

AC/
Windsor, Ontario, August 10, 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

Anthony Gyemi
Dorian Moore

Heritage Act Citizens

Lynn Baker
Andrew Foot
Simon Chamely
Michael DiMaio
John Miller

Regrets

Barbara Bjarneson

Delegations

Frederica Nazzani (Item 1)
Jackie Lassaline (Item 1)
Jim Stanski (Item 1)
J. Murray Troup (Item 3)
Sharon Major (Item 3)
Frank Wright (Item 3)
John Dehoop (Item 3)
Giovanna Cudini (Item 3)
Albert Winter (Item 3)
Carol and Bruck Easton (Item 4)

Also present are the following from Administration:

Helga Reidel, Chief Administrative Officer
Wira Vendrasco, Deputy City Solicitor
Thom Hunt, Executive Director Planning, Building Services/City Planner
Don Wilson, Manager of Development Applications
Robert Vani, Manager of Inspections
Jim Abbs, Planner III, Subdivisions
Tony Ruffolo, Right of Way Supervisor
Justina Nwaesei, Planner II, Development Review

Stefan Fediuk, Landscape Architect
John Calhoun, Heritage Planner
Sahar Jamshidi, Planner II, Development Review
Anna Ciacelli, Supervisor of Council Services

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**

None Disclosed.

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

None Requested.

4. **COMMUNICATIONS**

None Presented.

5. **ADOPTION OF MINUTES**

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman,
THAT the minutes of the meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) held July 13, 2015 **BE ADOPTED** as presented.
Carried.

6. **PRESENTATIONS AND DELEGATIONS FOR *PLANNING ACT* MATTERS**

Item 1 Windsor Club, Amendment to Zoning By-law 8600, for part of lands known as 1950-2072 Riverside Drive East, add a site specific zoning provision to allow a 'Club' use as additional permitted use on a portion of the subject land

Frederica Nazzani, Windsor Club

Frederica Nazzani, Windsor Club, appears before the Planning, Heritage and Economic Development Standing Committee, regarding the administrative report "Windsor Club, Amendment to Zoning By-law 8600, for part of lands known as 1950-2072 Riverside Drive East, add a site specific zoning provision to allow a 'Club' use as

additional permitted use on a portion of the subject land, and provides a brief history of the Windsor Club, detailing the collaboration between the Windsor Club, Hiram Walker's and the City. Concluding by stressing the importance of taking over this landmark and reengaging the community by restoring the property to its original state as well as the extensive financial component that is being invested into the property.

Jim Stanski, Vice-President-Hiram Walker & Sons Ltd.

Jim Stanski, Vice-President – Hiram Walker & Sons Ltd. appears before the Planning, Heritage and Economic Development Standing Committee, regarding the administrative report “Windsor Club, Amendment to Zoning By-law 8600, for part of lands known as 1950-2072 Riverside Drive East, add a site specific zoning provision to allow a ‘Club’ use as additional permitted use on a portion of the subject land, indicating this is a collaborative effort between the Windsor Club and the City of Windsor by creating a destination site for visitors and tourists.

Jackie Lassaline, Consultant

Jackie Lassaline, Consultant, appears before the Planning, Heritage and Economic Development Standing Committee, regarding the administrative report “Windsor Club, Amendment to Zoning By-law 8600, for part of lands known as 1950-2072 Riverside Drive East, add a site specific zoning provision to allow a ‘Club’ use as additional permitted use on a portion of the subject land, and provides detail regarding the zoning amendment application providing specifications regarding the buildings on the property and how this application encourage adaptive reuse and repurposing of the building.

Moved by Councillor Sleiman, seconded by Councillor Holt,

That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning a portion of the lands municipally known as 1950 - 2072 Riverside Drive East and located on the north side of Riverside Drive East, west side of Albert Road, east of Lincoln Road (said portion being described as Parts 1, 2, 4, 5, and 6 on the attached draft 12R Plan), by adding a site specific provision to allow a “Club” use as additional permitted use, subject to the following additional regulations:

- (i) Minimum required motor vehicle parking spaces shall be as existing (49 motor vehicle parking spaces total) within the area described as Parts 1, 2, 4, 5 and 6 on the draft 12R; and
- (ii) Maximum gross floor area for shall be as existing in the existing two buildings within the area described as Parts 1, 2, 4, 5 and 6 on the draft 12R.

Carried.

