

AA/
Windsor, Ontario, April 13, 2015

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

Councillor Holt
Councillor Kusmierczyk
Councillor Payne
Councillor Sleiman
Councillor Marra (Chair)

Planning Act Citizen

Barbara Bjarneson
Anthony Gyemi
Dorian Moore

Heritage Act Citizens

Lynn Baker
Andrew Foot
Michael DiMaio
John Miller

Regrets

Simon Chamely

Delegations

Melanie Muir, (Item 1)
Bill Boucas, (Item 1)
Christine Stengel, (Item 1)
Daniel Garneau, (Item 1)
Garth Little (Item 2)
Okan Cil (Item 6)
Terrence Kennedy (Item 7 & 9)
Lorraine Jackson (Item 7)
Kevin Flood (Item 7)

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Shelby Askin Hager, City Solicitor
Adam Szymczak, Planner III
Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Jim Abbs, Planner III
Justina Nwaesei, Planner II
Maham Siddiqui, Co-Op Student, Planning
John Calhoun, Heritage Planner
Tony Ruffolo, Right-Of-Way Supervisor
John Revell, Assistant/Developmental, Chief Building Official
Mike Stamp, Manager of Real Estate Services
Frank Scarfone, Coordinator of Real Estate Services
Agatha Armstrong, Deputy City Clerk

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

3. ADOPTION OF MINUTES

Moved by Councillor Bjarneson, seconded by Councillor Kusmierczyk,
THAT the minutes of the meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) held March 9, 2015 **BE ADOPTED**.

Carried.

THAT the minutes of the meeting of the Planning, Heritage and Economic Development Standing Committee held March 9, 2015 **BE ADOPTED**.

Carried.

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

Terrence Kennedy (resident) seeks deferral for Items 7 and 9 on the agenda. He would like to defer these items until the Federal Government has completed their

consultations and made their decision. Lorraine Jackson (resident) agrees with Mr. Kennedy.

Dan Reaume (Canadian Transit Co.) would like to proceed with Items 7 & 9. He sees no reason for deferral.

Committee members inquire of Administration background information to determine whether a deferral would be justified. Mr. Wilson advises item 7 is a request for alley closure while Item 9 deals with cost.

No motion is made to defer the items.

5. **COMMUNICATIONS**

None presented.

6. **PRESENTATIONS AND DELEGATIONS FOR ADMINISTRATIVE MATTERS**

Item 6 Request to close the portion of the north/south alley between 983 Tecumseh Road West and 1531 Crawford Avenue abutting the property known as 983 Tecumseh Road West

Okan Cil, representing parents who own 983 Tecumseh Road West

Okan Cil, representing parents who own 983 Tecumseh Road West, to provide input concerning the request to close the portion of the north/south alley between 983 Tecumseh Road West and 1531 Crawford Avenue, stating that the property owners purchased the property as they had full access to the front and rear of the property, and concludes by requesting 50ft abutting the property at 983 Tecumseh Road west remain open as opposed to 20 ft.

Moved by Councillor Holt, seconded by Councillor Payne,

That the 4.88 m (16 ft) wide north/south alley between 983 Tecumseh Road West and 1531 Crawford Avenue, abutting the northerly 30.48 meters (100 feet) portion of the property known as 983 Tecumseh Road West, and shown on Drawing No. CC-1674 **attached** hereto as **Appendix "A"**, **BE ASSUMED** for subsequent closure;

- I. That the 4.88 m (16 ft) wide north/south alley between 983 Tecumseh Road West and 1531 Crawford Avenue, abutting the northerly 30.48 meters (100 feet) portion of the property known as 983 Tecumseh Road West, and shown on Drawing No. CC-1674 **attached** hereto as **Appendix "A"**, **BE CLOSED AND RETAINED** by the Corporation of the City of Windsor for municipal purposes as part of the Crawford yard facility, subject to the following:

