

**Development & Heritage Standing Committee Meeting**

Date: Monday, February 6, 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 Arbour

Member Fratangeli

Member Grenier

Member Pidgeon

Member Polewski

Member Tape

**Members Regrets**

Member Saka

Member Miller

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:**

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:**

Jelena Payne, Commissioner – Economic Development & Innovation

Thom Hunt, City Planner / Executive Director of Planning & Development

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

James Chacko, Executive Director, Parks

Michael Cooke, Manager, Planning Policy

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Rob Vani, Manager, Inspections /Deputy Chief Building Official  
Rob Perissinotti, Development Engineer  
Frank Garardo, Planner III - Policy & Special Studies  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III - Zoning  
Laura Strahl, Planner III - Special Projects  
Stefan Fediuk, Landscape Architect  
Greg Atkinson, Planner III – Economic Development  
Tracy Tang, Planner II – Revitalization & Policy Initiatives  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### 1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m., and calls for nominations from the floor for the position of Chairperson.

Councillor Kieran McKenzie nominates Councillor Jim Morrison for the position of Chairperson; Councillor Jim Morrison accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.  
Councillor Jim Morrison assumes the Chair.

The Deputy Clerk calls for nominations from the floor for the position of Vice Chair.

Councillor Fred Francis nominates Councillor Kieran McKenzie for the position of Vice-Chair. Councillor Kieran McKenzie accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.  
Carried.

### 8. ADOPTION OF THE MINUTES

#### 8.1. Minutes of the Development and Heritage Standing Committee of its meeting held January 9, 2023

Moved by: Member Joseph Fratangeli  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 480**

That the minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.  
Carried.

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## 9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

### 9.1. Heritage Videos (2) presented by Heritage Planner

#### Tracy Tang, Planner II – Revitization & Policy Initiatives

Tracy Tang, Planner II – Revitalization & Policy Initiatives, appears before the Development & Heritage Standing Committee to present two (2) heritage videos on behalf of Kristina Tang, Heritage Planner. T. Tang informs the Committee members that the City of Windsor is celebrating heritage in February, in conjunction with National and Provincial heritage celebrations such as Heritage Day and Ontario Heritage Week. In recent years, the Communications Department has worked with Heritage Planning staff to create a series of Heritage Videos highlighting heritage conservation efforts at buildings and structures, and their stories. A new heritage webpage has been launched to showcase all of these videos and will be shared on the City's social media pages. T. Tang presents to the Committee members the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 467**

That the two (2) videos presented by the Heritage Planner dated February 6, 2023 featuring the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable **BE RECEIVED** for information.  
Carried.

Clerk's File: MBA2023

## 10. HERITAGE ACT MATTERS

### 10.1. Request for Demolition of Greenhouses at Lanspeary Park - 1250 Langlois Avenue (Ward 4)

Councillor Marignani inquires about the level of deterioration of the structures and whether these greenhouses could be repurposed. James Chacko, Executive Director of Parks, appears before the Development & Heritage Standing Committee regarding the administrative report "Request for Demolition of Greenhouses at Lanspeary park – 1250 Langlois Avenue (Ward 4)" and informs the Committee members that the Parks Department undertook a number of studies and through a series of reports in 2017 and 2018 Administration brought forward two options for Council's consideration, which were to refurbish the existing green houses or to tear them down and rebuild

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in a new location. Council's direction was to tear down relocate the greenhouses, which has now been done at Jackson Park.

Member Tape inquires as to whether a more vigorous assessment of Greenhouse number 2, could be undertaken, indicating that this greenhouse's original home was on the Willistead Manor property. Member Tape also asks whether the Parks Department has considered reinstating this particular greenhouse back to its original location. J. Chacko indicates that due to the overall condition of the structure, it would not withstand being moved and rebuilt. He indicates that although the greenhouse came from Willistead Park, it is not the original greenhouse that was part of the Willistead Manor property. J. Chacko also indicates that as per the recommendation of the Heritage Architect and as per Council Direction greenhouse # 2 will be catalogued and commemorated with signage on-site.

