

Development & Heritage Standing Committee Meeting

Date: Monday, April 12, 2021

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Members

Member Baker

Member Bulmer

Member Foot

Member Gyemi

Member Miller

Member Moore

Member Rondot

Members Regrets

Ward 10 - Councillor Morrison

Member Fratangeli

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

John Revell, Chief Building Official

Rob Vani, Manager of Inspections / Deputy Chief Building Official

Wira Vendrasco, Deputy City Solicitor

Adam Pillon, Manager of Right-of-Way

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Barbara Rusan, Manager of Policy & Regulatory Services
Jeff Hagan, Transportation Planning Senior Engineer
Patrick Winters, Development Engineer
Rania Toufeili, Transportation Planner I
Melissa Gasic, Planner II – Development Review
Justina Nwaesei, Planner III – Subdivisions
Adam Szymczak, Planner III – Zoning
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant
Anna Ciacelli, Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Adrian Power, Aces Powersports
Item 7.2 Karl Tanner, Dillon Consulting, representing the Applicant
Item 7.2 Kyle Edmunds, Dillon Consulting
Item 7.2 Mary Ann Frenette, Area Resident
Item 7.2 Mary Pintarich, Area Resident
Item 7.3 Karl Tanner, Dillon Consulting, representing the Applicant
Item 7.3 Kyle Edmunds, Dillon Consulting
Item 7.3 Ray Obeid, Area Resident
Item 10.1 Jackie Lassaline, Planner
Item 10.1 Rhys Wyn Trenhaile
Item 10.3 Jason Grossi, Heritage Consultant
Item 10.3 Sean Lavin, GBI Holding Company Inc.
Item 10.3 Cameron Crowder, GBI Holding Company Inc.
Item 10.3 Anthony Gyemi, Archon Architect
Item 11.3 John and Kimberly Binder, Area Residents
Item 11.3 Rose Anne Owen, Area Resident

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:34 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

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3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development & Heritage Standing Committee Meeting (*Planning Act* Minutes) held March 22, 2021

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 22, 2021 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 100/2021

Clerk's File: MB2021

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

None.

7. *PLANNING ACT* MATTERS

7.1. Rezoning - Aces Powersports - 6010 North Service Road East - Z-003/21 ZNG/6324 - Ward 8

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 268**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 206 RP 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, known municipally as 6010 North Service Road East, west side of North Service Road East, by adding a new site specific exception to Section 20(1) as follows:

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407. WEST SIDE OF NORTH SERVICE ROAD EAST, WEST OF JEFFERSON BOULEVARD

For the lands comprising Lot 206, Registered Plan 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, an *Automobile Repair Garage* shall be an additional permitted use.

[ZDM 11; ZNG/6325]

Carried.

Report Number: S 32/2021
Clerk's File: ZB/14046

7.2. Approval of a Draft Plan of Subdivision on lands located on the south side of Plymouth Dr., east of Central Avenue; File No. SDN-002/20 [SDN/6119]; Applicant – Grand Central Business Park Inc., Ward 5

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 269**

I THAT the application of Grand Central Business Park Inc. for Draft Plan of Subdivision approval for Part of Lots 102 to 107, Concession 2; designated as Parts 1 to 33; 36 to 39 & 42 on Reference Plan 12R-27519, **BE APPROVED** subject to the following conditions:

- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
- B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-002/20-1, prepared by Dillon Consulting Ltd., Project No. 17-6424, dated March 16, 2021;
- C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;
- D. That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final plan; and
- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
 1. The Owner(s) shall include all items as set out in the Results of Circulation named (Appendix D, attached) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

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2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street "A", in accordance with the approved Plan of Subdivision.
 3. The Owner(s) shall, prior to the issuance of a construction permit,
 - (i) undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Region Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (ii) install any stormwater management measures identified in the engineering analysis noted above as part of the development of the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (iii) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.3 (i) & (ii) above; and
 - (iv) obtain the necessary permits or clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind.
 4. **Servicing Study:** Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
 - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the system,
 - (ii) be finalized in agreement with the City Engineer.
 5. **ERCA Requirements** – The Owner(s) shall follow all drainage and flood proofing recommendations the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.
 6. **Existing Private Storm Water Management Facility:** Prior to the City assuming the existing private pond, the Owner(s) shall optimize the existing private storm water management facility (Grand Central pond) to meet the storage requirements of the proposed subdivision, to the satisfaction of the City Engineer.
 7. **Land Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit,
 - i. convey gratuitously to the Corporation of the City of Windsor Blocks 8 and 9 on the draft Plan of Subdivision (SDN-002/20-1) for the purposes of municipal infrastructure