- a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada, Cogeco Cable Canada LP, & Enwin Utilities Ltd. Over the full width save and except for the westerly two feet in order to normalize the City's field engineering office encroaching into the alley.
- II. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number CC-1674, ***attached*** hereto as **Appendix "A"**;
- III. That the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice;
- IV. That the City Solicitor **BE REQUESTED** to prepare the necessary by-laws;
- V. That 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;
- VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Livelihood # 17648 SAA2015

Item 7 Request to close the east/west alley and part of the north/south alley between Indian Road & Rosedale Avenue, north of Mill Street

Terrance Kennedy, area resident

Terrance Kennedy, area resident appears before the Planning, Heritage & Economic Development Standing committee to speak against the administrative recommendation to close the east/west alley and part of the north/south alley between Indian Road and Rosedale Avenue, stating that the Federal Government is currently requesting comments from the public and closing date is April 27, 2015, and concludes by stating that the alley should not be closed until the Federal government completes their public consultation.

Lorraine Jackson, Area Resident

Lorraine Jackson, area resident appears before the Planning, Heritage & Economic Development Standing committee to speak against the administrative recommendation to close the east/west alley and part of the north/south alley

between Indian Road and Rosedale Avenue, stating that access is an issue, and concludes by stating that the neighborhood was not consulted.

Kevin Flood, Owner

Kevin Flood, owner appears before the Planning, Heritage & Economic Development Standing committee to speak in support of the administrative recommendation to close the east/west alley and part of the north/south alley between Indian Road and Rosedale Avenue, stating that he is the property owner of 5 of the 7 homes affected.

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman,

That the 4.27metres (14feet) wide east/west alley located north of Mill Street, between Indian Road and Rosedale Avenue, abutting the north lot lines of the properties known as 788, 812, 816, 818, 826, 832 Mill Street, as shown on Drawing No. CC-1675 **attached** hereto as **Appendix "A"**, **BE ASSUMED** for subsequent closure;

- I. That the 4.27metres (14feet) wide east/west alley located north of Mill Street, between Indian Road and Rosedale Avenue, abutting the north lot lines of the properties known as 788, 812, 816, 818, 826, 832 Mill Street, as shown on Drawing No. CC-1675 **attached** hereto as **Appendix "A"**, **BE CLOSED AND CONVEYED** to the abutting property owners;
- II. That the south portion of the 4.27 metres (14 feet) wide north/south alley located north of Mill Street, between Indian Road and Rosedale Avenue, abutting the west lot lines of the properties known as 749, 753, 759, 765, 769, 777, and 781 Indian Road, also abutting the east lot lines of the properties known as 752, 760, 764, 770, 776, and 780 Rosedale Avenue, as shown on Drawing No. CC-1675 **attached** hereto as **Appendix "A"**, **BE ASSUMED** for subsequent closure;
- III. That the south portion of the 4.27 metres (14 feet) wide north/south alley located north of Mill Street, between Indian Road and Rosedale Avenue, abutting the west lot lines of the properties known as 749, 753, 759, 765, 769, 777, and 781 Indian Road, also abutting the east lot lines of the properties known as 752, 760, 764, 770, 776, and 780 Rosedale Avenue, as shown on Drawing No. CC-1675 **attached** hereto as **Appendix "A"**, **BE CLOSED AND CONVEYED** to the abutting property owners;
- IV. That the alley closures recommended in paragraphs II and IV above **BE GRANTED** subject to the following:
 - i. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - Bell Canada & Enwin Utilities Ltd.: easements along the subject east/west and north/south alleys

- Cogeco Cable Canada LP: easement along the subject north/south alley only
- V. Conveyance Cost **BE SET** as follows:
Abutting properties zoned RD1.2 & RD2.2: \$1.00 plus deed preparation cost plus proportionate share of the survey cost.
- VI. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1675, attached hereto as **Appendix “A”**;
- VII. That The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice;
- VIII. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- IX. That 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
- X. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.
Councillor Holt voting nay on this matter.

Livelihood # 17644 SAA2015

Item 9 Canadian Transit Corporation – Conveyance of Remnant Alley between Huron Church Road and Indian Road, south of University Street West

Terrance Kennedy, area resident

Terrance Kennedy, area resident appears before the Planning, Heritage & Economic Development Standing committee to speak against the administrative recommendation for the conveyance of remnant alley stating that the Federal Government is currently requesting comments from the public and closing date is April 27, 2015, and concludes by stating that the City of Windsor should be enforcing the by-laws adopted by Council.

