

AA/
Windsor, Ontario, March 9, 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 (Vice Chair)

Regrets

Councillor Marra

Planning Act Citizen

Barbara Bjarneson
Anthony Gyemi
Dorian Moore

Heritage Act Citizens

Lynn Baker
Andrew Foot
Simon Chamely
Michael DiMaio

Regrets

Laura Ford

Delegations

Ashok Sood, Anuj Sood and Chintan Virani (Item 1)
Bill Kachmaryk (Item 4)
Stephen Gibson (Item 4)
John Hrovat (Item 4)
Carol Easton (Item 7)
Wally Chafchak (item 8)
Bill Saizer (Item 13)
Frank Dayus (Item 10)
Tony Hebert (Item 10)
Gladys & Jean-Marie Chiasson (Item 11)
Justin Campeau (Item 11)
Robert Reynolds (Item 11)
Joel Canty (Item 9)
Gino Gesual (Item 12)

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Thom Hunt, City Planner (as of 5:30 pm)
Don Wilson, Manager of Development Applications
Michael Cooke, Manager of Planning Policy
Jim Abbs, Planner III
Justina Nwaesei, Planner II
Sahar Jamshidi, Planner II
Greg Atkinson, Planner III
John Calhoun, Heritage Planner
Adam Pillon, Public Works - Engineering
Barry Horrobin, Windsor Police Services
Helga Reidel, CAO
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 4:30 o'clock p.m.

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

Lynn Baker discloses an interest and abstains from voting on Item 7 regarding the Heritage Property Tax Reduction Program as her son owns a property and she is a co-signer on the mortgage.

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 February 9, 2015 **BE ADOPTED** as amended.
Carried.

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

Item 2 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)

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

5. COMMUNICATIONS

None presented.

6. PRESENTATIONS AND DELEGATIONS FOR ADMINISTRATIVE MATTERS

Item 8 Conveyance of part of closed Manitoba Street, east of Huron Church road abutting 1878 Huron Church Road

Wally Chafchak, representing 2188160 Ontario Limited

Wally Chafchak, representing 2188160 Ontario Limited appears before the Planning, Heritage & Economic Development Standing Committee as is available for questions.

Moved by Councillor Kusmierczyk, seconded by Councillor Payne

I. That City of Windsor By-law 137-2006 registered as Instrument Number CE346787 **BE AMENDED** as follows:

2.(i) \$9.00 per square foot with no easements or \$4.50 per square foot with easements for lands abutting properties zoned CD4.3 under By-Law Number 8600.

3. That the lands described as Parts 5 to 10 only, Plan 12R-20510 are subject to an easement in favour **ENWIN UTILITIES LIMITED** and Parts 7 to 10 only, Plan 12R-20510 are subject to an easement in favour of **THE CORPORATION OF THE CITY OF WINDSOR**, to enter upon the said lands so conveyed for installation, repairs and maintenance of their facilities therein.

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.

Councillor Holt was absent when the vote was taken on this matter.

Livelihood # 17858, SAA2015

**Item 13 Application for Environmental Study Grant under the Brownfield
Redevelopment Community Improvement Plan for 775 Riverside
Drive East (1109045) Ontario Limited**

Bill Salzer

Bill Salzer appears before the Planning, Heritage & Economic Development Standing Committee and is available for questions.

Moved by Councillor Holt, seconded by Councillor Payne

I. THAT the request made by 1109045 Ontario Limited to participate in the Environmental Study Grant Program **BE APPROVED** for the property located at 775 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

II. THAT the City Treasurer **BE AUTHORIZED** to issue payment upon the completion and submission of a Phase II Environmental Site Assessment Study in a form acceptable to the City Planner and City Solicitor.

Carried.

Livelihood # 17586, Z/8955

**Item 10 Request to close the east/west alley west of Isack Drive, north of
Wyandotte Street east, abutting the south lot line of the property
known as 567 Isack Drive**

Tony Hebert, Applicant

Tony Hebert, Applicant appears before the Planning, Heritage and Economic Development Standing Committee to speak in support of the administrative recommendation to close the east/west alley west of Isack Drive, north of Wyandotte Street east, abutting the south lot line of the property known as 567 Isack Drive and concludes by outlining an error when referencing the parts of land and requests that the recommendation be corrected.

