CITY OF WINDSOR MINUTES 03/06/2023

Development & Heritage Standing Committee Meeting

Date: Monday, March 06, 2023
Time: 4:30 PM

Members Present:

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

Members
Member Arbour
Member Fratangeli
Member Grenier
Member Miller
Member Pidgeon
Member Saka
Member Tape

Members Regrets
Member Polewski

Clerk's Note: Member Fratangeli participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant
Jim Abbs, Planner III – Subdivisions

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner / Executive Director of Planning & Development
Michael Cooke, Manager, Planning Policy
Rob Vani, Manager, Inspections /Deputy Chief Building Official
Patrick Winters, Manager, Corporate Projects
Ashley Porter, Clerk Steno Senior
Jeff Hagan, Transportation Planning, Senior Engineer
Clare Amicarelli, Transportation Planner I
Kristina Tang, Heritage Planner
Justina Nwaesei, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Edwin Chiu, Waterloo – Co-op Planning
Aaron Farough, Legal Counsel
Brian Nagata, Planner II – Development Review
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.2 Haider Habib, HD Development Group
Item 7.2 Steve Berrill, ADA Architect
Item 10.1 Allen Djordevic, Applicant / Area Resident
Item 10.1 Helen Martin, Area Resident

Delegations—participating in person
Item 7.3 Karl Tanner, Dillon Consulting Limited
Item 10.1 Frank Butler, Area Resident
Item 11.1 Wendy Victory, Victory Reproductive Care

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 presented.

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Minutes of the Development and Heritage Standing Committee of its meeting held February 6, 2023

Moved by: Member William Tape
Seconded by: Councillor Kieran McKenzie

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

Report Number: SCM 60/2023

10. HERITAGE ACT MATTERS

10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2)

Allen Djordevic, applicant / area resident

Allen Djordevic, applicant / area resident appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and provides a brief history of the application process related to an addition request which was denied at the time. Mr. Djordevic indicates he is now applying for an additional dwelling unit building with extensive consultation with the Heritage Planner and meeting

all current regulations. Mr. Djordevic provides some background as to his intentions with the unit as well as, some details related to the length of the anticipated construction are provided.

Frank Butler, area resident

Frank Butler, area resident appears before the Development and Heritage Standing Committee and expresses concern regarding the recommendation in the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and requests deferral of the proposed application to allow for the Heritage Conservation District Heritage Study to be conducted in the Askin area. Mr. Butler indicates he didn't receive notification related to the proposed application until Wednesday and wasn't able to meet with surrounding neighbours to formulate a response. Mr. Butler provides information related to the street and the historical significance of the homes on that street including his own. Mr. Butler concludes by providing details related to several concerns since the increase of rental units in the area.

Helen Martin, area resident

Helen Martin, area resident appears via video conference before the Development and Heritage Standing Committee and expresses concern regarding the recommendation in the administrative report "463 Askin Avenue- Heritage Permit Request (Ward 2)" and inquires about a committee that was supposed to be created to address issues such as these as a result of a previous decision of Council related to a request for an addition at this site which was denied by Council at the time. Ms. Martin requests that this issue be deferred until such time as the committee and its function can be determined. Ms. Martin also refers to the University of Windsor Master Plan which is forthcoming and hopes that they will be consulted related to this as well. Ms. Martin cites concerns related to the existing infrastructure system and whether it can tolerate more units in the vicinity as well as the notification timelines related to this application.

Councillor Kieran McKenzie inquires as to the Heritage aspects of the report, and not making a decision about the zoning/planning the ADU complies and that the applicant intends to build the unit consistent with the heritage features and whether the delegates would be satisfied with the applicant's assurances. Ms. Martin indicates that the licensing aspect is a concern for her as the program is relatively new. Mr. Butler indicates that the diagram doesn't provide the information related to what type of heritage aspects will be in place and is concerned that allowing the project to go forward without a complete Heritage Study of the area would be concerning. Mr. Djordevic indicates that he is a landlord that will take care and renderings of the completed project were provided when applying and provides details of the plans and drawings.

Councillor Kieran McKenzie inquires about the status of the Heritage Conservation District report for the Askin area. Kristina Tang, Heritage Planner appears before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and indicates that at the time of the previous application, Council provided direction related to funding and priority to the Walkerville Heritage Conservation District Study (HCD).

Councillor Kieran McKenzie indicates that concerns remain related to the preservation of heritage features and whether it is the intention of administration to work closely with the proponent to ensure central heritage features would be consistent for the proposed project and how the process will move forward. Ms. Tang indicates that the proposal was evaluated, based on merit with Heritage content in mind and it does meet heritage standards, and administration is in agreement with the recommendations presented in the report.