Moved by Councillor Sleiman, seconded by Councillor Payne,
That Council Resolution CR279/77 authorizing the closure and
sale of the alley system between Huron Church Road and Indian Road, south of
University Street West **BE AMENDED** as follows:

1. DELETE:

“3) the east-west leg of the subject alley be conveyed at a price of \$200.00 per
front foot;

4) the north-south leg of the subject alley be conveyed for \$1.00 plus the cost of
deed preparation”

2. ADD:

“At the following prices:

Abutting properties zoned RD2.2:

\$1.00 plus deed preparation plus proportionate share of survey cost (if required)

Abutting properties zoned CD4.4:

\$15.00 per square foot no easements and \$7.50 per square foot with easements
plus deed preparation plus survey cost (if required)”

Carried.

Livelihood # 17643 SAA2015

7. **PLANNING ACT MATTERS**

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

**Item 1 NOC Developments, Proposed Draft Plan of Subdivision and Zoning
By-law Amendment, 2695-2715 Bernard Road (Part of Lots 106 and
107, Concession 2, City of Windsor), develop a 30 lot, single detached
subdivision**

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk,

That a report be prepared for Council, summarizing concerns identified at
the public open house and statutory public meeting and the resulting resolutions,
including egress/ingress for alternate forms of transportation (walking, cycling) at
south end of Bernard Road and timeframe of construction), fencing height issues,
keeping existing zoning intact (setback and coverage) and possible options for
reconfiguration for lots 1-4.

I) That an amendment to Zoning By-law 8600 BE APPROVED amending the zoning of Part of Lots 106 and 107, Concession 2, City of Windsor; located at 2695-2715 Bernard Road, from Institutional District 1.1 (ID1.1) and Residential District 1.2 (RD1.2) to Residential District 1.3 (RD1.3) and adding a site specific provisions as follows:

- Minimum rear yard depth - 5.5m
- Maximum lot coverage - two storey main building - 35%
- all accessory buildings - 15%

No exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit.

For the lot at the northwest corner of the intersection of Bernard Road and the proposed Joinville Avenue extension (Lot 1 of the Draft Plan) the Minimum Exterior Side yard shall be 2.5m

II) That a Hold provision be placed on the site to ensure the following provisions are met:

a) Registration of Final Plan of Subdivision.

III) That the application of **NOC Developments Inc.** for Draft Plan of Subdivision approval for Part of Lots 106 and 107, Concession 2, City of Windsor; BE APPROVED on the following basis:

That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-002/014, which will facilitate the construction of single unit, detached dwellings.

- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval).
- B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-002/14 prepared by Dillon Consulting, identified as Project # 14-9303, February 26, 2011, showing 30 lots for single unit detached dwellings, one block for future development and three cul-de-sac road allowances.
- C. That prior to the execution and registration of a Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner, final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.
- D. That the owner enter into a subdivision agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:
 - a. The owner shall agree to include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 - b. No driveway access shall be permitted to Bernard Road.
 - c. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
 - i. 20.0m right-of-way for Joinville Avenue extension, Street A and Street B;
 - d. The Owner(s) shall comply with all the following requirements relating to sidewalks:

- i. Sidewalk shall be constructed on the west side of Bernard Road, to the Plymouth Drive Right of Way, to the satisfaction of the City Engineer and the City Planner;
 - ii. Sidewalk shall be constructed on both sides of Joinville Avenue extension, Street A and Street B
- e. The Owner(s) agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 - i. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 - ii The study shall be finalized to the satisfaction of the City Engineer.
- f. The Owner(s) agree to gratuitously convey to the Corporation a 6.0 metre wide easement over blocks 34 and 35 for the purposes of construction and/or maintenance of a municipal storm sewer, prior to the issuance of a construction permit.
- g. The Owner(s) agree to enclose the roadside ditch on Bernard Road abutting the subject property in a manner satisfactory to the City Engineer.
- h. The Owner(s) agree to consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The locations shall be identified on the appropriate servicing plans.
- i. The Owner(s) agree to display a map in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- j. The Owner(s) agree to include in all offers of purchase and sale a statement which advises the purchaser:
 - i. that mail will be delivered via Community Mail Box;
 - ii. the locations of all Community Mail Boxes within the development;
 - iii. of any established easements granted to Canada Post to permit access to the Community Mail Box.
- k. The Owner(s) agree to provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations
- l. The Owner(s) agree to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - i.) Any required walkway across the boulevard, per municipal standards
 - ii.) Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)

