

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 Sleiman (Vice Chair)
Councillor Gignac
Councillor Hatfield
Councillor Maghnieh

Absent
Councillor Marra

Citizens
Merrill Baker
Barbara Bjarneson
Cheryl Cross-Leal

Also present are the following from Administration:

George Wilkki, City Solicitor and Corporate Leader Economic Development and Public Safety
Mario Sonego, City Engineer and Corporate Leader Environmental Protection and Transportation
Don Wilson, Manager of Development
Kevin Alexander, Planner III, Community Development
John Revell, Development Review Planner
Adam Szymczak, Senior Planner
Lee Anne 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. Adoption of Minutes

Moved by Barb Bjarneson, seconded by Councillor Maghnieh,
That the minutes of the meeting of the Planning Standing Committee (Planning Act Matters) held September 12, 2011 **BE ADOPTED** as presented.
Carried.

Moved by Councillor Gignac, seconded by Councillor Maghnieh,
That the minutes of the meeting of the Planning Standing Committee held September 12, 2011 **BE ADOPTED** as presented.
Carried.

3. Disclosures of Pecuniary Interest and the General Nature Thereof

Barbara Bjarneson declares a conflict and abstains from voting on Item 1 entitled "Rezoning, 3325 College Avenue (and parking lot at northwest corner of College Avenue and Brock Street) – adaptive and appropriate use of a municipal facility to a community health office operated by the Windsor Essex Community Health Centre", as she is a LINN Board member and they are a funder of the agency.

4. **Request for Deferrals, Referrals or Withdrawals**

None requested.

5. **Business Items**

Planning Act Matters

Item 1 Rezoning, 3325 College Avenue (and parking lot at northwest corner of College Avenue and Brock Street) – adaptive and appropriate use of a municipal facility to a community health office operated by the Windsor Essex Community Health Centre

Minutes for the Planning Act Matters are **attached** as Appendix “A”.

Moved by Councillor Maghnieh, seconded by Merrill Baker,

That an exemption from Interim Control By-law 19-2007 as amended by By-law 35-2008 **BE GRANTED** for lands described as Lots 1, 2 and 3, Part of Lot 4, Registered Plan 1365 (northwest corner of College Avenue and Brock Street) and Lots 122 to 126 and Part of Lot 127, Registered Plan 1365 (southwest corner of College Avenue and Brock Street).

That an amendment to Zoning By-law 8600 **BE APPROVED** for property described as Lots 1, 2 and 3, and Part of Lot 4, Registered Plan 1365 (northwest corner of College Avenue and Brock Street) and Lots 122 to 126 and Part of Lot 127, Registered Plan 1365 (southwest corner of College Avenue and Brock Street) by adding a site specific provision to allow a business office, a medical office and other facilities of a non-profit or charitable organization within an existing building as an additional permitted use subject to the provision of a minimum of 25 parking spaces on Lots 1, 2 and 3, and Part of Lot 4, Registered Plan 1365.

Carried.

Barbara Bjarneson declares a conflict and abstains from voting on this matter.

Item 2 Rezoning, part of 1630 Partington, now 1640 Partington, use the existing manse as a single residential unit with the remaining portion of the property will continue to be used as a place of worship

Moved by Councillor Gignac, seconded by Councillor Hatfield,

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of part of 1630 Partington (Now 1640 Partington) Avenue; Plan 1325, Part of Lot 454, Lot 455, Lot 456, Part of Lot 457, Part of Lot 347, Part of Lot 348, Part of Lot 349 and Part of Block E (closed alley), east of Partington Avenue, south of Algonquin Street. , (PIN 01100855); from ID1.1 to RD1.1.

Carried.

The Planning Act matters are heard and the committee recesses at 5:10 o'clock p.m. to allow the citizens of the committee to depart.

The Committee reconvenes at 5:20 o'clock p.m. and the regular items on the agenda are heard.