Councillor Kieran McKenzie inquires as to the steps that administration undertakes from what is being proposed to what is implemented. Thom Hunt, City Planner, appears before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and indicates that the plans will be submitted to the Building Department and the parameters that are met reflect the request. Rob Vani, Manager of Inspections/Deputy Chief Building Official appears before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and indicates when the permit application comes in they won't release it until the heritage permit comes in satisfactory to the planning department.

Councillor Angelo Marignani inquires as to the sewer capacity in the area and whether this development will have a negative impact on the area. Administration indicates that the addition of one unit will have a minimal effect.

Councillor Fred Francis inquires about the HCD plan for the area. Ms. Tang explains the status of the HCD for the Askin area including that the Walkerville HCD was approved and would be a priority with other studies forthcoming at the direction of Council.

Member Tape inquires about the layout of the proposed structure and the use of siding. Ms. Tang indicates that they met with the proponent and it was determined that the layout of the building is compatible to the heritage context, and is not overly visible due to the lot depth and set back from the street. Ms. Tang adds that administration finds it acceptable and the Heritage integrity of the property is in line with the proposal.

Moved by: Councillor Kieran McKenzie
Seconded by: Member Pidgeon

Decision Number: **DHSC 484**

I. That the Heritage Permit at 436 Askin Avenue BE GRANTED for the erection of one detached additional dwelling unit per Appendix 'B' of this report; and,

II. That the Heritage Permit approval BE SUBJECT to the following approval conditions prior to work start:
   a. Submission of satisfactory product details and samples (including material and colour selections);
   b. Provision of satisfactory architectural drawings by qualified designers;
   c. Determination that the work is satisfactory to meet Building code compliance; and

III. That the City Planner or designate BE DELEGATED the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one rear detached additional dwelling unit.

Aye Votes: Councillor Kieran Mckenzie, and memebers Miller, Pidgeon, Saka, and Fratangeli.
Nay Votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani, Jim Morrison, and member Tape.
Abstain: None.

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

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

Decision Number: **DHSC 485**
That the report of the Heritage Planner dated February 16, 2023 entitled "436 Askin Avenue – Heritage Permit Request (Ward 2)" **BE REFERRED** back to Administration to provide further information related to analysis of adjacent properties impacted by the proposal; and that this information **BE FORWARDED** to a future meeting of the Development & Heritage Standing Committee Meeting.
Carried.

Councillor Kieran McKenzie and Member Charles Pidgeon voting nay.
Carried.

Report Number: S 25/2023
Clerk's File: MB/13966

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* matters) poriton is adjourned at 5:14 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:16 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the February 6, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

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

Report Number: SCM 61/2023

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

None presented.

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for property known as 478 Janette Avenue; Applicant: 1413600 Ontario Ltd.; File No. Z-029/22, ZNG/6847; Ward 3.

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

Decision Number: **DHSC 481**

I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Janette Avenue, between Wyandotte Street West and Park Street West, described as Lot 68 and Pt Lot 67, Plan 274, [PIN 01195-0191 LT], by adding a site specific holding provision to permit "One Multiple Dwelling with a maximum of six dwelling units" as an additional permitted use, subject to additional regulations;

"467. EAST SIDE OF JANETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND PARK STREET WEST

For the lands comprising Lot 68 and Pt Lot 67, Plan 274, PIN 01195-0191 LT, "One *Multiple Dwelling* with a maximum of six *dwelling units"* shall be an additional permitted use and the following shall apply:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.4
2. Main Building Height - maximum 10.0 m
   [ZDM 3; ZNG/6847]"

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

a) Official approval of the storm water management calculations;
b) Street Opening Permit; and
c) Alley Maintenance Contribution of $5,750.00 paid to the Corporation of the City of Windsor.

Carried.

Report Number: S 26/2023
Clerk's File: Z/14512

7.2. Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 4755, 4775 & 4785 Walker Road; Applicant: 5042667 Ontario Ltd.; File# CDM 002-22 [CDM-6829]; Ward 9

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

Decision Number: **DHSC 482**
That the application of 5042667 Ontario Ltd. 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 224 dwelling units and 7 commercial units within three (3) new Multiple Dwelling structures under construction or planned to be constructed, as shown on the attached MAP Nos. CDM-002/22-1, CDM-002/22-2, and CDM-002/22-3A,3B,3C, on parcels legally described as Pt Lot 13, Concession 6, PART 3 and Pt of PART 2 on Plan 12R-17667, and PARTS 6 to 9 on Plan 12R-24241, City of Windsor; located at 4755, 4775 and 4785 Walker Road, **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: C 25/2023
Clerk's File:Z/14505