Member Fratangeli inquires about the City of Windsor's preventative maintenance programs. J. Chacko indicates that the City of Windsor does have an asset management plan. As it relates to this particular facility, J. Chacko indicates that there was staff occupying it and therefore repairs were made and the facility was maintained as best it could for a structure its age.

Councillor Kieran McKenzie inquires about the Fieldstone structure and whether a use has been identified. J. Chacko indicates that the Lanspeary Park Master Plan is in the process of being developed and that they are looking at some way to incorporate it into the park. J. Chacko indicates that two rounds of public consultation have been completed and that a complete conceptual master plan will come to Council later this year.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 468**

- I. That Council **BE INFORMED** of the proposed demolition of the Lanspeary Park Greenhouse Complex, at 1149 Giles Blvd East and 1219 Pierre Avenue;
- II. That the fieldstone structure (former comfort station part of the greenhouse complex) at Lanspeary Park **REMAIN** on the Windsor Municipal Heritage Register and **BE PROTECTED** from demolition activities of the rest of the Lanspeary greenhouse complex;
- III. That Administration **INCORPORATE** commemoration of the demolished greenhouse complex.

Carried.

Report Number: S 14/2023

Clerk's File: SB2023

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### 10.2. Request for Heritage Alteration Permit for Willistead Manor, 1899 Niagara Street (Ward 4)

Moved by:-Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 469**

- I. That a Heritage Permit at Willistead Manor, 1899 Niagara Street, **BE GRANTED**, for removal and alterations to the playground as per Appendix B; and,
- II. That the City Planner or his designate **BE DELEGATED** the authority to approve further changes associated with the proposed scope of work.

Carried.

Report Number: S 11/2023

Clerk's File:SR/12667

### 10.3. 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4)

Member Tate asks whether the Building Department has conducted a review in terms of spatial separation concerns. Robert Vani, Manager of Inspections appears before the Development & Heritage Standing Committee regarding the administrative report entitled, „749 and 753 Walker Road, Semi-Detached Houses – Heritage Permit Request (Ward 4),“ and indicates that the Building Department has not received any applications and has not conducted any code review with separations. T. Tang adds that the application underwent a zoning by-law review for compliance and that the applicant had applied for a minor variance and at that time it was determined that all of the requirements of the zoning by-laws were met and that the only variance required was the setback from side lot line, which was then approved by the Committee of Adjustment.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 470**

- I. That the Heritage Permit at 749 Walker Road, Semi-Detached House, **BE GRANTED** for the erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- II. That the Heritage Permit at 753 Walker Road, Semi-Detached Houses, **BE GRANTED** for the removal of an accessory structure and erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- III. That the Heritage Permit approvals **BE SUBJECT** to the following approval conditions prior to work start:

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- 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,
- IV. 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 the rear detached garages with second floor additional dwelling units.

Carried.

Report Number: S 12/2023

Clerk's File: MBA/3430

## 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.

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:55 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:00 o'clock p.m.

## 5. ADOPTION OF THE PLANNING ACT MINUTES

### 5.1. Minutes of the January 9, 2023 Development & Heritage Standing Committee (Planning Act Matters)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.

Report Number: SCM 21/2023

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## 6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

None presented.

## 7. PLANNING ACT MATTERS

### 7.1. Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

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

Decision Number: **DHSC 463**

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff's Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).
2. That the Site Plan Approval Officer **BE DIRECTED**:
  - a) To incorporate the following into site plan approval of the required site plan control agreement:
    - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
    - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
  - b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

Carried.

Report Number: S 105/2022 & AI 1/2023  
Clerk's File: Z/14429

### 7.2. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2

Moved by: Councillor Angelo Marignani  
Seconded by: Member Anthony Arbour

Decision Number: **DHSC 464**

- I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:  
459. **SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET**

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For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Area – minimum 432.0 m<sup>2</sup>
- b) Lot Width – minimum 12.0 m

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

[ZDM4; ZNG/6926]

Carried.