Frank Dayus, property owner

Frank Dayus, property owner appears before the Planning, Heritage and Economic Development Standing Committee to speak in support of the administrative recommendation, and concludes by requesting that the common boundary lines be amended and that the current fence line be used as the property line.

Moved by Councillor Payne, seconded by Councillor Holt

I. That the 9.14 metres (30 feet) wide east/west alley designated as Parts 20 and 21 on Plan 12R-18700 attached hereto as Appendix "F", and located on the west side of Isack Drive, north of Wyandotte Street East, abutting the south lot line of the property known as 567 Isack Drive, as shown on Drawing No. CC-1672 attached hereto as Appendix "A", BE ASSUMED for subsequent closure;

II. That the 9.14 metres (30 feet) wide east/west alley designated as Parts 20 and 21 on Plan 12R-18700 attached hereto as Appendix "F", and located on the west side of Isack Drive, north of Wyandotte Street East, abutting the south lot line of the property known as 567 Isack Drive, as shown on Drawing No. CC-1672 attached hereto as Appendix "A", BE CLOSED AND CONVEYED to the abutting property owners, such that the centre line of the alley becomes the common boundary line between the two property owners;

III. That the one foot reserve legally described as Part Bock 'H', Registered Plan 1564 and more particularly designated as Parts 18 and 19 on Plan 12R-18700 attached hereto as Appendix "F", abutting the westerly limit of the subject alley, BE DECLARED surplus and that any part of the alley being conveyed include the abutting portion of the one foot reserve;

IV. Conveyance Cost BE SET as follows:

a) For lands abutting properties zoned RD1.1, and designated as **Part 21** on Plan 12R-18700 attached hereto as Appendix "F", \$1.00 plus deed preparation fee;

b) For lands abutting property zoned RD3.4, and designated as **Part 20** on Plan 12R-18700 attached hereto as Appendix "F", \$53.82 per square metre (\$5.00 per square foot) without easements, or \$26.91 per square metre (\$2.50 per square foot) with easements. Survey cost and deed preparation fee included;

c) For lands known as one-foot reserve, and designated as Parts 18 and 19 on Plan 12R-18700 attached hereto as Appendix "F", \$1.00;

V. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1672, attached hereto as Appendix "A";

VI. That The City Planner, or designate, BE AUTHORIZED to publish the required legal notice;

VII. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s);

VIII. 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

IX. That the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.

Livelink # 17583, SAA2015

Item 11 Request to close the north/south alley south of Riverside Drive East, north of Clairview Avenue between Lauzon Road and Frank Avenue

Robert Reynolds, Solicitor representing Applicant

Robert Reynolds, Solicitor representing Applicant appears before the Planning, Heritage & Economic Development Standing Committee to speak in support of the administrative recommendation to close the north/south alley south of Riverside Drive East, north of Clairview Avenue between Lauzon Road and Frank Avenue.

Gladys & Anne-Marie Chiasson, area resident

Gladys & Anne-Marie Chiasson appear before the Planning, Heritage & Economic Development Standing Committee to speak in support of the administrative recommendation to close the north/south alley south of Riverside Drive East, north of Clairview Avenue between Lauzon Road and Frank Avenue, and conclude by requesting to keep their portion of alley as abutting property owners.

Justin Campeau, area resident

Justin Campeau, area resident appears before the Planning, Heritage & Economic Development Standing Committee to speak in support of the administrative recommendation to close the north/south alley south of Riverside Drive East, north of Clairview Avenue between Lauzon Road and Frank Avenue, and concludes by requesting to keep his portion of the alley.

