

**MINUTES OF THE CITY OF WINDSOR PLANNING STANDING COMMITTEE  
(Planning Act Matters)**

**March 20, 2012**

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A meeting of the Windsor Planning Standing Committee was held this day at 4:30 p.m. in the Council Chambers, Third Floor, City Hall, there being present:

Councillor B. Marra – Chair, Councillor J. Gignac, Councillor E. Sleiman, Ms. C. Cross-Leal, Councillor A. Maghnieh, Councillor P. Hatfield, Mr. M. Baker and Ms. B. Bjarneson.

Regrets:

Also present are:

Mr. Don Wilson - Manager of Development Applications & Secretary, Mr. Jim Abbs – Senior Planner, Mr. Adam Szymczak – Senior Planner, Ms. Justina Nwaesei – Planner, Ms. Kristina Tang (Co-Op Student) and Ms. Marianne Sladic – Senior Clerk, Planning Department; Ms. Agatha Armstrong – Supervisor of Council Services/Deputy City Clerk; Ms. June Liu-Vajko - Engineering & Corporate Projects Department; Mr. Al Peach – Acting Executive Director/Chief Building Official, Building Department; and Ms. Wira Vendrasco – Senior Legal Counsel, Legal Department.

**GENERAL BUSINESS:**

The Chair explains the rules of procedure of the Planning Standing Committee and that this is the required public meeting in accordance with the Planning Act. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting. The Chair indicates those interested in making submissions to Council must list to speak as a delegation with Council Services.

**ADOPTION OF THE MINUTES**

Moved by Councillor E. Sleiman, seconded by B. Bjarneson.

That the minutes of the Planning Standing Committee (Planning Act Matters) meeting of February 13, 2012 **BE ADOPTED.**

Motion **CARRIED** UNANIMOUSLY.

The Chair introduces the first item on the agenda.

**Item 1 – CITY OF WINDSOR – 1150 Edward Ave.**

The applicant is requesting to change the zoning of the subject land from Institutional District (ID 1.1) to Residential District (RD 1.1) in keeping with development adjacent to the subject land. The intention is to demolish the existing building for the creation of approximately 14 residential building lots. Alley closings to the north of the site, supported by the Planning Standing Committee (on January 16, 2012) and Council (February 6, 2012), will facilitate the intended land consolidations.

The building and site was originally the Prince Charles School. Subsequently, the subject lot was the former site of the one storey Edward Street Neighbourhood Centre which operated for several decades until it was declared to be a surplus property for municipal needs. Operations ceased a few years ago and it is currently vacant. The current zoning (ID1.1) does not permit the proposed use of the 14 residential lots. Hence the request for a zoning change. [Kristina Tang – Co-Op Student and Justina Nwaesei – Planner II]

Recommendation is for approval. Additional comments from ERCA and residents Wm. Douglas and Judith Dodich noted on Blue Sheets.

Mr. Baker inquires whether consideration was made to convert this land into parkland rather than residential lots. Also asks why rezoning to RD1.1 and not something more intensive that would allow duplexes. Ms. Nwaesei presents a map of the area showing the lot widths within the existing residential area surrounding the property in question. Mr. Mike Stamp – Property Manager (City of Windsor Legal Dept.) advises the Committee of a commitment made following the closure of this facility to assist with the WFCU Centre. At the time of the closure, it was brought to Council that it would be marketed as residential building lots. It was accepted by Council to be an appropriate use of the property. Regarding increased density, it was felt that it would be best to keep in line with the existing surrounding residences which have approximate 50 ft. Frontage. Sale from single family units compared to semi-detached or townhouse units would be fairly similar. Preferred to maintain consistency with the neighbourhood.

Ms. Bjarneson noted her concern over the lot widths, however, after viewing the area and noting the lot widths on the west side of the street, having 14 lots on the east side being lot widths of approximately 50 feet would be consistent with the area.

Mr. Stamp notes a request received from a resident immediately south of the 1150 Edward St. property who has requested 10 feet from that portion. There has been no formal objection to it from Administration provided that property owner is prepared to pay the appropriate amount for that portion of land. Mr. Stamp also advises that with the closure of the alley on the north end, they would create a wider lot at the frontage of the northern most lot since the lot narrows towards the back of that residential lot. With those two factors in place, each remaining lot ends up 52 feet wide and 115 feet deep.