Report Number: S 7/2023  
Clerk's File: Z/14506

### 7.3. Rezoning – Hussain Alameri – 3857 Wyandotte Street East - Z-033/22 ZNG/6868 - Ward 5

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

Decision Number: **DHSC 465**

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

#### 461. **SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE**

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Carried.

Report Number: S 1/2023  
Clerk's File: Z/14514



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## 7.4. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

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

Decision Number: **DHSC 466**

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from **Business Park to Banwell Road Mixed Use Corridor**;
- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
  - 1.X **EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**
    - 1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
    - 1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.
    - 1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;
- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

**“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**

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For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
  - .3 Lot Coverage – maximum - 35%
  - .4 Building Height – maximum - 20.0 m
  - .5 Front Yard Depth – minimum - 6.0 m
  - .6 Building Setback – minimum
    - From the *rear lot line* to the nearest part of the building
    - (a) 10m or less in height - 7.5 m
    - (b) Above 10m in height - 22.5 m
  - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
  - .13 Dwelling Unit Density – dwelling units per hectare – maximum - 110 units per ha
  - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
  - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
- c) Non-residential use shall have a minimum gross floor area of 350 m<sup>2</sup> and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6701]

- IV. 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:
- 1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
  - 2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
  - 3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.

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- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Sampling Manhole;
  - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
  - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAE), including warning clauses for rail and road traffic impacts;
  - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
  - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
  - f) Enbridge Gas minimum separation requirements;
  - g) Adequate clearance from existing ENWIN's pole lines and power lines;
  - h) Canada Post multi-unit policy;
  - i) SAR mitigation measures as in the attached Appendix F to this report; and
  - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from **Business Park** to **Banwell Road Mixed Use Corridor**
- VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.

Carried.

Report Number: S 13/2023

Clerk's File: Z/14510

## 11. ADMINISTRATIVE ITEMS

### 11.1. Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3

#### Larry Horwitz, Owner of 511 Pelissier Street

Larry Horwitz, Owner of 511 Pelissier Street, appears before the Development & Heritage Standing Committee regarding the administrative report "Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3" and requests that the Committee consider his project a catalyst project and approve his application for an additional 5-year extension

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for the Building/Property Improvement Tax Increment Grant Program, indicating that the project satisfies the criteria.

### Laura Strahl, Planner III – Special Projects

Laura Strahl, Planner III - Special Projects, appears before the Development & Heritage Standing Committee regarding the administrative report “Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3” and indicates that based on the review of the materials and information submitted, administration does not recommend that the project be considered as a catalyst project as it does not meet the criteria.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 471**

- I. That CR57/2020, CR37/2021, CR151/2021, CR310/2021, CR285/2020 **BE AMENDED** to extend the project completion deadline to one (1) year from Council approval of Report S6/2023;
- II. That Item VIII of CR310/2021 **BE AMENDED** to extend the deadline for the applicant to sign the grant agreement to one year from Council approval of Report S6/2023;
- III. That Items I and II of CR37/2021 **BE DELETED** and the following **BE SUBSTITUTED** therefor:
- IV. That the request made by 5021089 Ontario Inc (Owner) for the proposed
  - i. development at 477 Pelissier Street to participate in the New Residential
  - ii. Development Grant Program **BE APPROVED** for \$32,500 towards eligible cost of creating thirteen (13) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- V. That the request made by 5021089 Ontario Inc (Owner) for the proposed
  - i. development at 477 Pelissier Street to participate in the Building/Property
  - ii. Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of thirteen (13) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- VI. Grant funds in the amount of \$15,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed at 477 Pelissier Street.

Carried.

Report Number: S 6/2023

Clerk's File: SPL2023

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### 11.2. Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884

#### David Mady, V.P Real Estate Development, Rosati Group

David Mady, V.P Real Estate Development, Rosati Group, appears before the Development & Heritage Standing Committee regarding the administrative report “Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884” and is available for questions.