Moved by Councillor Payne, seconded by Councillor Holt

I. THAT the 4.9 meters (16 feet) wide north/south alley south of Riverside Drive East, and north of Clairview Avenue between Lauzon Road and Frank Avenue as shown on Drawing No. CC-1671 attached hereto as Appendix "A", BE ASSUMED for subsequent closure;

II. THAT the 4.9 meters (16 feet) wide north/south alley south of Riverside Drive East, and north of Clairview Avenue between Lauzon Road and Frank Avenue as shown on Drawing No. CC-1671 attached hereto as

Appendix "A", BE CLOSED AND CONVEYED to the abutting property owners 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, Cogeco Cable Canada LP, & Enwin Utilities Ltd.
- ii. THAT Conveyance Cost BE SET as follows:
 - For properties zoned RD1.2 - \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - For properties zoned CD2.1 - \$86.11 per square metre (\$8.00 per square foot) for lands without easements or \$43.06 per square metre (\$4.00 per square foot) for lands with easements. Survey cost and deed preparation fee included.

III. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1671, attached hereto as Appendix "A".

IV. THAT The City Planner, or designate, BE AUTHORIZED to publish the required legal notice.

V. THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).

VI. 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.

VII. THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.

Livelihood # 17541, SAA2015

7. PLANNING ACT MATTERS

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

Item 1 Chintan Virani Architect Inc., Official Plan Amendment and Zoning By-law Amendment for lands located at 980-1030 Walker Road

Moved by Barbara Bjarneson, seconded by Councillor Kusmierczyk

I. THAT Official Plan Amendment No. 101 as shown in Appendix G to LiveLink Report No. 17557 **BE ADOPTED**, which:

1) Amends Volume I – Chapter 2 (Glossary) of the Plan by adding the following definition of Farmers’ Market:

FARMERS’ MARKET **Farmers’ Market** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

2) Amends Volume II, Part I (Special Policy Areas) of the Plan by adding the following site-specific polices:

1.30.1 The property described as Plan 367 Concession 1 Part Lots 96 and 97; 12R13286 Parts 1 to 10 on the east side of Walker Road north of Richmond Street designated on Schedule A: Planning Districts and Policy Areas in Volume I – the Primary Plan.

1.30.2 Notwithstanding the ‘Business Park’ designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, a ‘Farmers’ Market’ shall be an additional permitted use.

1.30.3 Notwithstanding the Section 6.4.4.2 (d) of Volume I: The Primary Plan of the City of Windsor Official Plan, a maximum of 20% of the gross floor area of all buildings may be used for the retail sale of goods.

II. THAT an amendment to Zoning By-law 8600 as shown in Appendix H to LiveLink Report No. 17557 **BE APPROVED**, which:

1) Amends Section 7 of the By-law to add the following definition of Farmers’ Market:

(49b) **“Farmers’ Market”** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or

other food premises are producers of farm products who are primarily selling or offering for sale their own products.

- 2) Amends the zoning for lands located on the east side of Walker Road north of Richmond Street known municipally as 980-1030 Walker Road and described legally as Plan 367 Concession 1 Part Lots 96 and 97; 12R13286 Parts 1 to 10; from MD1.4 to H-MD1.4 with site-specific provisions to add the following as additional permitted uses:
 - a) Farmers' Market
 - b) A Retail Store having a maximum gross floor area equal to 20% of the gross floor area of all buildings on the property
- 3) Allows for the removal of the holding provision imposed under 2) upon the fulfillment of the following conditions:
 - a) The applicant applies to remove the hold provision;
 - b) A Transportation Impact Study is completed in accordance with the guidelines set out by the City and submitted in a form satisfactory to the City Planner; and
 - c) An amended site plan agreement is registered on the title of the property.
Carried.

Livelihood #17557 ZB/12089 ZO/12090

Item 3 Re-Zoning Application for 3919-3933 Howard Avenue

Moved by Barbara Bjarneson, seconded by Councillor Kusmierczyk

That an amendment to the Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 6, Concession 6, situated on the west side of Howard Avenue, south of Salina Avenue, from Institutional District 1.1 (ID1.1) to Residential District 1.4 (RD1.4).

Carried.

Livelihood #17582, ZB/12088

8. HERITAGE ACT MATTERS

Item 4 St. Barnabas Church, 2115-2121 Chilver Road-Request for Demolition of Property on Heritage Register

Bill Kachmaryk, resident

Bill Kachmaryk, resident appears before the Planning, Heritage and Economic Development standing committee to speak in support of administrations recommendation to deny the request to demolish the 1955 portion of St. Barnabas Church located at 2115 Chilver Road.