Ms. Bjarneson inquires whether there's a section in the by-law that would dedicate the buildings to be ranch/raised ranch homes as opposed to 2-storey homes. Mr. Stamp advises that they

cannot restrict style of homes allowed, although he foresees most of the homes will probably be more raised ranch style homes for their economic benefit. The sale of these lots will be sufficient to raise the value of the homes in the area and not de-value them as was the concern of one of the resident's.

Councillor Hatfield inquires how many fewer lots would there be if the frontage was increased and what would be the loss of assistance that went towards the WFCU Centre. Mr. Stamp informs there would be a loss of two (2) lots. The consequent revenue would not change much as the sale is dependent on front foot sale price. Chose the 52" frontage lots in order to be consistent with the neighbourhood.

Councillor Hatfield inquires the average age of homes. Mr. Stamp believes they were built in the early 70's. With the difference in building standards, Councillor Hatfield inquires whether the newer homes will match the existing. Mr. Stamp advises the homes built previously were primarily bungalow style homes. The current style of homes being built are primarily ranch and raised-ranch style homes, which he suspects will be the norm here as well.

Councillor Gignac adds to Mr. Baker's queries regarding building lots and green space. She continues to advise that extensive meetings were taken with area residents and the majority response was for adding residential in-fill units. Councillor Gignac also clarifies the homes were more likely built in the early 60's, as is the case on Thompson Avenue which has undergone a similar development. And although there is a difference of home styles in that area, it is very well received by the residents.

Councillor Gignac requests clarification of the number of lots if the frontage was 60 ft. Mr. Stamp advises a loss of roughly 2 lots. Councillor Gignac confirms the infrastructure can accommodate the additional homes. Mr. Stamp advises the Public Works Department is working closely with them regarding servicing, etc. Currently there has been no indication from Public Works that they could not service the additional capacity.

Mr. Stamp adds that the area homeowners have been long aware of the plans and have noted that current residents have their children interested in moving into the area and purchasing these lots. The development has been warmly received by the residents.

Councillor Sleiman seeks reconfirmation on lot depths and economic benefits of 12 lots as opposed to 14 lots. Also inquires whether a developer will purchase all the lots and sell on their own or will they be sold individually. Mr. Stamp confirms the depths of the lots and benefits from the sale, as previously discussed. As for assessed value, Mr. Stamp is unaware how MPAC assesses the value of a home/property. Mr. Stamp goes through the process of sale (direction by Council, listing lots through MLS) but also advises a builder may purchase 2 or 3 lots and sell on their own but there will not be one developer purchasing the entire portion and selling on their own.

Councillor Sleiman makes a statement saying if the economic benefit is the same, then why not offer 60' lots instead of 50' lots which may please the residents more. Ms. Nwaesei clarifies that

the zoning category of RD1.1 allows for 50' lots. To increase the lot size there would have to be an additional request made within the recommendation. Mr. Stamp also adds the 50' lots are a reflection of the neighbourhood and are the density that the City would like to see moving forward throughout the city.

The Chair asks if there are any members of the audience wishing to speak on the item.

Moved by Councillor Gignac, seconded by Ms. Cross-Leal.

- I) That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 1150 Edward Avenue; Lots 47 to 62 inclusive, Part closed Melrose Avenue, and the 14' east-west alley and the 7' north-south alley abutting the property, Registered Plan 1145, located on the east side of Edward Avenue, between Edgar Street and Melrose Avenue; from Institutional District 1.1 (ID1.1) to Residential District 1.1 (RD1.1).

Councillor Gignac speaks on the motion. Councillor Gignac gives a brief family history of the area, having had a large portion of the Riverside Area lands belong to her family and have lived in the area since the 1700's. The in-fill on Thompson has been exceptional and they are on 50' lots. In terms of the community and how they'll receive the 50' lots, she believes they'll be very well received and a wonderful addition. As noted, several families have already expressed interest in moving back to the area.

Councillor Hatfield brings attention to the fact that there was only one letter received requesting larger lots, which shows acceptance of the neighbourhood residents.

Motion **CARRIED, UNANIMOUSLY.**

## **Item 2 – MODERN PROPERTY MANAGEMENT – w/s Huron Church Rd.**

The applicant is requesting an amendment for a vacant parcel located on the west side of Huron Church Road, north of Tecumseh Road West (north of 1375 Huron Church Road) to allow a parking area on the subject parcel. This parcel is designated Commercial Corridor in the Official Plan. The applicant owns 1375 Huron Church Road (zoned Commercial District 3.3) and intends to develop both parcels as a single development. [Adam Szymczak – Senior Planner]

Recommendation is for approval.