7.3. Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA-6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover Avenue - NE Corner Florence & Beverly Glen - Ward 7

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

Decision Number: **DHSC 483**

I That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Block 65, Plan 12M-581, City of Windsor from Open Space to Neighbourhood Residential;

II That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Blocks 63 and 64, Plan 12M-581, City of Windsor from School Site to Neighbourhood Residential;

III That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 65, Plan 12M-581 from Green District 1.1 (GD1.1) to Residential District (HRD) 2.3;

IV That a Hold provision **BE APPLIED** to Blocks 63-65, Plan 12M-581 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;

V That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 63-65, Plan 12M-581 by adding site specific regulations as follow:

466. **NORTH EAST CORNER OF FLORENCE AVENUE AND BEVERLEY GLEN STREET**

For the lands described as Blocks 63-65, Plan 12M-581, 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/6832)

VI That the application of 1027458 Ontario Inc. for Draft Plan of Subdivision approval of Blocks 63-65 (incl.), Plan 12M-581, City of Windsor; **BE APPROVED** on the following basis:

A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN001/22-1, which will facilitate the construction of 117 townhome dwellings and 2 blocks for a greenway/utility corridor.
B. That the Draft Plan Approval shall lapse on (5 years from the date of approval).
C. That the Owner Shall submit for approval of the City Planner, a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.
D. That the Owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:
   a. The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
   b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
      1. 20m right of way for the new Streets “Thunderbay Avenue” and “Ivanhill Avenue”
      2. A right of way for the Court as shown on the Draft Plan of Subdivision west of Thunderbay Avenue, South of Block 28.
   c. The Owner shall agree to fully construct all future municipal right-of-ways, including, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:
      1. Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.
      2. Collector Roads:

Class 2 Collector - Florence Ave is to be constructed as per the requirements of the Environmental Assessment.

d. The Owner will provide the following corner cut-offs on the approved Final Plan of Subdivision:
4.6m x 4.6m – Intersection of Thunderbay Avenue and Beverly Glen Street;
Intersection of Ivanhill Avenue and Beverly Glen Street;
Intersection of Thunderbay Avenue and Ivanhill Avenue;
Intersection of Thunderbay Avenue and Clover Avenue;
Intersection of Beverly Glen Street and Clover Avenue;
Intersection of Jerome St and Florence Avenue;
Intersection of Beverly Glen Street and Florence Avenue,

to the satisfaction of the City Planner and the City Engineer.

e. The Owner will comply with all the following requirements relating to sidewalks:
Sidewalks will be constructed:
On the East Side of Thunderbay Avenue and Ivanhill Avenue;
On the South side of Thunderbay Avenue;
On Florence Avenue as per the Environmental Assessment,
All to the satisfaction of the City Engineer and the City Planner.

f. The Owner shall agree to retain a Consulting Engineer at its own expense to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit.

g. The Owner shall agree to:
1. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

2. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

3. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

h. The Owner shall agree to be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south of Elinor Street and through Block 64, Plan 12M-581. All work to be done to the satisfaction of the City Engineer.

i. The Owner shall agree to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

j. The Owner shall agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

k. The Owner shall agree to convey gratuitously to the Corporation Blocks 27 and 28 on the draft Plan of Subdivision (SDN 001/22-1) for the purposes of municipal infrastructure (existing sanitary sewer) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

l. The Owner shall agree that a Stage 1 Archaeological Assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner and the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries, prior to the issuance of a construction permits.

m. The Owner shall agree that a final copy of the archaeological reports will be submitted to the City of Windsor.

n. The Owner shall agree to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

NOTES TO DRAFT APPROVAL (File: SDN-001/22)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act.*
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990.*
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

VII That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act;* and,

VIII That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

IX That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

X That the proponent **BE REQUESTED** to consider the feasibility of a North/South option off of Thunderbay Avenue.

Report Number: S 24/2023
Clerk's File: Z/14458

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:47 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:48 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

11. ADMINISTRATIVE ITEMS

11.1. Closure of part of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835

Wendy Victory, Victory Reproductive Care

Wendy Victory, Victory Reproductive Care, appears before the Development and Heritage Standing Committee regarding the administrative report "Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9" and provides details as to their location and expresses concern that the road was closed in August and the meeting is taking place today. Ms. Victory also adds that there is only one access route out of the business park and provides details related to their business, and her concern with the loss of the bus stop for their area. Ms. Victory concludes by expressing concern with the landscape of the area when the battery plant takes shape and requests that Council consider erecting new signage at Lauzon and Twin Oaks for the business park.