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- (Storm Water Management) to the satisfaction of the City Engineer and the City Planner, and
- ii. convey to the Corporation land sufficient for the easterly expansion of the Central Pond if such lands are required in the opinion of the City Engineer, at a price to be negotiated.
8. **0.3m Reserve:** The Owner(s) shall, prior to the preparation of the final plan, gratuitously convey a 0.3m reserve along the east side of the proposed Street 'A' cul-de-sac and further, the dimensions of the proposed cul-de-sac bulb and requirement for Block 5 shall be determined by the City Engineer and City Planner.
 9. **Sidewalks:** The Owner(s) shall construct, at its expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, new concrete sidewalk along the entire Plymouth Drive frontage and along one side of Street 'A'.
 10. The Owner(s) shall construct all sidewalks in conformity with the requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)* and construct all accesses in conformity to the TAC Geometric Design for Canadian Roads and the City of Windsor Standard Engineering Drawings, to the satisfaction of the City Engineer.
 11. **Parkland Conveyance:** The Owner(s) shall convey to the Corporation, 2% of the lands to be developed, for park purposes or equivalent cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner, prior to the issuance of a construction permit.
 12. **Phase II Environmental Site Assessment (ESA):** The Owner(s) shall, prior to the issuance of a construction permit
 - (i) Submit, to the satisfaction of the City Planner and the City Engineer, an updated Phase II ESA addressing the existence and extent of any site contamination or materials hazardous to public health and as required in the 2008 Phase I ESA prepared by AMEC; and
 - (ii) address any mitigation measures resulting from the updated Phase II ESA.
 13. **Climate Change Resiliency Assessment:** Prior to the transfer of the private pond to the City, the Owner(s) shall, in accordance with the Stormwater Management Report prepared by Dillon in February 2020, examine the private stormwater management system's performance under conditions more intense than 1:100 year design storm event to assess potential impacts of climate change and the facility's resiliency using the Urban Stress Test (UST) design storm event as identified within the Regional Guidelines.
 14. The Owner(s) shall carry out the climate change resiliency assessment in paragraph 13 above at their entire expense and to the satisfaction of the City Engineer and Essex Region Conservation Authority.

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15. **Required Road improvements per Transportation Impact Study:** The Owner(s) shall, prior to the approval of any Site Plan for the subject land, show how they plan to comply with, and agree to implement, the recommendations of the March 2020 Transportation Impact Study for the subject site. All work associated with the recommended modifications and upgrades shall be entirely at the expense of the Owner and shall be done to the satisfaction of the City Engineer.
16. The Owner(s) shall be responsible to cover all costs associated with any modification, relocation and/or removal (if feasible) of the existing EnWin infrastructure.
17. The Owner(s) shall:
- (i) be responsible for the relocation of any Bell Canada facilities or easements at their own cost, should any conflict arise with existing Bell Canada facilities or easements within the subject area;
 - (ii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the *Bell Canada Act*, the Owner may be required to pay for the extension of such network infrastructure;
 - (iii) contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
18. **Archaeological Warning Clause(s):** The Owner agrees to insert, the following warning clauses in all construction documents concerning the subject lands:
1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Cultural Affairs, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
 2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

NOTES TO DRAFT APPROVAL (File # SDN-002/20)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.*

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2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.*
 3. *Required agreements with the Municipality will be prepared by the City Solicitor.*
 4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
 5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
 6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*
 7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*
- II** THAT the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of the *Planning Act*.
- III** THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV** THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director / City Planner of the Planning and Building Department shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V** THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.
- VI** THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 8 on the Draft Plan of Subdivision, identified as SDN002/20-1 in this report from Manufacturing District 1.7 (MD1.7) to Green District (GD) 1.5 for the purposes of a stormwater management facility.
- Carried.

Report Number: S 35/2021
Clerk's File: ZP/14066

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7.3. Zoning By-law Amendment Application for property known as 255 Cabana Road East, west of Howard Avenue, south side of Cabana Road East; Applicant: 255 Cabana Inc.; File No. Z-033/20, ZNG/6217; Ward 9.

Moved by: Councillor Holt

Seconded by: Member Moore

Decision Number: **DHSC 270**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the south side of Cabana Rd. E., west of Howard Ave., described as Pt Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, from Residential District 1.4 (RD1.4) to Residential District 3.2 (RD3.2) in Zoning By-law 8600, subject to the following site specific zoning provision:

“406. SOUTH SIDE OF CABANA ROAD EAST, WEST OF HOWARD AVENUE

For the land comprising Part of Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, the following shall apply

- i. The maximum number of dwelling units shall be 18 (eighteen)
- ii. The minimum required number of parking spaces shall be the maximum parking spaces permitted; and
- iii. Reduction in the minimum required landscape open space yard is prohibited [ZDM 9; ZNG/6217]”;

II. THAT the applicant’s request for site-specific provisions to allow for reductions in required minimum landscape open space, minimum width of parking island, and minimum parking area separation from (i) a street, (ii) an interior lot line & (iii) a wall with habitable room window on the same land, **BE DENIED** for the reasons noted in this report;

III. THAT the parcel described as Pt Lot 6, Con. 4 (PIN 01290-0389), situated on the south side of Cabana Rd. E., west of Howard Ave., excluding the south rear portion being severed per COA Order B-020/20, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and further, that Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:

- **South side of Cabana, west of Howard Avenue**
Pt Lot 6, Concession 4; PIN 01290-0389; Roll No. 080-060-07000; excluding the south rear portion being severed per COA Order B-020/20.