Administrative Matters**Item 3 Request to close the north/south alley between Glendale Avenue and Balfour Boulevard from Coronation Avenue to Empress Street**

The salient points of discussion relating to the request to close the alley are as follows:

- Ronald and Dolores Schiller of 1906 Glendale Avenue applied for the closing of the alley
- Order to Comply was issued on July 7, 2011, which required abutting property owners to remove items, such as fences, trailers, swimming pools, from the public right of way.
- A petition signed by 37 out of the 41 abutting property owners in favour of closing the alley was provided to the Street and Alley Technical Advisory Committee on August 30, 2011.

Moved by Councillor Hatfield, seconded by Councillor Gignac,

I. That the 4.27 metre (14 feet) wide north/south alley between Glendale Avenue and Balfour Boulevard from Coronation southerly to Empress Street as shown on Drawing Number CC-1617 ***attached*** hereto as Appendix "A" **BE ASSUMED** for subsequent closure and conveyance to the abutting property owners and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law.

II. That the 4.27 metre (14 feet) wide north/south alley between Glendale Avenue and Balfour Boulevard from Coronation Avenue southerly to Empress Street as shown on Drawing Number CC-1617 ***attached*** hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

- Easements are required in favour of:
Enwin Utilities – Hydro Division for the full width of the alley behind 1991 Balfour.
- Conveyance cost to each owner
- \$1.00 plus the deed preparation fee and proportionate share of the cost of the 12R Plan as invoiced to the City of Windsor by an Ontario Land Surveyor for land abutting properties zoned RD1.2

and further:

- the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1617, ***attached*** hereto as Appendix "A"
- the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice,
- the City Solicitor **BE REQUESTED** to prepare the by-law to close
- 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,
- the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Item 6 Request to close and purchase the east/west alley north of Wyandotte Street East, easterly from Isack Drive

Erica Krygsmann, Solicitor representing the applicant appears before the committee and is available for questions.

The salient points of discussion relating to the request to close and purchase the alley are as follows:

- Erica W. Krygsmann, Solicitor representing 1710675 Ontario Inc. applied to close alley 9.14 m (30feet) wide
- No property owners or agents attended the Street and Alley Technical Advisory Committee meeting held August 30, 2011.
- The current Municipal Act allows Council to decide how to divide the alley land.
- Administration is recommending that the alley not be divided and that the entire width be conveyed to 1710675 Ontario Inc., the applicant, so that the existing parking can remain.

Moved by Councillor Gignac, seconded by Councillor Hatfield,

I. That the 9.14 m (30 feet) wide east/west alley between Wyandotte Street East and Alan Crescent, easterly from Isack Drive for approximately 80 m (262 feet, 8 inches) as shown on Drawing Number CC-1618, attached hereto as Appendix "A" **BE ASSUMED** for subsequent closure and conveyance to the owner of 8650 Wyandotte Street East and further the City Solicitor **BE REQUESTED** to prepare the necessary By-law.

II. That the 9.14 m (30 feet) wide east/west alley between Wyandotte Street East and Alan Crescent, easterly from Isack Drive for approximately 80 m (262 feet, 8 inches) as shown on Drawing Number CC-1618, attached hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the owner of 8650 Wyandotte Street East subject to the following:

- (a) Easements being granted in favour of:
 - Bell Canada for the north half of the alley for the entire length
 - Cogeco Cable
 - Enwin Utilities for the entire length and width of the alley
- (b) Alley land to be conveyed at:
 - \$1.00 plus deed preparation plus proportionate share of survey cost as invoiced to the City of Windsor by an Ontario Land Surveyor for land abutting properties zoned RD1.1;
 - \$80.73 per sq.m (\$7.50 per sq.ft.) for land containing no easements abutting property zoned RD3.4 – survey cost included;
 - \$40.37 per sq.m (\$3.75 per sq.ft.) for land containing easements abutting property zoned RD3.4 - survey cost included

and further:

- the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1618, attached hereto as Appendix "A";
- the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice;

- the City Solicitor **BE REQUESTED** to prepare the By-law to close;
- 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;
- the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Item 4 Demolition Request 1074 – 1076 Goyeau Street

Moved by Councillor Hatfield, seconded by Councillor Maghnieh,
That the application made by Donald Otagho, for an exemption from the Howard-Erie Neighbourhood Improvement Programme Area Demolition Control By-law 9198 for 1074-1076 Goyeau Street **BE GRANTED**.