Councillor Kieran McKenzie inquires about the signage and whether it's a City owned sign. Patrick Winters, Manager Corporate Projects, appears before the Development and Heritage Standing

Committee regarding the administrative report "Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9" and indicates they will investigate ownership of the sign.

Councillor Kieran McKenzie inquires as to the traffic impacts on Lauzon Pkwy and moving forward what is being undertaken to ensure sufficient capacity exists at the intersection. Jeff Hagan, Transportation Planning Senior Engineer, appears before the Development and Heritage Standing Committee regarding the administrative report "Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9" and indicates a traffic impact study was prepared for the NextStar battery plant and it was determined that it is not over capacity.

Councillor Kieran McKenzie inquires as to whether any upgrades are being contemplated related to capacity issues to the public access part of Twin Oaks on the west side. Mr. Hagan indicates that it is low traffic now during the development, trucks only with no peaks, no rush hour, no major changes, and there will be the eventual widening of Lauzon Parkway in the future.

Councillor Kieran McKenzie inquires about the need to close the road, and whether there is an opportunity for Lauzon to be extended over the rail line to connect to the service road off of Lauzon Parkway to create another entry way to the Twin oaks business park. Mr. Hagan indicates that that is not currently part of the study. Mr. Winters adds that the information related to the new rail line is included in the administrative report but not currently recommended.

Councillor Angelo Marignani inquires whether in the future if there are plans to create a shared pathway or trail in the area. Brian Nagata, Planner II Development Review, appears before the Development and Heritage Standing Committee regarding the administrative report "Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9" and indicates that a proposed multi-use pathway was outlined in the report, with lands specifically set aside for the trail.

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

Decision Number: **DHSC 486**

I. That the portion of E. C. Row Avenue East right-of-way shown on Drawing No. CC-1819 (*attached* hereto as Appendix "A") and described as Parts 12, 13, 15 & 26 on the Draft Reference Plan (*attached* hereto as Appendix "B"), and hereinafter referred to as the "Subject Lands"**, BE ASSUMED** for subsequent closure;

II. That the Subject Lands **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
    a. Easements over Part 15 on the Draft Reference Plan being granted to the following parties, subject to their being accepted in the City's standard form and in accordance with the City's standard practice:
        i. Bell Canada to protect aerial and buried facilities running parallel to the north of the existing two-lane asphalt road.

ii. EnWin Utilities Ltd. to accommodate existing hydro pole line with 27,600-volt primary electrical power circuit.

III. That prior to the closure of the Subject Lands, the Site Plan Agreement for Site Plan Control File No. SPC-2022-11, **BE AMENDED** to add a Special Provision requiring NextStar Energy Inc. to enter into an Access Agreement with Emergency Services (Essex-Windsor EMS, Windsor Fire & Rescue Services and Windsor Police Service), permitting Emergency Services the right to access the Twin Oaks Business Park through the NextStar Energy EV Battery Plant site in the event that the other area roads are impassable.

IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1819 and the Draft Reference Plan.

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

VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

VII. That the following City of Windsor vacant parcel **BE DECLARED** surplus: Municipal address: 3501 Banwell Road (vacant land situated on the south side of E. C. Row Avenue East, east of 9455 Anchor Drive) Legal Description: Part 3 on the Draft Reference Plan
Approximate Lot size: 29.46 metres by 7.37 metres by 29.66 metres by 7.39 metres
Lot area: 218.0 square metres.

VIII. That the City Solicitor **BE AUTHORIZED** to prepare a by-law to dedicate Part 3 on the Draft Reference Plan as part of the public highway known as E. C. Row Avenue East to facilitate the construction of a cul-de-sac.

Carried.

Report Number: C 155/2022
Clerk's File: SAA2023

11.2. Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Applications made by Micheal de Rita for 2734844 Ontario Ltd. for 261-267 Pelissier Street, Ward 3

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

Decision Number: **DHSC 487**

I. That the request made by 2734844 Ontario Ltd. (Owner) for the proposed development at 261-267 Pelissier Street to participate in:

a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;

b. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for $50,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

II. That Administration **BE DIRECTED** to prepare the agreements between the City and 2734844 Ontario Ltd. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 261-267 Pelissier Street in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program at 261-267 Pelissier Street 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 the grants under Upper Storey Residential Conversion Grant Program for 261-267 Pelissier Street **BE PAID** to 2734844 Ontario Ltd. upon completion of the new residential unit as described in Report S16/2023 within two (2) years of Council approval subject to the satisfaction of the City Planner and Chief Building Official.

