following programs when all work is complete:

   i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (**+/- $5,000**);

   ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-**$2,051** per year); and

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

III. That the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and South Rustico Holdings Inc, (c/o David Ly) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

IV. That funds in the maximum amount of **+/- $5,000** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;

V. That grants **BE PAID** to South Rustico Holdings Inc, (c/o David Ly) upon completion of the interior/exterior renovations including the addition of a new dwelling unit in an existing space

from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

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

Carried.

Report Number: S 55/2023
Clerk's File: SPL2023

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:37 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: Monday, June 05, 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 Keiran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour
Member Daniel Grenier
Member Charles Pidgeon
Member Robert Polewski
Member William Tape

Members Regrets
Member Khassan Saka
Member John Miller

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:

Member Joseph Fratangeli
Sandra Gebauer, Council Assister

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Kevin Alexander, Planner II – Special Projects

Neil Robertson – Manager Urban Design/ Deputy City Planner
Adam Szymczak – Planner III – Zoning
Brian Nagata – Planner II – Development Review
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Greg Atkinson – Planner III – Economic Development
Justina Nwaesei – Planner III – Subdivisions
Frank Garardo – Planner III – Policy and Special Studies
Rob Perissinotti – Development Engineer
Shannon Deehan – Transportation Planning Coordinator
Tracy Tang - Planner II – Revitalization & Policy Initiatives
Anna Ciacelli – Deputy City Clerk

Delegations—participating via video conference

Item 7.2 Bassem Mazloum, area resident
Item 7.2 Jacky Ng, Project & Architectural Designer, Avant Group Inc.
Item 7.6 Tracey Pillon-Abbs, Principal Planner, representing the applicant

Delegations—participating in Council Chambers

Item 7.2 Bruce Sheardown, area resident
Item 7.2 Michael Chen, area resident
Item 7.2 Justine Nakigozi, area resident
Item 7.2 Mrs. Antonia Laberi, area resident
Item 7.2 Mr. Laberi, area resident
Item 7.5 Amy Farkas, Planner, Dillion Consulting Limitied
Item 7.5 Theresa O'Neill, Planner, Dillion Consulting Limited
Item 10.1 Micheal Schmidlin, Owner/applicant

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

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 April 5, 2023 Development & Heritage Standing Committee (*Planning Act Matters*)

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

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

Report Number: SCM 128/2023

5.2. May 1, 2023 Development & Heritage Standing Committee Minutes (*Planning Act Matters*)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held May 1, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 148/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Items 7.2, 7.5, 7.6

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS (*PLANNING ACT* MATTERS)

7.1. Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

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

That the report of the Senior Planner, Subdivisions dated May 12, 2023 entitled “Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3” **BE DEFERRED** to the August 1, 2023 Development and Heritage Standing Committee meeting to allow for the applicant to review some of the conditions.
Carried.

Report Number: S 62/2023
Clerk’s File: Z/14543

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

Brian Nagata, Planner (author) presents item.

Bassem Mazloum (area resident) – 1598 Rankin Avenue – has concerns with the cost for the mandatory sanitary sewer connection and alleyway being purchased.

Bruce Sheardown (area resident) – 1469 Askin Avenue – has various concerns like; with the possibility of the development becoming a lodging house, parking shortage, the possibility of flooding. Mr. Sheardown presents a signed petition from neighbors who are not in favour of the development.

Michael Chen (area resident) – 1429 St. Patrick's Avenue – Has various concerns like; the cost for the mandatory sanitary sewer connection, the possibility of sewer backups due to the age and size of the sewers, the density of the development, parking shortages and noise pollution.

Justine Nakigozi (area resident) – 1450 St. Patrick's Ave. – has concerns with the density being too high for the neighborhood, safety and the maintenance of the development.

Lorenzo Lombardi (area resident) – 1665 Partington – has concerns with the quality of life for the current residents and value of the neighborhood

Antonia Laberi (area resident) – 1665 Partington – has concerns with the cost of the mandatory sanitary sewer connection and the possibility of the development becoming a lodging house.

Jacky Ng (architect) – Avant Group – is available for questions.

Councilor Francis asks Mr. Ng if there is updated floor plan that was presented to the City of Windsor. Mr. Ng answers that an updated floor plan will be submitted within two weeks.

Councilor Francis asks Mr. Ng how many bedrooms there will be in the 2 semi-detached dwellings. Mr. Ng answers that the first floor with have 2 bedrooms and a bonus room above the garage.

Councilor Francis asks if there will be a total of 3 bedrooms in each semi-detached. Mr. Ng confirms.

