

## Development & Heritage Standing Committee Meeting

Date: Monday, May 11, 2020

Time: 1:00 o'clock p.m.

### **Members Present:**

#### **Councillors**

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Vacant

Ward 10 - Councillor Morrison

#### **Members**

Member Baker

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Miller

Member Moore

Member Rondot

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

Wira Vendrasco, Deputy City Solicitor

Michael Cooke, Manager of Planning Policy & Deputy City Planner

Neil Robertson, Manager of Urban Design & Deputy City Planner

Jeff Hagan, Transportation Planning Senior Engineer

Patrick Winters, Development Engineer

George Robinson, Planner II – Revitalization & Policy Initiatives

Simona Simion, Planner II – Research & Policy Support

Kevin Alexander, Planner III – Special Projects

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Christopher Aspila, Planner III – Policy & Special Studies  
Laura Diotte, Planner III – Special Projects  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Ashley D'Alessandro, Clerk Steno Senior  
Anna Ciacelli, Supervisor of Council Services

### Delegations—participating via video conference

Item 7.1 Tracy Pillon-Abbs, Principal Planner  
Item 7.1 LSTI Group representatives Mike Anobile, Owner; Italo Ferrari, CEO; and  
Luciano Saraceno, GM Construction  
Item 7.2 Borys Sozanski, Applicant  
Item 7.3 Al Shipley, Applicant  
Item 7.3 Kevin Flood, Area Resident  
Item 10.1 Kathleen Montello, Solicitor representing applicant  
Item 11.2 Clarke Gallie, Applicant  
Item 11.2 Nate Schaly, Property Owner

## 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 1:08 o'clock p.m.

## 2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

## 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

## 4. COMMUNICATIONS

None presented.

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## 8. ADOPTION OF THE MINUTES

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

Moved by: Member Baker  
Seconded by: Member Foot

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

Report Number: SCM 126/2020  
Clerk's File: MB2020

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

See Items 10.1 and 11.2.

## 10. HERITAGE ACT MATTERS

### 10.1. Walker Power Building, 325 Devonshire Road - Request for Heritage Designation (Ward 4)

K. Tang, Heritage Planner appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Walker Power Building, 325 Devonshire Road – Request for Heritage Designation (Ward 4)" and provides a brief overview of the property and the application as follows:

- 325 Devonshire Road – Walker Power Building, constructed circa 1911-1913
- Listed on the Windsor Municipal Heritage Register on August 27, 2007
- Site undergoing redevelopment, railway turntable feature located at the northwest corner of the building

***Ontario Heritage Act Designation Process includes the following:***

- Evaluation that Property meets criteria for designation
- Council issue notice of intention to designate
- Notice provided to Owner, OHT and in newspaper
- 30-day object period to Conservation Review Board (CRB)
- CRB Hearing produces recommendation report back to City Council for final decision
- If no objection, Council to pass a by-law designating property with subsequent notification requirements and registration of bylaw

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### ***Historical Associative Value includes:***

- Designed presumably by Detroit architect J. E. Kinsey
- Associated with early growth of the Town of Walkerville through its industrial and manufacturing history
- Railway turntable is an archaeological site with direct association to the railway history of Walkerville

### ***Contextual Value:***

- Excellent remnant of early industrial architecture
- A major industrial building located at the start of the original Devonshire Road, which was the “Main Street” of the town
- A prominent landmark for Walkerville and is highly visible along Riverside Drive

### **Kathleen Montello, Solicitor representing applicant**

Kathleen Montello, Solicitor representing applicant appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Walker Power Building, 325 Devonshire Road - Request for Heritage Designation (Ward 4)” and provides remarks and background information relating to the heritage designation of 325 Devonshire Road.

Ms. Montello indicates that Mr. Ducharme telephoned the office of the Heritage Planner several times when the demolition was occurring and before the reconstruction began to determine whether the Heritage Planner might provide valuable information and insight to guide them in the types of materials that they might select for the new finish. Ms. Montello indicates that the phone calls were not returned.