Livelihood #17848, ZB/12243

Item 3 Tru Land Developments Inc., Proposed Draft Plan of Subdivision and Zoning By-law Amendment, 0 Woodlawn Avenue, extension of Kamloops Street, between Marentette and Calderwood (Part of Blocks J and K, Registered Plan 148, Part of Block M, Registered Plan 423, Part of Lot 92, Concession 3 (McNiff's), Geographic Township of Sandwich South, now in the City of Windsor) to permit the creation and development of 118 townhome dwellings on 9 blocks

J. Murray Troup, President, Tru Land Development Services

J. Murray Troup, President, Tru Land Developments Services, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report—"Tru Land Developments Inc., Proposed Draft Plan of Subdivision and Zoning By-law Amendment, 0 Woodlawn Avenue, extension of Kamloops Street, between Marentette and Calderwood (Part of Blocks J and K, Registered Plan 148, Part of Block M, Registered Plan 423, Part of Lot 92, Concession 3 (McNiff's), Geographic Township of Sandwich South, now in the City of Windsor) to permit the creation and development of 118 townhome dwellings on 9 blocks" and is available for questions.

Sharon Major, resident Ward 9

Sharon Major, resident Ward 9, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report--proposed plan of subdivision citing serious concerns regarding the development and the opening of the street to thru-traffic. She has concerns with the traffic and noise as a result of this proposed subdivision.

Frank Wright, resident Ward 9

Frank Wright, resident Ward 9, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report--proposed plan of subdivision providing historical information regarding this application. His concerns include the condition of the roads, the flooding concerns and protection of his privacy. He urges the committee to keep the streets closed and not allow thru-traffic.

John Dehoop, resident Ward 9

John Dehoop, resident Ward 9, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report--proposed plan of subdivision expressing concern with the increased thru-traffic that will result in opening of the streets, and not with the actual application for subdivision. He indicates congestion is already present in the area and if the roads are open it will be heavier. Safety concerns are cited, he suggests Devon Street be used as a thru-street.

Giovanna Cudini, resident Ward 9

Giovanna Cudini, resident Ward 9, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report proposed plan of subdivision expressing her concern with the increased thru-traffic that will result from opening of the streets.

Albert Winter, resident Ward 9

Albert Winter, resident Ward 9, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report proposed plan of subdivision expressing concerns with traffic and hopes that other access points are considered.

Moved by Councillor Payne, seconded by Councillor Holt,

I) That an amendment to Zoning By-law 8600 BE APPROVED amending the zoning Part of Blocks J and K, Registered Plan 148, Part of Block M, Registered Plan 423, Part of Lot 92, Concession 3 (McNiff's), Geographic Township of Sandwich South, Now in the City of Windsor, as shown on Appendix "A" of this report from Residential District 1.1 (RD1.1) with a site specific provision (S.20(1)190, permitting a front yard depth of 4.5m), Residential District 1.2 (RD1.2), GD1.1 and Holding Manufacturing District 1.1 (HMD1.1) to Holding Residential District 2.3 (HRD2.3), GD1.1, and GD1.5 and adding a site specific provisions as follows:

Regulation		
Front yard depth	Blocks 1 and 2	3 m
	Block 4	3 m
Rear yard depth	Blocks 1,2,4,5,6,7,8,9	6 m
Maximum lot coverage (includes main and accessory buildings)	Blocks 1, 2, 4 and 8	45%
	Blocks 5, 6, 7 and 9	55%

II) That a Hold provision be removed from the site when the following provisions are met:

a) Registration of Final Plan of Subdivision;

III) That the application of **Tru Land Developments** for Draft Plan of Subdivision approval for Part of Blocks J and K, Registered Plan 148, Part of Block M, Registered Plan 423, Part of Lot 92, Concession 3 (McNiff's), Geographic Township of Sandwich South, Now in the City of Windsor; BE APPROVED on the following basis:

That this approval applies to the draft plan of subdivision, as shown on the map attached as Appendix A to this report, which will facilitate the construction of 116 townhome dwelling units.

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 the map shown on Appendix "A" of this report showing 9 blocks for townhome dwellings, two blocks for future light industrial development, one block for parkland dedication, one block for a storm water detention facility, one road allowance for the extension of Kamloops Street, One road allowance to connect Parkwood Avenue to Kamloops Street (with no thru-traffic), and 1 "P" loop south of the proposed Kamloops extension (Keystone Crescent).

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(s) shall agree to include all items as set out in these recommendations and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement);

b. The Owner(s) agree to retain a Consulting Engineer to provide Transportation Impact Study and implement the recommendations, all to the satisfaction of the City Engineer ;