Councilor Francis asks Administration to provide more information on the cost of the sanitary sewer connection. Mr. Perissinotti answers that they do not have a cost assessment at this time.

Councilor Marignani asks Mr. Ng if the basement will have its own entrance. Mr. Ng confirms that it will.

Councilor Kieran Mackenzie asks Mr. Perissinotti if the mandatory sanitary sewer connection will have a 1 year payment period for the residents. Mr. Perissinotti answers that according to Property Standards By-law 9-2019 the residents have 1 year to connect to the sanitary sewer and pay but they are looking into making a change to the policy. The Policy will be similar to another development on Northway Ave. which will allow the same policies as a local improvement. Mr. Perissinotti explains that this would make it much more beneficial to the resident's. This has not yet been approved by Council.

Councilor Kieran Mackenzie asks Mr. Ng for the total number of bedrooms that are being purposed. Mr. Ng answers that each unit would have 3 bedrooms.

Councilor Kieran Mackenzie asks Administration if they are confident in the analysis that has been provided regarding sewer capacity. Mr. Perissinotti answers that they are comfortable with what was provided but the final details have not been confirmed at this time.

Councilor Kieran Mackenzie asks about the building height. Mr. Nagata answers that the maximum building height provisions under the Residential District 1.2 (RD1.2) zoning district were recently reduced from 10m to 9m. Mr. Nagata adds that the applicant is not requesting an increase to the maximum building height provision under the RD1.2 zoning. Mr. Nagata lastly notes that the other properties on the block are also within the RD1.2 zoning district.

Councilor Kieran Mackenzie asks Mr. Nagata if purchasing the alley is a requirement in order for the buildings to be developed. Mr. Nagata answers that the Applicant requested a larger building area through a reduction in the minimum rear yard depth provision under the RD1.2 zoning, which Administration was not in support of. Mr. Nagata adds that the Applicants have made a concurrent application to close the alley for the purchase of achieving a larger building area. If they do not obtain the alley way they will have to scale back their building lot area.

Councilor Kieran Mackenzie asks if the parking that is being purposed is sufficient for the development. Ms. Amicarelli answers that the parking complies with the Zoning By-Law 8600 they require 8 spaces and are proposing 8 spaces. An option could be Residential Permit parking or request through the parking change policy where they can put limitations on the parking signs. These options could alleviate any issues with overflow parking.

Member Arbour asks how many residents will potentially have to connect into the sanitary sewer. Mr. Nagata answers that this will affect 6 possibly 7 properties. Mr. Arbour asks what the cost will be for the property owners. Mr. Perissinotti answers that they have not yet received a cost estimate from the developer.

Councilor Morrison asks for confirmation on the amount of bedrooms. Mr. Ng answers that there will be 20 bedrooms if this development becomes an ADU. If it is not an ADU, 12 bedrooms total.

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

That the report of the Planner II – Development Review dated May 2, 2023 entitled “Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10” **BE DEFERRED** to the August 1, 2023 Development & Heritage Standing Committee Meeting to allow for Administration to provide information related to costs for sewer infrastructure that will be required for the proposed development and the costing options that will be available for surrounding residents, as well as issues related to costing for permit parking if required.
Carried.

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

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

That the report of the Planner II – Development Review dated May 2, 2023 entitled "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" **BE DEFERRED** to the August 1, 2023 Development & Heritage Standing Committee Meeting to allow for Administration to provide information related to costs for sewer infrastructure that will be required for the proposed development and the costing options that will be available for surrounding residents, as well as issues related to costing for permit parking if required.
Carried.

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

7. *PLANNING ACT* MATTERS

7.3. Zoning Z42-22 [ZNG/6937] - 1155 California Ave Ward 2

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

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

Decision Number: **DHSC 510**

I. That Zoning By-law 8600 **BE AMENDED** for Plan 1120 N PT Lot 76; S PT Lot 77 (known municipally as 1155 California Avenue); by adding a site-specific exception to Section 20(1) as follows:

4x**x.** **WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Lot Width – minimum	12.0 m
b) Lot Area – minimum	398.0 m2

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5. [ZDM4; ZNG/6937]

Carried.

Report Number: S 54/2023
Clerk's File: Z/14573

7.4. Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z16-23

Frank Garado, Planner (author) presents the item.

Councillor Kieran Mackenzie asks if there is sufficent capacity to withhold storm water and other mitigation factors in the floodplain area why would there be a blanket restriction. Mr. Garardo answers the provisions will regulate the additional dwelling units in the basement or cellars. Mr. Robertson adds that it mainly addresses overland flooding and having a blanket prohibition allows each application to be looked at individually.