Stephen Gibson, Solicitor

Stephen Gibson, Solicitor representing the Incorporated Synod of the Diocese of Huron appears before the Planning, Heritage & Economic Development Standing Committee to speak against the administrative recommendation to deny the request to demolish the 1955 portion of St. Barnabas Church located at 2115 Chilver Road.

John Hrovat, representing St. Clair Region Society of Architects

John Hrovat, representing St. Clair Region Society of Architects appears before the Planning, Heritage & Economic Development Standing Committee to speak in support of administrations recommendation to deny the request to demolish the 1955 portion of St. Barnabas Church located at 2115 Chilver Road.

Moved by Lynn Baker, seconded by Andrew Foot

THAT the request to demolish the 1955 portion of St. Barnabas Church located at 2115 Chilver Road, which is listed on the Windsor Municipal Heritage Register **BE DENIED**; and that the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the building.

THAT the request to demolish the 1939 portion of St. Barnabas Church located at 2115 Chilver Road, which is listed on the Windsor Municipal Heritage Register **BE GRANTED**, subject to the provision that any surface of the 1955 church exposed by removal of the 1939 church shall be finished with appropriate materials, as determined by the City Planner.

THAT the request to demolish the residence at 2121 Chilver Road **BE GRANTED**, subject to the provision that any surface of the 1955 church exposed by removal of the residence shall be finished with appropriate materials, as determined by the City Planner.

Carried.

Councillor Payne voting nay.

Livelihood #17544 MBA/12111

Item 5 Heritage Awards/Presentation at Council

Moved by Councillor Kusmierczyk, seconded by Councillor Holt

THAT the Planning, Heritage & Economic Development Standing Committee (PHEDSC) **SELECT** the three property owners for recognition with the 2015 Heritage Awards as identified in this report: 420 Kildare Road, Mike Brkovich; 553 Lincoln Road, Stephen Hargreaves and Ron Drouillard; and 635 University Avenue East, Joshua and Jordan Goure.

Carried.

Livelihood #17577 MBA/2274

Item 6 Ontario Heritage Conference- Funding for Participants

Moved by Councillor Kusmierczyk, seconded by Andrew Foot
THAT funding to attend the 2015 Ontario Heritage Conference for one Heritage At-large Member of the Planning, Heritage & Economic Development Standing Committee (PHEDSC) and the Heritage Planner for an upset amount of \$2,300 **BE APPROVED**, to be paid from the Windsor Heritage Committee Operating Fund; and

THAT the Heritage Planner **BE DIRECTED** to meet separately with the 5 members at large to discuss selection of the members that will attend 2015 Ontario Heritage Conference.

Carried.

Livelihood #17581 MBA2015

Item 7 Heritage Property Tax Reduction Program (Review of By-law No. 406-2004 for Sandwich)

Carol Easton, resident

Carol Easton, resident appears before the Planning, Heritage and Economic Development Standing Committee to speak in support of the administrative recommendation to expand the Heritage Property Tax Reduction Program to all eligible properties designated under the Ontario Heritage Act, and concludes by stating that this program will be helpful for Heritage properties owners as repairs or upgrades do become costly.

Councillor Sleiman leaves his seat as Vice Chair at 7:35 o'clock p.m. and Councillor Holt assumes the Chair.

Councillor Sleiman returns to his seat at 7:39 o'clock p.m. and Councillor Holt returns to his seat at the Council table.

Moved by Andrew Foot, seconded by Councillor Holt

I.