Michael Boseovski (Modern Property Management) – 1560 Brimley Rd., Suite 200, Scarborough, ON M1P 3G9 – Owner – is in attendance to answer any questions and field comments.

Councillor Hatfield inquires of the owner what is the intended development? Mr. Boseovski is looking at two free-standing buildings with sufficient parking. One of the tenants is a financial institution. Councillor Hatfield inquires regarding on-site access. Mr. Boseovski notes the

property currently has two access points (a right in/right out off Huron Church Rd. and a right in/right out off of Tecumseh Rd. W.), which he hopes to retain.

Councillor Sleiman asks if the lot is two parcels? Mr. Boseovski confirms. Councillor Sleiman asks if he has an application for Site Plan Control with what he intends to build, stating that the request here is for parking? Mr. Boseovski is unsure of the question and attempts to answer the question. The Chair also points out the parcel in question on the map on page 3 of the report. Councillor Sleiman asks if there's a building on the property? Mr. Boseovski and the Chair both advise there is not. Councillor Hatfield further explains what the application is about.

Councillor Maghnieh inquires if the development is to be a commercial plaza, to which Mr. Boseovski affirms. Councillor Maghnieh asks if this is a one-storey development and who the first tenant is? Mr. Boseovski confirms a one-storey building, the one tenant is a credit union. Councillor Maghnieh inquires as to the size of the parking lot. Mr. Boseovski states they're in excess of five (5) parking spots than what is required for the site plan they have submitted to Site Plan Control.

Mr. Boseovski goes on to point out from the report, the intended building is in line with other buildings in the area (District School Board, Tourism Ontario, University Mall).

Councillor Gignac reconfirms the zonings of the properties surrounding the parcel in question, including the residential properties abutting the subject parcel. Mr. Szymczak advises there is an unused alley between the parcel and the residences on Marlborough which has not been purchased. Councillor Gignac asks whether through the Site Plan process there will be an adequate buffer between the parcel and the residential area. Mr. Szymczak advises Site Plan will apply all requirements as stated in the zoning by-law but keep in mind the property at 1375 Huron Church is already largely paved which will continue to apply. May not necessarily get the setbacks required in the zoning by-law because there is already an existing paved area there.

Councillor Gignac asks if this application requires a partial closure of the alley. Mr. Szymczak advises no one has brought it up as a requirement.

Ms. Cross-Leal also inquires about the buffer between the apartment and the homes behind it, reconfirming there is an alley behind it. Mr. Szymczak advises when it comes to the property to the south at 1375, the Committee cannot comment. It is not the subject of this re-zoning application. On the property in question, separation zoning by-law requirements must be applied.

Ms. Cross-Leal asks if the proposed credit union plans on having a drive-thru. Mr. Boseovski advises it's a possibility, however, the site plan submitted does not show a drive-thru. Ms. Cross-Leal inquires if having a drive-thru affects their requirements. Mr. Szymczak advises it would affect their parking and access. Ms. Cross-Leal notes concern over congestion. Mr. Szymczak advises that due to the possible congestion, it would result in a reduction to the size of the development, which may affect the financial economics of the property. The Chair also states this is something that would be dealt with through the Site Plan Control process.

Mr. Baker inquires what will become of the trees that are currently on site. Mr. Boseovski advises there were trees planted in error by the City. Those will be removed. Any existing trees that are there will be removed as well. Mr. Baker notes comment from Transportation indicating only one point of access for that site to be permitted. Mr. Boseovski is aware of the single access permitted on the parcel.

To Administration, Mr. Baker inquires of the setback for landscape buffer, reconfirming it will be only 3m as opposed to 10m. Mr. Szymczak advises this corner went through re-zoning last year where it was re-zoned allowing a 3m setback, which included this area as well.

Ms. Bjarneson inquires if Site Plan Control will take into account comments listed in Appendix A of the PSC Report. Mr. Szymczak confirms they are already receiving comments from multiple departments regarding the site plan submitted, including those from the Planning Department.

The Chair asks if there are any members of the audience wishing to speak on the item.

