

Development & Heritage Standing Committee Meeting

Date: Monday, January 11, 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

Ward 10 - Councillor Morrison

Members

Member Baker

Member Foot

Member Fratangeli

Member Miller

Member Moore

Member Rondot

Members Regrets

Member Bulmer

Member Gyemi

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:

Shelby Askin Hager, City Solicitor

Wira Vendrasco, Deputy City Solicitor

Thom Hunt, City Planner

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

Rob Vani, Manager of Inspections / Deputy Chief Building Official

Barbara Rusan, Manager of Policy & Regulatory Services

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Patrick Winters, Development Engineer
Melissa Gasic, Planner II – Development Review
Christopher Aspila, Planner III – Policy & Special Studies
Greg Atkinson, Planner III – Economic Development
Laura Diotte, Planner III – Special Projects
Justina Nwaesei, Planner III – Subdivisions
Kristina Tang, Heritage Planner
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant
Anna Ciacelli, Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Marco Savoni, Applicant; and Josh Hurley-Burns, Planner
Item 7.2 & 7.3 Scott DeGraw, Canadian Liaison, Fairmount Properties
Item 7.2 & 7.3 Jeffery Williams, Riverwest Community Initiative
Item 11.1 Brian Chillman, Solicitor representing Huron Church Animal Hospital and
Khahra Real Estate Corp.
Item 11.1 Jackie Lassaline, Planner
Item 11.1 Ken Khahra, representative for Property Owners
Item 11.1 Kim Woodbridge, Area Resident
Item 11.5 Paul Bezaire, Bezaire Partner

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:35 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.2. Response to CQ24-2020 Regarding Officially Naming Alleys and Laneways

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

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Decision Number: **DHSC 251**

THAT the report of the Senior Planner – Policy & Special Studies dated December 9, 2020 entitled “Response to CQ24-2020 Regarding Officially Naming Alleys and Laneways” **BE REFERRED** back to Administration to allow for additional comment from Barry Horrobin, Director of Planning and Physical Resources, Windsor Police Services regarding case studies from other municipalities who have undertaken this initiative.

Carried.

Report Number: S 171/2020
Clerk’s File: SAA2020

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 14, 2020

Moved by: Member Baker

Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held December 14, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 381/2020
Clerk’s File: MB2020

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 10.1, 11.1, and 11.5.

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10. HERITAGE ACT MATTERS

10.1. Heritage Recognition 2021 - Presentation of Heritage Designation Plaque and Built Heritage Awards

Kristina Tang, Heritage Planner

Kristina Tang, Heritage Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Heritage Recognition 2021 - Presentation of Heritage Designation Plaque and Built Heritage Awards” and provides details related to previous recognition awards that have been presented during Council Meetings. Ms. Tang provides a brief background related to the members of the Heritage Committee reviewing and selecting three heritage sites to be recognized for recently completed heritage conservation work. Details regarding the sites are provided as follows:

- The ***Walker Power Building***, which is a local example of early industrial reinforced concrete construction. The current owner rehabilitated the building to office and commercial space. The rehabilitation retained much of the heritage elements of the property and unearthed a railroad turntable feature, which represents ties to the railway history of Walkerville.
- The ***Honourable W.C. Kennedy Collegiate*** constructed circa 1929. The Greater Essex County District School Board (GECDSB) recently invested approximately \$5M to conduct extensive repairs and upgrades to the facility. A large scope of the project was for restoration of the front facade. Decorative pre-cast stones were installed. The original front door was refinished and reinstalled. The GECDSB, J P Thomson and ERA Architects should be recognized for their exemplary work in conserving the heritage elements of this building and upgrading it for continued use for years to come.
- ***John Campbell Public School*** was designated in 2009 and major work was done at that time through the support of the GECDSB and the City. Recently, the GECDSB invested approximately \$600,000 in repair work including some extensive stone replacement and repointing along the base of the building and repairs in the gymnasium. There was also work on the deteriorated concrete stairs and landing. John Campbell School is an excellent example of a heritage building that has survived and continues to stand strong with continual maintenance and upkeep by a supportive property owner.

