CITY OF WINDSOR MINUTES 05/01/2023

Development & Heritage Standing Committee Minutes

Date: Monday, May 1, 2023
Time: 4:30 o'clock p.m.

Members Present:

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

Members
Member Anthony Arbour
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon
Member Robert Polewski
Member William Tape

Member Regrets
Member John Miller
Member Khassan Saka

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner
Neil Robertson, Manager Urban Design / Deputy City Planner

Jim Abbs, Senior Planner - Subdivisions
Kevin Alexander, Planner III – Special Projects
Laura Strahl, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Heritage Planner
Brian Nagata, Planner II – Development Review
Rob Perissinotti, Development Engineer
Clare Amicarelli, Transportation Planning Coordinator
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations – participating via video conference

Item 7.1 – Jack Ramieri, Solicitor for the applicant
Item 7.1 – Randy Saccucci, applicant
Item 7.2 – John Atwan, applicant
Item 7.3 – John Atwan, applicant
Item 11.3 – Sital Singh Garha, applicant

Delegations – participating in person

Item 7.5 – Jackie Lassaline, Principal Planner
Item 7.5 – Stan Mancebo, applicant
Item 7.5 – Stuart Miller, Architect
Item 7.6 – Jackie Lassaline, Principal Planner
Item 10.1 – Ryan Solcz, Solicitor for the applicant
Item 10.1 – Allan Djordjevic, applicant
Item 11.1 – Hayyan Al Hemsi, Ward 4 resident
Item 11.2 – AJ Alrifai, representing the owner

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

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

Helen Martin, Ward 2 resident has requested a deferral of this matter to a future meeting of the Development & Heritage Standing Committee to allow for her and her neighbours to be in attendance.

Ryan Solcz, solicitor for applicant

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the request for deferral of the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides comments related to the deferral request and his opposition to the request. Mr. Solcz indicates that his client would withdraw the waiver of the 90 day requirement to hear the application under the *Heritage Act* if the matter is deferred today.

10. HERITAGE ACT MATTERS

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

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides information related to the *Heritage Act* legislation, and the administrative report. Mr. Solcz refers to the extensive information and pictures he has provided to the committee. Mr. Solcz indicates that the drawings have been revised and provided as part of his written submission and highlight the decision by his client to replace the aluminum siding with brick on the outside of the proposed structure. Mr. Solcz indicates there is no change to the front of the house, this change is in the back of the property. Mr. Solcz refers to other areas in the City where this type of application has been approved and constructed.

Councillor Kieran McKenzie inquires about the decision to use brick instead of siding and whether it is a requirement as per legislation or just a change determined by the applicant. Mr. Solcz indicates that the decision was made to address concerns related to the visual appeal of siding on the proposed Additional Dwelling Unit.

Councillor Kieran McKenzie inquires about the applicants willingness to waive the 90 day period stipulation. Mr. Solcz confirms that his client waived the 90 day restriction in order to bring forward additional information, and administration also provided additional information with the understanding that the application would be heard at today's Development Standing Committee Meeting.

Councillor Kieran McKenzie requests clarification related to the 90 day waiver. Wira Vendrasco, Deputy City Solicitor appears before the Development & Heritage Standing Committee Meeting regarding the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and indicates that the *Ontario Heritage Act* allows the municipality and applicants to jointly agree to waive the 90 day period, if no decision is made in 90 days the application is automatically granted. Ms. Vendrasco provides details related to the original deferral request at the March meeting and that both sides agreed to it. Ms. Vendrasco states that the Heritage Planner has indicated, in the administrative report, that the application would have no adverse impact.

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

Decision Number: **DHSC 505 & DHSC 485**

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.

Carried.

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

There being no further business of the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:45 o'clock p.m.

The Chairperson calls the *Planning Act* items portion of the Development & Heritage Standing Committee meeting to order at 4:47 o'clock p.m.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

None presented.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4

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

Decision Number: **DHSC 499**
THAT the application of 781 Erie Inc. for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 12 dwelling units and 1 commercial unit, as shown on the attached Map No. CDM-001/23-1 and CDM-001/23-2 on a parcel legally described as; Lots 249 and 250, Registered Plan 360; City of Windsor; located at 781 Erie Street East **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 42/2023
Clerk's File: Z/14557

7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4

Moved by: Councillor Kieran McKenzie
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 500**

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **East Side of Lincoln Avenue, South of Ottawa Street**

For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:
Lot Width – as existing
Lot Area – as existing

(ZDM 7; ZNG/6832)

Carried.

Report Number: S 49/2023
Clerk's File: Z/14540

7.3. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5

Moved by: Councillor Angelo Marignani
Seconded by: Member Robert Polewski

Decision Number: **DHSC 501**

I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;

II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**

For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:
Maximum Gross Floor Area– 470 m^2

(ZDM 11; ZNG/6951)

Carried.

Report Number: S 50/2023

7.4. CIty Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone

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

Decision Number: **DHSC 502**

I. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m^2 for Townhome Dwelling in section 11.3.5.8.

Carried.