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. 22.0m right-of-way for Kamloops Street extension;

ii. 20.0 m right of way for Keystone Crescent;

iii. 20.0 m right-of-way conveyance (no thru-traffic) for the extension of Parkwood Avenue to Kamloops Street;

d. The Owner(s) agree to gratuitously convey four 15' x 15' (4.6m x 4.6m) corner cut offs at the intersection Kamloops/Keystone and Kamloops/Parkwood;

e. The Owner(s) shall construct a 8.5m (28') pavement on 20.0m (66') right-of-way and a 10.4m (34') pavement on 22m (72') right-of-way include bike lane as per bicycle use Master Plan (Bump);

f. The Owner(s) is required to extend Kamloops Street from cul-de-sac (west of Calderwood Avenue) to Marentette with 10.4m (34') pavement include bike lane and sidewalk on both side and the City will share the cost with the developer for this required work. This will be done through a cost-sharing and public tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council;

g. The Owner(s) shall comply with all the following requirements relating to sidewalks:

- i. Sidewalks shall be constructed at the Owner(s) expense, to City of Windsor Standard Specifications;
- ii. Sidewalk shall be constructed on both sides of Kamloops Street;
- iii. Sidewalk shall be constructed on the north, south, east and west legs of Keystone Crescent, in a manner that connects directly to the sidewalks to be constructed on the south side of Kamloops Street;
- iv. The Owner(s) shall comply with Council Resolution 436/2004, which outlines the notification to new homeowners, and the schedule in which sidewalks will need to be constructed;
- v. The Owner(s) shall adhere to a specific sidewalk construction timetable and schedule showing the specific location of the sidewalk(s) with the provision that sidewalks will be constructed no later than when 80% of the construction permits are issued for the development, OR a maximum of three years of the installation of roads/curbs; whichever comes first;
- vi. Insert a warning clause in all offers of purchase and sale or lease, making persons aware that a sidewalk(s) will be located on city-owned land adjacent to their property and that no structures or excavations are to take place beyond their property line without permit or permission of the City of Windsor;
- h. The Owners(s) agree to remove, at their expense, the temporary Kamloops Street cul-de-sac and barricade, and replace with concrete curbs and gutter, including boulevard, existing driveways, and road restoration, to the satisfaction of the Corporation's City Engineer;
- i. The Owners(s) agree to enclose the 3rd Concession Drain, as well as O'Neil Drain abutting the subject property in a manner satisfactory to the City Engineer;
- j. The Owner(s) agree to retain a Consulting Engineer to provide an Engineering Report for any enclosure/alteration of 3rd Concession Drain and O'Neil Drain to the satisfaction of the City's Drainage Engineer and Essex Region Conservation Authority approval;
- k. The Owners(s) shall agree to gratuitously grant a 6 metre (6m) easement along the north and east boundary of the subject lands, for the maintenance and improvement of 3rd Concession Drain and O'Neil Drain, prior to the issuance of a building permit;
- l. The Owners(s) shall agree to undertake an engineering analysis to identify storm water quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority;
- m. The Owners(s) shall agree to install storm water management measures identified, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority;
- n. The Owners(s) shall agree to obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities;
- o. The applicant(s) shall agree to provide internal drainage for each building lot in the locations and according to the specifications approved by the Chief Building Official;
- p. The Owner(s) agree to complete a Stage 1 archaeological study (prepared by an Ontario-licensed archaeologist) prior to development. No construction of roads or other

infrastructure may begin until that study is completed, and the Ministry of Tourism, Culture & Sport (Ontario) concurs with the report. If the study recommendation is for a Stage 2 study (test pits), then that study will be required prior to the issuance of a building permit;

q. The Owners(s) shall agree to construct a haul route (construction access) their expense, from Marentette Avenue to the subject lands to provide access for construction traffic away from existing residential development;

r. The Owners(s) shall agree to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements;

s. 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;

t. 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;

u. 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;

v. 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;

w. 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;

x. The Owner(s) agree to

i) convey to the Corporation 5% of the lands to be developed for residential uses and 2% of the land to be developed for industrial uses for park purposes to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of a construction permit. The parkland conveyed shall be located at the south east corner of the site, (part of Block 8, units 57 and 58), now shown as Block 12, in Appendix A of this report, adjacent to Devonshire Heights Park, and

ii) since the parkland conveyance identified in i) above does not fully satisfy the required parkland conveyance provisions, the balance shall be provided as

cash in lieu of parkland as permitted in Section 51.1 of the Planning Act to the satisfaction of the Executive Director of Parks and the City Planner ;

y. The Owner shall complete the Ministry of Natural Resources and Forestry (MNRF) Species at Risk screening process and shall provide the resulting MNRF clearance to the Municipality, prior to registration of the Plan;

z. The Owner shall agree to complete a Noise Study prior to registration of the plan and agrees implement any mitigation measures recommended, to the satisfaction of the City Planner ,City Engineer and Chief Building Official;

aa. The Owner agrees to provide, easements for each unit over adjacent lands for access to the rear of each unit, prior to the issuance of a building permit, to the satisfaction of the City Solicitor;

bb. The Owner shall agree to provide security satisfactory to the Chief Building Official to ensure the construction privacy fence along:

- i) the west side of Blocks 2 and 9;
- ii) the north limit of Blocks 2;
- iii) the north and east limits of Block 1;

Security to be returned upon completion of construction of the fences, satisfactory to the Chief Building Official

NOTES TO DRAFT APPROVAL (File: SDN-001/15)

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.