- iii.) A Community Mailbox concrete base pad per Canada Post specifications.
- m. The Owner(s) agree to pay to the Corporation, cash-in-lieu of parkland as per By-law 12780, prior to the issuance of a construction permit.
- n. The owner agrees to construct Bernard Road to a point determined by the City, terminating in a cul-de-sac constructed to City Standard.
- o. In the event the Owner(s) is required to oversize any services, to service other lands, The Owner agrees that any oversizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.
- p. The Owner(s) agree to provide a reference plan sufficient to create a 0.3 m reserve on easterly limit of the existing Bernard Road Right of way adjacent to Lots 62 through 69, Plan 12M-319.
- q. The Owner(s) agree to construct an emergency access from Bernard Road to Plymouth Drive in accordance with City of Windsor Standard, and in a manner satisfactory to the City Engineer and Fire Chief
- r. *The Owner(s) agree to Register the Plan of Subdivision, or provide a Reference Plan sufficient to create a 6.0 m easement across lands identified as "Street B" and Lots 24 and 25 of the Draft Plan (currently identified as Blocks 32, 33 and 34) to the satisfaction of the City Engineer, prior to September 1, 2015.*
- s. *The Owner(s) agree to provide a construction access from Bernard Road to Plymouth Drive in accordance with City of Windsor Standard, and in a manner satisfactory to the City Engineer*
- t. *The Owner(s) agree that fencing on Lot 1 of the Draft Plan shall be stepped down to 1.2m to improve sightlines from the driveway at 2687 Bernard Road*

NOTES TO DRAFT APPROVAL (File: SDN-001/14)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. Required agreements with the Municipality will be prepared by the City Solicitor.
4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.

6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
7. Where agency conditions are required to be included in the City's Subdivision Agreement, the applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.

IV. That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.

V. That the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.

VI. That prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.

VII. *That the City Solicitor be AUTHORIZED to prepare the required bylaws to establish Block 71, 12M-319 as a public highway.*

Carried.

Livelihood # 17660 & 17578, ZB/12040

Item 2 1849640 Ontario Inc., Rezoning Application – 3232 Grand Marais Road East, permitting an indoor shooting range as a main use

Moved by Councillor Holt, seconded by Councillor Sleiman,
That Zoning By-law 8600 **BE AMENDED** by deleting Section 20(1)284 and replacing it with the following:

“284. For the lands comprising Lots 103 to 105 and 306 to 308, Registered Plan 1109, Parts 3 and 4, Plan 12R-10164, save and except Part 1, Plan 12R-21693 situated on the north side of Grand Marais Road East between Meighen Road and Meldrum Road, an indoor firearm shooting range shall be an additional permitted use. (ZDM 11; ZNG/3457; ZNG/4323)”

Carried.

Councillor Kusmierczyk voting nay on this matter.

Item 3 Amerco Real Estate Company, 9082-9152 Tecumseh Road East, to allow truck, trailer and equipment rental/lease

Moved by Councillor Sleiman, seconded by B. Bjarensen,
That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning for the lands located on the north side of Tecumseh Road East, south side of VIA Rail Corridor, west side of Little River, and east of Lauzon Road; described as Pt Lots 129 & 132, Concession 1, Sandwich East, and particularly designated as Part 1 on Reference Plan 12R-25931, by adding

a site specific provision to allow “truck and trailer rental/leasing” as additional permitted use on the subject lands.

Carried.