Carried.

Report Number: S 36/2021
Clerk’s File: ZP/14000

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7.4. Rezoning Application – 1015 California Avenue Z 037/20 [ZNG6248] To change a zoning category and permit site specific provisions - Ward 2

Moved by: Councillor Holt

Seconded by: Member Rondot

Decision Number: **DHSC 271**

I. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of PLAN 50; PT BLOCK D; LOT 16 & PT LOT 15; RP 12R28244; PART 2, (known municipally as 1015 California Avenue; Roll No. 050-370-12401-0000), situated on the west side of California Avenue between Davis Street and Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) with the following additional site-specific regulations:

a) Lot Width - minimum 13.72 m

b) All parking provided at the rear of the building instead of the front

Carried.

Report Number: S 30/2021

Clerk's File: ZB/14045

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:56 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:56 o'clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held March 22, 2021

Moved by: Member Baker

Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held March 22, 2021 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 84/2021

Clerk's File: MB2021

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9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 10.1, 10.3, and 11.3.

10. HERITAGE ACT MATTERS

10.1. 374 Ouellette Street, Canada Building- Heritage Alteration Permit Request (Ward 3)

Jackie Lassaline, Planner

Jackie Lassaline, Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “374 Ouellette Street, Canada Building- Heritage Alteration Permit Request (Ward 3)” and provides details related to the submission, a brief historical outline of the Canada Building as well as an outline of the items of interest including the following:

- 1st and 2nd floors will remain commercial, remaining floors residential
- Extensive attention and detail have been provided under the items of interest under the by-law
- The interior features: marble lobby, brass trim on windows/doors, brass trim on stairs, marble stairs, brass Canada post box, elevator doors, ornate ceiling trim painted gold in the lobby
- The exterior features: brass canopy, major structural evaluation required, will not be part of 1st phase, main entrance
- Second floor limestone facade, windows/window frames no changes required

Ms. Lassaline concludes by providing her support of the administrative recommendations.

Rhys Wyn Trenhaile

Rhys Wyn Trenhaile appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “374 Ouellette Street, Canada Building- Heritage Alteration Permit Request (Ward 3)” and is available for questions.

Councillor Sleiman inquires about the financial implications related to the environmental site assessment grant. Kristina Tang, Heritage Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “374 Ouellette Street, Canada Building- Heritage Alteration Permit Request (Ward 3)” and indicates that the environmental site assessment part of the work was previously approved and was undertaken by an Engineer and all necessary action was taken.

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Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 272**

- I. THAT a Heritage Alteration Permit at the Canada Building, 364-374 Ouellette Street, **BE GRANTED**, for the proposed work scope generally described in Appendix B, including:
 - interior rehabilitation and restoration work
 - exterior door entrance restoration
 - exterior masonry restoration

- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with, and requested for in the proposed scope of work, and of the approval conditions, including and not limited to:
 - a. Submission of satisfactory product details and samples (including material and colour selections)
 - b. Approval of any requested Mock-up
 - c. Submission of satisfactory conservation treatments in the form of drawings and/or specifications, to demonstrate no negative heritage impacts on the designated features

- III. THAT Building Permits **NOT BE ISSUED** until delegated approval is provided for by the City Planner and zoning requirements are satisfied.

Carried.

Report Number: S 34/2021

Clerk's File: MBA/10055

10.3. 357-359 Indian Road (Sandwich HCD)- Request for Heritage Permit for Demolition and Alteration (Ward 2)

Kristina Tang, Heritage Planner

Kristina Tang, Heritage Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)" and provides a brief outline of the application, including that the current owners have requested a heritage permit for a demolition and, as the property is in the Heritage Conservation District, it requires Council approval. Ms. Tang provides a brief outline of the plans, visions, and goals for the Sandwich Town HCD, including social and economic goals, as well as outlining the principles of the HCD. Ms. Tang provides a summary of the residential characteristics of the property as well as the HCD architectural character of the homes in the area. Ms. Tang states that the existing building is neglected and is missing the front porch, which was removed by a previous owner without permission. Ms. Tang concludes by outlining the policies related to demolition.

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Jason Grossi, Heritage Consultant

Jason Grossi, Heritage Consultant, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)” and indicates that he began an inventory of what remains on this property that is of significance and the two things relating to materials that could be reclaimed as heritage components were the rug brick and the corner blocks that accent the foundations of the home. Mr. Grossi adds that his report states that from a health and safety standpoint, the building is not in a condition where it is a danger to the public and from a building code standpoint, there is no reason to take the home down and concludes by suggesting that the home is in a state of decline and deterioration from neglect.

Sean Lavin, GBI Holding Company Inc.

Sean Lavin, GBI Holding Company Inc., appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)” and is available for questions.

Cameron Crowder, GBI Holding Company Inc.