V. That Grant funds in the amount of $50,000 under the Upper Storey Residential Conversion Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.

VI. That should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Building/Property Improvement Tax Increment Grant Program and Upper Storey Residential Conversion Grant Program be uncommitted and made available for other applications.

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

Report Number: S 16/2023
Clerk's File: Z/12916

11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Edna (Windsor) Inc., Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc for 0 Edna Street, 0 St. Luke Road, and part of 890 Walker Road (Ward 5)

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

Decision Number: **DHSC 488**

I. That the request made by 1026738 Ontario Limited, Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 0 Edna Street, 0 St. Luke Road, and part of 890 Walker Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. That, Administration **BE DIRECTED** to prepare an agreement between 1026738 Ontario Limited, Walkerville Commercial Centre Inc., Walkerville Walker Developments Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

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

IV. That the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 5/2023
Clerk's File: Z/14535

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:03 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 March 6, 2023
Time: 4:30 pm

MEMBERS PRESENT:

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 Arbour
Member Fratangeli
Member Grenier
Member Miller
Member Pidgeon
Member Saka
Member Tape

Members Regrets
Member Polewski

Clerk's Note: Member Fratangeli participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant
Jim Abbs, Planner III – Subdivisions

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner / Executive Director of Planning & Development
Michael Cooke, Manager, Planning Policy
Rob Vani, Manager, Inspections /Deputy Chief Building Official
Patrick Winters, Manager, Corporate Projects
Ashley Porter, Clerk Steno Senior
Jeff Hagan, Transportation Planning, Senior Engineer
Clare Amicarelli, Transportation Planner I
Kristina Tang, Heritage Planner
Justina Nwaesei, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Edwin Chiu, Waterloo – Co-op Planning
Aaron Farough, Legal Counsel
Brian Nagata, Planner II – Development Review
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.2 Haider Habib, HD Development Group
Item 7.2 Steve Berrill, ADA Architect
Item 10.1 Allen Djordevic, Applicant / Area Resident
Item 10.1 Helen Martin, Area Resident

Delegations—participating in person
Item 7.3 Karl Tanner, Dillon Consulting Limited
Item 10.1 Frank Butler, Area Resident
Item 11.1 Wendy Victory, Victory Reproductive Care

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 presented.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held DATE.

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

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

Report Number: SCM 61/2023

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

None presented.

7. PLANNING ACT MATTERS

7.1 Zoning By-law Amendment Application for property known as 478 Janette Avenue; Applicant: 1413600 Ontario Ltd.; File No. Z-029/22, ZNG/6847; Ward 3

Justina Nwaesei (author), Planner III – available for questions.

Councillor McKenzie inquires if the building is prone to flooding and what can be done to prevent it. Mr. Vani explains that there are requirements that must be met for all new builds. Mr. Vani states that a review is done to ensure the proper infrastructure is in place before a permit is issued.

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

Decision Number: **DHSC 481**

I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Janette Avenue, between Wyandotte Street West and Park Street West, described as Lot 68 and Pt Lot 67, Plan 274, [PIN 01195-0191 LT], by adding a site specific holding provision to permit "One Multiple Dwelling with a maximum of six dwelling units" as an additional permitted use, subject to additional regulations;

"467. EAST SIDE OF JANETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND PARK STREET WEST

For the lands comprising Lot 68 and Pt Lot 67, Plan 274, PIN 01195-0191 LT, "One *Multiple Dwelling* with a maximum of six *dwelling units"* shall be an additional permitted use and the following shall apply:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.4
2. Main Building Height - maximum 10.0 m

[ZDM 3; ZNG/6847]"

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

a) Official approval of the storm water management calculations;
b) Street Opening Permit; and

c) Alley Maintenance Contribution of $5,750.00 paid to the Corporation of the City of Windsor.

Carried.

Report Number: S 26/2023
Clerk's File: Z/14512

7.2 Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 4755, 4775 & 4785 Walker Road; Applicant: 5042667 Ontario Ltd.; File # CDM 002-22 [CDM-6829]

Justina Nwaesei (author) – Planner III – presents item.

Haidar Habib, HD Development Group – is available for questions (via zoom)

Steve Berrill, ADA Architect - available for questions (via zoom)

Councillor McKenzie asks Administration what is in place to ensure that the development being proposed is what actually gets built. Ms. Nwaesei answers that the building permit process ensures that all of the requirements are met. Ms. Nwaesei states that at the time of permit issuance there are clauses in the Agreement (SPC Agreement) that will be reviewed and staff will determine if all conditions required to be fulfilled prior to the issuance of permit have been satisfied.

