

Windsor, Ontario, September 12, 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

Delegations

Dale Dutot and Dennis Pupulin, agents representing Erie Wildlife (available for questions -  
Planning Act Matter)  
Wayne and Dorothy Tratechaud  
Mike Lucier, resident of Ward 9  
Shane Mitchell, Architecturra Inc., representing the owner/applicant  
Tom Harris (Available for questions)  
Louis Vaupotic and Helen Stansonic  
Wilson Wong  
Kevin Flood and Anne-Marie Laniak, property owners of 357-359 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 Sadler, Executive Director of Parks and Facilities  
Don Wilson, Manager of Development  
Neil Robertson, Manager of Urban Design  
Kevin Alexander, Planner III Community Development  
John Revell, Development Review Planner  
Adam Szymczak, Senior Planner  
Vera Vendrasco, Senior Legal Counsel  
Stacey Shyshak, Engineer II (A)  
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 Merrill Baker, Seconded by Cheryl Cross-Leal,  
That the minutes of the meeting of the Planning Standing Committee (Planning Act Matters)  
held August 15, 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 August 15, 2011  
**BE ADOPTED** as presented.  
Carried.

5. **Business Items**

**Planning Act Matters**

**Item 1 Housekeeping Amendment 2011-2, Zoning By-law 85-18, Former Sandwich South Lands**

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

Moved by Barbara Bjarneson, seconded by Councillor Sleiman,  
That Zoning By-law 85-18 **BE AMENDED** on the following basis:

1. That Schedule 'A' be deleted and be replaced with the new Schedule 'A' contained in Appendix A to this report.
2. That map number references be revised as follows:
  - Section 10.3.4 - deleting "Map 6" and replacing it with "Map T12"
  - Section 11.3.2 - deleting "Maps 4 and 10" and replacing it with "Map T16"
  - Section 11.3.3 - deleting "Maps 5 and 7" and replacing it with "Map T16"
  - Section 14.3.11 - deleting "Map 4" and replacing it with "Map T12"
  - Section 14.3.15 - deleting "Map 4" and replacing it with "Map T12"
  - Section 15.3.1 - deleting "Map 4" and replacing it with "Map T16"
  - Section 15.3.2 - deleting "Maps 4 and 5" and replacing it with "Map T16"
  - Section 15.3.9 - deleting "Map 2" and replacing it with "Map T16"

Section 16.3.1 - deleting "Maps 2, 6 and 10" and replacing it with "Map T12"

Section 16.3.4 - deleting "Map 5" and replacing it with "Map T16"

Section 17.3.3 - deleting "Map 7" and replacing it with "Map T17".

Carried.

**Item 2 Rezoning, Part of Malden Park – Erie Wildlife Rescue**

Moved by Barbara Bjarneson, seconded by Councillor Hatfield,

I That an amendment to Zoning By-law 8600 **BE APPROVED** for PART OF LOT 59, CONCESSION 1, (PIN 012600426); by adding a site specific provision in accordance with the following:

For the lands comprising Part of Lot 59, situated within Malden Park, west of Malden Road and north of the park access road, an indigenous species wildlife rescue and rehabilitation facility, with accessory learning, training and retail areas shall be additional permitted uses with the following provisions:

1. A minimum of 17 shared parking space, available to all visitors of Malden Park, shall be provided;
2. No additional loading zone or space is required;
3. Bicycle parking for a minimum of five bicycles, available to all users of the Malden Park, shall be provided;
4. Retail uses are limited to a maximum of 30% of the gross floor area.

Carried.

The Planning Act matters are heard and the committee recesses at 4:43 o'clock p.m. to allow the citizens of the committee to depart.

The Committee reconvenes at 4:45 o'clock p.m. and the regular items on the agenda are heard.

**Administrative Matters**

**Item 3 Request to close and purchase part of the north/south alley system between Rossini Boulevard and Bernard Road, north of Seminole**

Wayne and Dorothy Tratechaud abutting property owners appear before the committee to express interest in purchasing a portion of the alley.

Harry Yau applicant appears before the committee to advice that the alley will remain open.

Councillor Hatfield inquires if the intended use for the Church is to use the alley as a parking lot.

Harry Yau indicates that the alley will only be used as a driveway, the applicant was requested to close the alley by the Planning Department.

Don Wilson, Manager of Development indicates that the closure of the alley is a requirement of the application.

Stacey Shyshak, Engineer II advises the committee that an alley that does not serve a purpose for the municipality is recommended for closure, stating that this particular alley is utilized for a maneuvering lane.

Committee requests that administration provide additional information regarding the alley and if there is a requirement for a maneuvering isle to accommodate the applicants expansion.

Don Wilson, advises a memo will be prepared and attached as additional information to the committee report for Councils review.