II. 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.

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

IV. 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.

V. That all residents residing on Parkwood and Woodlawn **BE NOTIFIED** regarding any upcoming meeting(s) regarding this development.

Carried.

Livelihood #17863, ZB/12244, ZP/12271

7. PLANNING ACT MATTERS

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

Item 2 City of Windsor Corporation, Official Plan and Zoning by-law Amendments regarding Methadone Clinics

Moved by Councillor Payne, seconded by Councillor Holt,

I That OPA 106 **BE ADOPTED** to amend the City of Windsor Official Plan as follows:

(1) Delete paragraph (a) of Section 6.3.2.2 of Official Plan Volume 1 (Residential Policies: Ancillary Uses) and replace with the following:

(a) – community services including libraries, emergency services, community centres and similar public agency uses;

(2) Delete Section 6.3.2.8 of Official Plan Volume 1 (Residential Policies: Neighbourhood Commercial Definition) and replace with the following:

6.3.2.8 - For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods;

(3) Delete paragraph (e) of Section 6.4.3.2 of Official Plan Volume 1 (Industrial Policies: Ancillary Uses)

(4) Delete paragraph (g) of Section 6.4.4.2 of Official Plan Volume 1 (Business Park Policies: Ancillary Uses)

(5) Delete paragraph (c) of Section 6.6.2.2 of Official Plan Volume 1 (Institutional Policies: Ancillary Uses)

II That Zoning By-law 8600 **BE AMENDED** as follows:

(1) Delete subsection 94(a) of Section 7 (Definitions);

(2) Delete subsection 94 of Section 7 (Definitions) and replace with the following:

(94) "**Medical Office**" means the office of any one (1) or more of the following persons: chiropodist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other professional person offering treatment services for the physical, mental or emotional health of people.

(3) Delete subsection 23 of Section 21 (Supplementary Use Regulations);

(4) Delete "Methadone Clinic" from Column I (Use) of Table 24.20.5.1 of Section 24.20.5 (Required parking Spaces);

III That Part III of CR169/2011 regarding requirement for mapping records of the location of methadone clinics within the City of Windsor **BE RESCINDED**;

IV That the City Planner **BE DIRECTED TO REVIEW** the Planning Policies and Zoning By-law to ensure that, as required by the Planning Act, they are consistent with the Provincial Policy Statement 2014 *and the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms*.

Carried.

Livelinek #17847, ZB/12272, ZO/12273

The Planning Act portion of the meeting concludes at 6:47 o'clock p.m.

The Heritage Act portion of the meeting convenes at 6:56 o'clock p.m.

8. ADOPTION OF MINUTES

Moved by Andrew Foot, seconded by Lynn Baker,
THAT the minutes of the meeting of the Planning, Heritage and Economic Development Standing Committee meeting held July 13, 2015 **BE ADOPTED** as presented.

Carried.

Councillor Marra was absent at the time the vote was taken.

9. PRESENTATIONS AND DELEGATIONS FOR COMMITTEE AND ADMINISTRATIVE MATTERS

Item 4 Patrice Parent House, 4371 Riverside Drive East, Request to Repeal Heritage Designation

Carol Easton and Bruck Easton, Property Owners

Carol and Bruck Easton, Property Owners, appear before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report – Patrice Parent House, 4371 Riverside Drive East, Request to Repeal Heritage Designation and provide a brief history of the property in question. Mr. Easton indicates they have not received a benefit as a result of the designation, in terms of grant money and they are having difficulties selling the property because of its Heritage Designation.

Mr. Easton would like to see the property remain on the Heritage Register but remove the designation. Ms. Easton indicates that their area has not had its heritage focus maintained by the City.

Councillor Sleiman inquires as to whether the application for removing the designation would continue if the owners weren't selling the property. The owners indicate they can't sell the property as it is.

John Calhoun, Heritage Planner appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report regarding Patrice Parent House, 4371 Riverside Drive East, Request to Repeal Heritage Designation and provides detail regarding the options available to the Committee.

Mr. Foote comments that he had a property that was a designated property and he followed the process to remove the designation. He suggests that some education might be necessary to proceed with sale of the property.

Moved by Councillor Holt, seconded by Lynn Baker,

That the request for the City Clerk to publish a notice of intention to repeal the heritage designation By-law 47-1999 for the Patrice Parent House, 4371 Riverside Drive East, in accordance with part IV of the *Ontario Heritage Act*, **BE DENIED**.