Moved by: Councillor Sleiman

Seconded by: Member Foot

Decision Number: **DHSC 246**

- I. THAT the owners of the Walker Power Building, 325 Devonshire Road, designated by City Council in 2020 **BE RECOGNIZED** with the presentation of heritage designation plaque and 2021 Built Heritage Awards; and,

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- II. THAT the property owners and architects for the recent heritage conservation work at the:
- (a) Honourable W. C. Kennedy Collegiate, 245 Tecumseh Road East, and at
 - (b) John Campbell Public School, 1255 Tecumseh Road East,

BE RECOGNIZED with the 2021 Built Heritage Awards.
Carried.

Report Number: S 183/2020
Clerk's File: MBA/13632

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:47 o'clock p.m.

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

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development & Heritage Standing Committee (*Planning Act*) meeting held December 14, 2020

Moved by: Councillor Holt
Seconded by: Member Rondot

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held December 14, 2020 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 18/2021
Clerk's File: MB2020

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Items 7.1, 7.2, and 7.3.

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7. PLANNING ACT MATTERS

7.1. OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS requested by 1486062 Ontario Inc. for the lands located at 3850 Dougall Avenue; File Nos. OPA 136 (OPA/6168) and Z-022/20 (ZNG/6166); Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 243**

I. THAT the parcel described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Dougall Avenue and Cabana Road W., **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:

- **Southeast Corner of Dougall Avenue and Cabana Road W**

Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489; Roll No. 080-060-00100;

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 **Southeast Corner of Dougall Avenue and Cabana Road W**

1.X.1 The property described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Cabana Road West and Dougall Avenue, municipally known as 3850 - 3854 Dougall Avenue, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 6.5.3.1 of the Official Plan, Volume I, *dwelling units* shall be an additional permitted use within the existing second floor above commercial uses on the main floor of the 2-storey building on the subject property.

III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Cabana Road West and Dougall Avenue, by adding the following site-specific zoning provision to permit *dwelling units in a combined use building* as additional permitted use on the subject land:

“410. Southeast Corner of Dougall and Cabana

For the lands comprising Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, the following shall be permitted

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- 1) *Dwelling Units in a Combined Use Building with any one or more of the uses permitted in the CD2.1 zone; provided that*
 - i. All dwelling units, not including entrances thereto, shall be located above the commercial uses;
 - ii. All dwelling units shall be located within the existing second floor of the 2-storey commercial building on the subject land; and
 - iii. Required parking for the dwelling units shall be clearly marked, assigned and set apart from the commercial parking spaces on the subject land.
[ZDM 9; ZNG-6166]"

Carried.

Report Number: S 182/2020
Clerk's File: ZB/13948 & ZO/13998

7.2. Proposed University Avenue West and Wyandotte Street West Community Improvement Plan, Ward 2 and Ward 3

Moved by: Councillor Holt

Seconded by: Member Moore

Decision Number: **DHSC 244**

- I. THAT the University Avenue West and Wyandotte Street West corridors, illustrated in Appendix 'A' attached hereto, **BE DESIGNATED** as the Community Improvement Project Area by By-law for the University Avenue West and Wyandotte Street West Community Improvement Plan in accordance with Section 28(2) of the *Planning Act*;
- II. THAT the draft University Avenue West and Wyandotte Street West Community Improvement Plan, contained in Appendix 'B', **BE ADOPTED** by By-law; and,
- III. THAT administration **REPORT BACK** to Council with a review of the funding requests for existing and proposed CIPs in February 2021 and make recommendations regarding funding for the University Avenue West and Wyandotte Street West Community Improvement Plan at that time.; and,
- IV. THAT Administration **BE REQUESTED** to report back to Council during budget deliberations outlining a 20-year horizon of the financial impacts of Community Improvement Plans across the City.

Carried.

Report Number: S 186/2020
Clerk's File: SPL/10759 & Z/14007

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7.3. University Avenue West and Wyandotte Street West Draft CIP – Tabling – Wards 2 and 3

Moved by: Councillor Holt

Seconded by: Member Moore

Decision Number: **DHSC 245 DHSC 239**

THAT the Draft University Avenue West and Wyandotte Street West Community Improvement Plan, attached as Appendix A, that was tabled at the December 14, 2020 meeting of the Development & Heritage Standing Committee **BE RECEIVED** for information.