Councillor Marignani requests clarification for the purpose of the alley closure. Mr. Mady indicates that the plan is to expand the building to the south, which requires the use of a portion of the alley and also to activate the alley for the use of tenants of the building.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 472**

- I. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;
- II. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix “A”, **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1801-1833 Wyandotte Street East (legally described as Part of Lots 1 & 2, Plan 479) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easement, subject to there being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
    - i. Bell Canada to protect existing aerial facilities;
    - ii. Enbridge Gas to protect existing underground infrastructure;
    - iii. EnWin Utilities Ltd. to accommodate the pole, anchors and existing overhead plant;
    - iv. MNSi for existing aerial infrastructure;
    - v. Rosati Development Corp. for access to repair and maintain the north face of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
    - vi. Rosati Development Corp. for pedestrian access from the north exit door off of the northerly main floor commercial unit in the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
    - vii. Rosati Development Corp. for use of the 5.49 metre section of the alley at its easterly terminus by the occupants of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479) for the storage of refuse containers; and

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- viii. The Corporation of the City of Windsor for access to repair and maintain the existing circa 1920 300 millimetre vitrified clay combined sewer with manhole.
  - b. Driveway Permit be obtained to keep and maintain the driveway approach **OR** to remove the redundant approach off of Chilver Road to City Standards.
  - III. That Conveyance Cost **BE SET** as follows:
  - IV. For alley conveyed to abutting lands zoned CD2.2: \$20.00 per square foot without easements and \$10.00 per square foot with easements.
  - V. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1821, *attached* hereto as Appendix "A".
  - VI. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
  - VII. 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.
  - VIII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 143/2022  
Clerk's File: SAA2023

### **11.5. Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)**

#### **David Mady, V.P Real Estate Development, Rosati Group**

David Mady, V.P Real Estate Development, Rosati Group, appears before the Development & Heritage Standing Committee regarding the administrative report "Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

#### Decision Number: **DHSC 475**

- I. That the requests made by 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible studies, if required (e.g. delineation of contaminants) for three separate projects located at the following properties, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan:
  - a. 1969 Wyandotte Street East;
  - b. 626 Argyle Road; and
  - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$61,525 based upon the completion and submission of a Phase II Environmental Site Assessment and

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other eligible studies, if required as follows, completed in a form acceptable to the City Planner and City Solicitor:

- a. 1969 Wyandotte Street East – maximum of \$18,425;
- b. 626 Argyle Road—maximum of \$18,100; and
- c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road—maximum of \$25,000.

III. That the grant funds in the amount of \$61,525 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; and,

IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible studies 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 3/2023

Clerk's File: SPL2023

### **11.7. Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide**

#### **Nathan Jankowski, Manager, Permits & Legislation, Pattison Outdoor Advertising and Scott Stover, Leasing Representative, Pattison Outdoor Advertising**

Nathan Jankowski, Manager, Permits & Legislation, Pattison Outdoor Advertising and Scott Stover, Leasing Representative, Pattison Outdoor Advertising, appear before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and are available for questions.

#### **David Meikle, President, Signal Out of Home**

David Meikle, President, Signal Out of Home, appears before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and is available for questions.

#### **Shawna Petzold – General Manager – Permit World Consulting Services Inc., Applicant/Interested Party**

Shawna Petzold – General Manager – Permit World Consulting Services Inc., Applicant/Interested Party, appears before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and is available for questions.

#### **Lee A. Beekman, Real Estate Development Manager, Outfront**

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Lee A. Beekman, Real Estate Development Manager, Outfront, appears before the Development & Heritage Standing Committee regarding the administrative report "Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide" and is available for questions.

Councillor Kieran McKenzie inquires as to whether the review being undertaken by the Planning Division could be accelerated. Stefan Fediuk, Landscape Architect, appears before the Development & Heritage Standing Committee regarding the administrative report Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards and indicates that the intent is to complete the study earlier but at this time they are not certain how long the consultations will take with the various billboard consultants.

In response to an inquiry by Councillor Francis regarding the reason for the review, S. Fediuk indicates that the requests are coming in quickly and explains that with the passing of Bill 23 and the multi-use uses that have been created with the intensification program that was passed last year, there are more residences in the same areas where we have allowed billboard signs. The review must be undertaken to look at the distances between residences and the billboards. S. Fediuk adds that the moratorium will take into consideration all billboards.