Livelihood #17865, MBA/2715

Carried.

Councillor Marra was absent at the time the vote was taken.

10. HERITAGE ACT MATTERS

“See presentations and delegations section above.”

Mr. Calhoun distributes an updated Windsor Municipal Heritage Register listing to members of the Committee.

The Heritage Act portion of the meeting is adjourned at 7:19 o'clock p.m.

The Administrative portion of the meeting convenes at 7:19 o'clock p.m.

11. ADMINISTRATIVE ITEMS

Item 5 Request under the Alley Closing Subsidy Program (ACSP) to close one north/south alley and two east/west alleys located between Marentette Avenue and Elsmere Avenue, south of Vimy Avenue and north of Ypres Avenue

Sahar Jamshidi, Planner II, Development Review appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report –Request under the Alley Closing Subsidy Program (ACSP) to close one north/south alley and two east/west alleys located between Marentette Avenue and Elsmere Avenue, south of Vimy Avenue and north of Ypres Avenue and provides a brief overview.

Moved by Councillor Kusmierczyk, seconded by Councillor Payne,

I. That one north-south alley and two east-west alleys having the width of 4.27m (14ft), located between Marentette Ave. and Elsmere Ave., south of Vimy Ave. and north of Ypres Ave., as shown on Drawing CC-1678 attached hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;

II. That one north-south alley and two east-west alleys having the width of 4.27m (14ft), located between Marentette Ave. and Elsmere Ave., south of Vimy Ave. and north of Ypres Ave., as shown on Drawing CC-1678 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:

a. Bell Canada, Cogeco Cable Canada LP, and Enwin Utilities Ltd (Hydro)

ii. Conveyance Cost **BE SET** as follows:

• Abutting properties zoned RD1.2:

1. \$1.00 plus alley subsidy cost of \$99.00 during the alley subsidy program;

2. \$1.00 plus alley subsidy cost of \$99.00 after the expiration of the alley subsidy program

III. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1678, 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

VIII. That the City shall remove existing alley approaches in the future when budget funds exist. Should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall **BE REQUIRED**.

Carried.

Councillor Marra was absent at the time the vote was taken.

Liveline #17864, SAA2015

12. **COMMITTEE MATTERS**

Report No. 41 of the International Relations Committee (Revised Terms of Reference and Mandate, May 2015)

Moved by Councillor Kusmierczyk, seconded by Councillor Holt
That the Revised Terms of Reference and Mandate for the International Relations Committee dated May 2015 **BE RECEIVED** for information.

Carried.

Councillor Marra was absent at the time the vote was taken.

Minutes of the International Relations Committee meeting held May 14, 2015

Moved by Councillor Kusmierczyk, seconded by Councillor Holt
That the minutes of the International Relations Committee meeting held May 14, 2015 **BE RECEIVED** for information.

Carried.


Councillor Marra was absent at the time the vote was taken.

13. **QUESTION PERIOD**

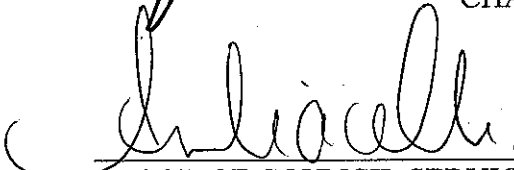
None.

14. ADJOURNMENT

There being no further business, the meeting is adjourned at 7:28 o'clock p.m.



CHAIR



SUPERVISOR OF COUNCIL SERVICES

A meeting of the Planning Heritage & Economic Development Standing Committee is held this day commencing at 4:48 pm in Council Chambers, there being present the following members:

Councillor Marra
Councillor Sleiman
Councillor Payne
Councillor Kusmierczyk
Councillor Holt

Citizens

Anthony Gyemi
Dorian Moore

Regrets

Barbara Bjarneson

Delegations

Also present are the following from Administration:

Helga Reidel, CAO
Wira Vendrasco, Deputy City Solicitor
Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Jim Abbs, Planner III
Justina Nwaesei, Planner II
Sahar Jamshidi, Planner II
John Calhoun, Heritage Planner
Stefan Fediuk, Landscape Architect
Tony Ruffolo, Supervisor Right-of-Way
Rob Vani, Manager of Inspections (West)
Anna Ciacelli, Supervisor of Council Services

1. **CALL TO ORDER**

The Chair calls the meeting to order at 4:30 pm.

The Chair goes over the process of the Committee.

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

None

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

None

4. **ADOPTION OF MINUTES**

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman.

THAT the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, July 13, 2015 BE ADOPTED.

Motion **CARRIED, UNANIMOUSLY.**

5. **COMMUNICATIONS**

None

6. **PRESENTATIONS AND DELEGATIONS**

Frederica Nazzani (Windsor Club) and Jim Stanski (Hiram Walker & Sons) – Item 1

7. **PLANNING ACT MATTERS**

The Chair asks if there are any delegates present for any of the items.