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

Decision Number: **DHSC 482**
That the application of 5042667 Ontario Ltd. 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 224 dwelling units and 7 commercial units within three (3) new Multiple Dwelling structures under construction or planned to be constructed, as shown on the attached MAP Nos. CDM-002/22-1, CDM-002/22-2, and CDM-002/22-3A,3B,3C, on parcels legally described as Pt Lot 13, Concession 6, PART 3 and Pt of PART 2 on Plan 12R-17667, and PARTS 6 to 9 on Plan 12R-24241, City of Windsor; located at 4755, 4775 and 4785 Walker Road, **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: C 25/2023
Clerk's File:Z/14505

7.3 Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover

Avenue - NE Corner Florence & Beverly Glen - Ward 7

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

Karl Tanner, Dillon Consulting Limited- available for questions

Councillor McKenzie asks Administration who would be responsible for maintaining the green space. Mr. Abbs answers that it is yet to be determined and that the lands will be identified as Infrastructure or Parkland. In any case, the City of Windsor will be responsible for maintaining the proposed greenway.

Councillor McKenzie asks Mr. Tanner if there was any consideration given to have another laneway (north/south) that can connect people to the waterfront. Mr. Tanner answers that they did look at a connection but it was since removed. Mr. Tanner adds that Jerome St. connects to Eleanor which could connect people to the waterfront.

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

Decision Number: **DHSC 483**

I That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Block 65, Plan 12M-581, City of Windsor from Open Space to Neighbourhood Residential;

II That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Blocks 63 and 64, Plan 12M-581, City of Windsor from School Site to Neighbourhood Residential;

III That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 65, Plan 12M-581 from Green District 1.1 (GD1.1) to Residential District (HRD) 2.3;

IV That a Hold provision **BE APPLIED** to Blocks 63-65, Plan 12M-581 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;

V That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 63-65, Plan 12M-581 by adding site specific regulations as follow:

466. **NORTH EAST CORNER OF FLORENCE AVENUE AND BEVERLEY GLEN STREET**

For the lands described as Blocks 63-65, Plan 12M-581, 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/6832)

VI That the application of 1027458 Ontario Inc. for Draft Plan of Subdivision approval of Blocks 63-65 (incl.), Plan 12M-581, City of Windsor; **BE APPROVED** on the following basis:

A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN001/22-1, which will facilitate the construction of 117 townhome dwellings and 2 blocks for a greenway/utility corridor.

B. That the Draft Plan Approval shall lapse on (5 years from the date of approval).

C. That the Owner Shall submit for approval of the City Planner, a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

D. That the Owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:

a. The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

1. 20m right of way for the new Streets “Thunderbay Avenue” and “Ivanhill Avenue”

2. A right of way for the Court as shown on the Draft Plan of Subdivision west of Thunderbay Avenue, South of Block 28.

c. The Owner shall agree to fully construct all future municipal right-of-ways, including, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:

1. Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.

2. Collector Roads:
Class 2 Collector - Florence Ave is to be constructed as per the requirements of the Environmental Assessment.

d. The Owner will provide the following corner cut-offs on the approved Final Plan of Subdivision:
4.6m x 4.6m – Intersection of Thunderbay Avenue and Beverly Glen Street;
Intersection of Ivanhill Avenue and Beverly Glen Street;
Intersection of Thunderbay Avenue and Ivanhill Avenue;
Intersection of Thunderbay Avenue and Clover Avenue;
Intersection of Beverly Glen Street and Clover Avenue;
Intersection of Jerome St and Florence Avenue;
Intersection of Beverly Glen Street and Florence Avenue,

to the satisfaction of the City Planner and the City Engineer.

e. The Owner will comply with all the following requirements relating to sidewalks:
Sidewalks will be constructed:
On the East Side of Thunderbay Avenue and Ivanhill Avenue;
On the South side of Thunderbay Avenue;
On Florence Avenue as per the Environmental Assessment,
All to the satisfaction of the City Engineer and the City Planner.

f. The Owner shall agree to retain a Consulting Engineer at its own expense to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit.

g. The Owner shall agree to:
1. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

2. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

3. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

h. The Owner shall agree to be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south of Elinor Street and through Block 64, Plan 12M-581. All work to be done to the satisfaction of the City Engineer.

i. The Owner shall agree to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

j. The Owner shall agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

k. The Owner shall agree to convey gratuitously to the Corporation Blocks 27 and 28 on the draft Plan of Subdivision (SDN 001/22-1) for the purposes of municipal infrastructure (existing sanitary sewer) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

l. The Owner shall agree that a Stage 1 Archaeological Assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner and the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries, prior to the issuance of a construction permits.

m. The Owner shall agree that a final copy of the archaeological reports will be submitted to the City of Windsor.

n. The Owner shall agree to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

NOTES TO DRAFT APPROVAL (File: SDN-001/22)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act.*
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990.*
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

VII That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act;* and,

VIII That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

IX That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

X That the proponent **BE REQUESTED** to consider the feasibility of a North/South option off of Thunderbay Avenue.