Municipal Act **BE EXPANDED** to all eligible properties designated under Part IV of the Ontario Heritage Act in the City of Windsor that comply with the provisions set out in Appendix 'A' attached;

II. THAT the Heritage Property Tax Reduction Program as set out in Appendix 'A' **BE ESTABLISHED** as two programs:

- a) A Basic Rebate of ten percent (10%) per year; and
- b) A Rehabilitation Rebate of a maximum of thirty percent (30%) per year;

III. THAT the Heritage Property Tax Reduction Program **BE ESTABLISHED** for a period of ten (10) years;

IV. THAT administration of the Heritage Property Tax Reduction Program as described in Appendix 'A' **BE DELEGATED** to the City

Planner and City Treasurer and that the City Planner Delegation of Authority By-law 139-2013 be amended accordingly; and

V. THAT the City Solicitor **BE AUTHORIZED** to prepare by-laws in accordance with the provisions of s.365.2 of the Municipal Act and Appendix 'A' as follows:

- a) The required By-law for the 10% per year Basic Rebate which applies to all properties designated under Part IV of the Ontario Heritage Act, and
- b) The required By-law for the 30% per year Rehabilitation Rebate which applies to all properties designated under Part IV of the Ontario Heritage Act, upon meeting additional qualifications.

Carried.

Councillor Kusmierczyk voting nay.

Lynn Baker declares a conflict and abstains from voting on this matter.

Livelihood #17580 MBA2015

The Heritage Act portion of the meeting is adjourned at 7:40 o'clock p.m.

ADMINISTRATIVE ITEMS

Item 9 Request to close the east/west alley east of Rossini Boulevard, north of CNR, between 860 and 866 Rossini Boulevard

Moved by Councillor Payne, seconded by Councillor Holt

THAT the request to close the 6.01 meters (20.0 feet) wide east/west alley east of Rossini Boulevard, north of CNR, between 860 and 866 Rossini Boulevard as shown as Drawing No. CC-1673 attached hereto as Appendix "A", **BE DENIED** for the following reason:

- To ensure that the subject alley remains accessible for maintenance and servicing of the existing municipal sewer running across the easterly portion of the subject alley.

Carried.

Livelihood # 17584, SAA2015

Item 11 Request to close the north/south alley south of Riverside Drive East, north of Clairview Avenue between Lauzon Road and Frank Avenue

Moved by Councillor Payne, seconded by Councillor Holt

THAT the 4.9 meters (16 feet) wide north/south alley south of Riverside Drive East, and north of Clairview Avenue between Lauzon Road and Frank Avenue as shown on Drawing No. CC-1671 attached hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

THAT the 4.9 meters (16 feet) wide north/south alley south of Riverside Drive East, and north of Clairview Avenue between Lauzon Road and Frank Avenue as shown on Drawing No. CC-1671 attached hereto as Appendix "A", BE CLOSED AND CONVEYED to the abutting property owners subject to the following:

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, Cogeco Cable Canada LP, & Enwin Utilities Ltd.

THAT Conveyance Cost BE SET as follows:

- For properties zoned RD1.2 - \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- For properties zoned CD2.1 - \$86.11 per square metre (\$8.00 per square foot) for lands without easements or \$43.06 per square metre (\$4.00 per square foot) for lands with easements. Survey cost and deed preparation fee included.

THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1671, attached hereto as Appendix "A".

THAT The City Planner, or designate, BE AUTHORIZED to publish the required legal notice.

THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).

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.

THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.

Livelihood # 17541, SAA2015

Item 12 Application for Small Business Investment Grant under the Economic Revitalization Community Improvement Plan for 1207 Drouillard Road

Moved by Councillor Payne, seconded by Councillor Holt

I. THAT the request made by 1451285 Ontario Ltd to participate in the Small Business Investment Grant Program **BE APPROVED** for the property located at 1207 Drouillard Road pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and

II. THAT, Administration **BE DIRECTED** to prepare an agreement to implement the Small Business Investment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Small Business Investment Grant Agreement.

Carried.

Livelihood # 17587, SAA2015

9. QUESTION PERIOD

None.

10. ADJOURNMENT

There being no further business, the meeting is adjourned at 8:45 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 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
Thom Hunt, City Planner (as of 5:30 pm)
Don Wilson, Manager of Development Applications
Michael Cooke, Manager of Planning Policy
Jim Abbs, Planner III
Justina Nwaesei, Planner II
Sahar Jamshidi, Planner II
Greg Atkinson, Planner III
John Calhoun, Heritage Planner
Adam Pillon, Public Works - Engineering
Barry Horrobin, Windsor Police Services
Helga Reidel, CAO
Agatha Armstrong, Supervisor of Council Services/Deputy City Clerk

1. **CALL TO ORDER**

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

The Vice-Chair welcomes new members Anthony Gyemi and Dorian Moore to the Committee. The Vice-Chair goes over the process of the Committee.