Mary & Ernest Oleksik – 1315 Marlborough Blvd., Windsor, ON N9C 1Y8 – Speak of their concern since their lot abuts along the parcel in question. They do not feel a parking lot is compatible to them as a resident, it will interfere with their privacy and will de-value their home. Mrs. Oleksik brings attention to the Tourist Ontario building and advises they close their parking lot, actually have a gate that closes, which deters cars from entering after certain hours due to the noise by-law requirement. Mr. & Mrs. Oleksik would like to be made aware when this item goes to Council and note that they find it sad that an area zoned as a green zone is changing into a parking lot.

Councillor Hatfield asks if there was a parking lot there when the A&W operated? Mrs. Oleksik advises no, there were homes there which were purchased by the City, demolished and the area zoned as a green zone. Councillor Hatfield asks if the property is owned by the City? Mr. Szymczak advises the property was owned by the Nickersons and part of the agreement of sale (1994) was that the City would maintain the property, which is now owned by Mr. Boseovski.

Councillor Hatfield asks the Oleksik's if they're aware the Tourist Bureau is for sale, to which they answered no. Councillor Hatfield advises the province wants to sell it but the asking price is too high for the City to purchase it. Notes the parking restriction that may be in place now may not be in place under the new ownership, whoever that may be.

Councillor Hatfield notes the Oleksik's concern regarding loss of value to their home as a result of the property line abutting their property line and asks if there's any record of similar instance within the City? Mr. Szymczak cannot comment on that, however, brings to attention the site plan shows a distance from the parking lot to the property line of at least 18 feet. There's also a fencing requirement between the commercial property and residential properties.

Councillor Hatfield informs Mr. & Mrs. Oleksik that the perception may be that there's a loss in property value when in reality, the value may increase due to the added landscape buffer and

fencing that would be required to complete this development. The buffer available is exceptional.

Councillor Sleiman states whenever an application for re-zoning comes before the Committee, the concerns of the neighbourhood are taken into consideration. At this time, it is unknown as to what the development on this site will be. At what point can the neighbours be notified? Can there be a condition put in place for fencing, vibration and noise type fencing? The Chair advises conditions are placed during the Site Plan Control process. There is already a site plan submitted and a lot of the questions asked this evening will be addressed through the Site Plan process insofar as building location, screening, parking, fencing and landscaping. What the Committee may want to do is to add a Notification to Residents as part of the resolution.

Councillor Sleiman inquires about the application. If there's no building, what is it they're doing? Mr. Szymczak advises the application is to re-zone in order to allow for a parking area and nothing more. That's all that's been requested and that's all that's being recommended. There will be no building on this parcel. There are buildings proposed for the parcel to the south but that land is already zoned and not part of this application.

Ms. Bjarneson reconfirms the re-zoning for CD1.7 is for just a parking lot. Mr. Szymczak advises it's for only two uses; parking area and public parking area, nothing else.

Councillor Gignac asks Mrs. Oleksik whether the alley behind their home is used frequently. Mrs. Oleksik advises the alley is more like parkland, it's not used other than Hydro may drive in there to do work on the lines, but otherwise no one uses it. Councillor Gignac asks if they would oppose the closure of that alley. Mr. Oleksik asks who would get the alley? Councillor Gignac advises both sides would have the opportunity to own half. Mr. Oleksik is still under the impression the parking lot will be immediately abutting their fence. The Chair clarifies and informs Mr. Oleksik that is not the case. There is more than ample space dividing their property and the limits of the parking lot, which is also several feet away from the parcel property line. Mr. Szymczak adds the distance between the Oleksik property line and the parking lot is approximately 30 feet, which is a substantial buffer. Councillor Gignac confirms a screening fence will be required at the property line.

Councillor Hatfield suggests that someone from Planning meet after the meeting with the Oleksik's to discuss the procedure in closing and purchasing part of the alley, for their information, if it can be closed, etc.

The Chair reiterates for the Oleksik's the actual separation between their property and the parking lot is approximately 30 feet.

Ms. Bjarneson notes the Oleksik's do have valid points in terms of this area being a gateway to Canada/City and a green zone. In terms of the setback, to ease the resident's concern, can it be also suggested to Site Plan that along with a screening fence there also be landscaping along that fence. Mr. Szymczak advises there are landscape requirements during the Site Plan process. It can be requested by the Committee.

Moved by Councillor Sleiman, seconded by Councillor Hatfield as amended.