Moved by Councillor Gignac, seconded by Councillor Hatfield,

I. That part of the 4.27 metre (14.0 feet) wide north/south alley system between Rossini Boulevard and Bernard Road, north of Seminole Street as shown on Drawing Number CC-1615, as amended, ***attached*** hereto as Appendix "A" **BE ASSUMED** for subsequent closure and conveyance to the applicant and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law.

II. That part of the 4.27 metre (14.0 feet) wide north/south alley system between Rossini Boulevard and Bernard Road, north of Seminole Street as shown on Drawing Number CC-1615, as amended, ***attached*** hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the applicant subject to the following:

- Easements are required in favour of:
  - Bell Canada
  - Enwin Utilities – Hydro Division
  - Cogeco Cable Systems Inc.
- The conveyance costs are as follows:
  - Abutting properties zoned RD1.2: \$1.00 plus deed preparation and proportionate share of survey cost
  - Abutting properties zoned ID1.1: \$2.00 per square foot (\$21.53 per square metre) no easements and \$1.00 per square foot (\$10.76 per square metre) with easements

and further, that the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing CC-1615, as amended, attached hereto as Appendix "A", the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice, and further, that the City Solicitor **BE REQUESTED** to prepare the by-law to close, and further, the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor, and the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

**Item 4 Request to close the north/south alley between Walker Road and Turner Road from Ledyard Avenue to Moxlay Avenue**

Mike Lucier, resident of Ward 9 appears before the committee stating that he is opposed to the closing of this alley, and concludes by stating that the closure of the alley would limit the access to his rear yard.

Shane Mitchell, from Architectura Inc., representing the Applicant appears before the committee and is available for questions.

Councillor Gignac inquires why the Applicant has applied to close the entire alley and not only the land abutting the property.

Shane Mitchell, states that it was a requirement of the Planning Department to close the entire alley.

Moved by Councillor Gignac, seconded by Councillor Sleiman,

I. That the 4.27 metre (14.0 feet) wide north/south alley between Walker Road and Turner Road from Ledyard Avenue southerly to Moxlay Avenue as shown on Drawing Number CC-1614 ***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 (14.0 feet) wide north/south alley between Walker Road and Turner Road from Ledyard Avenue southerly to Moxlay Avenue as shown on Drawing Number CC-1614 ***attached*** hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

- Easements are required in favour of:
  - Bell Canada
  - Enwin Utilities – Hydro Division
  - Cogeco Cable Systems Inc.
- The conveyance costs are as follows:
  - Abutting properties zoned RD1.1: \$1.00 plus deed preparation and proportionate share of survey cost
  - Abutting properties zoned CD4.1: \$10.00 per square foot (\$107.64 per square metre) no easements and \$5.00 per square foot (\$53.82 per square metre) with easements

and further, that the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing CC-1614, attached hereto as Appendix "A", the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice, and further, that the City Solicitor **BE REQUESTED** to prepare the by-law to close, and further, the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor, and the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

**Item 5 Request to close part of the east/west alley south of Riverside Drive East between  
Glengarry Avenue and Aylmer Avenue**

Louis Vaupotic property owner and Helen Stanonic appear before the committee to express their concerns regarding the closing of the alley, stating that only one citizen is benefiting from the closing of this alley.

Wilson Wong, property owner appears before the committee to express concerns regarding the closing of the alley, stating that the closure of the alley will increase vehicular traffic to the east side of the alley.

Councillor Hatfield inquires as to the reasoning for closing only a portion of the alley as opposed to the entire alley.

Neil Robertson states that the Applicant owns both sides of the alley.

Councillor Hatfield inquires concerning garbage collection and if the closure of the alley would require garbage to be collected on Riverside Drive.

Tom Harris, Applicant advises that garbage collection occurs at the foot of Aylmer Avenue, Glengarry Avenue and Riverside Drive.

Moved by Councillor Hatfield, seconded by Councillor Maghnieh,  
That the application request to close part of the east/west alley south of Riverside Drive East between Glengarry Avenue and Aylmer Avenue **BE DENIED.**

Carried.

Councillor Sleiman voting nay.

**Report No. 20 of the Planning Standing Committee (357-359 Indian Road)**

Kevin Flood and Anne-Marie Laniak property owners appear before the committee to ask that the committee reject the recommendation of administration to purchase white cedar shakes for the property at 357-359 Indian Road as the cost is extremely expensive.

Councillor Sleiman inquires if the property owners would be willing to purchase the vinyl cedar shakes.

Kevin Flood indicates that he would not be willing to purchase the vinyl cedar shakes stating that the cost is too expensive for the shingles as well as the installation.

Councillor Hatfield inquires if there would be an alternative to the vinyl cedar shakes.