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

None.

3. **ADOPTION OF MINUTES**

Ms. Bjarneson notes a typo in the time of commencement of the meeting. Correction: from 5:20 pm to 5:29 pm is noted.

Moved by B. Bjarneson, seconded by Councillor Holt.

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

Motion **CARRIED, UNANIMOUSLY.**

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

Councillor Kusmierczyk requests for deferral of Item 2, as per letter received requesting same. Ms. Melanie Muir (Agent for the Applicant) is asked if a public meeting can be held with area residents to go over some of the issues presented? Ms. Muir advises a meeting can be held to address issues within the next week or two. The Vice-Chair inquires if the Applicant will be prepared in time for the next meeting? Ms. Muir confirms they will be. Ms. Bjarneson inquires who bears the cost for the deferral? The Vice-Chair acknowledges the cost will be to Administration given that the Committee requested the deferral and not the Applicant.

Motion to defer moved by Councillor Kusmierczyk, seconded by B. Bjarneson.

Motion **CARRIED, UNANIMOUSLY.**

5. **COMMUNICATIONS**

None

6. **PRESENTATIONS AND DELEGATIONS**

None

7. **PLANNING ACT MATTERS**

The Vice-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 **CHINTAN VIRANI – 980-1030 Walker Rd.**

Mr. Greg Atkinson presents the item.

Mr. Ashok Sood (Champion Products/Owner) advises he is in complete agreement with the recommendations and has nothing further to add.

Ms. Bjarneson mentions a letter received from an area resident stating a concern regarding neon signs. She also inquires as to an estimate to the building's completion and if there are tenants? Mr. Sood advises they are having discussions with people. As for signage, they're not there yet.

Ms. Bjarneson of Administration, asks whether the Traffic Impact Study was conducted during peak rail times? Mr. Atkinson isn't aware of the particulars, however, an updated letter regarding the study was included with the application. He can inquire regarding particulars. Ms. Bjarneson requests that an inquiry be made regarding time of study.

Ms. Bjarneson also inquires about the landscaping requirements and are they covered in the recommendations? Mr. Atkinson advises Landscaping requirements will be addressed through Site Plan Control. An existing site plan was approved in 2013 which established landscaping requirements, which are currently being revised. Any additional requirements will be incorporated into the revised Site Plan requirements.

Ms. Bjarneson also inquires as to the process of the parking deficiency? Mr. Atkinson advises that the applicant has addressed the parking deficiency with Site Plan and is in compliance with the requirements.

Ms. Bjarneson inquires the definition of a "Farmers Market". Mr. Atkinson clarifies the definition came from the applicant's consultant, which comes from commonly accepted documents from Legislation called the Health Protection & Promotion Act. Meeting the standard of the definition (meaning the vendors sell 50% or more of their own products) exempts the establishment from inspection by the Health Unit. However, there are secondary measures that must be taken in place of that inspection. Any further inquiries can be directed to the Health Unit (representative present). Mr. Atkinson confirms the standard definition used simply states farmer grown products, no percentage.

Ms. Bjarneson to the applicant, asks if this is to model the market in London, ON? The applicant advises, yes.

Councillor Payne notes letter from ERCA regarding Storm Water Analysis. Councillor asks why there is nothing in the recommendation pertaining to that? Following prolonged discussion, Mr. Atkinson advises the item is addressed in Public Works comments and requirements during the Site Plan Control process. Mr. Wilson concurs with his comments, as does Mr. Pillon from Public Works. Councillor Payne is advised Site Plan Control is a separate process that addresses all development concerns, therefore their comments do not appear nor are part of the rezoning report. Councillor Payne continues to ask if this recommendation will be done? Mr. Wilson advises that the recommendation is part of the Site Plan Process and will be dealt with there. And yes, it will be done.