Councillor Morrison inquires about the billboards that were approved and installed within the last year and asks whether more would be considered for approval while the review is ongoing. S. Fediuk indicates that the recommendation is to put a moratorium on permits so that so that billboards will not be installed that will be in conflict with the future by-law amendments.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 477**

- I. That City Council **DIRECT** the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,
- II. That City Council **APPROVE** a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,
- III. That the Planning Division **PROVIDE** Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium: and,
- IV. That Administration **PROVIDE** a status update of the review being undertaken at the August 23<sup>rd</sup>, 2023 meeting of the Development & Heritage Standing Committee meeting.

Carried.

Report Number: C 225/2022  
Clerk's File: SBS2023



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### 11.8. North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7

#### Karl Tanner, Partner, Dillon Consulting Limited

Karl Tanner, Partner, Dillon Consulting Limited, Outfront, appears before the Development & Heritage Standing Committee regarding the administrative report “North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7” and is available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

#### Decision Number: **DHSC 478**

- I. That Council **APPROVE** a cost sharing payment to 1027458 Ontario Ltd. estimated at \$147,800.00, excluding HST (final payment to be based on actual construction costs), for sanitary sewer oversizing costs for Lublin Ave and the sewer extension and additional restoration required to provide future service for privately owned lands on Wyandotte Street East (Benefiting Properties) shown on Appendix ‘A’ (C-3705) as part of the North Neighbourhood Development, Phase 7, to be funded from Project ID #7035119 – New Infrastructure Development; and,
- II. That Administration **BE DIRECTED** to recover the costs noted in I. above from the Benefiting Properties prior to the issuance of building permits for those lands, plus an annual interest rate applied from the date the services constructed are accepted onto maintenance by the Corporation based on the Infrastructure Ontario Construction Loan rate at the time that payment is made and the project is deemed substantially performed and accepted onto maintenance (currently 4.75%), plus 1%; and,
- III. That the application of section 78 of Bylaw 93-2012 (the Purchasing Bylaw) **BE WAIVED** with respect to the cost sharing related to sanitary sewer oversizing for the North Neighbourhood Development, Phase 7, to allow a cost sharing agreement value greater than \$100,000.00 without the issuance of an RFT.

Carried.

Report Number: C 5/2023

Clerk’s File: SW2023

### 11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by The Walker Power Building Inc. for 325 Devonshire Road (Ward 4)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Kieran McKenzie

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Decision Number: **DHSC 473**

- I. That the request made by The Walker Power Building Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for remediation and redevelopment at 325 Devonshire Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 325 Devonshire Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- III. That the request made by The Walker Power Building Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the remediation and redevelopment at 325 Devonshire 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,
- IV. That the submission of the following material, satisfactory to the City Planner, **BE CONDITIONS** of approval:
  - a. Written acknowledgement from the Ministry of Environment, Conservation and Parks that a Record of Site Condition has been filed in the Environmental Site Registry; and
  - b. All final copies of Archaeological Assessments and letter from the Ministry of Citizenship and Multiculturalism that the Stage 4 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
- V. That, Administration **BE DIRECTED** to prepare an agreement between The Walker Power Building Inc. and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs 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,
- VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VII. That the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the grant agreements are not signed by applicant within one year following Council approval. The City Planner may extend the deadline for one year upon request from the applicant.

Carried.

Report Number: S 88/2019

Clerk's File: SPL2023

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### 11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Lakefront Heights Inc. for part of 10835 Riverside Drive East (Ward 7)

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 474**

- I. That the request made by Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible study, if required (e.g. delineation of contaminants or remedial work plan) for property located on the southern part of 10835 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment and up to an additional maximum of \$10,000 (total of \$25,000) based upon the completion a second eligible study (e.g. delineation of contaminants or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$25,000 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 and/or other eligible 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 149/2022

Clerk's File: SPL2023

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## 11.6. Amendment to Sign By-law 250-04 for 5515 Maplewood Drive, File No. SGN-005/22 - Ward #1

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

Decision Number: **DHSC 476**

That the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a Ground Sign on the municipal right-of way in front of 5515 Maplewood Drive, **BE DENIED.**

Carried.