Ms. Montello indicates that in the Spring of 2019, the railway turntable was uncovered. Walker Power took every diligent step to preserve this. Walker Power also agreed to a conservation easement. In the summer of 2019, there was a new condition of site plan approval discovered in a City of Windsor’s worksheet that indicated that Walker Power would not object to the heritage designation under Part IV. This was not discussed and it went unnoticed.

Ms. Montello adds that there is a conservation easement on the property and measures that have been designed to protect the archaeological significant aspects of the site. She indicates that by insisting upon a Part IV designation it might drastically impact her client’s investment.

Councillor Bortolin inquires as to why the proponent is hesitant to designate the property. Ms. Montello responds that her clients do not wish to have the restraints imposed by the *Heritage Act* and the regulations.

Councillor Bortolin requests clarification relating to the timelines and why this request is coming forward now. Thom Hunt, City Planner appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Walker Power Building, 325 Devonshire Road – Request for Heritage Designation (Ward 4)” and indicates in the past, there were a number of deferral requests made. He notes they have worked with the agent and the

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applicant for some time and have been involved in the ongoing development through various phases.

Councillor Holt requests that Ms. Montello respond to the comments made by Mr. Hunt. Ms. Montello states she concurs that Walker Power was extremely pleased working alongside the City of Windsor through the development and that is one of the reasons why it is so perplexing when no one from the city had spoken to her clients directly about this change with respect to the designation. It was not until she attended a meeting with the Manager of Real Estate Services that this change became clear. She questions why the Heritage Planner was not involved in the process earlier if that was the expectation.

Councillor Holt requests administration respond to the allegation that Mr. Ducharme attempted on several occasions to contact the Heritage Planner with no response. Ms. Tang responds that her involvement in this project began in early 2018 so she cannot speak to the meeting held in 2016. In terms of the comments relating to Mr. Ducharme leaving messages, she reports she did not receive any messages about cladding material. She further notes she received e-mails from Mr. Ducharme relating to questions around heritage designation, which were sufficiently addressed.

Councillor Bortolin inquires as to process and why this committee and City Council didn't consider the issue of the additional floor. Ms. Tang responds the draft by-law and the heritage attributes show the physical and design attributes that have been identified. The key elements have been retained by the property through the development process. The draft by-law was provided to the owner in September 2019 to provide an opportunity to discuss the details on the list; however, no response has been received at this time.

Moved by: Councillor Holt  
Seconded by: Member Baker

Decision Number: **DHSC 160**

THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate Walker Power Building, at 325 Devonshire Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'.

Carried.

At the request of Chairperson Bortolin, a recorded vote is taken.

Aye votes: Councillors Bortolin, Holt, Morrison, and Sleiman, and Members Baker, Bulmer, Fratangeli, Foot, and Miller.

Nay votes: None.

Absent: None.

Abstain: None.

Report Number: S 178/2019  
Clerk's File: MBA/13632

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 2:40 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 2:41 o'clock p.m.

### 5. ADOPTION OF THE *PLANNING ACT* MINUTES

#### 5.1. Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) meeting held March 9, 2020

Moved by: Member Gyemi  
Seconded by: Councillor Morrison

THAT the *Planning Act* Minutes of the Development & Heritage Standing Committee meeting held March 9, 2020 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 135/2020  
Clerk's File: MB2020

#### 5.2. Minutes of the Development & Heritage Standing Committee Meeting (*Planning Act Matters*) held April 14, 2020

Moved by: Member Gyemi  
Seconded by: Councillor Morrison

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

Report Number: SCM 134/2020  
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. Zoning By-law Amendment -930 Marion Ave; Applicant Berkshire 930 Marion Inc.

Moved by: Councillor Holt  
Seconded by: Member Gyemi

Decision Number: **DHSC 157**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Plan 575, Lot 67 to 75; N Pt Lot 66, S Pt Lot 75; former De Santis School and Science City (Roll No. 030-210-06300-0000), located on the South East corner of Niagara Street, and Marion Avenue, municipally known as 930 Marion Avenue from 'Institutional District 1.4' (ID 1.4) to 'Residential District 3.15' (RD 3.15) with site specific exceptions to allow existing setbacks and permitting the following uses: Lodging House, Multiple Dwelling or Residential Care Facility; and further,
- II. THAT the proposed development **BE RESTRICTED** to a maximum of three (3) storeys or 14 metres (conversion consistent with Zoning By law 8600).