Councillor Holt inquires about the parking requirements and asks for detailed clarification. Mr. Atkinson explains the requirements between Industrial and Commercial. The applicant had a choice to provide a parking study to reduce the required amount or to comply. The applicant chose to comply. Parking ratio for this development is similar to a minor commercial centre.

Councillor Kusmierczyk asks if this development exceeds the requirement for a stand-alone retail? Mr. Atkinson states the issue is with the relation to its primary use. The Business Park and zoning allow for up to 20% of the gross floor area for retail use. Councillor Kusmierczyk, Ms. Bjarneson and Mr. Atkinson discuss further for clarification purposes. Mr. Atkinson advises

the applicant has made revisions through the Site Plan process in order to comply. The applicant confirms.

Mr. Gyemi refers back to the definition of market and asks if it was that significant a worry to warrant a change in definition? Mr. Atkinson advises it is not recommended to change for zoning purposes, but to allow the Health Unit to inspect according to their procedure.

Councillor Kusmierczyk inquires whether the definition of market allows for live animals? Mr. Atkinson advises he will follow up with Licensing, but is inclined to say it does not. Will clarify in time for Council.

The Vice-Chair inquires whether the Market Square has the same definition. Mr. Atkinson advises the Market Square is zoned Commercial, which permits retail sale. It's different from this location because of its location (Industrial).

Mr. Moore requests clarification regarding future development and parking. Mr. Atkinson advises there would potentially be issue, in which case there are other avenues, such as Committee of Adjustment, which would provide relief.

Ms. Bjarneson inquires if flower sales are included under the definition of Farmer's Market? Mr. Atkinson advises the definition isn't descriptive but it includes things typically found in a market.

Ms. Bjarneson inquires whether the definition is for non-profit? Mr. Atkinson advises the zoning doesn't distinguish between profit or non-profit entities.

Ms. Bjarneson comments regarding future parking possibilities, noting the back area should remain for vendor use (delivery, etc.). Any expansion should possibly utilize vacant property owned by Champion on the St. Luke side.

Ms. Bjarneson inquires how the inquiry from Ford City regarding pedestrian, bike lanes and access is being addressed? Mr. Atkinson advises these concerns are addressed through the Site Plan process. Bike spaces are in ratio to the parking spaces provided.

Councillor Holt inquires about on-street parking? Mr. Atkinson advises there is no on-street parking at the site. Mr. Wilson adds there is parking on the residential side further north of the site. Councillor Holt inquires what is keeping there from being parking on both sides of the road? Mr. Atkinson advises he's not aware if an environmental study has been done for this stretch. Planning can follow-up with Engineering in time for Council.

Councillor Holt asks, if the applicant did want a waiver, the process would be then to go to Committee of Adjustment? Mr. Atkinson confirms.

The Vice-Chair inquires if there is anyone in the audience for this item.

Moved by B. Bjarneson, seconded by Councillor Kusmierczyk.

- I. THAT Official Plan Amendment No. 101 as shown in Appendix G to LiveLink Report No. 17557 **BE ADOPTED**, which:
 - 1) Amends Volume 1 – Chapter 2 (Glossary) of the Plan by adding the following definition of Farmers' Market:

FARMERS' MARKET **Farmers' Market** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

- 2) Amends Volume II, Part I (Special Policy Areas) of the Plan by adding the following site-specific polices:
 - 1.30.1 The property described as Plan 367 Concession 1 Part Lots 96 and 97; 12R13286 Parts 1 to 10 on the east side of Walker Road north of Richmond Street designated on Schedule A: Planning Districts and Policy Areas in Volume I – the Primary Plan.
 - 1.30.2 Notwithstanding the 'Business Park' designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, a 'Farmers' Market' shall be an additional permitted use.
 - 1.30.3 Notwithstanding the Section 6.4.4.2 (d) of Volume I: The Primary Plan of the City of Windsor Official Plan, a maximum of 20% of the gross floor area of all buildings may be used for the retail sale of goods.