Carried.

Item 5 Demolition Request – 532, 515-523, 527 – 533 Chatham Street

Moved by Councillor Gignac, seconded by Councillor Maghnieh,
That the request to demolish 532, 515-523 and 527-533 Chatham Street East **BE APPROVED**, subject to the owners signing a Site Plan Control Agreement and submitting the performance securities required by the Site Plan Control Agreement prior to the issuance of a demolition permit.

Carried.

6. DATE OF NEXT MEETING

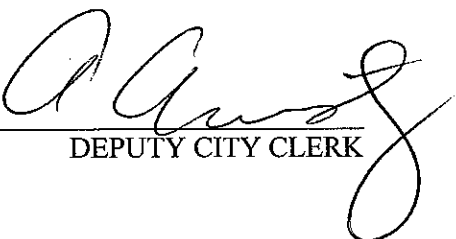
The next meeting of the Planning Standing Committee will be held on November 14, 2011 at 4:30 o'clock p.m. in Council Chambers.

7. ADJOURNMENT

There being no further business, the meeting is adjourned at 5:40 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

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

OCTOBER 11, 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 E. Sleiman – Acting Chair, Councillor P. Hatfield, Councillor A. Maghnieh, Councillor J. Gignac, Mr. M. Baker, Ms. C. Cross-Leal and Ms. B. Bjarneson.

Regrets: Councillor Bill Marra

Also present are:

Mr. D. Wilson - Manager of Development Applications & Secretary, Mr. A. Szymczak - Senior Planner, Mr. J. Revell – Planner, Mr. K. Alexander – Senior Planner, and Ms. M. Sladic – Senior Clerk, Planning Department; Ms. J. Liu-Vajko, Engineering & Corporate Projects Department; Ms. L. Doyle – Executive Director/Chief Building Official, Building Department; Mr. G. Wilkki – City Solicitor and Mr. M. Sonogo – City Engineer.

GENERAL BUSINESS:

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 members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting.

ADOPTION OF THE MINUTES

Moved by B. Bjarneson, seconded by C. Cross-Leal.

That the minutes of the Planning Advisory Committee (Planning Act Matters) meeting of September 12, 2011 **BE ADOPTED.**

Motion **CARRIED.**

The Chair introduces the first item on the agenda.

Item 1 – CITY OF WINDSOR (Z-013/11)

Ms. Bjarneson declares a conflict of interest. Advises she is a LINN Board Member and they are a funder of the agency.

The subject parcels are located on the north and west sides of College Avenue, west of Brock Street and comprise the College Avenue Community Centre at 3325 College Avenue and the parking lot at the northwest corner of College and Brock (east of the Windsor Transit Terminal). The City of Windsor is seeking to amend the zoning to allow a medical office as an additional permitted use within the College Avenue Community Centre and associated parking on the parking lot to accommodate the

relocation of the Windsor Essex Community Health Centre from Forster Secondary School. [Adam Szymczak – Senior Planner]

Moved by Councillor Magnie, seconded by M. Baker.

- I That an exemption from Interim Control By-law 19-2007 as amended by By-law 35-2008 **BE GRANTED** for lands described as Lots 1, 2 and 3, Part of Lot 4, Registered Plan 1365 (northwest corner of College Avenue and Brock Street) and Lots 122 to 126 and Part of Lot 127, Registered Plan 1365 (southwest corner of College Avenue and Brock Street).