Cameron Crowder, GBI Holding Company Inc., appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)” and indicates that their goal is to construct a building that will make the Sandwich Community proud while being conscious of the heritage landscape and while fitting in a feasible business plan. Mr. Crowder indicates that administration is asking them to repair a building where the only heritage aspects of it are the rug brick (half of it remains) and the cornerstone of the foundation. Mr. Crowder also comments on the 90-day limit for a decision from Council and are asking the Standing Committee to put the 90-day time stamp on this application so that they do not have to be out another thirty to forty days on their project. Mr. Crowder adds that demolition is the only viable business plan for this property. Mr. Crowder provides details related to the type of building they would like to build. Mr. Crowder adds that any decision other than demolition will not be feasible for them to continue with a project on this site. Mr. Crowder indicates that this building has been vacant since 2009; it has been in this state for twelve years and will continue if demolition is not a viable option. Their goal has been to reconstruct the building that follows the historic guidelines of the Sandwich District.

Anthony Gyemi, Archon Architect

Anthony Gyemi, Archon Architect, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)” and provides information related to the plans for this property and the current condition of the interior of the house.

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Councillor Holt inquires about the difference between administration's recommendation and what the applicant is requesting. Mr. Grossi indicates that his report indicates that what is left of the building is nothing from a heritage standpoint and what is important is what is captured in photographs that should be reinstated.

Councillor Holt asks administration to comment on demolition versus restoration. Ms. Tang reiterates the points outlined in the report and that their evaluations are based on what was presented to them from the applicant. Michael Cooke, Manager of Planning Policy, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "357-359 Indian Road (Sandwich HCD) - Request for Heritage Permit for Demolition and Alteration (Ward 2)" and indicates that the value of real estate has allowed for proponents to look at substantial investments that might not have been viable from a business case standpoint. Mr. Cooke adds that when it comes to the HCD, they still have to isolate the first principles of wherever possible, preservation and maintaining structures, incentives that we have through city policies to ensure that there is not that decline and neglect that is brought out by properties that are abandoned. Mr. Cooke adds that administration's intent is to work with property owners to do the preservation wherever possible to ensure that the long-standing history is maintained in districts like this one.

Councillor Holt inquires as to how to move forward while still preserving the integrity of an HCD as there are several structures within the HCD that are watching these proceedings and will want to do similar things, which could further deteriorate the HCD. Mr. Cooke indicates that in the cases where the homes have been neglected, i.e. holes in roofs, a case-by-case basis is the best way to look at that. Mr. Cooke adds that future applications that are looking to achieve a similar results, will still go through this scrutiny by members of administration and the professionals required to evaluate.

Councillor Holt asks if this Committee and City Council issues the demolition permit to rebuild as has been seen with the redevelopment plan, we have the legal ability to look at individual proposals going forward. Administration indicates that the difficult part is that they do not want to recommend outright demolition for the reasons outlined in the report and have certain building elements that are particular to this structure; however, much of it has been lost.

Councillor Gill asks how many buildings are included in the HCD. Ms. Tang indicates that there are approximately two hundred buildings in the HCD.

Councillor Gill requests clarification related to the direction of the administrative recommendation. Mr. Cooke responds that the options referred to by Ms. Tang relate to the retention of the existing structure. Administration provides information related to structural integrity.

Councillor Sleiman asks if the building in question is salvageable. Mr. Cooke responds that it is salvageable, but it has been determined that the cost will be significant.

Councillor Bortolin indicates that the Demolition Permit comes with the need for a redevelopment plan and provides details related to a redevelopment plan not being executed including fines.

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Administration also provides details related to default; the municipality is entitled to register a lien on title and that would remain on title so it would go with the property.

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 274**

- I. THAT the request for a s. 42(1)2. *Ontario Heritage Act*, Heritage Permit for the demolition and replacement with a historically accurate reconstruction at 357-359 Indian Road **BE GRANTED** generally as per plans in Appendix B, conditional to the following:
 - a. Recommendations of the Heritage Consultant as per Section 7.2 of the Built Heritage Assessment; and
 - b. Further revisions requested as outlined in this report, including concerns about windows on north elevation; and

- II. THAT an Exemption under Demolition Control Bylaw 20-2007 **BE GRANTED** subject to the fulfillment of the following standard requirements for demolitions within the Olde Sandwich Towne Community Improvement Plan Area:
 - (i) a plan for a redevelopment in conformity with the Official Plan and Zoning Bylaw requirements,

 - (ii) an executed Site Plan Control Agreement(s),

 - (iii) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill conditions of the Site Plan Control Agreement;

 - (iv) the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - a) The Redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
 - b) If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk enter the sum of Twenty Thousand Dollars (\$20,000 per unit) on the collectors roll of the property and prepare a certificate for registration and the City Solicitor register the certificate in the land registry office against the property.

- III. THAT all approvals **BE SUBJECT** to further finalization of construction drawings and details, the provision and approval of building material samples and colour samples by the Heritage Planner prior to issuance of building permits, as determined by the City Planner or his designate; and,

- IV. THAT the City Planner or his designate **BE DELEGATED** the authority to approve further minor changes to the approved scope for this property.

Carried.

Member Baker voting nay.