Item 1 **WINDSOR CLUB – 1950-2072 Riverside Dr. E.**

Ms. Justina Nwaesei presents the item.

Frederica Nazzani (Windsor Club) gives a brief presentation noting the club's history and initiatives for the future of Building 26.

Jim Stanski (VP Hiram Walker & Sons) available for questions.

Jackie Lassaline (Crozier Baird) gives a brief presentation, noting Windsor Club will be leasing the property and that there will be more than substantial parking for the facility's uses. Ms. Lassaline advises the separate parcel across the street is NOT being rezoned but will be utilized as overflow parking, giving Windsor Club a total of 149 parking spots.

Councillor Holt inquires how Windsor Club will be reaching out to the Walkerville Area? Ms. Nazzani informs they have already reached out to the area and will continue to work with all to enhance the area as a 'distillery area', inviting more interest as part of Phase I. Phase II is a vision for conference area, meeting rooms, a hotel, noting they've received much interest for more opportunities for the area.

Councillor Payne confirms the location is on the north side of Riverside Drive and mentions the Visitor's Centre on the south. Mr. Stanski advises there is no Visitor's Centre to the south. Mr. Stanski advises Building 26 is next to the Heritage Centre for the Canadian Club building.

Councillor Payne reconfirms the Club intends to continue with their monthly meetings, etc. and asks if they intend to be open to receptions, etc.? Ms. Nazzani advises they have shifted their policy to encourage non-members to rent their facilities for receptions, wedding and any other special occasions.

Councillor Payne asks if the Club feels they will have ample parking available? Ms. Nazzani advises there are physical constraints with the building. They have a capacity for up to 200 people. There will be 49 on-site parking spot available plus another 100 spots across the street for any additional needs, providing them a total of 149 spots.

Councillor Sleiman inquires whether Building 26 will require renovations. Ms. Nazzani confirms there will be restoration and renovations made. Councillor Sleiman asks whether Windsor Club will be in contact with the Heritage Planner for assistance during the renovations. Ms. Nazzani advises the Club will be meeting with the Heritage Committee in September.

Mr. Moore inquires about access from the overflow parking to the Club due to traffic. Mr. Stanski advises there is an existing traffic light.

Mr. Gyemi asks regarding sufficient parking spaces available for expansion uses. Mr. Stanski informs the Committee that there is also another lot with 300 spaces further east that is underutilized which can provide additional parking. Ms. Lassaline confirms a total of 149 parking spaces are part of the lease agreement. The property is not being separated from Hiram Walker, therefore, has the ability to utilize some of the other parking spaces. Most of the Club's activities would occur after working hours, however, there is ample parking available even during the day regardless.

The Chair makes clear the required amount of parking is 72-73 spaces. With the lease agreement, Windsor Club will have 149 parking spaces, well above the requirement with additional parking available, if needed, further east as mentioned by Mr. Stanski.

The Chair asks if there is any member in audience present to speak on the application.

Moved by Councillor Sleiman, seconded by Councillor Holt.

That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of a portion of the lands municipally known as 1950 - 2072 Riverside Drive East and located on the north side of Riverside Drive East, west side of Albert Road, east of Lincoln Road (said portion being described as Parts 1, 2, 4, 5, and 6 on the attached draft 12R Plan), by adding a site specific provision to allow a "Club" use as additional permitted use, subject to the following additional regulations:

- (i) Minimum required motor vehicle parking spaces shall be as existing (49 motor vehicle parking spaces total) within the area described as Parts 1,2,4,5 and 6 on the draft 12R; and
- (ii) Maximum gross floor area shall be as existing in the existing two buildings within the area described as Parts 1, 2, 4, 5 and 6 on the draft 12R.

Councillor Sleiman notes what a tremendous use of the property, given it could've been demolished only a few years previous.

Motion **CARRIED, UNANIMOUSLY.**

Item 2 **CITY OF WINDSOR (METHADONE CLINICS) – City Wide**

Ms. Justina Nwaesei presents the item.

Councillor Payne reconfirms the City has no choice in this matter? Ms. Nwaesei advises the current policy contradicts Provincial Policy and therefore must be amended.

The Chair notes the supplementary package provided to the Committee regarding correspondence received, in particular, the one from the Chief Commissioner of the Ontario Human Rights Commission (OHRC) which “has been in touch with the City of Windsor since 2013 and raised concerns about the human rights implications of restrictive zoning regulations for methadone clinics. The OHRC is mandated to identify and promote the elimination of discriminatory practices and to protect human rights in Ontario. Under the *Ontario Human Rights Code* (the *Code*), we are empowered to initiate inquiries into human rights matters, intervene in human rights applications and initiate human rights applications in the public interest.