Livelihood # 17642 ZB/12138

The Planning Act portion of the meeting concludes at 6:31 o'clock p.m.

8. **HERITAGE ACT MATTERS**

The Heritage Act portion of the meeting convenes at 6:31 o'clock p.m.

Item 4 Request for Demolition of Heritage-Listed Properties – Notice Requirements for Owners

Moved by L. Baker, seconded by A. Foot,

That pursuant to s.27 of the *Ontario Heritage Act*, Council **APPROVE** the requirements to be included in an owner's application for notice of the intention to demolish or remove a building or structure on a property listed (not designated) in the Windsor Municipal Heritage Register, in accordance with the principles listed in Appendix 'A' as amended to add under “Information Requirements”, “If some of these items cannot be found, the other items will be sufficient for the application”; and

That sources of historic information on properties **BE ADDED** to the City's website; and

That Administration **BE DIRECTED** to review the Schedule of Fees and submit to Council for an amendment to add the appropriate application fees involving these requests.

Carried.

Livelihood # 16958 MBA/3601

Item 5 John Campbell school, 1255 Tecumseh Road east, Heritage Alteration Permit-Change Foyer Door Glazing

Moved by Councillor Sleiman, seconded by Councillor Holt,

That the request to change the glazing in the foyer doors at John Campbell School, 1255 Tecumseh Road East, **BE GRANTED**, according to provisions in the *Ontario Heritage Act* for individually designated properties.

Carried.

Livelihood # 17647 MBA/7354

The Heritage Act portion of the meeting is adjourned at 7:05 o'clock p.m.

ADMINISTRATIVE ITEMS

Item 8 Conveyance of remnant alley south of Continental Avenue, east of Third Street

1. That the 14-foot wide east/west alley between Continental and Hudson, easterly from Third Street to the east limit of Lot 15, R. P. 1209, more particularly described in Schedule "A" annexed hereto and forming part of this by-law be conveyed to the owners of abutting lands at the price of \$2.50 per square foot (\$108,900.00 per acre).
- I. That the City Solicitor **BE DIRECTED** to prepare an amending by-law for Council's consideration; 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 any subsequent transactions **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Livelihood # 17645 SAA2015

Item 10 Conveyance of remnant alley between Walker Road and Riberdy Road from Airport Road to Moxley Avenue

- Moved by Councillor Holt, seconded by Councillor Sleiman,
- I. That City of Windsor By-law 6858 **BE AMENDED** by substituting the following:
 2. That each of the owners whose lands abut upon lands described herein shall have the right to purchase, at a price of
 - For lands zoned CD4.1 - \$11.00 per square foot with no easements and \$5.50 per square foot with easements – deed preparation and proportionate share of survey cost in addition
 - For lands zoned MD1.2 - \$4.00 per square foot no easements and \$2.00 per square foot with easements – deed preparation and proportionate share of survey cost in additionthat part thereof upon which his land abuts to the middle line of such closed and stopped up part; provided, however, that any such owner shall notify the Clerk of The Corporation of the City of Windsor, in writing, of his intention to exercise his right to purchase by not later than April 17, 1981, provided that, if such owner does not exercise his right to purchase on or before such date, the Council may sell the part that he has the right to purchase to any other person at the same or a greater price, as the Council shall see fit.

3. That the lands described in Schedule "A" hereto are subject to easements in favour of Enwin Utilities Ltd., Bell Canada and Cogeco Cable Canada GP Inc., to enter upon the said lands so conveyed for installation, repairs and maintenance of their facilities therein
- II. That the City Planner **BE REQUESTED** to supply the appropriate legal description in accordance with the drawing attached hereto as Appendix "A"
- II. That the City Solicitor **BE DIRECTED** to prepare an amending by-law for Council's consideration; 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 any subsequent transactions **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Livelihood # 17646 SAA2015

9. **QUESTION PERIOD**

None.

10. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 7:50 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

A meeting of the Planning Heritage & Economic Development Standing Committee is held this day commencing at 4:31 pm in Council Chambers, there being present the following members:

Councillor Marra
Councillor Sleiman
Councillor Payne
Councillor Kusmierczyk
Councillor Holt

Citizens

Barbara Bjarneson
Anthony Gyemi
Dorian Moore

Regrets

Delegations

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Shelby Askin Hager, City Solicitor
Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Jim Abbs, Planner III
Adam Szymczak, Planner III
Justina Nwaesei, Planner II
Maham Siddiqui, Co-Op Student, Planning
John Calhoun, Heritage Planner
Tony Ruffolo, Right-Of-Way Supervisor
John Revell, Assistant/Developmental, Chief Building Official
Mike Stamp, Manager of Real Estate Services
Frank Scarfone, Coordinator of Real Estate Services
Agatha Armstrong, Supervisor of Council Services/Deputy City Clerk

1. **CALL TO ORDER**

The Chair calls the meeting to order at 4:31 pm.

The Chair goes over the process of the Committee.

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

None.

3. **ADOPTION OF MINUTES**

Moved by B. Bjarneson, seconded by Councillor Holt.

THAT the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, March 9, 2015 BE ADOPTED.

Motion **CARRIED, UNANIMOUSLY.**

4. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

Terrence Kennedy (resident) seeks deferral for items 7 and 9 on the agenda. Would like to defer items until the Federal Government has completed their consultations and made their decision. Lorraine Jackson (resident) agrees with Mr. Kennedy.

Dan Reaume (Canadian Transit Co.) would like to proceed with Items 7 & 9. Sees no reason for deferral.

Committee members inquire of Administration background information to determine whether a deferral would be justified. Mr. Wilson advises item 7 is a request for alley closure while item 9 deals with cost.

No motion is made to defer the items.

5. **COMMUNICATIONS**

None

6. **PRESENTATIONS AND DELEGATIONS**

None

7. **PLANNING ACT MATTERS**

The Chair asks if there are any delegates present for any of the items. The Chair announces additional information provided for the one item.

Item 1 **NOC DEVELOPMENT INC. – 2695-2715 Bernard Rd.**

Mr. Jim Abbs presents the item.

Ms. Melanie Muir (Dillon Consulting/Agent) advises she is in complete agreement with the recommendations and has nothing further to add.

Bill Boucas (2681 Bernard Rd., resident) notes his concerns over flooding, standing water, storm sewers, decommissioning the sewer pond, grade level of the new development compared to existing residences, setback of Lot 1 compared to older residences and the possibility of Bernard

opening up to through traffic from Plymouth. Elaine (another resident) also inquired as to the progress of development (i.e. one house at a time or all at once).

Christine Stengel (2687 Bernard Rd., resident) expressed several concerns similar to Mr. Boucas as well as several others, addressed in a letter dated March 5, 2015 and on file with Planning.

Daniel Garneau (2639 Bernard Rd., resident) reiterates concerns expressed by Mr. Boucas. Mr. Garneau has an email on file with Planning expressing his concerns and suggestions, dated April 10, 2015.

Rebecca Plahcinski (4195 Grand Marais Rd. E., area resident) has parents and in-laws living in the area and notes similar concerns as previous speakers.

Ms. Muir addresses some of the concerns brought forth regarding setbacks, privacy fence, sewers and grading. The homes will be built in phases, one street at a time, as lots are sold. Ms. Muir also advises the homes will not be raised ranch or split level and provides rendered pictures of proposed 2-storey homes, noting decks will be main level. Mr. Abbs also adds that Bernard Rd. will be opened to Plymouth Road for the sole purpose of construction vehicles but will later be closed off and used as emergency access only (in recommendations).

The Committee members inquire and discuss various possible solutions, such as eliminating Lot 1, increasing height of privacy fence along north portion of subdivision from 6' to 8' without lattice, joining lots 1 & 2 in order to allow for setback matching older residences, etc. Mr. Ruffolo provides comment and answers regarding sewers and drainage.

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk, with a friendly AMENDMENT.

THAT a report be prepared for Council, summarizing concerns identified at the public open house and statutory public meeting and the resulting resolutions, (Councillor Payne), including egress/ingress for alternate forms of transportation (walking, cycling) at south end of Bernard Road and timeframe of construction (Councillor Holt), fencing height issues, keeping existing zoning intact (setback and coverage) and possible options for reconfiguration for lots 1-4 (Ms. Bjarveson).