- II That an amendment to Zoning By-law 8600 **BE APPROVED** for property described as Lots 1, 2 and 3, and Part of Lot 4, Registered Plan 1365 (northwest corner of College Avenue and Brock Street) and Lots 122 to 126 and Part of Lot 127, Registered Plan 1365 (southwest corner of College Avenue and Brock Street) by adding a site specific provision to allow a business office, a medical office and other facilities of a non-profit or charitable organization within an existing building as an additional permitted use subject to the provision of a minimum of 25 parking spaces on Lots 1, 2 and 3, and Part of Lot 4, Registered Plan 1365.

Motion **CARRIED, UNANIMOUSLY.**

Item 2 – ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE LONDON DIOCESE (Z-014/11)

The application is for the rezoning of 1640 Partington. This newly formed property was formerly the manse adjacent to the church located at 1630 Partington. Per Committee of Adjustment decision on October 5, 2011 that granted a severance, pending an appeal period, 1640 Partington now forms a separate property from the church. The Dioceses of London desires to sell the property to an interested party for use as a residential home. The proposal is to rezone 1640 Partington from ID1.1 to RD1.1 to allow for an individual residence, which would be consistent with the zoning of the surrounding neighbourhood. Planning recommends support of the rezoning. [John Revell – Planner]

Paul Bezaire (agent) – Bezaire & Associates – 3514 Walker Rd., Unit 1A, Windsor, ON N8W 3S4. Mr. Bezaire is in agreement with the recommendations of the Planning Dept. and gives a brief history of the property.

Mr. Baker inquires, if this site was being constructed now, wouldn't there should be screening or fencing between the institutional use and the residential use? Mr. Bezaire advises there is already substantial screening between the house and the church. There's a tall cedar hedge along the back property line.

Mr. Baker extends the question to Administration as well. Mr. Wilson advises single family dwellings are not subject to Site Plan Control, they are exempt. The parking

lot for the church is partially on the church property. It is an existing situation. As well, it is partially on or within the park itself, which is owned by the Municipality. The single family dwelling would not be deemed a development and would therefore not require screening. The screening area is required for the parking area at the church and is in existence.

Ms. Bjarneson inquires whether the 3-car garage remains. Mr. Bezaire advises the garage was part of the property severed and will remain with the residence and advises it's a 4-car garage. Ms. Bjarneson advises there is indication the church is also to be sold and wishes to know if it will remain a church. Mr. Bezaire advises the church and residence have offers of purchase and are to remain a place of worship and residence respectfully.

Ms. Bjarneson also notes concern regarding screening on the north side. Mr. Bezaire advises both buyers are aware of the sites and have expressed no concern over screening and have made no suggestion towards adding screening.

Councillor Hatfield inquires whether Mr. Bezaire is aware if the purchaser of the manse has any intention of further severing the garage and creating a new lot. Mr. Bezaire advises he has not met with the purchaser, but at this point, additional severance doesn't seem to be part of the plan at this time. The purchaser was very clear they wanted the garage to be part of the purchase property.

To Administration, Councillor Hatfield inquires about the possibility of a future severance of the property, the requirement for a sewer hook up. Mr. Revell advises if the property was severed, the applicant would have to comply with the zoning by-laws regarding setbacks, etc. There is a private sewer there which would require additional easements to connect to the existing private sewer system. Councillor Hatfield asks who owns the private sewers. Mr. Wilson advises it's owned by the Separate School Board. Mr. Wilson also notes comments received by Tony Ruffolo (Engineering & Corporate Projects) regarding the sewer which was made as a condition for severance. That condition was dealt with at the last Committee of Adjustment hearing, held Wednesday, October 5th. That was for the severed lot.

Councillor Hatfield advises his inquiry is regarding the possibility of further severance to that property. Mr. Wilson responds advising there is a condition of easement given. If there was an additional severance, Public Works would make that same condition to that lot in the event of a further severance.