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lots 2122 to 2127, Plan 1344 (west side of Huron Church Road, north of Tecumseh Road West) from Green District 1.1 (GD1.1) to Commercial District 1.7 (CD1.7).
2. That Mary & Ernest Oleksik be included in the Site Plan Approval Process and that trees be part of the landscaping between the parking area and the westerly lot line.

Councillor Hatfield speaks on the motion to Mr. Boseovski stating that if he is able to comply and respect the needs of the abutting neighbours and is willing to provide the landscaping and buffers in order to relieve them of their concerns, the development could be beneficial to them both.

Councillor Maghnieh states he fully supports what Councillor Hatfield said.

Motion **CARRIED, UNANIMOUSLY** as **AMENDED**.

#### **Item 4 – 617847 ONTARIO LTD. – Radcliffe Ave. & McNorton St.**

A new application has been received for approval of a Plan of Subdivision that was previously Draft Approved by Council on December 16, 2002 (SDN-006/02). The Draft Approval subsequently lapsed on December 16, 2005. In this Phase of the Subdivision Twenty-three (23) lots and Nine (9) Blocks were initially registered prior to lapsing of the Draft Plan Approval for this plan of subdivision. It is the applicant's intention to re-establish Draft Plan Approval for this application based on the original plan approved by Council in 2002. Therefore, the applicant is now applying for approval of the remaining lots (Figure 1), as per the original plan of subdivision approved by Council. Since the plan submitted reflects the original plan of subdivision as Draft Approved by Council (see Figure 2), a new approval based on the previous conditions of Draft Approval and zoning by-law would appear to be warranted. Zoning of the parcel permits the construction of Single detached, Semi-detached and Townhome dwelling units.

**NOTE:** Since this is the same plan as approved by Council on December 16, 2002, we will be recommending approval subject to the original Conditions of Draft Approval previously adopted by Council on that date.

The property is located North of McNorton Street, between Radcliff and the City Limit. The property is more particularly described as Part of Lots 148 and 149, Concession 1 (McNiff's), Geographic Township of Sandwich, now in the City of Windsor.

The property has a total area of 6.142 hectares and is presently vacant. The subject land is designated 'Residential' in the Official Plan. This proposal is subject to the East Riverside Secondary Plan policies. [Jim Abbs – Senior Planner]

Peter Valente (Valente Realty) – Owner – 2985 Dougall Ave., Windsor, ON N9E 1S1 – is present to address any questions the Committee may have. Purchased the Sub-Division Development from the previous owner, Geranium Homes, earlier this year and hopes to complete the project more expeditiously.

Councillor Hatfield refers to page 8 of 22 of the report pertaining to parkland conveyance and asks if this will still be provided. The applicant informs the Committee the conveyance was already given. Re-confirmed by Mr. Abbs.

Ms. Cross-Leal seeks clarification. She wasn't aware the Committee also handled subdivisions. Mr. Abbs briefly reviews the history of this application/area. Ms. Cross-Leal asks that since the initial application, following the few lapses in completion, aren't there changes in requirements since it was first brought before the Committee. Mr. Abbs advises yes and that some of the departments have asked for additional requirements (corner cut-offs, wider Gatwick, etc.) but the Planning Department would like to see the project completed as originally designed in order to maintain consistency with the area.

Mr. Abbs explains there was an experiment with narrower right-of-way widths. They found it was very tight. The result being that future developments will not see 15m right-of-ways. You'll see requirements for local roads at 20m. To incur the increase to this subdivision now would harm the development. Mr. Wilson adds that this application has been thoroughly reviewed and detailed (ex. Sidewalks and their location).

Mr. Baker inquires about reduction in fees to the applicant for re-submission. Mentions an application brought forth about a year ago where some of the fees were refunded. Mr. Wilson advises this application is different. The previous application had different circumstances. This application had completely lapsed and a thorough review had to be completed, unlike the one Mr. Baker is referring to.

Mr. Baker refers to Recommendation I(D)(e) regarding amounts due plus interest. Is this for the lots remaining to be developed or is this also for lands contiguous to them? Mr. Abbs understands the amount is for this specific development as well as for lands that were previously developed to the north. It was a requirement from the Engineering Dept. They're identifying what payments have been made and determine what that figure truly is. At the time of writing the report, that was the figure provided.