Carried.

At the request of Chairperson Bortolin, a recorded vote is taken.

Aye votes: Councillors Bortolin, Holt, Morrison, and Sleiman, and Members Gyemi, Moore, and Rondot.

Nay votes: None.

Absent: None.

Abstain: None.

Report Number: S 57/2020

Clerk's File: ZB/13730

### 7.2. Rezoning - Borys Sozanski - 1035 California - Z-002/20 ZNG/6044 - Ward 2

Moved by: Councillor Sleiman  
Seconded by: Councillor Holt

Decision Number: **DHSC 158**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 23 and 24, Block D, Registered Plan 50, (known municipally as 1035 California Avenue; Roll No. 050-370-11600; PIN 01221-0237), situated on the west side of California Avenue between Davis Street and Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and by adding a site specific exception to Section 20(1) as follows:

**"387. WEST SIDE OF CALIFORNIA AVENUE BETWEEN DAVIS STREET AND GIRARDOT STREET**

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For the lands comprising of Lots 23 and 24, Block D, Registered Plan 50, the following additional provisions shall apply to a *double duplex dwelling* or *multiple dwelling*:

- a) Lot Width - minimum 17.0 m
- b) Side Yard Width - minimum 1.20 m

[ZDM 4; ZNG/6044]"

Carried.

At the request of Chairperson Bortolin, a recorded vote is taken.

Aye votes: Councillors Bortolin, Holt, Morrison, and Sleiman, and Members Gyemi, Moore, and Rondot.

Nay votes: None.

Absent: None.

Abstain: None.

Report Number: S 66/2020

Clerk's File: ZB/13760

### 7.3. Rezoning - Al Shipley - 955 California - Z-003/20 ZNG/6045 - Ward 2

Moved by: Councillor Holt

Seconded by: Member Gyemi

Decision Number: **DHSC 159**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 50, Block C, Registered Plan 50 and Parts 1 and 2, Plan 12R-21775 (known municipally as 955 California Avenue; Roll No. 050-370-13200; PIN 01221-0254 & 01221-0316), situated on the west side of California Avenue at Davis Street, from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and by adding a site specific exception to Section 20(1) as follows:

#### **"389. WEST SIDE OF CALIFORNIA AVENUE AT DAVIS STREET**

For the lands comprising of Lot 50, Block C, Registered Plan 50 and Parts 1 and 2, Plan 12R-21775, the following additional provisions shall apply to a *multiple dwelling*:

- a) Lot Coverage – maximum 50%
- b) Side Yard Width - minimum 1.20 m
- c) Dwelling Units – maximum 6
- d) Notwithstanding Section 24.26.5, a maximum of two *parking spaces* are permitted in the *required front yard* and Section 24.28 shall be modified to include a *multiple dwelling*.
- e) Section 25 shall not apply to any *parking spaces* in the *required front yard*, save and except that the *parking spaces* shall be paved with a hard surface consisting of paving brick or block, asphalt, concrete or any combination thereof, and shall be maintained in good condition.



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- f) For any *parking area* in the *rear yard*, the minimum separation from a building wall containing a habitable room window shall be 2.0 m.  
[ZDM 4; ZNG/6045]”; and further,

THAT during the Site Plan Control process (SPC) the implementation of low impact development practices to manage stormwater runoff and drainage on the subject parcel **BE CONSIDERED**.  
Carried.

At the request of Chairperson Bortolin, a recorded vote is taken.

Aye votes: Councillors Bortolin, Holt, and Morrison, and Members Gyemi and Rondot.

Nay votes: Councillor Sleiman and Member Moore.

Absent: None.

Abstain: None.

Report Number: S 67/2020

Clerk's File: ZB/13759

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:44 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:44 o'clock p.m.