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Report Number: S 33/2021
Clerk's File: MB2021

10.2. 766 Devonshire Rd, Niels Ortved House – Heritage Designation Report (Ward 4)

Moved by: Councillor Holt
Seconded by: Member Foot

Decision Number: **DHSC 273**

THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Niels Ortved House, at 766 Devonshire Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'.

Carried.

Report Number: S 29/2021
Clerk's File: MBA/14078

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 7:41 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:41 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.3. To Close the Richardie Boulevard ROW, South of Cabana Road W - SAS/6198 - Applicant: City of Windsor - Ward 1

John and Kimberly Binder, Area Residents

John and Kimberly Binder, area residents, appear via video conference before the Development and Heritage Standing Committee regarding the administrative report "To Close the Richardie Boulevard ROW, South of Cabana Road W - SAS/6198 - Applicant: City of Windsor - Ward 1" and inquire as to why the decision was made to close off Richardie on the one side at Cabana and to open it up into Santo Drive. Councillor Bortolin indicates that this work is in preparation for the Cabana Road expansion that will be coming over the next year or two. Chris Aspila, Senior Planner – Policy & Special Studies, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "To Close the Richardie Boulevard ROW, South of Cabana Road W - SAS/6198 - Applicant: City of Windsor - Ward 1" and indicates that this is the first step in a housekeeping matter for the Cabana Road expansion. Administration indicates that the design is being completed and the decision to close was a recommendation of the Environmental Assessment. Mr. Binder asks if costs for this project will be incurred by the

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homeowners. Administration indicates that they are not aware of whether the city will be initiating a local improvement but the city reserves the right where the frontages lack the basic municipal services under the Local Improvement Policy. They add that there will be further follow-up with Engineering, and notification would be provided to the owners and they would have the right to object to that process.

Rose Anne Owen, Area Resident

Rose Anne Owen, area resident, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "To Close the Richardie Boulevard ROW, South of Cabana Road W - SAS/6198 - Applicant: City of Windsor - Ward 1" and indicates that she was told that this project is being done to lessen traffic on Cabana and adds there are only four houses on Richardie and states that the City would save money by leaving Richardie as it is.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 277**

- I. THAT the portion of Richardie Boulevard south of Cabana Road W, as shown on Drawing No. CC-1782 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure;
- II. THAT the portion of Richardie Boulevard south of Cabana Road, as shown on Drawing No. CC-1782 *attached* as Appendix 'A', **BE CLOSED AND RETAINED**, and adjusted as necessary by the City Planner subject to the following:
 - a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice be granted to:
 - Bell Canada;
 - EnWin Utilities; and
 - Enbridge Gas Inc.
- III. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1782 *attached* as Appendix 'A';
- IV. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- V. 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; and
- VI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 26/2021
Clerk's File: SAS2021

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11.1. Close and Convey Part of the North/South Alley Between Seminole St and Metcalfe St, Between 3930 Seminole St and 3970 Seminole St – SAA/6096 – Applicant: MRB Hardwares of Windsor (Seminole Home Hardware) – Ward 5

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 275**

- I. THAT the 4.88 metre wide north/south alley between 3930 and 3970 Seminole St, and shown on Drawing No. CC-1778 *attached as Appendix 'A'*, **BE ASSUMED** for subsequent closure;
 - II. THAT the 4.88 metre wide north/south alley between 3930 and 3970 Seminole St, and shown on Drawing No. CC-1778 *attached as Appendix 'A'*, **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
 - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - Enwin Utilities Ltd;
 - III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley abutting lands zoned Commercial CD2.2: \$172.22 per square metre without easements or \$86.11 per square metre with easements;
 - IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1778, *attached as Appendix 'A'*;
 - V. THAT a "No Exit" sign **BE INSTALLED** at the north end of the alley;
 - VI. THAT Cost of the "No Exit" sign **BE SET** at \$250.00 + HST and payable by the Applicant to the City prior to the registration of the Transfer;
 - 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; and,
 - IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 4/2021

Clerk's File: SAA2021

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11.2. To Close Daytona Avenue ROW, South of Cabana Road W - SAS/6197 - Applicant: City of Windsor - Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Gill

Decision Number: **DHSC 276**

- I. THAT the portion of Daytona Avenue south of Cabana Road W, as shown on Drawing No. CC-1781 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure;
 - II. THAT the portion of Daytona Avenue south of Cabana Road W, as shown on Drawing No. CC-1781 *attached* as Appendix 'A', **BE CLOSED AND RETAINED**, and adjusted as necessary by the City Planner subject to the following:
 - a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice be granted to:
 - EnWin Utilities;
 - Windsor Utilities; and
 - Enbridge Gas Inc.
 - III. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1781 *attached* as Appendix 'A';
 - IV. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
 - V. 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; and
 - VI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 25/2021
Clerk's File: SAS2021

12. COMMITTEE MATTERS

12.1. Report No. 22 of the Windsor BIA Advisory Committee - Continuation of Economic Incentives

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 278**

THAT Report No. 22 of the Windsor Business Improvement Area (BIA) Advisory Committee of its meeting held January 28, 2021 indicating:

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That City Council BE REQUESTED to continue the economic incentives put in place in 2020 for the BIA's including but not limited to the cafes and parklets; waiving of fees for on street parking, street closures, assistance with Bright Lights funding and any additional benefits.