Thom Hunt, City Planner indicates that the preferred solution would have been the original cedar shakes restored, the alternative at this time is the vinyl cedar shakes which would be a minimum requirement.

Councillor Sleiman inquires as to the availability of funds from the Heritage Committee for the property owners to apply for a grant to assist with the restoration of the roof.

Kevin Flood indicates that he is not will to apply for any type of government grant to complete the roof.

Moved by Councillor Maghnieh, seconded by Councillor Gignac,  
That an exemption from the Interim Control By-law 19-2007 as amended by By-law 35-2008 and the Demolition control By-law 20-2007, **BE DENIED** for Anne-Marie Laniak, the owner of the residential duplex at 357-359 Indian Road.

Carried.


Councillor Sleiman voting nay.

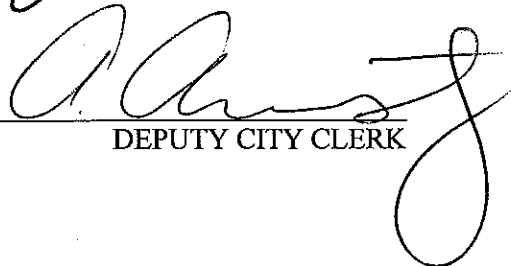
6. **DATE OF NEXT MEETING**

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

7. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:33 o'clock p.m.

  
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CHAIR

  
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DEPUTY CITY CLERK

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

**SEPTEMBER 12, 2011**

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

Regrets:

Also present are:

Mr. T. Hunt – City Planner, Mr. D. Wilson - Manager of Development Applications & Secretary, Mr. N. Robertson – Manager Urban Design, Mr. A. Szymczak - Senior Planner, Mr. J. Revell – Planner, Mr. K. Alexander – Senior Planner, and Ms. M. Sladic – Senior Clerk, Planning Department; Ms. S. Shyshak, Engineering & Corporate Projects Department; Ms. L. Doyle – Executive Director/Chief Building Official, Building Department; Ms. W. Vendrasco – Senior Legal Counsel and Mr. D. Sadler – Executive Director Parks & Facilities.

**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**

A discussion amongst the Members took place to clarify which set of Minutes were to be voted on and by whom. There was confusion due to the two sets of Minutes that were attached in the Agenda.

The Chair stated that all Members present for Planning Matters were to vote on that set of Minutes. The second set of Minutes are to be voted on by Council Members only.

Ms. Bjarneson requests reassurance that comments on the motion made by Members be noted in the Minutes.

Moved by M. Baker, seconded by C. Cross-Leal.

That the minutes of the Planning Advisory Committee (Planning Act Matters) meeting of August 15, 2011 **BE ADOPTED.**



Motion **CARRIED**.

The Chair introduces the first item on the agenda.

**Item 1 – HOUSEKEEPING AMENDMENTS 2011-2 (Z-011/11)**

The purpose of this housekeeping amendment is to replace the Schedules A maps inherited with By-law 85-18 when the Sandwich South lands were transferred to the City of Windsor with new maps that use the same format found in City of Windsor Zoning By-law 8600 and to make minor revisions to any affected map number references within the text of By-law 85-18. The new maps will make it easier to administer the zoning maps in By-law 85-18. No changes to the current zones are proposed. [Adam Szymczak – Senior Planner]

The Chair asks Members if there are any questions pertaining to the report.

Mr. Baker notes that there are new maps being incorporated into the Zoning By-law and asks why isn't the entire Zoning By-law 8518 being rolled in to Zoning By-law 8600? Mr. Szymczak advises they are not rolling new maps into BL-8600, they are just using the same format as those maps. They are currently working on a Comprehensive Zoning By-law Review which is a process that will merge the two Zoning By-laws in to a new Zoning By-law.

Moved by B. Bjarneson, seconded by Councillor Sleiman

That Zoning By-law 85-18 **BE AMENDED** on the following basis:

1. That Schedule 'A' be deleted and be replaced with the new Schedule 'A' contained in Appendix A to this report.
2. That map number references be revised as follows:
  - Section 10.3.4 - deleting "Map 6" and replacing it with "Map T12"
  - Section 11.3.2 - deleting "Maps 4 and 10" and replacing it with "Map T16"
  - Section 11.3.3 - deleting "Maps 5 and 7" and replacing it with "Map T16"
  - Section 14.3.11 - deleting "Map 4" and replacing it with "Map T12"
  - Section 14.3.15 - deleting "Map 4" and replacing it with "Map T12"
  - Section 15.3.1 - deleting "Map 4" and replacing it with "Map T16"
  - Section 15.3.2 - deleting "Maps 4 and 5" and replacing it with "Map T16"
  - Section 15.3.9 - deleting "Map 2" and replacing it with "Map T16"
  - Section 16.3.1 - deleting "Maps 2, 6 and 10" and replacing it with "Map T12"
  - Section 16.3.4 - deleting "Map 5" and replacing it with "Map T16"
  - Section 17.3.3 - deleting "Map 7" and replacing it with "Map T17".