Mr. Baker asks whether the City is entitled to charge for previous development of lots the applicant did not own. Mr. Abbs answers yes.

Councillor Sleiman inquires about sidewalks. Mr. Abbs advises this subdivision consists of mostly local roads. Recommendation I(D)(i) specifies the requirement for sidewalks insofar as location and who is to construct. Councillor Sleiman asks whether the streets are wide enough for emergency vehicles. Mr. Abbs advises the right-of-way is wide enough, however in the long-term, with on-street parking, causes more congestion.

Ms. Bjarneson inquires the location of the semi-detached homes. Mr. Valente informs the Committee of the agreement with the Town of Tecumseh wherein single family units will abut the Town of Tecumseh line (blocks 1-23) and the semi-detached units may be located in the remaining area (blocks 24-29), mixed with single family units.

Mr. Valente requests that a formal review of the amount owing as stated in the Recommendations be performed. Mr. Valente doesn't want to just automatically agree to the amount without knowing the particulars and what may or may not have been paid.

The Chair asks if there are any members of the audience wishing to speak on the item.

Moved by Councillor Hatfield, seconded by Councillor Maghnieh as amended.

**I)** That the application of 617847 Ontario Limited, (R. Valente, Principal) for Draft Plan of Subdivision approval for Part of Lots 148 and 149, Concession 1 (Roll No. 070-730-07600) located north of McNorton Street and east of the Radcliff Avenue BE APPROVED on the following basis:

That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-001/011, which will facilitate the construction of single unit, semi-detached and townhouse dwellings.

- 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 presented on attached Map No. SDN-001/11 prepared by VSHBB Inc. Land Surveyors, identified as Work Order 4-25865, Plan File No: C-3032'D' dated September 26, 2011 and revised January 12, 2012, showing 23 lots for single detached dwellings, 3 blocks for a trail north of McNorton Street, 6 blocks for town homes and various road allowances.
- C. That prior to the execution and registration of a 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, final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.
- D. That the owner enter into a subdivision agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:

- a. The owner shall agree to include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
- b. No driveway access shall be permitted to McNorton Street.
- c. The Owner(s) shall convey land, shown as Blocks 30, 31 and 32 on Map No. SDN-001/11 and the balance in cash-in-lieu as part of the required 5% parkland dedication under the Planning Act, to the satisfaction of the Executive Director of Parks.
- d. The Owner(s) shall pay to the Corporation, prior to the issuance of a Construction Permit, its share of any previously oversized services that were constructed to ensure that the subject lands could be serviced.
- e. The Owner(s) agrees to pay its share of oversizing for previously installed pond and storm sewer, being a total of \$217,035.88, plus any accrued interest, prior to the City of Windsor issuance of a construction permit for the subject lands.
- f. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
  - i. 15.0m right-of-way for Maitland Avenue
  - ii. 15.0m right-of-way for Thistledown Avenue
  - iii. 15.0m right-of-way for Gatwick Avenue
- g. The Owner(s) shall comply with all the following requirements relating to sidewalks:
  - i. giving notice to all new homeowners in agreements of purchase and sale and recorded on title, that a public sidewalk will be constructed;
  - ii. erection of subdivision signs/maps showing the road pattern and the location of community facilities, including sidewalks and walkways;
  - iii. identification of specific sidewalk construction costs in the comprehensive infrastructure bond;
  - iv. adherence to a specific sidewalk construction timetable and schedule showing the specific location of the sidewalk(s) with the provision that sidewalks will be constructed no later than when 80% of the construction permits are issued for the development OR a maximum of three years of the installation of roads/curbs; whichever comes first.
  - v. provision for the retention of bond monies to ensure the repair of sidewalks damaged during construction or, in lieu of ii, iii and iv, at the option of the municipality.
  - vi. submission by the builder/developer of sufficient monies for the construction of the sidewalk(s) by the municipality; and