BE APPROVED.

Carried.

Report Number: SCM 73/2021

Clerk's File: MB2021

12.2. Minutes of the Windsor BIA Advisory Committee of its meeting held January 28, 2021

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

Decision Number: **DHSC 279**

THAT the minutes of the Windsor Business Improvement Area (BIA) Advisory Committee of its meeting held January 28, 2021 **BE RECEIVED.**

Carried.

Report Number: SCM 74/2021

Clerk's File: MB2021

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 8:02 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Supervisor of Council Services

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

**Date: Monday, April 12, 2021
Time: 4:30 pm**

MEMBERS PRESENT:

Councillors:

Ward 3 - Councillor Bortolin (Chair)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill

Members:

Member Gyemi
Member Moore
Member Rondot

Members Regrets:

Ward 10 – Councillor Morrison

Clerk's NOTE: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Wira H.D. Vendrasco, Deputy City Solicitor
Shelby Askin-Hager, City Solicitor
Thom Hunt, City Planner/Executive Director
Michael Cooke, Manager of Planning Policy/Deputy City Planner
Neil Robertson, Manager of Urban Design/Deputy City Planner
Adam Szymczak, Planner III – Zoning
Justina Nwaesei, Planner III – Subdivisions
Melissa Gasic, Planner II – Development Review
John Revell, Chief Building Official
Rob Vani, Manager of Inspections/Deputy Chief Building Official
Barbara Rusan, Manager of Policy & Regulatory Services
Jeff Hagan, Transportation Planning Senior Engineer
Patrick Winters, Development Engineer

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Adam Pillon, Manager Right-Of-Way
Rania Toufeili, Transportation Planner I
Patric Winters, Development Engineer
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant
Anna Ciacelli, Supervisor of Council Services

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:34 pm.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held March 22, 2021.

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

THAT the Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) meeting held March 22, 2021 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 100/2021
Clerk's File: MB2021

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

- Item 7.1 Adrian Power, Aces PowerSports
- Item 7.2 Karl Tanner, Dillon Consulting, representing the Applicant
- Item 7.2 Kyle Edmunds, Dillon Consulting
- Item 7.2 Mary Ann Frenette, Area Resident
- Item 7.2 Mary Pintarich, Area Resident
- Item 7.3 Karl Tanner, Dillon Consulting, representing the Applicant
- Item 7.3 Kyle Edmunds, Dillon Consulting
- Item 7.3 Ray Obeid, Area Resident

7. PLANNING ACT MATTERS

7.1 Z-003/21 [ZNG/6325] – Aces PowerSports 6010 North Service Rd – Rezoning Ward 8

Jasdeep Brar (author), Co-op Student – Zoning

Ms Brar provides a brief overview presentation of the application.

Councillor Gill seeks clarification on the type of service garage will be provided. Clarified by Adam Szymczak.

Moved by: Councillor Hold

Seconded by: Councillor Sleiman

Decision Number: **DHSC 268**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 206 RP 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, known municipally as 6010 North Service Road East, west side of North Service Road East, by adding a new site specific exception to Section 20(1) as follows:

407. WEST SIDE OF NORTH SERVICE ROAD EAST, WEST OF JEFFERSON BOULEVARD

For the lands comprising Lot 206, Registered Plan 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, an *Automobile Repair Garage* shall be an additional permitted use.

[ZDM 11; ZNG/6325]

Motion CARRIED UNANIMOUSLY

Report Number: S 32/2021

Clerk's File: ZB/14046

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7.2 SDN-002/20 [SDN/6119] – Grand Central Business Park Inc 4001 Plymouth Rd – Subdivision Ward 5

Justina Nwaesei, Author, Planner III – Subdivisions

Ms. Nwaesei provides a presentation detailing the application.

Karl Tanner, consultant and Kyle Dennings – Dillon Consulting Ltd – support the recommendation and are available for questions.

Mary Pintarich & Mary Ann Frenet – concern regarding proposed access to Plymouth Rd. Concern regarding increased traffic onto Plymouth. Area residents opposed to new/additional access which will increase noise pollution as well.

Councillor Sleiman echoes concerns mentioned and asks questions pertaining to location of new road, existing access, noise pollution and new developments. Ms. Nwaesei answers them to the best of her ability.

Councillor Gil inquires age of environmental studies provided. Ms. Nwaesei advises that is addressed in her recommendations.

Councillor Sleiman to Mr. Tanner, inquires about berms and noise prevention/deterents. Mr. Tanner notes these are addressed through Site Plan Control process.