Report Number: S 48/2023
Clerk's File: Z2023

7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3

Moved by: Councillor Angelo Marignani
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 503**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

"469. **NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET**

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Section 15.2.5.9 shall not apply
b) Section 15.2.5.15 shall not apply
c) Section 24.20.5 shall not apply
d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:
    1) The following buildings components shall have a Minimum STC Rating as indicated:
        Exterior Wall – 27
        Window – 21 (operable thick double/triple paned)
        Window – 24 (sealed thick double glazed)

2) Installation of Central Air Conditioning

[ZDM 3; ZNG/6864]

II. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.

III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.

IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:

(a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.

(b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.

(a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Carried.

Report Number: S 47/2023
Clerk’s File: Z/14487

7.6. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3

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

Decision Number: **DHSC 504**

I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.

II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street

1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.

III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

"470 **WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET**

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:

a) 'Live-work unit' is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:

i. Live-work units shall only be permitted on the ground floor.

ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.

iii. The following non-residential uses are permitted: *Business Office*, *Personal Service Shop*, or *Professional Studio*.

b) *Dwelling units* are permitted in the *basement* or *cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]";

Carried.

Report Number: S 44/2023
Clerk's File:Z/14529 & Z/14528

There being no further business of the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:35 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:35 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None presented.

11. ADMINISTRATIVE ITEMS

11.3. Sandwich Town CIP Application; 511 Brock Street; JD LOUIE CORP. (C/O: Jennifer Wong); REIGNS 740 INC; C/O: Sital Singh Garha - Ward 2

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

Decision Number: **DHSC 508**

I. **THAT** CR307/2021 **BE AMENDED** by deleting Clause III ii) and substituting the following therefor:

III ii) If the redevelopment, including construction of a new building, is not substantially complete within three (3) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars ($60,000) on the collectors roll of the property and prepare a certificate for registration;

II. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause VIII and substituting the following therefor:

VIII THAT grants **BE PAID** to the following owners upon completion of the two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and to transfer $12,379.14 from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) when work is completed ,

i. JD LOUIE CORP. (C/O Jennifer Wong) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**$31,719.14);**

ii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**$660.00**);

iii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-**$4,434** per year);

III. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause IX and substituting the following therefor:

IX THAT grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 43/2023
Clerk's File: SPL2023

11.1. Closure of north/south alley between University Avenue East and 245 Parent Avenue and part of east/west alley between Marentette Avenue and 867 Chatham Street East, Ward 4, SAA-6623

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

Decision Number: **DHSC 506**

I. THAT the 4.57-metre-wide north/south alley located between University Avenue East and the property known municipally as 245 Parent Avenue (legally described as Lot 17 & Part of Closed Alley, Plan 143; Part 5, Reference Plan 12R-27073) and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "first alley", **BE ASSUMED** for subsequent closure;

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

a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:

i. Bell Canada for protection of aerial facilities;
ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
iii. MNSi for access to service and maintain existing aerial infrastructure.

III. THAT the portion of the 6.1 metre wide east/west alley located between Marentette Avenue and the property known municipally as 867 Chatham Street East (legally described as Lot 13, Plan 143), abutting the properties known municipally as 0 University Avenue East (legally described as Part of Lots 9 & 10, Plan 140; Lot 22, Plan 143) and 857 Chatham Street East (legally described as Part of Lots 8 & 9, Plan 140), and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "second alley", **BE ASSUMED** for subsequent closure;

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

a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", be granted to:

i. Bell Canada for protection of aerial facilities;
ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
iii. MNSi for access to service and maintain existing aerial infrastructure.

V. THAT the 3.66-metre-wide north/south lane located between University Avenue East and the said east/west alley **BE DENIED** for subsequent deeming as surplus lands;

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

a. For first alley conveyed to abutting lands zoned RD2.2, $4,000.00 per front foot without easements and $2,000.00 per front foot with easements.
b. For second alley conveyed to abutting lands zoned RD2.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1803, *attached* hereto as Appendix "A".

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

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

Carried.

Report Number: S 32/2023
Clerk's File: SAA2023

11.2. Closure of south half of Pall Mall Street right-of-way, west of Alexandra Avenue; North/South alley between Northwood Street and Alexandra Avenue, Ward 10, SAS-6577

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

Decision Number: **DHSC 507**

I. THAT the 4.57-metre-wide north/south alley located between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1823 (*attached* hereto as Appendix "B"**)**, and hereinafter referred to as the "alley", **BE ASSUMED** for subsequent closure;

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

a. 3.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to protect existing aerial facilities.
ii. EnWin to accommodate the existing pole line with overhead primary 16kV, secondary 120/240 volt, and secondary 347/600-volt hydro distribution; and
iii. MNSi to accommodate existing aerial facilities.

b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion located between 2530 Longfellow Avenue (legally described as Lot 1007, and Part of Lots 1006 & 1008, Plan 1307) and 2539 Alexandra Avenue (legally described as Lots 961 & 962, and Part of Lot 963, Plan 1307), and 2564 Longfellow Avenue (legally described as Lot 1013, and Part of Lots 1012 & 1014, Plan 1307; Parts 9 & 11, RP 12R-1148) and 2579 Alexandra Avenue (legally described as Lot 955, and Part of Lots 953, 954 & 956, Plan 1307; Part 19, RP 12R-1148), in which case the middle of the alley shall be used.

