

AA/
Windsor, Ontario, June 13, 2011

A meeting of the **Planning Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Councillor Marra (Chair)
Councillor Gignac
Councillor Hatfield
Councillor Maghnieh
Councillor Sleiman

Citizens

Merrill Baker
Barbara Bjarneson
Cheryl Cross-Leal

Delegation

Philip McCullough, Solicitor and Gord Wickham, representing Essex Condominium Corporation.
Kevin Flood, property owner 551 Indian Road

Also present are the following from Administration:

Helga Reidel, Chief Administrative Officer
George Wilkki, City Solicitor and Corporate Leader Economic Development and Public Safety
Thom Hunt, City Planner
Don Wilson, Manager of Development
Thomas Cadman, Senior Planner
Neil Robertson, Manager of Urban Design
Lee Ann Doyle, Chief Building Official
Marianne Sladic, Steno Clerk Senior (A)
Agatha Armstrong, Deputy City Clerk

1. Call to Order

The meeting is called to order at 4:30 o'clock p.m.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

None.

3. Requests for Deferrals, Referrals or Withdrawals

None Requested.

4. **Adoption of Minutes**

Moved by Councillor Sleiman, Seconded by Cheryl Cross-Leal,

That the minutes of the meeting of the Planning Advisory Committee held April 21, 2011

BE ADOPTED as presented.

Carried.

Moved by Councillor Gignac, seconded by Merrill Baker,

That the minutes of the meeting of the Planning Standing Committee held May 9, 2011

BE ADOPTED as presented.

Carried.

5. **Business Items**

Planning Act Matter

Item 2 Application to convert a multiple residential apartment

Minutes for the Planning Act Matter are **attached** as Appendix "A".

Moved by Councillor Hatfield, Seconded by Councillor Maghnieh,

PSC3/11 That the report of the City Planner dated May 17, 2011 entitled "Application to convert a multiple residential apartment building from rental to condominium status." **BE DEFERRED** to a future meeting of the Planning Standing Committee in order to address the issue of parking, accessibility and separation/barrier for ground floor units to the parking area.

Carried.

The Planning Act matter is heard and the committee recesses at 4:55 o'clock p.m. to allow the citizens of the committee to depart.

The Committee reconvenes at 4:56 o'clock p.m. and the regular items on the agenda are heard.

Item 1 Request from Essex Condominium Corporations 108 and 115 to Eliminate or Substantially Reduce the Application Fees for Amalgamation of their Condominium Corporations

Phillip McCullough solicitor representing the Applicant appears before the Planning Standing Committee to speak in support of administrations recommendations regarding the new application fee, and is available for questions.

Moved by Councillor Gignac, Seconded by Councillor Sleiman,
PSC4/11 I. THAT consideration of a new application fee for the amalgamation of condominium corporations, as an exemption from the provisions of section 51 and 51.1 of The Planning Act, **BE APPROVED;**

II. THAT the City Planner report back on a proposed new application fee for amalgamation of condominium corporations; and

III. THAT the City Planner consider as part of the amalgamation of condominiums application fees, the cost recovery methodology used in the Tunnock Consulting Ltd., User Fee Report (2008) and include waiver of any redundant fees (legal) that may apply.

Carried.

Item 3 551 Indian Road

Kevin Flood, property owner of 551 Indian Road appears before the Planning Standing Committee to speak in support of administrations recommendation to exempt the property owner from the Interim Control By-law 19-2007 as amended by By-law 35-2008, and is available for questions.

Moved by Councillor Sleiman, Seconded by Councillor Hatfield,
PSC5/11 That an exemption from the Interim Control By-law 19-2007 as amended by By-law 35-2008 **BE GRANTED** to Kevin Flood, the owner of the vacant property located at 551 Indian Road, to allow the expansion of a single detached home on the conditions that the Olde Sandwich Towne Community Improvement Plan, the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development, and that any exterior renovations/changes will be required to be shown on elevation drawings that will need to be approved by the City Planner prior to issuance of a building permit.

Carried.

Rules Governing the Proceedings of the Planning Standing Committee of the City of Windsor and the Conduct of its Members

Moved by Councillor Gignac, Seconded by Councillor Sleiman,
PSC6/11 That the Rules Governing the Proceedings of the Planning Standing Committee of the City of Windsor and the Conduct of its Members **BE APPROVED** as presented.

Carried.

6. DATE OF NEXT MEETING

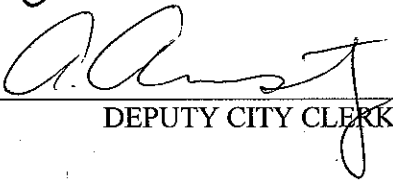
The next meeting of the Planning Standing Committee will be held on July 11, 2011 at 4:30 o'clock p.m. in Council Chambers.

7. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 5:15 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

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

Original signed minutes (of Planning
Act Matters) are with the Planning
Department

JUNE 13, 2011

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

Regrets:

Also present are:

Mr. D. Wilson - Manager of Development Applications & Secretary, Mr. Thom Hunt - City Planner, Mr. Neil Robertson - Manager of Urban Design, and Ms. M. Sladic - Senior Clerk, Planning Department; Mr. George Wilkki - City Solicitor; Ms. Helga Reidel - CAO; Ms. Lee Anne Doyle - Executive Director/Chief Building Official; Ms. S. Shyshak, Engineering & Corporate Projects Department.

GENERAL BUSINESS:

ADOPTION OF THE MINUTES

Minutes of final PAC Meeting - April 21, 2011

Moved by Councillor Sleiman and seconded by Ms. Cross-Leal.

Ms. Bjarneson questions page 10 of the meeting minutes regarding her motion for only one access point. The paragraph states a request for her to make a friendly amendment, which she advises she did not agree to. Ms. Bjarneson was advised that the matter was brought to Council with the motion for one access as requested, which was also noted further down in the minutes.

That the minutes of the Planning Advisory Committee meeting of April 21, 2011 **BE ADOPTED**.

Motion **CARRIED, UNANIMOUSLY**.

Minutes of the PSC Meeting - May 9, 2011

Moved by Councillor Gignac and seconded by Mr. Baker.

That the minutes of the Planning Standing Committee meeting of May 9, 2011 **BE ADOPTED**.

Motion **CARRIED, UNANIMOUSLY**.

The Chair explains the rules of procedure of the Planning Standing Committee. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks if there are any requests for deferral. Hearing none, he introduces the first item on the agenda.

Item 1 – BUTTERFIELD HOLDINGS LTD. (Dunhill Apts.) (CDM-001/11)

An application has been made by Butterfield Holdings Limited, for approval of a plan of condominium to permit the conversion of an existing 8-storey rental apartment building (Dunhill Apartments) containing 71 residential dwelling units to condominium tenure. The property is located on the south side of Detroit Street between Peter Street and Sandwich Street. The building is known municipally as 373 Detroit Street and was built in 1975. The property also has access onto Peter Street. There are 40 surface and 31 underground parking spaces, for a total of 71 parking spaces on-site.

Mr. Tom Cadman (Planner) – summarizes the report. Mr. Cadman also refers to the Blue Sheets for additional information, noting corrections to the report.

Corrections:

Page 6 - under 'Traffic, Access and Parking' section, at end of last paragraph – Section 5 of this report should be Section 7

Page 7 - top of page - Appendix 'C' should be Appendix 'B'

Page 8 - under 'Parkland Conveyance/Payment-in-lieu' section – Appendix 'D' should be Appendix 'B'

The recommendation is for approval provided all requirements are met.

Mr. Neal Guttman (lawyer/agent) – Guttman Law – 215 Eugenie W., Suite 100, Windsor, ON N8X 2X9. Mr. Guttman addresses a few issues that were raised during the inspection of the property.

- 1) Requirement for two (2) handicap parking spots – Mr. Guttman advises although he is not opposed to providing two spaces, the Zoning By-law stipulates a requirement for only one (1) space, based on the number of units. The applicant is also required to maintain and provide for 71 parking spaces by re-striping and utilizing an area in the back which Mr. Guttman advises is a security concern and has been roped off. Mr. Guttman requests that the applicant be required to provide only the one (1) handicap space. Mr. Guttman doesn't believe he is able to create two handicap spaces without sacrificing other spaces thereby reducing the number of parking spaces.
- 2) Accessibility – Mr. Guttman advises the front yard as being very shallow and is concerned as to how to address the problem in providing accessibility and landscaping. Also advises the entrance area has several steps running the entire width leading up to the lobby area and access to the elevators. For the tenants, this is not a problem. Access from the parking area to the resident's entrance is accessible. Therefore, Mr. Guttman requests that the provision for accessibility be removed from the recommendation. Instead, Mr. Guttman would like the requirement to suggest further discussion with Planning and/or Building to assist in resolving the issue or finding an alternate solution.

- 3) Garbage Enclosure – Currently, a room is provided in the building for garbage and the property uses an outside garbage collection service. Mr. Guttman requests wording to defer the requirement for garbage enclosure and the building not to be eligible for municipal services until an enclosure was constructed to the satisfaction of Environmental Services.

Councillor Hatfield notes his disagreement to the requests made by Mr. Guttman, referring to several condominium conversions he's had the opportunity to review over the past few years and this is the first time that a request for concessions has been made in order to receive approval. Councillor Hatfield advises there are codes and by-laws which stipulate the necessity to provide handicap parking, accessibility, and they must enclose their garbage. Unless someone in Administration can offer a reasonable solution to this request, Councillor Hatfield cannot see reason to go through with the request for the conversion.