## 11. ADMINISTRATIVE ITEMS

### 11.1. Close and Convey the East/West Alley Abutting 777 Vimy Avenue between Marentette Avenue and Louis Avenue - Applicant: K. Meagher - SAA/5871 - Ward 4

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 161**

- I. That the requested closure of the 4.27m wide east/west alley, between Marentette Avenue and Louis Avenue, as shown on Drawing No. CC-1759 *attached* as Appendix "A", **BE DENIED** for the following reasons:
- The alley does not meet the criteria for closure; it is deemed indispensable and not suitable for closure.
  - The subject alley provides vehicular access for the property known as 723 Vimy Avenue; therefore, the subject east/west alley should be kept open.

Carried.

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Report Number: S 36/2020

Clerk's File: SAA2020

### 11.2. Downtown CIP Grant Applications made by Clarke Gallie for 773 Assumption Street, Ward 4

#### Clarke Gallie, Applicant

Clarke Gallie, applicant is available for questions via video conference before the Development and Heritage Standing Committee regarding the administrative report "Downtown CIP Grant Applications made by Clarke Gallie for 773 Assumption Street, Ward 4."

#### Nate Schaly, Property Owner

Nate Schaly, property owner is available for questions via video conference before the Development and Heritage Standing Committee regarding the administrative report "Downtown CIP Grant Applications made by Clarke Gallie for 773 Assumption Street, Ward 4."

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 162**

- I. THAT the request made by Clark Gallie (Owner) for the proposed development at 773 Assumption Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of an additional dwelling unit in an accessory structure for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Clarke Gallie (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and 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.
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- IV. THAT should the proposed development not be completed in one (1) year from the Council approval date, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 62/2020

Clerk's File: SPL/13801

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### 11.3. Building Facade Improvement CIP for Main Streets—5640 Wyandotte Street East, Ward 6

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 163**

- I THAT the request made by Peter Rieveley, owner of the property located at 5640 Wyandotte Street East **BE APPROVED** for a grant of +/- \$11,738.73 towards eligible costs for incentives under the Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan; and,
- II THAT grants **BE PAID** to Peter Rieveley upon completion of improvements to the facade of 5640 Wyandotte Street East through Reserve Fund 156 (Building Facade Improvement Program) to the satisfaction of the City Planner and Chief Building Official.

Carried.

Report Number: S 63/2020

Clerk's File: Z/13002

### 11.4. Application by the registered owner (1433341 Ontario Inc) for Financial Incentives under the Sandwich Community Improvement Plan within the Sandwich Heritage Conservation District for the property located at 3236 to 3238 Sandwich Street (Ward 2)

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 164**

I. THAT the request made by the registered owner (1433341 Ontario Inc.) of the property located at 3236 to 3238 Sandwich Street, for financial incentives under the Sandwich CIP Economic Incentive Program(s) for improvements to the exterior facade(s) of the commercial establishment known as Rock Bottom Bar & Grill **BE APPROVED**, for the following incentive programs:

- i. Commercial/Mixed Use Building Facade Grant in the amount of \$25,000;
- ii. Commercial/Mixed Use Building Improvement Loan Program in the amount of \$30,000;
- iii. Commercial Core Feasibility Grant up to a maximum amount of \$5,000;
- iv. Development and Building Fees Grant in the amount of (+/- ) \$2,466; and
- v. Revitalization Grant Program for 70% of the municipal portion of the tax increment for up to 10 years (amount to be determined);

II. THAT should improvements result in an increased assessment which would make this application eligible for the Revitalization (property tax increment) Grant Program, Administration **BE**

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**DIRECTED** to prepare the agreement between the City and the registered owner (1433341 Ontario Inc.) of 3236 to 3238 Sandwich Street to implement the Revitalization Grant Program (only) in accordance with all applicable policies, requirements 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;

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program(s) Agreements in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne 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 implication;

IV. THAT grants **BE PAID** to the registered owner (1433341 Ontario Inc.) of 3236 to 3238 Sandwich Street upon completion of improvements to the building facade(s) located at 3236 to 3238 Sandwich Street through Project 7076176-Sandwich Community Development Plan to the satisfaction of the City Planner and Chief Building Official.

Carried.

Report Number: S 65/2020

Clerk's File: SPL/13801

## 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 4:53 o'clock p.m.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Supervisor of Council Services