Report Number: S 24/2023
Clerk's File: Z/14458

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:47 o'clock p.m.

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

Development & Heritage Standing Committee
(Planning Act Matters)

Date: Monday March 6, 2023
Time: 4:30 pm

MEMBERS PRESENT:

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 Arbour
Member Fratangeli
Member Grenier
Member Miller
Member Pidgeon
Member Saka
Member Tape

Members Regrets
Member Polewski

Clerk's Note: Member Fratangeli participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant
Jim Abbs, Planner III – Subdivisions

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner / Executive Director of Planning & Development
Michael Cooke, Manager, Planning Policy
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Aaron Farough, Legal Counsel
Brian Nagata, Planner II – Development Review
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.2 Haider Habib, HD Development Group
Item 7.2 Steve Berrill, ADA Architect
Item 10.1 Allen Djordevic, Applicant / Area Resident
Item 10.1 Helen Martin, Area Resident

Delegations—participating in person
Item 7.3 Karl Tanner, Dillon Consulting Limited
Item 10.1 Frank Butler, Area Resident
Item 11.1 Wendy Victory, Victory Reproductive Care

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 presented.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held DATE.

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

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

Report Number: SCM 61/2023

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

None presented.

7. PLANNING ACT MATTERS

7.1 Zoning By-law Amendment Application for property known as 478 Janette Avenue; Applicant: 1413600 Ontario Ltd.; File No. Z-029/22, ZNG/6847; Ward 3

Justina Nwaesei (author), Planner III – available for questions.

Councillor McKenzie inquires if the building is prone to flooding and what can be done to prevent it. Mr. Vani explains that there are requirements that must be met for all new builds. Mr. Vani states that a review is done to ensure the proper infrastructure is in place before a permit is issued.

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

Decision Number: **DHSC 481**

I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Janette Avenue, between Wyandotte Street West and Park Street West, described as Lot 68 and Pt Lot 67, Plan 274, [PIN 01195-0191 LT], by adding a site specific holding provision to permit "One Multiple Dwelling with a maximum of six dwelling units" as an additional permitted use, subject to additional regulations;

"467. EAST SIDE OF JANETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND PARK STREET WEST

For the lands comprising Lot 68 and Pt Lot 67, Plan 274, PIN 01195-0191 LT, "One *Multiple Dwelling* with a maximum of six *dwelling units"* shall be an additional permitted use and the following shall apply:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.4
2. Main Building Height - maximum 10.0 m

[ZDM 3; ZNG/6847]"

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

a) Official approval of the storm water management calculations;
b) Street Opening Permit; and

c) Alley Maintenance Contribution of $5,750.00 paid to the Corporation of the City of Windsor.

Carried.

Report Number: S 26/2023
Clerk's File: Z/14512

7.2 Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 4755, 4775 & 4785 Walker Road; Applicant: 5042667 Ontario Ltd.; File # CDM 002-22 [CDM-6829]

Justina Nwaesei (author) – Planner III – presents item.

Haidar Habib, HD Development Group – is available for questions (via zoom)

Steve Berrill, ADA Architect - available for questions (via zoom)

Councillor McKenzie asks Administration what is in place to ensure that the development being proposed is what actually gets built. Ms. Nwaesei answers that the building permit process ensures that all of the requirements are met. Ms. Nwaesei states that at the time of permit issuance there are clauses in the Agreement (SPC Agreement) that will be reviewed and staff will determine if all conditions required to be fulfilled prior to the issuance of permit have been satisfied.

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

Decision Number: **DHSC 482**
That the application of 5042667 Ontario Ltd. 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 224 dwelling units and 7 commercial units within three (3) new Multiple Dwelling structures under construction or planned to be constructed, as shown on the attached MAP Nos. CDM-002/22-1, CDM-002/22-2, and CDM-002/22-3A,3B,3C, on parcels legally described as Pt Lot 13, Concession 6, PART 3 and Pt of PART 2 on Plan 12R-17667, and PARTS 6 to 9 on Plan 12R-24241, City of Windsor; located at 4755, 4775 and 4785 Walker Road, **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: C 25/2023
Clerk's File:Z/14505

7.3 Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover

Avenue - NE Corner Florence & Beverly Glen - Ward 7

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

Karl Tanner, Dillon Consulting Limited- available for questions

Councillor McKenzie asks Administration who would be responsible for maintaining the green space. Mr. Abbs answers that it is yet to be determined and that the lands will be identified as Infrastructure or Parkland. In any case, the City of Windsor will be responsible for maintaining the proposed greenway.