Councillor Gignac brings attention to the roadway that runs behind the severed property, connecting behind the severed lot to the church. Is it an actual roadway, who owns it and what are the plans for that? Mr. Revell advises that piece of the property is retained by the church and continues as a private driveway for the church and park. The worship site is a contiguous site, not a remnant.

Councillor Gignac then asks how far the church parking lot encroaches onto the parkland. Mr. Revell advises he doesn't have the exact dimensions of the encroachment of the worship property to the park, but directs the Councillor to the report to show the severed portion of the land in question. Councillor Gignac requests assurances that corrections are requested, when necessary, on deficiencies on severed lands when they apply for severance. Mr. Sonogo advises that he is not aware of any encroachment on the parklands, however, if there were any, they would've come up during Committee of Adjustment. Mr. Wilson confirms part of the parking lot does encroach on the Algonquin Street right-of-way as well as Superior Park itself. Mr. Bezaire advises the members that none of the park property is involved with the property for which he is seeking re-zoning. The portion in question is the residential property only and does not involve any of the parking lot for the church. Secondly, the parking lot functions as both parking for the church and the park. Improvements were made only last year with the installation of sidewalks and parking bumpers. Thirdly, the entire matter was brought before Council a few years ago. Mr. Bezaire explains the nature of that matter. One of the results of those negotiations was the sale of a portion in which the parking lot lies, to the church for the sum of one dollar under the condition that the church continue to be used as a worship site. If it failed to be used as a worship site, the property would be returned to the City. The London Diocese did not pursue it, although the Council Resolution was passed. Regardless, the property in question does not impact that site.

Councillor Gignac leaves that matter to the Legal department to follow up with. Her concern is that, as a Municipality, if there are some anomalies, that they are dealt with. The Councillor wants to ensure all ends are tied up. Mr. Sonogo wasn't aware of a Council Resolution, however agrees that needs to be legalized and will pursue that.

Councillor Gignac moves for deferral until that is resolved. Seconded by Councillor Magnieh.

Councillor Hatfield requests for a deferral on the deferral motion until members of the audience are asked for their opinion(s), if any, to speak on the matter.

Ms. Bjarneson also brings to the attention the additional notice that was handed out at the beginning of the meeting which notes a deadline of purchase which is conditional upon the Municipal approval.

Councillor Hatfield advises he spoke with some residents who had concerns about further severance of the severed property and the sewer obligation.

Mr. Angelo Squizzato – 1775 Algonquin, Windsor, ON N9B 1W7. Mr. Squizzato advises his concern, similar to Councillor Hatfield's, regarding the possible demolition

of the garage and subsequent severance to provide another lot. He wants to know the obligation to that owner if that should occur? The Chair advises that at this time, the Committee does not know what the new owner intends to do. At this time, the applicant is asking for a zoning change. Mr. Wilson indicates this is an application for re-zoning. There was a severance and notification was sent out to residents within 200m of the property, a severance that was approved last week through the Committee of Adjustment. Should another severance be requested, the neighbours would again be notified, at which time they can voice those concerns. But at this time, we do not know if there will be another severance application. We are only dealing with a re-zoning application. Mr. Sonogo advises if there was a future severance, the applicant must hook to the sewer and must obtain permission to do so. If they didn't, there would be an objection and the Committee wouldn't approve the severance without that permission.

Mr. Squizzato understands there would have to be an easement in order to attach to the sewer which is attached to the church. He believes the sewer is approximately 4-5 inches. Would this possible new home be able to attach to it? Mr. Sonogo advises there would be a review of the site, but the 4 inch sewer would be sufficient to add another one home to it. Mr. Bezaire advises it's a private sewer servicing the church, residence and the school (St. Patrick's School), which runs down Algonquin from Partington to Totten. It's a substantial sewer. Adding one more house to it would have a negligible affect. Mr. Bezaire feels the concern over severing this lot is mute. It would be more advantageous to sever the worship site, which could provide four (4) more lots but would still have to obtain permission to attach to the sewer, which is owned by the Separate School Board. All of which would be addressed at Committee of Adjustment.