Carried.

Report Number: S 178/2020

Clerk's File: SPL/10759

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:41 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:41 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Close and Convey the North/South Alley Between Blackburn Court and Huron Church Road - Ward 2 - Applicant: E. Selaya - 3769 Blackburn Court - SAA/5612

Chris Aspila, Senior Planner – Policy and Special Projects, appears via video conference before the Development and Heritage Standing Committee Meeting regarding the administrative report “Close and Convey the North/South Alley Between Blackburn Court and Huron Church Road – Ward 2- Applicant: E. Selaya – 3769 Blackburn Court – SAA/5612” and provides an overview of the application including the following:

- The applicant made application to close the alley on July 17, 2018. The purpose of the alley closure was to expand his existing yard.
- The application was to be considered by the Development and Heritage Standing Committee in March 2020; however, it was deferred to allow for additional consultation with the representatives from the Huron Church Animal Hospital.
- At this time, no further consideration is being given for future applications.
- There are interests in protecting the existing residents from noise or light pollution as a result of vehicles being parked next to their properties.

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Councillor Bortolin indicates that some of the input from residents seems to insinuate that there was access for that alley, although there is no current access from that alley as it is an unused parcel; the access is only from the road.

Brian Chillman, Solicitor, representing Huron Church Animal Hospital and Khahra Real Estate Corp

Brian Chillman, Solicitor, representing Huron Church Animal Hospital and Khahra Real Estate Corp, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley between Blackburn Court and Huron Church Road - Ward 2 - Applicant: E. Selaya - 3769 Blackburn Court - SAA/5612" and provides a brief overview of the owners, how the current property is being used, and indicates that his clients are opposed to the alley closure; that the encroachments should be removed and that the alley is established as free and clear, which will promote future development with buffers put in place. Mr. Chillman adds that they believe that the alley is indispensable for future access and needs for the two commercial properties. Mr. Chillman indicates that the alley serves as a right-of-way to his client's commercial properties from the rear.

Jackie Lassaline, Planner

Jackie Lassaline, Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley between Blackburn Court and Huron Church Road - Ward 2 - Applicant: E. Selaya - 3769 Blackburn Court - SAA/5612" and indicates that in her professional opinion, she sees maintaining the alleyway as indispensable. Ms. Lassaline adds that in the future, this could provide for that commercial activity that is critical for properties fronting on Huron Church allowing for that secondary access.

Ken Khahra, representing Property Owners

Ken Khahra, representing property owners, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley between Blackburn Court and Huron Church Road - Ward 2 - Applicant: E. Selaya - 3769 Blackburn Court - SAA/5612" and compares the situation at this location with 1375 Huron Church in terms of future development, and for future development purposes, they want to ensure that the alley remains open. Mr. Khahra indicates that the applicant has been encroaching on this parcel for many years and repeated requests to the City to clear the encroachment have been made. Mr. Khahra adds that they are opposed to the closing of the alley and request that City Council take this into consideration. Mr. Khahra indicates that the alley runs from Blackburn to Malden and they are envisioning the alley to be open and maintained from Malden to Blackburn so people have access to both parcels of land.

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Kim Woodbridge, Area Resident

Kim Woodbridge, area resident, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley between Blackburn Court and Huron Church Road - Ward 2 - Applicant: E. Selaya - 3769 Blackburn Court - SAA/5612" and indicates that she has been a client of the Huron Church Animal Clinic since 2011. Ms. Woodbridge adds that due to the heavy traffic on Huron Church and periodic construction, it is imperative that the alley behind the hospital remain open in order to provide access to the facility.

Councillor Holt inquires about the statement made by Mr. Khahra that the alley be open and maintained. Mr. Khahra responds that there will be vehicular access provided in the future.