Any regulations that municipalities choose to impose on methadone clinics and dispensaries are subject to section 1 of the *Code*, which prohibits discrimination in services against people with disabilities, including addictions.” The letter goes on to speak about municipalities ensuring they do not discriminate against people with addictions, and if regulations target or have an adverse impact on people with addictions, those regulations are then discriminatory, contrary to Code, unless adopted in good faith or are necessary to accomplish necessary planning purpose. It must also accommodate people with addictions short of undue hardship.

This change is necessary in order to be in compliance with Legislation of the Ontario Human Rights Code.

Mr. Gyemi inquires as to whether it was more difficult to explain restrictions placed for methadone clinics, such as location. Ms. Nwaesei advises the original by-law was put in place due to directive from Council in 2010. The Province has since updated the Provincial Policy Statement (PPS) to include section 4.6 which mandates that planning decisions be consistent with PPS 2014. There is no “legitimate planning purpose” for the 2011 methadone policies and zoning provisions. Methadone clinics will now fall under the definition of “Medical Office”. Mr. Wilson adds that the Planning Department is currently reviewing ALL zoning by-laws to ensure conformity with the PPS 2014.

Mr. Gyemi inquires whether there were any Methadone Clinics implemented since the by-law was implemented in 2011? Ms. Nwaesei advises there were no new applications since the by-law was implemented.

Councillor Sleiman inquires whether Council realized, at the time of the directive, that this was against Provincial Policy? Ms. Nwaesei advised that the PPS available was dated 2005 and there were no issues with consistency until 2014 when the latest revision occurred. PPS 2014 very clearly mandates consistency with the Ontario Human Rights Code and Canadian Charter of Rights and Freedoms.

Councillor Kusmierczyk inquires, moving forward, when an application is received, is the applicant required to divulge the intent for a methadone clinic? Ms. Nwaesei advises the applicant must meet the zoning requirement for a “medical office”.

Councillor Kusmierczyk inquires whether there is any consultation with the neighbourhood for such applications? Ms. Nwaesei advises there is a standard notification but to notify the neighbourhood of a medical office application is inviting unnecessary problems. Councillor Kusmierczyk was inquiring in order to provide the public information and education and dispense any fears or misinformation they may have. And so is asking if other municipalities have utilized any form of communication? Mr. Hunt understands the question but it is the prerogative and responsibility of the clinic that should be consulting with the neighbourhood, if that is their intention. Under the current Code, the City cannot treat the application any differently than it would a regular doctor's office. By doing so, the City can be considered discriminatory. Mr. Hunt advises the City encourages ANY applicant to seek consultation with the public/neighbourhood when planning any new development.

Councillor Payne seeks confirmation should a medical office choose to add a methadone clinic or provide assistance for methadone treatment, they would not require rezoning? Ms. Nwaesei advises an existing medical clinic would not be required to inform the Planning Department if they added Methadone Treatment. A new medical office would still need to meet zoning requirements, but would not need to advise if they were or were not to provide methadone treatments.

The Chair asks if Kathleen Huseman is in the audience. *Not present.*

The Chair asks if Louis Dutsas is in the audience. *Not present.*

The Chair asks if anyone in the audience is present to speak on Item 2.

Moved by Councillor Payne, seconded by Councillor Holt.

I That OPA 106 **BE ADOPTED** to amend the City of Windsor Official Plan as follows:

- (1) Delete paragraph (a) of Section 6.3.2.2 of Official Plan Volume 1 (Residential Policies: Ancillary Uses) and replace with the following:
 - (a) – community services including libraries, emergency services, community centres and similar public agency uses;
- (2) Delete Section 6.3.2.8 of Official Plan Volume 1 (Residential Policies: Neighbourhood Commercial Definition) and replace with the following:

6.3.2.8 - For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods;
- (3) Delete paragraph (e) of Section 6.4.3.2 of Official Plan Volume 1 (Industrial Policies: Ancillary Uses)
- (4) Delete paragraph (g) of Section 6.4.4.2 of Official Plan Volume 1 (Business Park Policies: Ancillary Uses)
- (5) Delete paragraph (c) of Section 6.6.2.2 of Official Plan Volume 1 (Institutional Policies: Ancillary Uses)

II That Zoning By-law 8600 **BE AMENDED** as follows:

- (1) Delete subsection 94(a) of Section 7 (Definitions);

(2) Delete subsection 94 of Section 7 (Definitions) and replace with the following:

(94)"**Medical Office**" means the office of any one (1) or more of the following persons: chiroprapist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other professional person offering treatment services for the physical, mental or emotional health of people.