The Chair goes back to the motion for deferral. Councillor Magnieh withdraws his support of the motion. Councillor Hatfield advises that without a second there is no longer a valid motion, confirmed by Councillor Gignac.

Councillor Hatfield asks Mr. Bezaire, if there would be a motion to defer, how would that affect the applicant and the purchasers. Mr. Bezaire advises the limitation of the Diocese to dispose of properties. In this instance, the Diocese is in the position to have purchasers for both properties, the revenue would assist in funding the renovations to Assumption Church, a building of architectural and historic purpose to which the City has also invested in terms of repairs. A deferral at this time could jeopardize the entire situation. Mr. Bezaire adds the situation regarding parking at the church is existing and will continue to exist as is. The re-zoning of the residential property doesn't change that.

Councillor Gignac again brings forth the situation of the roadway coming out to Partington Avenue from the Algonquin site. The Councillor inquires whether it would be better planning to have that roadway go with the residential unit, have only the

one entrance to the church on Algonquin, thereby controlling traffic in the residential area. Also, wants some clarification on the encroachment and what the procedure is for the Municipality when looking at changing zoning, whether they should be cleaning this up. Mr. Wilson advises that information can be provided, but it is a legal question. Mr. Wilkki apologizes that he is unable to answer the question pertaining to the Council Resolution until reviewing that document.

Ms. Cross-Leal asks if there is any way the City can look into this when severing the lot in order to appease the questioning. Mr. Wilson advises the lot has already been severed. This is strictly a re-zoning application of the severed parcel. Mr. Revell was able to provide a drawing (placed on the overhead) which shows more detail as to the severed lot for the members. Mr. Wilson points out the dashed lines separating the lands owned by the Diocese and the severed portion, noting the roadway leading in to the church parking lot used by both the church and park attendees.

Ms. Cross-Leal inquires whether the purchaser has a survey showing their property line. Mr. Wilson advises a condition of a severance application there is a requirement for a plan of survey be prepared. Ms. Cross-Leal confirms then the purchaser knows the roadway portion is not their property. Mr. Wilson confirms. Ms. Cross-Leal also confirms that that portion has nothing to do with the application for re-zoning of the severed residential property. Mr. Wilson confirms.

Mr. Wilkki appreciates the Member's concerns over the original site, however, the application before the Committee is to re-zone the one parcel. Mr. Wilkki feels it may be inappropriate to ask the applicant to deal with another property which is really not a subject of this re-zoning. Should they appeal to the Ontario Municipal Board on a situation like this, he doesn't feel the board would consider the necessity to potentially cure problems with another site as part of this application.

Councillor Gignac inquires what opportunity the City has to ensure that everything has been done here, in terms of follow-up to former Council Resolutions, do they still apply, etc.? Can it be brought forth to Council for review? How would it be addressed? Mr. Wilkki advises that they can provide the information to the Committee regarding the previous Resolution and whether it carries over, but suggests that a report be presented before Council in order to review all the facts.

Moved by Councillor Gignac, seconded by Councillor Hatfield.

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of part of 1630 Partington (Now 1640 Partington) Avenue; Plan 1325, Part of Lot 454, Lot 455, Lot 456, Part of Lot 457, Part of Lot 347, Part of Lot 348, Part of Lot 349 and Part of Block E (closed alley), east of Partington Avenue, south of Algonquin Street, (PIN 01100855); from ID1.1 to RD1.1.

Motion **CARRIED, UNANIMOUSLY.**

Meeting adjourned: 5:15 pm

Councillor E. Sleiman, Acting Chair

Mr. D. Wilson, Secretary

/ms