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 269**

RECOMMENDATIONS

- I THAT the application of Grand Central Business Park Inc. for Draft Plan of Subdivision approval for Part of Lots 102 to 107, Concession 2; designated as Parts 1 to 33; 36 to 39 & 42 on Reference Plan 12R-27519, **BE APPROVED** subject to the following conditions:
 - A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
 - B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-002/20-1, prepared by Dillon Consulting Ltd., Project No. 17-6424, dated March 16, 2021;
 - C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;

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- D. That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final plan; and
- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
1. The Owner(s) shall include all items as set out in the Results of Circulation named (Appendix D, attached) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street "A", in accordance with the approved Plan of Subdivision.
 3. The Owner(s) shall, prior to the issuance of a construction permit,
 - (i) undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Region Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (ii) install any stormwater management measures identified in the engineering analysis noted above as part of the development of the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (iii) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.3 (i) & (ii) above; and
 - (iv) obtain the necessary permits or clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind.
 4. **Servicing Study:** Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
 - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the system,
 - (ii) be finalized in agreement with the City Engineer.
 5. **ERCA Requirements** – The Owner(s) shall follow all drainage and flood proofing recommendations the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval by the City Engineer. If applicable,

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the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

6. **Existing Private Storm Water Management Facility:** Prior to the City assuming the existing private pond, the Owner(s) shall optimize the existing private storm water management facility (Grand Central pond) to meet the storage requirements of the proposed subdivision, to the satisfaction of the City Engineer.
7. **Land Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit,
 - i. convey gratuitously to the Corporation of the City of Windsor Blocks 8 and 9 on the draft Plan of Subdivision (SDN-002/20-1) for the purposes of municipal infrastructure (Storm Water Management) to the satisfaction of the City Engineer and the City Planner, and
 - ii. convey to the Corporation land sufficient for the easterly expansion of the Central Pond if such lands are required in the opinion of the City Engineer, at a price to be negotiated.
8. **0.3m Reserve:** The Owner(s) shall, prior to the preparation of the final plan, gratuitously convey a 0.3m reserve along the east side of the proposed Street 'A' cul-de-sac and further, the dimensions of the proposed cul-de-sac bulb and requirement for Block 5 shall be determined by the City Engineer and City Planner.
9. **Sidewalks:** The Owner(s) shall construct, at its expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, new concrete sidewalk along the entire Plymouth Drive frontage and along one side of Street 'A'.
10. The Owner(s) shall construct all sidewalks in conformity with the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA) and construct all accesses in conformity to the TAC Geometric Design for Canadian Roads and the City of Windsor Standard Engineering Drawings, to the satisfaction of the City Engineer.
11. **Parkland Conveyance:** The Owner(s) shall convey to the Corporation, 2% of the lands to be developed, for park purposes or equivalent cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner, prior to the issuance of a construction permit.
12. **Phase II Environmental Site Assessment (ESA):** The Owner(s) shall, prior to the issuance of a construction permit
 - (i) Submit, to the satisfaction of the City Planner and the City Engineer, an updated Phase II ESA addressing the existence and extent of any site contamination or materials hazardous to public health and as required in the 2008 Phase I ESA prepared by AMEC; and
 - (ii) address any mitigation measures resulting from the updated Phase II ESA.

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13. **Climate Change Resiliency Assessment:** Prior to the transfer of the private pond to the City, the Owner(s) shall, in accordance with the Stormwater Management Report prepared by Dillon in February 2020, examine the private stormwater management system's performance under conditions more intense than 1:100 year design storm event to assess potential impacts of climate change and the facility's resiliency using the Urban Stress Test (UST) design storm event as identified within the Regional Guidelines.
14. The Owner(s) shall carry out the climate change resiliency assessment in paragraph 13 above at their entire expense and to the satisfaction of the City Engineer and Essex Region Conservation Authority.
15. **Required Road improvements per Transportation Impact Study:** The Owner(s) shall, prior to the approval of any Site Plan for the subject land, show how they plan to comply with, and agree to implement, the recommendations of the March 2020 Transportation Impact Study for the subject site. All work associated with the recommended modifications and upgrades shall be entirely at the expense of the Owner and shall be done to the satisfaction of the City Engineer.
16. The Owner(s) shall be responsible to cover all costs associated with any modification, relocation and/or removal (if feasible) of the existing EnWin infrastructure.
17. The Owner(s) shall:
 - (i) be responsible for the relocation of any Bell Canada facilities or easements at their own cost, should any conflict arise with existing Bell Canada facilities or easements within the subject area;
 - (ii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the *Bell Canada Act*, the Owner may be required to pay for the extension of such network infrastructure;
 - (iii) contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
18. **Archaeological Warning Clause(s):** The Owner agrees to insert, the following warning clauses in all construction documents concerning the subject lands:
 1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Cultural Affairs, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
 2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part

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of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

NOTES TO DRAFT APPROVAL (File # SDN-002/20)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.*
 2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.*
 3. *Required agreements with the Municipality will be prepared by the City Solicitor.*
 4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
 5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
 6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*
 7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*
- II THAT the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of the *Planning Act*.
- III THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director / City Planner of the Planning and Building Department shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

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VI THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 8 on the Draft Plan of Subdivision, identified as SDN002/20-1 in this report from Manufacturing District 1.7 (MD1.7) to Green District (GD) 1.5 for the purposes of a stormwater management facility.