Report Number: C 220/2022  
File Number: SBS2023

## 12. COMMITTEE MATTERS

### 12.1. Minutes of the International Relations Committee of its meeting held November 23, 2022

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

Decision Number: **DHSC 479**

That the minutes of the International Relations Committee meeting held November 23, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 331/2022

## 13. QUESTION PERIOD

None registered.

## 14. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 8:34 o'clock p.m.

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Ward 10 - Councillor Jim Morrisson  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services

**Development & Heritage Standing Committee  
(Planning Act Matters)**

**Date: Monday, February 6, 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 Arbour  
Member Fratangeli  
Member Grenier  
Member Pidgeon  
Member Polewski  
Member Tape

**Members Regrets**

Member Saka  
Member Miller

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM  
ADMINISTRATION:**

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM  
ADMINISTRATION:**

Jelena Payne, Commissioner – Economic Development & Innovation  
Thom Hunt, City Planner / Executive Director of Planning & Development  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
James Chacko, Executive Director, Parks

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Michael Cooke, Manager, Planning Policy  
Rob Vani, Manager, Inspections /Deputy Chief Building Official  
Rob Perissinotti, Development Engineer  
Frank Garardo, Planner III - Policy & Special Studies  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III - Zoning  
Laura Strahl, Planner III - Special Projects  
Stefan Fediuk, Landscape Architect  
Greg Atkinson, Planner III – Economic Development  
Tracy Tang, Planner II – Revitalization & Policy Initiatives  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### 1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m., and calls for nominations from the floor for the position of Chairperson.

Councillor Kieran McKenzie nominates Councillor Jim Morrison for the position of Chairperson; Councillor Jim Morrison accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.  
Councillor Jim Morrison assumes the Chair.

The Deputy Clerk calls for nominations from the floor for the position of Vice Chair.

Councillor Fred Francis nominates Councillor Kieran McKenzie for the position of Vice-Chair. Councillor Kieran McKenzie accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.  
Carried.

### 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.

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:55 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:00 o'clock p.m.

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1. Minutes of the January 9, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.

Report Number: SCM 21/2023

# MINUTES

## Development & Heritage Standing Committee

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

None presented.

### 7. PLANNING ACT MATTERS

#### 7.1. Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

Mr. Szymczak (Planner) presents item.

Mr. Szymczak makes note of a correction in the staff report - the lot frontage should be 100m not 143 m. The correction impact has no change on the analysis report. Mr. Szymczak states at there is additional information from questions raised at the previous standing committee on January 9, 2023.

Mr. Szymczak states that Applicant submitted a revised Site Plan with Buildings A, B, D & E shifted to the West by 15 to 20m. Building C remains mostly unchanged. All garages have been relocated between the buildings and easterly lot line (Byng Road).

Jackie Lassaline presents item and is available for questions. Ms. Lassaline makes note of the changes to the Site Plan.

Hadar Habib, HD Development (Applicant) – is available for questions.

Amy Grady, resident (2911 Byng Rd.) – has concerns with shadow study.

Grant Debroe, resident (3047 Byng Rd.) – has various concerns with the development including; traffic, shadow study and quality of life for area residents.

Dora Ferro, resident (3032 Manford Ave.)- has concerns with traffic.

Anna Sovran, resident (2927 Byng Rd.) – has concerns with car pollution and light pollution.

Gino Sovran, resident (2927 Byng Rd.) – has concerns with traffic, privacy, noise and pollution.

Keri Shaw, resident (2911 Byng Rd.) – has concerns with this type of development in the area.

Leah Bechard, resident (2982 Conservation Dr.) – has concerns with traffic.

Adriano Bertolissio, resident (2952 Byng Rd.) – has various concerns with parking, snow management and quality of life.

Councilor Mackenzie asks if the lights can be directed away from the residents and focus on the area that needs to be illuminated. Ms. Lassaline answers that the lighting for the development will



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be Dark Sky compliant. Ms. Lassaline states that the lights will be concentrated down on the area and will not spill out on the properties and it will be a part of Site Plan Review.