Councillor Holt inquires whether Mr. Khahra is anticipating that the city pave this grassed alley and provide access to the property. Mr. Khahra advises that his understanding is that both 1797 Huron Church and 0 Huron Church were one parcel in the 1980's and there was no access to 0 Huron Church. Mr. Khahra adds that in 2014, application was made and access was provided off Huron Church. Discussions were held with the Planning Department to create or merge the alley as the City did with 1375 Huron Church to allow this parcel to have that extra space in the back for people to access the parcel directly from Malden.

Councillor Bortolin notes that Mr. Khahra is referring to the zoning in 2014 that allowed for an opening on Malden and inquires whether that was an opening onto his property at 0 Huron Church or the alley. Mr. Khahra responds that there was discussion to provide access related to the property size and requirements. Mr. Khahra indicates that the alley is twelve feet behind where their parcel ends, which provides that extra buffer for them to have access at the back for future development.

Councillor Bortolin notes that it appears that Mr. Khahra wants the City to open, create, and pave the alley from Blackburn to Malden Road and that this would be used as an access road to his property. Councillor Bortolin questions if they wish to purchase the alley or do they expect the City to leave it open and eventually create an access road, which is not the City's standard practice. Mr. Chillman indicates they have no issue in purchasing the alley and proposing a development similar to 1375 Huron Church. Mr. Chillman adds that if the application for the alley closure that is proposed is approved then they are left with the alley and the triangular piece, which will be restrictive in terms of development. Mr. Chillman adds that they would like to purchase the alley and incorporate it into the development, but they would like the opportunity to deal with the whole alley and not just the part that is being proposed to be closed.

Councillor Bortolin states that the applicant is proposing to close specifically the area behind 1797 Huron Church that abuts the properties and notes that there is still an opportunity to submit an application to purchase that alley. Councillor Bortolin adds that Mr. Khahra is looking for the alley to go all the way across to Blackburn and then directing traffic along Blackburn to access the rear of the veterinary hospital, which would not likely be approved. Councillor Bortolin provides comments related to normal traffic patterns.

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Councillor Holt requests that administration address the comments related to the encroachment and development provided by the delegates. Mr. Aspila advises that this application is not a *Planning Act* application at this time and adds that this administrative item is being considered in accordance with the Street and Alley Closing Bylaw. Mr. Aspila indicates that in terms of questions relating to access, there has been no indication of any vehicular traffic or pedestrian traffic based on site visits. Mr. Aspila indicates that based on consultation with administration this closure application meets the criteria for a dispensable alley.

Councillor Holt inquires if the alley remains open would Mr. Khahra be permitted to use this as access to their business. Mr. Aspila indicates that the existing property at 1797 Huron Church is abutting Huron Church, which is a Class 1 arterial road, and the existing policies of the Official Plan limit driveway access off of Class 1 arterials. Mr. Aspila indicates that they would encourage abutting properties to make use of a singular driveway access, and they would also encourage any additional access to local roads which in this case would be Blackburn Court.

Councillor Morrison requests clarification related to the application and the extra section related to Appendix A. Mr. Aspila indicates that in terms of the additional 22.68 metres as recommended by the Public Works Right-of-Way division, it was determined based on continuing the closure to the triangle portion, which is the extra section of the 22.68 metres.

Councillor Morrison inquires about the type of encroachment that currently exists. Mr. Aspila notes that there is a fence built across the alley (as shown on Appendix D in the report). Mr. Aspila adds that there also seems to be some temporary structures that are encroaching as well. Mr. Aspila indicates that the encroachment prevents any vehicular traffic from going through to Blackburn Court.

Councillor Morrison inquires whether a vehicle can drive from Malden to the edge of 1797 Huron Church at this time. Mr. Aspila indicates that, in theory, it may be possible although it is currently a grass alley with no signs of vehicular travel along this grass alley. Thom Hunt, City Planner, appears via video conference before the Development and Heritage Standing Committee Meeting regarding the administrative report "Close and Convey the North/South Alley Between Blackburn Court and Huron Church Road – Ward 2- Applicant: E. Selaya – 3769 Blackburn Court – SAA/5612" and indicates that there are two things that come into play in this matter – the alley that exits out to Blackburn Court and then there is the other side of the alley that would exit out to potentially Malden Road. Mr. Hunt states that from the alley access to Blackburn Court, the City would discourage businesses using that as an access way.