Councillor Morrison asks about the size of additional dwelling units. Mr. Garado answers that if the additional dwelling unit is located in a main dwelling, there will be no minimum or maximum in size.

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

Decision Number: **DHSC 511**

I. That Official Plan Amendment No. 172 as shown in Appendix A regarding a housekeeping amendment on new policies authorizing the use of additional dwelling units **BE ADOPTED**; and,

II. That a housekeeping amendment to Zoning By-law 8600 as shown in Appendix B implementing additional dwelling units **BE PASSED;** and,

III. That a housekeeping amendment to Zoning By-Law 85-18 as shown in Appendix C implementing additional dwelling units **BE PASSED**;

Carried.

Report Number: S 64/2023
Clerk's File: ZO/13470 & Z/14558

7.5. Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458 Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7

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

Amy Farkas, Planner (Dillon Consulting Limited) is available for questions.

Theresa O'Neill, Planner (Dillon Consulting Limited) is available for questions.

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

Decision Number: **DHSC 512**

I That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 1 in Figure 5: Areas to be rezoned from Residential District (RD) 1.1 to Residential District (HRD) 2.3;

II That a Hold provision **BE APPLIED** to Lands Identified as Part 1 in Figure 5: Areas to be rezoned and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;

III That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned by adding site specific regulations as follow:

4XX. **South West Corner Clover Avenue & Wyandotte Street**
For the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,
Lot Coverage – Maximum 50%
(ZDM 14; ZNG/7000)

IV That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 2 in Figure 5: Areas to be rezoned from Development Reserve District (DRD) 1.1 to Green District (GD) 1.1;

Carried.

Report Number: S 65/2023
Clerk's File: Z/14572

7.6. OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street - OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2

Adam Szymczak, Planner (author) is available for questions.

Tracey Pillon-Abbs, Planner (agent) is available for questions

Councillor Kieran McKenzie asks if there are any concerns from existing area residents regarding dust and noise pollution. Mr. Szymczak answers that he is not aware of any conerns.

Coucnillor Kieran McKenzie
Moved by: Member Anthony Arbour
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 513**
1. That Schedule "D" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designation of Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from "Business Park" to "Residential".

2. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 13, E/S Russell St, Registered Plan 40 Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from Manufacturing District 1.4 (MD1.4) to Residential District 3.3 (RD3.3) and by adding a site specific exception to Section 20(1) as follows:

471. **CORNER OF RUSSELL STREET, CHIPPAWA STREET AND WILKINSON LANE**

For the lands comprising of Lot 13, E/S Russell Street, Registered Plan 40, Town of Sandwich (PIN 01591-0155) the following shall apply:

1. A *townhome dwelling* is an additional permitted use and shall be subject to the additional provisions in paragraph a) below, the provisions in Section 11.2.5, and all other applicable provisions:
    a) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are required at time of building permit:
        i) Exterior building components shall meet the minimum Acoustic Insulation Factors in Tables 2 and 3 of the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers and dated November 22, 2022, subject to any revisions.
        ii) Installation of central air conditioning
2. For any permitted use in RD3.3, the following additional provisions shall apply:
    a) Notwithstanding Sections 12.3.5.4 and 21(3), *building height* as measured from Russell Street in excess of 4 *storeys* and *building height* as measured from

Wilkinson Lane in excess of 3 *storeys* shall be prohibited. For the purpose of this provision, grade means the average elevation of the crown of That part of the street identified above and abutting the subject lot.

b) *Parking spaces* forming part of a *parking area* shall be permitted in a *front yard* and are subject to the Parking Area Provisions in Section 25.

[ZDM 4; ZNG/6975]

3. That Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at the corner of Russell Street, Chippawa Street, and Wilkinson Lane, **BE CLASSIFIED** as a Class 4 area pursuant to MOECP Environmental Noise Guideline Publication NPC-300; and, that the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to Windsor Port Authority (3190 Sandwich St), Lafarge Canada (3450 Russell St) and St. Mary's CBM Ready-Mix Plant (3510 Russell St).

4. That, when Site Plan Control is applicable:

A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.

B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:

i) Mitigation measures, including warning clauses, identified in the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers, dated November 22, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.

ii) Requirements of the City of Windsor – Engineering Department – Right-of-Way Division and City of Windsor – Transportation Planning contained in Appendix E of Report S 53/2023, subject to the approval of the City Engineer.

C. The Site Plan Approval Officer **CONSIDER** the comments from municipal departments and external agencies contained in Appendix E of Report S 53/2023.

Carried.

Report Number: S 53/2023
Clerk's File: Z/14559 & Z/14558

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:34 o'clock p.m.

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