Mr. Cadman addresses Councillor Hatfield's statement informing the by-law which stipulates the number of handicap spaces required based on the number of spaces associated with the building, accessibility and the requirement for garbage enclosure. Mr. Cadman suggested two (2) handicap spaces following discussions with tenants of the building. The drawing provided by the applicant shows three (3) spaces provided. By reconfiguring the parking lot, Mr. Cadman feels, given the size of the parking area, the applicant should be able to provide the two requested handicap spaces and 71 parking spaces. Regarding accessibility, Administration has asked for that in other condominium conversions. Requests are made where it's technically feasible. Mr. Cadman disagrees with the applicant's assertion that there isn't room, but advises consideration can be given to allowing side door access with intercom service as a possible alternative. However, there are standard requirements for providing accessibility which must be adhered to. Finally, regarding the garbage enclosure, there are conditions addressing screening of garbage enclosures when visible from the street. Whether or not there are garbage facilities within the building is irrelevant, there is still a garbage container visible outside and must therefore be enclosed and screened.

Councillor Hatfield brings up the number of parking spaces required. Based on the number of units, the facility should actually be offering 89 parking spaces. However, because of past practice and the fact that the property lies along a bus route, the property is being asked to maintain the 71 it already has and two (2) handicap spaces. The way the applicant is presenting their proposal, Councillor Hatfield advises he cannot support the request.

Ms. Bjarneson seeks clarification regarding the number of required handicap spaces. In this case there is only one space required and is used by a tenant. Ms. Bjarneson asks if there is a requirement to also provide a handicap space for visitors? Ms. Bjarneson also notes concern over the ground floor apartments. She noticed that they have sliding doors which are met directly with pavement, allowing for no separation between the patio doors and the concrete pad/patio area with the parking lot and wonders if that meets code? Mr. Cadman advises that the zoning by-law for handicap spaces generally stipulates the requirement based on the property itself. It does not distinguish whether the handicap space is strictly for tenant or visitor. Regarding the situation Ms. Bjarneson speaks of on the ground floor, Mr. Cadman advises there

were no requirements regarding a buffer between the concrete pad and parking lot when the building was built, nor were there any comments received from any department pertaining to it.

Mr. Baker seeks clarification regarding the number of parking spaces. Mr. Baker repeats the applicant's comment noting they would lose a number of spaces if required to provide two (2) handicap spaces on site since they have roped off an area in back and deemed it a security concern and do not allow parking in that area. Mr. Baker's question is if the applicant provides two handicap spaces, are they still required to provide the other 71 parking spaces? Mr. Cadman advises that he believes there is ample space available to provide for the required allotment of spaces and that there is possibly room available at the Peter Street access area to be utilized in order to assist with that provision. Mr. Baker states, according to the drawings provided, that if the applicant were to add the additional handicap space then they would be down to 66 regular parking spaces. Is Administration willing to accept that reduction? Mr. Cadman advises the number is extreme and believes that there wouldn't be that large of a reduction. The applicant would possibly reduce to 70 regular spaces; however, Mr. Cadman doesn't believe this will happen as there is ample space to provide for the requirements listed. Mr. Baker then asks if there is a minimum that is being recommended? Mr. Cadman responds that is essentially exactly what has been requested. The applicant is advised to maintain the 71 spaces.

Mr. Cadman also addresses a comment made by Councillor Hatfield regarding the by-law for the number of parking spaces to be provided. Mr. Cadman clarifies that according to the new by-law and due to the age of the building, the applicant is not required to make up the difference in the deficit of parking spaces.

Councillor Hatfield states due to the discrepancy and the applicant's assertion regarding accessibility that perhaps further discussions are necessary to further review the situation.

Councillor Hatfield motions for a deferral in order to address the issue of the parking and accessibility.

Ms. Bjarneson would also like to address the issue of some barrier at the parking lot and ground floor apartments.

Moved by Councillor Hatfield, seconded by Councillor Maghnieh.

That the application of Butterfield Holdings Ltd. (Dunhill Apartments) , 373 Detroit Street to convert a multiple residential apartment building from rental to condominium status **BE DEFERRED** in order to address the issue of parking, accessibility and separation/barrier for ground floor units to the parking area.

Motion **CARRIED, UNANIMOUSLY.**

At the conclusion of the item, a member of the audience came forth. She was not aware that she was able to speak and inquire further on the item. She was advised that she will be notified as to when the item is addressed again.

Tenant: Irene Roberts – 375 Detroit St., Apt. 409, Windsor, ON N9C 2P4

ITEM 2 Rules Governing the Proceedings of the Planning Standing Committee

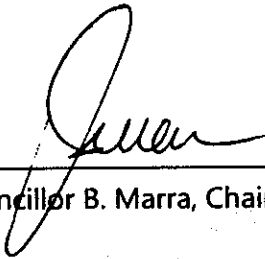
The Chair brings forth the Rules & Procedures as handed out to members and requests their approval.

Motion to approve by Councillor Gignac, seconded by Councillor Sleiman.

"That the Rules Governing the proceedings of the Planning Standing Committee of the City of Windsor and the Conduct of its Members (Attached) "BE **APPROVED**."

Motion **CARRIED, UNANIMOUSLY**.

Meeting adjourned: 5:15 pm



Councillor B. Marra, Chair

/ms



Mr. D. Wilson, Secretary