Mr. Hunt indicates that the primary way that they would want people to access businesses would be Huron Church Road, which would be the more appropriate road, and not a residential street like Blackburn Court. Mr. Hunt indicates that the longer term view of this property would be looking at a potential connection at Malden Road to access the site, which would include the vacant portion that presently fronts Huron Church and abuts the Animal Hospital. Mr. Hunt adds that if that were all consolidated in a redevelopment plan, including potentially the triangular portion, that may be a *Planning Act* Application that would look at changing the designation of the triangle part from residential to commercial development in association with consolidating that alley portion that exits

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out to Malden Road. Mr. Hunt indicates that administration does not currently have a *Planning Act* Application before them and there is no history regarding a request for the triangular portion to be purchased. Mr. Hunt adds that this would require administration to go through the *Planning Act* process and perhaps simultaneously a site plan process that would look at all those kinds of dynamics and the residents that abut the area would have the opportunity to comment as well as appeal rights would be provided to them. Mr. Hunt indicates this is just speculation but wanted to provide the sense that administration would discourage access from Blackburn Court because of the residential nature and they would prefer access via the Malden Road portion that connects.

Councillor Bortolin indicates that administration from the Building Department have provided information indicating that there is an order against the home on Blackburn for the encroachment.

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 247 CR608/2020 DHSC 217**

- I. THAT the portion of the 3.66 metre wide north/south alley located west of Huron Church Road abutting properties on the east side of Blackburn Court, and shown on Drawing No. CC-1738 labelled as Part 1 and Part 2 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the 3.66 metre wide north/south alley located west of Huron Church Road abutting properties on the east side of Blackburn Court, and shown on Drawing No. CC-1738 labelled as Part 1 and Part 2 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves to the abutting property owners, in a manner deemed appropriate 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, Cogeco Connexion, MNSi and Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a) For portions of the alley abutting lands zoned Residential RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
 - b) For portions of the alley abutting lands zoned Commercial CD1.6 or HCD1.6: \$14.00 per square foot without easement and \$7.00 per square foot with easements plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1738, *attached* as Appendix "A".

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- V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. 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.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.
Councillor Gill voting nay.

Report Number: SCM 337/2020 & S 9/2020
Clerk's File: SAA2020

11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by AIPL Canada Holdings Inc for 1200-1220 University Avenue West (Ward 3)

Councillor Gill inquires about the types of incentive that the applicant is interested in. Greg Atkinson, Senior Planner, appears via video conference before the Development and Heritage Standing Committee Meeting regarding the administrative report entitled "Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by AIPL Canada Holdings Inc. for 1200-1220 University Avenue West (Ward 3)" and indicates that the applicants have taken advantage of the Brownfield Community Improvement Plan, the Environmental Site Assessment Grant Application, and the Tax Base Redevelopment Program. Mr. Atkinson indicates that the Feasibility Grant before the Committee relates to 1220 University Ave W. Mr. Atkinson adds that the total grant amount is a maximum of \$7,500, which represents half of the study costs and is provided upon completion of the study.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 249**

- I. THAT the request made by 2605385 Ontario Inc. on behalf of the property owner (i.e. AIPL Canada Holdings Inc.) to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 1200-1220 University Avenue West pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$7,500 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor.

Carried.

Report Number: S 181/2020
Clerk's File: Z/8955

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11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Duo Fratres Inc. for 1370 Argyle Road (Ward 4)

Paul Bezaire, Bezaire Partners

Paul Bezaire, Bezaire Partners, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Duo Fratres Inc. for 1370 Argyle Road (Ward 4)” and indicates that the property at 1370 Argyle is owned by the same company that owns the Market Square property. Mr. Bezaire provides a brief history of the property including that the building was destroyed by fire, but what remains is a heritage structure. Mr. Bezaire add that the heritage portion is part of this proposal, which is being retained and will be restored and incorporated into the new building. Mr. Bezaire adds that the site is contaminated and they will be dealing with the cleanup of the brownfield site and the application for the grant is to enable the brownfield portion of the redevelopment to proceed.