- I) That an amendment to Zoning By-law 8600 BE APPROVED amending the zoning of Part of Lots 106 and 107, Concession 2, City of Windsor; located at 2695-2715 Bernard Road, from Institutional District 1.1 (ID1.1) and Residential District 1.2 (RD1.2) to Residential District 1.3 (RD1.3) and adding a site specific provisions as follows:

Minimum rear yard depth	- 5.5m
Maximum lot coverage	- two storey main building - 35%
	- all accessory buildings - 15%

No exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit.

For the lot at the northwest corner of the intersection of Bernard Road and the proposed Joinville Avenue extension (Lot 1 of the Draft Plan) the Minimum Exterior Side yard shall be 2.5m

- II) That a Hold provision be placed on the site to ensure the following provisions are met:
- a) Registration of Final Plan of Subdivision.
- III) That the application of **NOC Developments Inc.** for Draft Plan of Subdivision approval for Part of Lots 106 and 107, Concession 2, City of Windsor; BE APPROVED on the following basis:
- That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-002/014, which will facilitate the construction of single unit, detached dwellings.
- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval).
 - B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-002/14 prepared by Dillon Consulting, identified as Project # 14-9303, February 26, 2011, showing 30 lots for single unit detached dwellings, one block for future development and three cul-de-sac road allowances.
 - C. That prior to the execution and registration of a Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner, final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.
 - D. That the owner enter into a subdivision agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:
 - a. The owner shall agree to include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 - b. No driveway access shall be permitted to Bernard Road.
 - c. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
 - i. 20.0m right-of-way for Joinville Avenue extension, Street A and Street B;
 - d. The Owner(s) shall comply with all the following requirements relating to sidewalks:
 - i. Sidewalk shall be constructed on the west side of Bernard Road, to the Plymouth Drive Right of Way, to the satisfaction of the City Engineer and the City Planner;
 - ii. Sidewalk shall be constructed on both sides of Joinville Avenue extension, Street A and Street B
 - e. The Owner(s) agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 - i. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 - ii. The study shall be finalized to the satisfaction of the City Engineer.

- f. The Owner(s) agree to gratuitously convey to the Corporation a 6.0 metre wide easement over blocks 34 and 35 for the purposes of construction and/or maintenance of a municipal storm sewer, prior to the issuance of a construction permit.
- g. The Owner(s) agree to enclose the roadside ditch on Bernard Road abutting the subject property in a manner satisfactory to the City Engineer.
- h. The Owner(s) agree to consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The locations shall be identified on the appropriate servicing plans.
- i. The Owner(s) agree to display a map in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- j. The Owner(s) agree to include in all offers of purchase and sale a statement which advises the purchaser:
 - i. That mail will be delivered via Community Mail Box;
 - ii. The locations of all Community Mail Boxes within the development;
 - iii. Of any established easements granted to Canada Post to permit access to the Community Mail Box.
- k. The Owner(s) agree to provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations
- l. The Owner(s) agree to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - i.) Any required walkway across the boulevard, per municipal standards
 - ii.) Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - iii.) A Community Mailbox concrete base pad per Canada Post specifications.
- m. The Owner(s) agree to pay to the Corporation, cash-in-lieu of parkland as per By-law 12780, prior to the issuance of a construction permit.
- n. The owner agrees to construct Bernard Road to a point determined by the City, terminating in a cul-de-sac constructed to City Standard.
- o. In the event the Owner(s) is required to oversize any services, to service other lands, The Owner agrees that any oversizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.
- p. The Owner(s) agree to provide a reference plan sufficient to create a 0.3 m reserve on easterly limit of the existing Bernard Road Right of way adjacent to Lots 62 through 69, Plan 12M-319.
- q. The Owner(s) agree to construct an emergency access from Bernard Road to Plymouth Drive in accordance with City of Windsor Standard, and in a manner satisfactory to the City Engineer and Fire Chief