Motion **CARRIED, UNANIMOUSLY**.

**Item 2 – ERIE WILDLIFE RESCUE (Z-010/11)**

The subject property is located on the east side of Malden Park, north of the Malden Road entrance to the park. City Council approved a lease for a 9,307 square meter (2.3 acre) parcel of Malden Park to Erie Wildlife Rescue on August 8, 2011. The lease agreement is subject to a successful rezoning to permit the wildlife rescue operation use. The applicant is seeking a site specific provision from Zoning By-Law 8600 for the subject property to allow the rescue and rehabilitation of indigenous wildlife, and an accessory learning and training centre as additional permitted uses. The development of the rescue facility building and rehabilitation area is subject to Site Plan Control (SPC-028/11) and requirements for minimum parking provision will be specified. [John Revell – Planner]

The Chair asks Members of the Committee and in the audience if there are any questions pertaining to this report. In attendance are Mr. Dale Dutot (Mind Quest Engineering Ltd.) and Ellen Hedges and Bonnie Dupuis, representatives for Erie Wildlife Rescue, should there be any questions.

Ms. Bjarneson inquires as to where the building will be located on the property. The Chair advises the location being immediately to the right off Malden Road, closer to Malden Road and the parking area.

Councillor Gignac brings attention to information noting up to 30% of the building may be utilized for retail. Would like to know, if possible, what that component might be and, if that's the case, are there specific parking requirements that must be met to address the retail aspect. Mr. Revell advises the applicant is seeking a retail component which will be a small part of the organization, selling small items and books. They may have yard and/or bake sales from time to time. The parking is designed for the use, which does not require much parking for day to day operations. The applicant has been requested to provide seventeen (17) spaces to be used by all. Also, there is overflow opportunity with the regular parking lot at Malden Park.

Councillor Gignac inquires, if in future the full 30% is utilized for retail, is the Corporation permitted to request or require parking. Mr. Revell advises that the current structure of the building is not changing, therefore, they cannot request additional parking in future.

The Chair reconfirms that the total number of spaces provided meets the requirements at this time. Mr. Revell confirms.

Councillor Gignac reconfirms that the seventeen spaces requested will meet the requirements of the 30% retail if it were anywhere else. Mr. Revell is unable to provide the calculations, however, advises that along with the overflow opportunity from the Park, there will be ample spaces for parking.

Ms. Cross-Leal notes the building is located near the small lake, but the subject land continues northeast, bordering along the natural area where there's natural habitat. She is concerned whether that natural habitat may be encroached upon. Mr. Sadler confirms the subject land does not meet the naturalized area.

Councillor Sleiman seeks confirmation that the location and size of the building will be handled through Site Plan Control. The only concern by the Members is in regards to re-zoning of the land. The Chair confirms. Councillor Sleiman inquires if the organization is a non-profit organization. The Chair advises they are a non-profit organization. Councillor Sleiman also asks that if 30% of the building is utilized for some sort of commercial venture, would the organization still fall under the non-profit category. Again, the Chair confirms non-profit status.

Moved by B. Bjarneson, seconded by Councillor Hatfield.

I That an amendment to Zoning By-law 8600 **BE APPROVED** for PART OF LOT 59, CONCESSION 1, (PIN 012600426); by adding a site specific provision in accordance with the following:

For the lands comprising Part of Lot 59, situated within Malden Park, west of Malden Road and north of the park access road, an indigenous species wildlife rescue and rehabilitation facility, with accessory learning, training and retail areas shall be additional permitted uses with the following provisions:

1. A minimum of 17 shared parking space, available to all visitors of Malden Park, shall be provided;
2. No additional loading zone or space is required;
3. Bicycle parking for a minimum of five bicycles, available to all users of the Malden Park, shall be provided;
4. Retail uses are limited to a maximum of 30% of the gross floor area.

The Chair makes closing comments regarding Erie Wildlife Rescue, their goals, discussions with Council and the benefits to the community.

Motion **CARRIED, UNANIMOUSLY.**

Meeting adjourned: 4:45 pm

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Councillor B. Marra, Chair

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Mr. D. Wilson, Secretary

/ms

Windsor, Ontario, October 11, 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 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 Sonogo, 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 Krygsman, 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. Krygsman, 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)**

APPENDIX "A"

**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 5<sup>th</sup>. 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. Sonego 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. Sonego 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

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Councillor E. Sleiman, Acting Chair

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Mr. D. Wilson, Secretary

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