II. THAT an amendment to Zoning By-law 8600 as shown in Appendix H to LiveLink Report No. 17557 **BE APPROVED**, which:

- 1) Amends Section 7 of the By-law to add the following definition of Farmers' Market:

(49b) "**Farmers' Market**" means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.
- 2) Amends the zoning for lands located on the east side of Walker Road north of Richmond Street known municipally as 980-1030 Walker Road and described legally as Plan 367 Concession 1 Part Lots 96 and 97; 12R13286 Parts 1 to 10; from MD1.4 to H-MD1.4 with site-specific provisions to add the following as additional permitted uses:
 - a) Farmers' Market
 - b) A Retail Store having a maximum gross floor area equal to 20% of the gross floor area of all buildings on the property
- 3) Allows for the removal of the holding provision imposed under 2) upon the fulfillment of the following conditions:
 - a) The applicant applies to remove the hold provision;
 - b) A Transportation Impact Study is completed in accordance with the guidelines set out by the City and submitted in a form satisfactory to the City Planner; and
 - c) An amended site plan agreement is registered on the title of the property.

Motion CARRIED, UNANIMOUSLY.

The Members of the Committee each offer comments to commend and support the Applicant for his interest and enhancement of the area. Ms. Bjarneson notes comments received on page 39 of the report, which states same from area residents. Mr. Moore and Mr. Gyemi also note their suggestions and promotion of the concept of shared uses, such as this one with Industrial/Retail, be the way of the future which can promote further development within the City AND improve on the aesthetics of the area with the mixed use concept.

Item 2 ROSELAND TRINITY UNITED CHURCH – 3919-3933 Howard Ave.

Ms. Sahar Jamshidi presents the item.

Mr. Tim Averil (Trustee) – Roseland Trinity United Church – notes is agreement with the recommendations presented by Administration.

Mr. Gyemi seeks confirmation that the property being rezoned to residential complies with that zoning? Ms. Jamshidi confirms it is in keeping with the neighbourhood but the draft site lines, if off by a foot or two, will be dealt with at time of severance. Mr. Wilson advises a Plan of Survey is required with the severance application, which will also confirm zoning compliance.

Ms. Bjarneson notes her concern over separation from church to residence. Ms. Bjarneson wants to add recommendation to add fencing or landscaping to deter congregation members from utilizing the former driveway. Wants to ensure separation between church and future residential property, particularly in back where the garage is located. Ms. Jamshidi advises through severance, Public Works will require any existing and/or redundant driveways or openings be removed and possibly seeded. Ms. Bjarneson continues seeking landscaping, fencing or to have the applicant seed through to back of the garage.

Councillor Kusmierczyk asks if there's anything that can be done to address the concerns Ms. Bjarneson has? Ms. Jamshidi advises that at no time in the near future is this property going to be going through Site Plan, therefore these issues cannot be addressed. This is a situation between two private properties. The City cannot force the property owners to install fencing or landscaping between their properties. The City has no authority to incur in this instance. The owners are seeking a change of use from institution to residential only.

Ms. Bjarneson comments then that all that will happen is they will close the driveway? Ms. Jamshidi advises that any curb cuts or access will have to be closed to the satisfaction of the Engineering Department and seeding of the area may be required. Mr. Averil advises there is no curb cut and the intention is to seed right up to the side of the garage.

Mr. Dorian advises Mr. Averil's comment already answered his query. Was going to ask if the applicant could seed to the back of the garage in order to help eliminate sign of any approach. Ms. Jamshidi reiterates the City cannot dictate what is to happen on private property.

Moved by B. Bjarneson, seconded by Councillor Kusmierczyk.

That an amendment to the Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 6, Concession 6, situated on the west side of Howard Avenue, south of Salina Avenue, from Institutional District 1.1 (ID1.1) to Residential District 1.4 (RD1.4).

Motion **CARRIED, UNANIMOUSLY.**

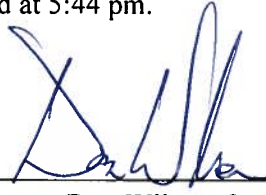
Ms. Bjarneson advises she is glad the applicant is aware of her concerns over separation and hopes they consider a remedy through fencing or landscaping.

The Vice-Chair concludes the Planning Act portion of the meeting.

There being no further business, the meeting is adjourned at 5:44 pm.



Councilor Ed Sleiman, Vice-Chair



Don Wilson, Secretary

/ms