- r. *The Owner(s) agree to Register the Plan of Subdivision, or provide a Reference Plan sufficient to create a 6.0 m easement across lands identified as "Street B" and Lots 24 and 25 of the Draft Plan (currently identified as Blocks 32, 33 and 34) to the satisfaction of the City Engineer, prior to September 1, 2015.*
- s. *The Owner(s) agree to provide a construction access from Bernard Road to Plymouth Drive in accordance with City of Windsor Standard, and in a manner satisfactory to the City Engineer*
- t. *The Owner(s) agree that fencing on Lot 1 of the Draft Plan shall be stepped down to 1.2m to improve sightlines from the driveway at 2687 Bernard Road*

NOTES TO DRAFT APPROVAL (File: SDN-001/14)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
 2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
 3. Required agreements with the Municipality will be prepared by the City Solicitor.
 4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
 5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.
 6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
 7. Where agency conditions are required to be included in the City's Subdivision Agreement, the applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.
- IV.** That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.
- V.** That the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- VI.** That prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- VII.** *That the City Solicitor be AUTHORIZED to prepare the required by-laws to establish Block 71, 12M-319 as a public highway.*

Motion **CARRIED AS AMENDED, UNANIMOUSLY.**

Item 2 **1849649 ONTARIO INC. – 3232 Grand Marais Rd. E.**

Mr. Adam Szymczak presents the item.

Mr. Garth Little (Agent) – is in agreement with the recommendations. Mr. Todd Johnston (owner) is present to answer any questions. Mr. Little notes objections received from local businesses are based on inadequate information and misconceptions. This is an indoor facility, completely enclosed. The stringency of requirements as expected from the RCMP and CFO (Chief Firearms Inspector of Ontario) would ensure safety and diligence of same.

The Committee members inquire regarding safety, noise, weapons and sale of ammunition. Mr. Johnston advises this is a Members Only facility, there will be no sales of firearms or ammunition. The business has been in the area for more than 20 years and there is no sign advising what their purpose is. There is another Members Only facility in the west end, with no issues or complaints from area residents. Safety and strict regulations are key factors in maintenance of the facility. Improvements/aesthetics to the property will also be made, as required.

Moved by Councillor Holt, seconded by Councillor Sleiman.

That Zoning By-law 8600 **BE AMENDED** by deleting Section 20(1)284 and replacing it with the following:

“284. For the lands comprising Lots 103 to 105 and 306 to 308, Registered Plan 1109, Parts 3 and 4, Plan 12R-10164, save and except Part 1, Plan 12R-21693 situated on the north side of Grand Marais Road East between Meighen Road and Meldrum Road, an indoor firearm shooting range shall be an additional permitted use. (ZDM 11; ZNG/3457; ZNG/4323)”

Motion **CARRIED.**

Supported by: Councillor Holt, Councillor Payne, Councillor Sleiman, Mr. Gyemi, Ms. Bjarneson and Mr. Moore

Objection by: Councillor Kusmierczyk

Item 3 **AMERCO REAL ESTATE CO. – 9082-9152 Tecumseh Rd. E.**

Ms. Maham Siddiqui presents the item.

Marissa Limoges (representative for U-Haul) – Is in agreement with the recommendations.

Moved by Councillor Sleiman, seconded by Ms. Bjarneson.

1. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning for the lands located on the north side of Tecumseh Road East, south side of VIA Rail Corridor, west side of Little River, and east of Lauzon Road; described as Pt Lots 129 & 132, Concession 1, Sandwich East, and particularly designated as Part 1 on Reference Plan 12R-

25931, by adding a site specific provision to allow “truck and trailer rental/leasing” as additional permitted use on the subject lands.

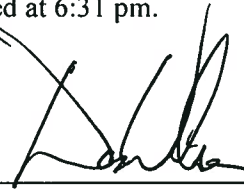
Motion **CARRIED, UNANIMOUSLY.**

The Chair concludes the Planning Act portion of the meeting.

There being no further business, the meeting is adjourned at 6:31 pm.



Councillor Bill Marra, Chair



Don Wilson, Secretary

/ms