Councillor McKenzie asks Mr. Tanner if there was any consideration given to have another laneway (north/south) that can connect people to the waterfront. Mr. Tanner answers that they did look at a connection but it was since removed. Mr. Tanner adds that Jerome St. connects to Eleanor which could connect people to the waterfront.

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

Decision Number: **DHSC 483**

I That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Block 65, Plan 12M-581, City of Windsor from Open Space to Neighbourhood Residential;

II That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Blocks 63 and 64, Plan 12M-581, City of Windsor from School Site to Neighbourhood Residential;

III That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 65, Plan 12M-581 from Green District 1.1 (GD1.1) to Residential District (HRD) 2.3;

IV That a Hold provision **BE APPLIED** to Blocks 63-65, Plan 12M-581 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;

V That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 63-65, Plan 12M-581 by adding site specific regulations as follow:

466. **NORTH EAST CORNER OF FLORENCE AVENUE AND BEVERLEY GLEN STREET**

For the lands described as Blocks 63-65, Plan 12M-581, 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/6832)

VI That the application of 1027458 Ontario Inc. for Draft Plan of Subdivision approval of Blocks 63-65 (incl.), Plan 12M-581, City of Windsor; **BE APPROVED** on the following basis:

A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN001/22-1, which will facilitate the construction of 117 townhome dwellings and 2 blocks for a greenway/utility corridor.

B. That the Draft Plan Approval shall lapse on (5 years from the date of approval).

C. That the Owner Shall submit for approval of the City Planner, a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

D. That the Owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:

a. The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

1. 20m right of way for the new Streets “Thunderbay Avenue” and “Ivanhill Avenue”

2. A right of way for the Court as shown on the Draft Plan of Subdivision west of Thunderbay Avenue, South of Block 28.

c. The Owner shall agree to fully construct all future municipal right-of-ways, including, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:

1. Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.

2. Collector Roads:
Class 2 Collector - Florence Ave is to be constructed as per the requirements of the Environmental Assessment.

d. The Owner will provide the following corner cut-offs on the approved Final Plan of Subdivision:
4.6m x 4.6m – Intersection of Thunderbay Avenue and Beverly Glen Street;
Intersection of Ivanhill Avenue and Beverly Glen Street;
Intersection of Thunderbay Avenue and Ivanhill Avenue;
Intersection of Thunderbay Avenue and Clover Avenue;
Intersection of Beverly Glen Street and Clover Avenue;
Intersection of Jerome St and Florence Avenue;
Intersection of Beverly Glen Street and Florence Avenue,

to the satisfaction of the City Planner and the City Engineer.

e. The Owner will comply with all the following requirements relating to sidewalks:
Sidewalks will be constructed:
On the East Side of Thunderbay Avenue and Ivanhill Avenue;
On the South side of Thunderbay Avenue;
On Florence Avenue as per the Environmental Assessment,
All to the satisfaction of the City Engineer and the City Planner.

f. The Owner shall agree to retain a Consulting Engineer at its own expense to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit.

g. The Owner shall agree to:
1. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

2. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

3. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

h. The Owner shall agree to be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south of Elinor Street and through Block 64, Plan 12M-581. All work to be done to the satisfaction of the City Engineer.

i. The Owner shall agree to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

j. The Owner shall agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

k. The Owner shall agree to convey gratuitously to the Corporation Blocks 27 and 28 on the draft Plan of Subdivision (SDN 001/22-1) for the purposes of municipal infrastructure (existing sanitary sewer) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

l. The Owner shall agree that a Stage 1 Archaeological Assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner and the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries, prior to the issuance of a construction permits.

m. The Owner shall agree that a final copy of the archaeological reports will be submitted to the City of Windsor.

n. The Owner shall agree to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

NOTES TO DRAFT APPROVAL (File: SDN-001/22)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act.*
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990.*
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

VII That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act;* and,

VIII That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

IX That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

X That the proponent **BE REQUESTED** to consider the feasibility of a North/South option off of Thunderbay Avenue.

Report Number: S 24/2023
Clerk's File: Z/14458

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:47 o'clock p.m.

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