Motion CARRIED UNANIMOUSLY

Report Number: S 35/2021
Clerk's File: ZP/14066

7.3 Z-033/20 [ZNG/6217] – 255 Cabana Road Inc 255 Cabana Rd E – Rezoning Ward 9

Justina Nwaesei (author), Planner III – Subdivisions

Ms. Nwaesei provides a presentation of the application. Ms. Nwaesei also amends her original report to address resident's concerns and give a brief explanation.

Karl Tanner, consultant – Dillon Consulting Ltd – applicant only request is for relief on landscaping to provide only 29% and on reduction of parking island to 0.9 m. Otherwise, in agreement with the recommendations as amended and are available for questions.

Ray Obeid, resident – is opposed to the allowance of a 3-storey development and provides a brief presentation to support his reasons for opposition.

Member Moore inquires about the configuration of the proposed development with the reduction to a 2-storey building. Mr. Tanner advises the conceptual plan shows a reduction in units but all would be addressed through Site Plan Control to utilize the space as best as possible in order to meet requirements.

Member Gyemi inquires about reducing number of parking spaces, given that there are more than required, in order to increase landscaping. Mr. Tanner notes many of these concerns are addressed through the Site Plan Control process.

Councillor Holt inquires whether the applicant would be amenable to decrease in parking to expand on green space. Mr. Gyemi echoes this. Ms. Nwaesei advises if the amended version of her report is accepted, no additional amendment will be required for reduction in parking to allow for compliance in landscaping.

Moved by: Councillor Holt
Seconded by: Member Moore

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Decision Number: **DHSC 270**

RECOMMENDATIONS

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the south side of Cabana Rd. E., west of Howard Ave., described as Pt Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, from Residential District 1.4 (RD1.4) to Residential District 3.2 (RD3.2) in Zoning By-law 8600, subject to the following site specific zoning provision:

“406. SOUTH SIDE OF CABANA ROAD EAST, WEST OF HOWARD AVENUE

For the land comprising Part of Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, the following shall apply

- i. The maximum number of dwelling units shall be 18 (eighteen)
 - ii. The minimum required number of parking spaces shall be the maximum parking spaces permitted; and
 - iii. Reduction in the minimum required landscape open space yard is prohibited [ZDM 9; ZNG/6217]”;
- II. THAT the applicant’s request for site-specific provisions to allow for reductions in required minimum landscape open space, minimum width of parking island, and minimum parking area separation from (i) a street, (ii) an interior lot line & (iii) a wall with habitable room window on the same land, **BE DENIED** for the reasons noted in this report;
- III. THAT the parcel described as Pt Lot 6, Con. 4 (PIN 01290-0389), situated on the south side of Cabana Rd. E., west of Howard Ave., excluding the south rear portion being severed per COA Order B-020/20, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and further, that Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:
- **South side of Cabana, west of Howard Avenue**
Pt Lot 6, Concession 4; PIN 01290-0389; Roll No. 080-060-07000; excluding the south rear portion being severed per COA Order B-020/20.

Motion CARRIED UNANIMOUSLY

Report Number: S 36/2021
Clerk’s File: ZP/14000

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7.4 Z-037/20 [ZNG/6248] – Gefur Zhu 1015 California Ave – Rezoning Ward 2

Melissa Gasic (author), Planner III – Development Review

Ms. Gasic provides a presentation on the application.

Councillor Gill seeks clarification on reason for reduction in width. Ms. Gasic provides background information and answers the question.

Member Moore inquires about by-laws regarding front yard parking. Would prefer to see parking in rear. Mr. Vani (Manager of Inspections) explains parking in front is permitted provided that hard space for parking does not consume more than 50% of the front lawn.

Member Gyemi inquires about alley contribution not included for this property. Ms. Gasic advises it can be added to the recommendations, however, the contribution is generally taken during the building permit process.

Councillor Holt inquires whether there is room in the back to fit additional two parking spots? The Committee generally prefers to remove parking in front and move to back wherever possible. Ms. Gasic believes it is possible and can look into it but would have to confer with the applicant as well.

Councillor Sleiman inquires as to distance from Conservation/Sensitive areas such as the Conservation or Heritage District in that area. Ms. Gasic advises there were no comments against the application as they are not impacted.

Moved by: Councillor Holt

Seconded by: Member Rondot

Decision Number: **DHSC 271**

RECOMMENDATIONS

- I. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of PLAN 50; PT BLOCK D; LOT 16 & PT LOT 15; RP 12R28244; PART 2, (known municipally as 1015 California Avenue; Roll No. 050-370-12401-0000), situated on the west side of California Avenue between Davis Street and Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) with the following additional site-specific regulations:
 - a) Lot Width - minimum 13.72 m
 - b) All parking provided at the rear of the building instead of the front

Motion CARRIED UNANIMOUSLY

Report Number: S 30/2021

Clerk's File: ZB/14045

MINUTES

Development & Heritage Standing Committee

April 12, 2021

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8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:56 p.m.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)