Councillor Sleiman inquires about the cost of the redevelopment compared to the assessed value and whether the grant will be based on the assessed value or the estimated cost. Mr. Atkinson indicates that the CIP Grant will be based on the assessment value.

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 250**

- I. THAT the request made by Duo Fratres Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 1370 Argyle Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the request made by Duo Fratres Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the proposed redevelopment at 1370 Argyle 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,
- III. 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 1370 Argyle Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- IV. THAT, Administration **BE DIRECTED** to prepare an agreement between Duo Fratres Inc. and the City to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the

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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,

- V. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VI. THAT the approval to participate in the Brownfield Tax Assistance and Rehabilitation Grant Programs **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 187/2020

Clerk's File: Z/8955

11.3. Close and Convey Part of the East/West Alley Between Matthew Brady Boulevard and St. Paul Avenue, North of St. Rose Avenue - SAA/5947 - Applicant: P. Thwaites - Ward 6

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: **DHSC 248**

- I. THAT the 4.86 metre wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 1" and "Part 2" on Drawing No. CC-1767 *attached as Appendix 'A'*, **BE ASSUMED** for subsequent closure;
- II. THAT the 4.86 metre wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 1" on Drawing No. CC-1767 *attached as Appendix 'A'*, **BE CLOSED AND CONVEYED** to the owner of 7730 St. Rose Avenue, and adjusted as necessary by the City Planner;
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley abutting lands zoned Residential RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- IV. THAT the 4.86 metre wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached as Appendix 'A'*, **BE CLOSED AND CONVEYED** to the abutting property owners in equal halves along the centre line of the alley, and adjusted as necessary by the City Planner;
- V. THAT Conveyance Cost **BE SET** as follows:

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- a. For alley abutting lands zoned Residential RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1767, *attached* as Appendix 'A';
- 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 180/2020
Clerk's File: SAA2020

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:07 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Supervisor of Council Services

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

**Date: Monday, January 11, 2021
Time: 4:34 pm**

MEMBERS PRESENT:

Councillors:

Ward 3 - Councillor Bortolin (Chair)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members:

Member Moore
Member Rondot

Members Regrets:

Member Gyemi

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 PRESENT 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
Rob Vani, Manager of Inspections/Deputy Chief Building Official
Barbara Rusan, Manager of Policy & Regulatory Services
Patrick Winters, Development Engineer
Justina Nwaesei, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Laura Diotte, Planner III – Special Projects
Chris Aspila, Planner III – Policy & Special Studies
Kristina Tang, Planner II – Heritage Planner
Melissa Gasic, Planner II – Development Review
Marianne Sladic, Clerk Steno Senior

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Sandra Gebauer, Council Assistant
Anna Ciacelli, Supervisor of Council Services

Delegations:

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:35 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 December 14, 2020.

Moved by: Councillor Holt
Seconded by: Member Rondot

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held December 14, 2020 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 18/2021
Clerk's File: MB2020

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Development & Heritage Standing Committee
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6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

Item 7.1 Marco Savoni, Applicant; and Josh Hurley-Burns, Planner
Item 7.2 & 7.3 Scott DeGraw, Canadian Liaison, Fairmount Properties
Item 7.2 & 7.3 Jeffery Williams, Riverwest Community Initiative

7. PLANNING ACT MATTERS

7.1 Z-022/20 [ZNG/6166] & OPA 136 [OPA/6168 – 1486062 Ontario Inc 3850-3854 Dougall Ave – Rezoning & Official Plan Amendment Ward 9

Justina Nwaesei (author), Planner III – Subdivisions

Ms. Nwaesei provides a presentation of her report.

Marco Savoni (applicant) and Josh Hurley-Burns (agent – Dillon Consulting). Mr. Hurley-Burns announces they are in agreement with Administrations recommendations and available for questions.

To the Applicant: Member Moore inquires after Green Space. Mr. Hurley-Burns advises cash in lieu plus internal amenity area being either gym or games room.