Councilor Marignani asks if there will be a fence put up to mitigate lights from vehicles spilling into residents' yards. Ms. Lassaline answers that there will be a board fence placed where there are chain link fences and this will ensure no lights will spill onto other properties. Ms. Lassaline states that the garages will also act as a buffer from the residents' yards.

Councilor Francis asks Mr. Szymczak what changes have the Applicants made since the DHSC meeting held on January 9<sup>th</sup>, 2023. Mr. Szymczak answers that the Applicants made changes based on the Recommendations from the January 9<sup>th</sup> meeting. Mr. Szymczak states that the 4 buildings, 2 most northerly and the 2 most southerly were shifted anywhere from 15-20 meters to the west. Councilor Francis asks if the buildings would be closer to the Fogolar Furlan. Mr. Szymczak confirms that they will be closer to the Fogolar Furlan and 55 feet away from the Byng properties. Mr. Szymczak states that in addition the Applicant shifted the parking garages between the buildings.

Councilor Francis asks Administration why the second access is not recommended. Mr. Szymczak states that another Transportation Impact Study would need to be completed. A Transportation Impact Study was already completed and states that a second access is not required and access to North Service Road is sufficient.

Councilor Francis asks if a secondary access was a possibility would it create more traffic on Byng Rd. Mr. Szymczak answers that more traffic on Byng Road would be a possibility.

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

Decision Number: **DHSC 463**

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff's Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).
2. That the Site Plan Approval Officer **BE DIRECTED**:
  - a) To incorporate the following into site plan approval of the required site plan control agreement:
    - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
    - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
  - b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

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Carried.

Report Number: S 105/2022 & AI 1/2023

Clerk's File: Z/14429

### 7.2. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2

Adam Szymczak (Planner) is available for questions.

Tracey Pillon-Abbs (Agent) is available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 464**

I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

#### 459. **SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET**

For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Lot Area – minimum 432.0 m<sup>2</sup>

b) Lot Width – minimum 12.0 m

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections

5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6926]

Carried.

Report Number: S 7/2023

Clerk's File: Z/14506

### 7.3. Rezoning – Hussain Alameri – 3857 Wyandotte Street East - Z-033/22 ZNG/6868 - Ward 5

Mr. Garardo (Planner) is available for questions.

Councilor Mackenzie asks how they intent to offload vehicles onto the lot.

Mr. Peterson (Designer) answers that this development will be used car dealership and there is no need to offload vehicles.

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

Decision Number: **DHSC 465**

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

### **461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE**

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Carried.

Report Number: S 1/2023  
Clerk's File:Z/14514

### **7.4. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7**

Ms. Nwaesei (Planner) presents item.

Mr. Pillon-Abbs (Agent) presents item and is available for questions

Tony Chau, Bruno Cacilhas and Peter Valente – available for questions.

Safa and Warda Boulis (area residents, 2461 Tranquility) has concerns with traffic, parking, shadow study, privacy, and the value of homes diminishing in the area, noise pollution, flooding.

Gwen Pawloski, resident (2459 Waterford Ave.) – has concerns with parking, traffic, privacy, building height and size of the building.

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Russel Pearson, resident (249 Waterford Ave.) - has various concerns with the proposed development and states there are too many high rise buildings being proposed/built.

Shouvik Raychoudhury, resident (2413 Tranquility Ave.) – has concerns with parking backing onto their backyard, parking overflow to their residential Street, noise pollution, the shadow study, safety, parking

Monika Kurti, resident (2440 Tranquility Ave.) has concerns with loss of sunlight per shadow study, house values, flooding, crime, increase in traffic volume.

Kim Anber – Chair, Building Committee Banwell Community Church – has concerns with parking and the possibility of shared access, the possibility of having to move garbage disposals.

Karen Sereres, resident – (2397 Tranquility Ave.) – has concerns with garbage disposal locations and cites rat infestation from existing church garbage, traffic – accidents at Mc/Hugh/Banwell intersection, shadowing, noise, lighting and sewers. Questions the need for commercial space/use in the proposed development, the proposed increase in height from 4 to 8 storeys, the loss of Windsor's green space, the adequacy of existing sewers to accommodate the proposed development.