III. THAT the 10.05-metre-wide south half of the Pall Mall Street right-of-way located between Alexandra Avenue and the alley, and shown on Drawing No. CC-1799 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "right-of-way", **BE ASSUMED** for subsequent closure;

IV. THAT the right-of-way **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 2511 Alexandra Avenue (legally described as Part of Lots 963 to 965, Plan 1307), in a manner deemed appropriate by the City Planner;

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

a. For alley conveyed to abutting lands zoned RD1.4, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
b. For right-of-way conveyed to abutting lands zoned RD1.4, $1,500.00 per front foot without easements and $750.00 per front foot with easements.

VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No.'s CC-1799 and CC-1823, *attached* hereto as Appendix "A" and Appendix "B", respectively.

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

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

IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 36-2003. Carried.

Report Number: S 97/2022
Clerk's File: SAA2023

11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1364722 Ontario Limited (King Holdings) for 930 Marion Avenue (Ward 4)

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

Decision Number: **DHSC 509**

I. THAT the request made by 1364722 Ontario Limited (King Holdings) 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 930 Marion 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 $15,000 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 $15,000 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 45/2023
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 5:39 o'clock p.m.

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

Development & Heritage Standing Committee Minutes

Date: Monday, May 1, 2023
Time: 4:30 o'clock p.m.

Members Present:

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Ward 9 - Councillor Kieran McKenzie
Ward 10 – Councillor Jim Morrison (Chairperson)

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Item 11.1 – Hayyan Al Hemsi, Ward 4 resident
Item 11.2 – AJ Alrifai, representing the owner

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

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

Helen Martin, Ward 2 resident has requested a deferral of this matter to a future meeting of the Development & Heritage Standing Committee to allow for her and her neighbours to be in attendance.

Ryan Solcz, solicitor for applicant

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the request for deferral of the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides comments related to the deferral request and his opposition to the request. Mr. Solcz indicates that his client would withdraw the waiver of the 90 day requirement to hear the application under the *Heritage Act* if the matter is deferred today.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

None presented.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4

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

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

Decision Number: **DHSC 499**
THAT the application of 781 Erie Inc. for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 12 dwelling units and 1 commercial unit, as shown on the attached Map No. CDM-001/23-1 and CDM-001/23-2 on a parcel legally described as; Lots 249 and 250, Registered Plan 360; City of Windsor; located at 781 Erie Street East **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 42/2023
Clerk's File: Z/14557

7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4

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

Moved by: Councillor Kieran McKenzie
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 500**
THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **East Side of Lincoln Avenue, South of Ottawa Street**

For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:
Lot Width – as existing
Lot Area – as existing

(ZDM 7; ZNG/6832)

Carried.

Report Number: S 49/2023
Clerk's File: Z/14540

7.3. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5

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

Moved by: Councillor Angelo Marignani
Seconded by: Member Robert Polewski

Decision Number: **DHSC 501**

I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;

II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**
For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:
Maximum Gross Floor Area– 470 m^2

(ZDM 11; ZNG/6951)

Carried.

Report Number: S 50/2023
Clerk's File: Z/14542

7.4. City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone

Laura Strahl, Planner (author) – presents item.

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

Decision Number: **DHSC 502**

I. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m^2 for Townhome Dwelling in section 11.3.5.8.

Carried.

Report Number: S 48/2023
Clerk's File: Z2023

7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3

Laura Strahl, Planner (author) – presents item.
Jackie Lassaline, Agent – presents item.
Stan Mancebo, Applicant – available for questions.
Stuart Miller, Architect – available for questions.

Moved by: Councillor Angelo Marignani
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 503**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

"469. **NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET**

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Section 15.2.5.9 shall not apply
b) Section 15.2.5.15 shall not apply
c) Section 24.20.5 shall not apply
d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:
    1) The following buildings components shall have a Minimum STC Rating as indicated:
        Exterior Wall – 27
        Window – 21 (operable thick double/triple paned)

Window – 24 (sealed thick double glazed)
2) Installation of Central Air Conditioning
[ZDM 3; ZNG/6864]

II. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.

III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.

IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:

(a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.
(b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.
(a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Carried.

Report Number: S 47/2023
Clerk’s File: Z/14487

7.6. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3

Laura Strahl, Planner (author) – presents item.
Jackie Lassaline, Agent – presents item.

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

Decision Number: **DHSC 504**

I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.

II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street

1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.

III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

"470 **WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET**

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:

a) 'Live-work unit' is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:

i. Live-work units shall only be permitted on the ground floor.

ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.

iii. The following non-residential uses are permitted: *Business Office*, *Personal Service Shop*, or *Professional Studio*.

b) *Dwelling units* are permitted in the *basement* or *cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]";

Carried.

Report Number: S 44/2023
Clerk's File:Z/14529 & Z/14528

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:45pm.

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