To Administration: Councillors Sleiman and Gil inquire regarding specific amendment to Zoning, Interim By-law, its exemptions, challenges and timeline. Ms. Nwaesei addresses the amendment aspect while Mr. Hunt addresses questions pertaining to the Interim By-law, the new comprehensive report, its timeline, status and challenges.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 243**

RECOMMENDATIONS

I. THAT the parcel described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Dougall Avenue and Cabana Road W., **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:

- **Southeast Corner of Dougall Avenue and Cabana Road W**
Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489; Roll No. 080-060-00100;

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- 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 Southeast Corner of Dougall Avenue and Cabana Road W

1.X.1 The property described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Cabana Road West and Dougall Avenue, municipally known as 3850 - 3854 Dougall Avenue, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 6.5.3.1 of the Official Plan, Volume I, *dwelling units* shall be an additional permitted use within the existing second floor above commercial uses on the main floor of the 2-storey building on the subject property.

- III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, located on the southeast corner of Cabana Road West and Dougall Avenue, by adding the following site-specific zoning provision to permit *dwelling units in a combined use building* as additional permitted use on the subject land:

“410. Southeast Corner of Dougall and Cabana

For the lands comprising Lots 41 & 216, Block E, and Pt Lots 39, 40 & 215, Registered Plan 1489, the following shall be permitted

- 1) *Dwelling Units in a Combined Use Building with any one or more of the uses permitted in the CD2.1 zone; provided that*
 - i. All dwelling units, not including entrances thereto, shall be located above the commercial uses;
 - ii. All dwelling units shall be located within the existing second floor of the 2-storey commercial building on the subject land; and
 - iii. Required parking for the dwelling units shall be clearly marked, assigned and set apart from the commercial parking spaces on the subject land. [ZDM 9; ZNG-6166]”

Motion CARRIED

Report Number: S 182/2020
Clerk's File: ZB/13948 & ZO/13998

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7.2 Draft Community Improvement Plan – City of Windsor University Ave W & Wyandotte Ave W – CIP Wards 2 & 3

Laura Diotte (author), Planner III – Special Projects

Ms Diotte provides a presentation of her report.

Councillors Gil, Morrison, The Chair and Member Rondot present questions to Administration regarding cost, time length of CIP, procedures, protections, zoning changes/conversions, purpose, inclusion/conjunction with other programs (Bridge), Environmental Assessment, benefits of CIP's and impact of CIP at time of Budget. Ms. Diotte addresses most of the questions. Those pertaining to benefits of and budgeting are addressed by Mr. Hunt.

Moved by: Councillor Holt
Seconded by: Member Moore

Decision Number: **DHSC 244**

RECOMMENDATIONS

- I. THAT the University Avenue West and Wyandotte Street West corridors, illustrated in Appendix 'A' attached hereto, **BE DESIGNATED** as the Community Improvement Project Area by By-law for the University Avenue West and Wyandotte Street West Community Improvement Plan in accordance with Section 28(2) of the *Planning Act*,
- II. THAT the draft University Avenue West and Wyandotte Street West Community Improvement Plan, contained in Appendix 'B', **BE ADOPTED** by By-law; and,
- III. THAT administration **REPORT BACK** to Council with a review of the funding requests for existing and proposed CIPs in February 2021 and make recommendations regarding funding for the University Avenue West and Wyandotte Street West Community Improvement Plan at that time.; and,
- IV. THAT Administration **BE REQUESTED** to report back to Council during budget deliberations outlining a 20-year horizon of the financial impacts of Community Improvement Plans across the City.

Motion CARRIED

Report Number: S 186/2020
Clerk's File: SPL/10759 & Z/14007

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Development & Heritage Standing Committee
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7.3 Draft Community Improvement Plan – City of Windsor University Ave W & Wyandotte Ave W – CIP Wards 2 & 3

Laura Diotte (author), Planner III – Special Projects

Moved by: Councillor Holt
Seconded by: Member Moore

Decision Number: **DHSC 245 DHSC 239**

THAT the Draft University Avenue West and Wyandotte Street West Community Improvement Plan, attached as Appendix A, that was tabled at the December 14, 2020 meeting of the Development & Heritage Standing Committee **BE RECEIVED** for information.

Motion CARRIED.

Report Number: S 178/2020
Clerk's File: SPL/10759

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:41 p.m.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)