Aaron Blata (Professional Traffic Operations Engineer– RC Spencer & Associates) – has no concerns with the Right-Out, Right-In access. Mr. Blata states that the residents on Tranquility and Waterford will not be impacted by this development with regards to the U-turns. McNorton will be used and approximately 53% of that traffic might do a U-turn on Banwell when trying to leave.

Councilor Marignani asks Ms. Nwaesei to speak on the concerns raised regarding the rail line being adjacent to the development. Ms. Nwaesei answers that there were numerous requirements from Via Rail; such as 30-meter separation and fencing which are both incorporated in the provisions. Ms. Nwaesei states there was another report from Via Rail in Montreal which states concerns such as; site lines and design concerns which will be addressed during the Site Plan process.

Councilor Marignani asks if the concern with site line is visibility of vehicular traffic travelling Southbound on Banwell Road. Ms. Nwaesei confirms and states that the concern would need to be resolved at the Site Plan stage. Ms. Nwaesei states the height of the building, the proximity to the rail line is a concern and there are guidelines to follow.

Councilor McKenzie asks Administration to speak on why the Applicant is requesting a 22-metre height building when what is being recommended is 20 meters. Ms. Nwaesei answers currently MD 1.4 allows a maximum of 20 meters. Ms. Nwaesei states that anything over 20 meters would undermine the concerns raised by area residents.

Councilor McKenzie asks if there will sound barrier around the rail line. Ms. Nwaesei states that it is not required. Councilor McKenzie asks if there is someone who could recommend a sound barrier. Ms. Nwaesei answers that at Site Plan review stage conditions can be imposed.

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Councilor Marginari asks how can traffic flow be improved. Ms. Nwaesei answers Banwell road has a classification that is intended for a higher volume of traffic; that classification is class II arterial road. Ms. Nwaesei states that too many access points is not desired as it would interrupt the traffic flow and we want to encourage a certain level of volume of traffic.

Councilor Margiani asks Mr. Chau if residents were informed of the sound pollution from the rail line. Mr. Chau answers that it was not discussed with the developer. Ms. Pillon-Abbs adds that a Noise Consultant prepared a noise impact study and mitigations were suggested; central air conditioning, noise warning clause and special building components such as; walls, glass material.

Councilor Margiani asks if soundproof glass would be an option. Mr. Chau answers that as per the Sound Study Guide patio doors and windows would be upgraded to mitigate sound from Via Rail.

Mr. Chau states that after consultation with the developers they have agreed to a height of 20 meters.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 466**

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from ***Business Park to Banwell Road Mixed Use Corridor***,
- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

### 1.X **EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**

1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.

1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;

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- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

### “H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
  - .3 Lot Coverage – maximum - 35%
  - .4 Building Height – maximum - 20.0 m
  - .5 Front Yard Depth – minimum - 6.0 m
  - .6 Building Setback – minimum
    - From the *rear lot line* to the nearest part of the building
    - (a) 10m or less in height - 7.5 m
    - (b) Above 10m in height - 22.5 m
  - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
  - .13 Dwelling Unit Density – dwelling units per hectare – maximum - 110 units per ha
  - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
  - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
- c) Non-residential use shall have a minimum gross floor area of 350 m<sup>2</sup> and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6701]

- IV. 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:

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1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
  2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
  3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.
- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Sampling Manhole;
  - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
  - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAE), including warning clauses for rail and road traffic impacts;
  - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
  - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
  - f) Enbridge Gas minimum separation requirements;
  - g) Adequate clearance from existing ENWIN's pole lines and power lines;
  - h) Canada Post multi-unit policy;
  - i) SAR mitigation measures as in the attached Appendix F to this report; and
  - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from ***Business Park*** to ***Banwell Road Mixed Use Corridor***
- VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.

Carried.

Report Number: S 13/2023  
Clerk's File: Z/14510

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### 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 8:10pm.

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Ward 10 - Councillor Jim Morrisson  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services