- h. Special sidewalk treatments, specifically related to accessibility issues, where pedestrians are to cross the road will be determined when the sidewalk locations are chosen.
- i. The Owner(s) further agrees to construct at their expense and according to City of Windsor Standard Specifications AS-401 and AS-402, concrete sidewalks along the north and east side of Maitland Avenue, east side of Gatwick Avenue and north side of Thistledown Avenue, all to the satisfaction of the City Engineer.
- j. The owner agrees to insert a warning clause into all Agreements of Purchase and Sale, Leases and Transfers/Deeds of Land for lots on the subject lands, that any use of chemicals for lawn fertilizing, vegetable growth or such activities has a potential to wash into the storm sewer system either through the ground or through the storm sewer and will flow into Blue Heron Lake. The owners are therefore encouraged to use low-nitrogen fertilizers or environmentally friendly fertilizers, as well as not to use pesticides to maintain their property.
- k. The owner agrees to insert a warning clause into all Agreements of Purchase and Sale, Leases and Transfers/Deeds of Land for lots on the subject lands, that property to the west of the subject lands was the former East Riverside Landfill, which has been remediated by the corporation and is monitored by the corporation. Furthermore, testing will occur in the area from time to time, to ensure and accommodate the testing and expectations of the remediation.
- l. The Owner agrees to place the following in all Agreements of Purchase and Sale, Lease or Transfer (Deed) between the Developer and all prospective home buyers:
  - i) "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to more a distant school with the capacity to accommodate them."
  - ii) "All persons intending to acquire an interest in the real property by Purchase, Lease or Transfer (Deeds) within this plan of subdivision are advised that a concrete sidewalk will be constructed on one side of all streets within the Corporation's lands adjacent to their property, and that no structures or excavations are to take place beyond their property line without a written permit or permission of the Corporation.

NOTES TO DRAFT APPROVAL (File: SDN-001/11)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. 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.
  8. Where agency conditions are required to be 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. The addresses and telephone numbers of these agencies are:
    - i) Essex Region Conservation Authority, 360 Fairview Avenue, Essex Ontario N8M 1Y6. (519) 776-5209.
- 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 shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V)** The H symbol in place on the subject lands may be removed at such time as the property owner has made application to remove the "H" symbol and:
- i) There is an executed and registered subdivision agreement for the site; and
  - ii) There is a registered final plan of subdivision for the site.

Councillor Hatfield speaks on the motion, stating this is a good area, a good builder and a good Ward to live in and fully supports the recommendation.

Ms. Bjarneson wishes clarification on the motion. Is there any consideration of removing the dollar amount. Councillor Hatfield suggests to leave the dollar amount but to have the amount broken down and presented in time for Council for the benefit of Mr. Valente.

Councillor Sleiman inquires about the dollar amount. The Chair advises Councillor Hatfield just requests that more detailed clarification and breakdown of the amount be prepared in time for the Council meeting.

Motion **CARRIED, UNANIMOUSLY** as **AMENDED**.

**Item 3 – CITY OF WINDSOR – Housekeeping Amendment 2012-1**

The Planning Department is proposing several housekeeping amendments to Zoning By-law 8600. Changes include a revision to the parking area separation requirements, expanded and revised Outdoor Storage Yard regulations, a revision to the setback requirement for a central air conditioning unit in a side yard and minor text and zoning map changes. [Adam Szymczak – Senior Planner]

The Chair asks if there are any members of the audience wishing to speak on the item.

Moved by Ms. B. Bjarneson, seconded by Councillor Sleiman.

That Zoning By-law 8600 **BE AMENDED** on the following basis:

1. That Section 21(9) be deleted and replaced with the following:

**(9) Outdoor Storage Yard**

- (1) An outdoor storage yard is prohibited in any Development Reserve District, Residential District or Institutional District, or on any other lot on which a dwelling or dwelling unit, not including a caretaker's residence, is located.
- (2) Unless specifically prohibited, an outdoor storage yard may be permitted as an accessory use in a Green District, Commercial District or Manufacturing District.
- (3) For an outdoor storage yard devoted exclusively to a temporary outdoor vendor's site having an area of 10 square metres or less, no separation is required from an exterior lot line.
- (4) For an outdoor storage yard devoted exclusively to a temporary outdoor vendor's site having an area of more than 10 square metres or an outdoor market, the outdoor storage yard shall be a minimum of 3 metres from an exterior lot line.
- (5) For all other outdoor storage yards, the outdoor storage yard shall be a minimum of 3 metres from an exterior lot line and the area between the outdoor storage yard and the exterior lot line shall be maintained as a landscaped open space yard.
- (6) For any outdoor storage yard located in a zoning district in Section 15 – Commercial Districts 2. (CD2.), Section 16 – Commercial Districts 3. (CD3.), or Section 17 – Commercial Districts 4. (CD4.), used exclusively for the display of operable motor vehicles, or that is accessory to an automobile sales lot or motor vehicle dealership, the entire surface of the outdoor storage yard shall be:

- (a) graded and drained into a municipal sewer system to prevent the runoff of surface water onto a street, alley or abutting properties;
  - (b) paved with a hard surface consisting of concrete, asphalt, paving brick or block, and be maintained in good condition; and
  - (c) bounded by a continuous poured in place concrete curb having a minimum width and height of 15 centimetres.
- (7) A screening fence having a minimum height of 1.8 metres shall be provided on the perimeter of any part of an outdoor storage yard which is visible from a street or a Residential District except where:
- (a) That part of the outdoor storage yard is located a minimum of 100 metres from the street or the Residential District;
  - (b) That part of an outdoor storage area which is used exclusively for the display of operable motor vehicles, or that is accessory to an automobile sales lot or motor vehicle dealership,
  - (c) The outdoor storage yard is used exclusively for the display of goods as an accessory use to a retail store or wholesale store, a garden centre, an outdoor market or a temporary outdoor vendor's site, where such outdoor storage yard is permitted by this by-law.
- (8) Unless the outdoor storage yard is located in a zoning district in Section 19 – Manufacturing Districts 2., the projection of equipment, materials or other goods, not including construction equipment, operable vehicles or trailers above the height of the screening fence is prohibited.
2. That Section 22(9)(e)(ii) be deleted and replaced with the following:  
“(ii) not within 0.6 metres of a side lot line;”
3. That section 20(1)3 be deleted and replaced with the following paragraph:  
“3. for all lands zoned GD1.1, on Zoning District Maps 3, 6 and 10 and situated on the north side of Riverside Drive East and West, no new building or parts thereof shall be permitted to extend above the crown of the pavement within Riverside Drive adjacent thereto. This provision shall not apply to observation decks, fountains, sculptures and other works of art. (ZDM 3, 6, 10; ZNG/2931)
4. That Section 20(1)278 be deleted and replaced with the following paragraph:  
“278. For the lands situated on the east and west sides of Huron Church between the south limit of College Avenue and the north limit of Continental Avenue on the west side of Huron Church Road and the north limit of EC Row Expressway on the east side of Huron Church Road, a landscaped open space yard with a minimum depth of 10 metres along Huron Church Road shall be provided, save and except for Parts 4 and 5, Plan 12R-12366 and Part Lots 1346 to 1360, Part Lot 1829 and

part block A, Registered Plan 1059 (situated on the west side of Huron Church Road, north of Tecumseh Road West) a minimum landscaped open space yard with a minimum depth of 3 metres along Huron Church Road shall be provided. Buildings and the parking and display of motor vehicles are prohibited within this landscaped open space yard. (ZDM 4 and 5; ZNG/1062; ZNG/2931)

5. That the zoning of Parts 1, 2, 3, 4 and 5, Plan 12R-8237 (south of Continental Avenue, west of Huron Church Road; Roll No. 080-660-09900) be amended by deleting Section 20(1)278.
6. That Section 25(6)(a)(1) be deleted and replaced with the following:
 

“(1) from Huron Church Road between the south limit of	10.0 m
College Avenue and north limit of Continental Avenue	
on the west side of Huron Church Road and the north limit	
of EC Row Expressway on the east side of Huron Church Road	
save and except for Parts 4 and 5, Plan 12R-12366 and	3.0 m
Part Lots 1346 to 1360, Part Lot 1829 and Part Block A,	
Registered Plan 1059 (situated on the west side of	
Huron Church Road, north of Tecumseh Road West)”	
7. That Section 25(6)(a) be amended by adding the following clause after clause (5):
 

“(6) from the rear lot line on a lot zoned Commercial District 3.9	10.0 m”
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8. That Section 20(1)265 be deleted and replaced with the following:
 

“265. For the lands comprising Lot 24 & North Part Lot 25, Registered Plan 381,	
situated on the west side of Victoria Avenue between Wyandotte Street West and	
Elliot Street West, a lodging house shall be an additional permitted (ZDM 7;	
ZNG/416; ZNG/2931)”	

Motion **CARRIED, UNANIMOUSLY.**

Motion to adjourn the meeting moved by Councillor Maghnieh, seconded by Ms. Cross-Leal.

Meeting adjourned: 5:55 pm

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Councillor Bill Marra, Chair

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Mr. Don Wilson, Secretary

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