(3) Delete subsection 23 of Section 21 (Supplementary Use Regulations);

(4) Delete "Methadone Clinic" from Column I (Use) of Table 24.20.5.1 of Section 24.20.5 (Required parking Spaces);

III That Part III of CR169/2011 regarding requirement for mapping records of the location of methadone clinics within the City of Windsor **BE RESCINDED**;

IV That the City Planner **BE DIRECTED TO REVIEW** the Planning Policies and Zoning By-law to ensure that, as required by the Planning Act, they are consistent with the Provincial Policy Statement 2014 *and the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms*.

Motion **CARRIED, UNANIMOUSLY**.

Item 3 **TRU LAND DEVELOPMENTS INC. – Woodland & Kamloops**

Mr. Jim Abbs presents the item.

Mr. J. Murray Troup (Applicant) is available for questions. Mr. Troup also brought copies of the planned development and townhome layouts for distribution amongst the audience.

Councillor Payne voices concern over a connection to Parkwood Avenue and asks Mr. Troup if he cares whether or not there's a connection to Parkwood? Mr. Troup advises that the original subdivision agreement did not have a connection to Parkwood, therefore his position is neutral. If the Committee recommends the connections, he's ok with it. If the Committee recommends against it, he's ok with that too.

Councillor Kusmierczyk inquires if there are concerns regarding front yard parking on the blocks with reduced frontage? Mr. Abbs advised that those blocks affected will be tighter than some of the other blocks, however, garages are being provided on site. Mr. Abbs also advises the road allowance for Kamloops has been widened, which should provide enough distance from the front of the building to the road and sidewalk.

Mr. Gyemi inquires the distance from the curb to the home. Mr. Troup advises the minimum distance is 35 ft.

Mr. Troup advises each unit is approximately 1200 sq. ft. with a 2-car garage with ample room for 2 cars to remain on the driveway as well. The original road allowance was 50 ft. This new plan is 66 ft.

Mr. Moore inquires whether there's a more detailed site plan provided at time of application? Mr. Abbs advises the site plan provided is actually more detailed than is required for a draft plan of subdivision. Mr. Moore asks when is a more detailed site plan required? Mr. Abbs the only time is when an application is subject to Site Plan Control. Mr. Hunt gives a little more explanation regarding road allowance and public right-of-way.

Councillor Holt brings forth concerns noted from other departments, namely comments from Windsor Police regarding snout houses. Asks if Administration has any concerns? Mr. Abbs advises there's nothing in the zoning by-law prohibiting this style of development. Councillor Holt directs the question to Mr. Troup. Mr. Troup advises they're creating more of a courtyard situation, providing doorways out in the open.

Councillor Holt mentions ERCA's request for deferral until their concerns have been addressed. Mr. Abbs advises there are no natural heritage areas within this site, according to the Official Plan. If there were, an Environmental Evaluation Report would've been required. ALL developments now must be vetted through the Ministry of Natural Resources & Forestry (MNR) for species at risk. This application has been vetted through that process. Mr. Troup adds the reports are being finalized and have been advised there are no issues with MNR.

Councillor Holt mentions comments from Parks. Mr. Abbs advised the Planning Department's recommendation of removing two (2) units from the development and providing a connection to Devonshire Park from Keystone. The developer offered an alternative to that solution. Mr. Fediuk advises the recommendation provided by Planning provides a view through the development into the park. Parks feels the applicant's proposal is too narrow and prefers a minimum 10m width, addressing some of Police concerns and for Parks to maintain the property. The Chair directs Councillor Holt to page 5 of 35, which speaks on this issue, noting the Hold provision and explains its consequences. Mr. Abbs directs to page 11 of 35 & Appendix A, Block 12 to further help explain.

Councillor Sleiman notes confusion over the plans provided.

Councillor Sleiman brings attention to the recommendation of connecting streets to the development. Councillor Sleiman suggests Transportation be permitted input. Mr. Abbs advises the information was circulated to Transportation who noted preference for both streets to be connected. The Planning Department recommended only one street be connected and chose Parkwood because it provides a better intersection opportunity.

Mr. Gyemi asks if Kamloops is Planning's preferred access into the development, because access from Marentette won't be available for some time? Mr. Abbs advises access to Marentette will exist and will be constructed as part of this development and City project. Kamloops is also considered a collector road.

Mr. Gyemi to Mr. Troup, would like an idea as to what the frontage of the homes look like. Mr. Troup provides a line drawing of the proposed homes, noting double door entry and window placement near front door for better visibility.

Councillor Payne to Mr. Hunt regarding page 11 of 35 and 5% requirement of transfer for parkland dedication. Mr. Hunt clarifies the policy regarding parkland dedication. Councillor Payne asks if cash in lieu is taken, what are those funds used toward? Mr. Fediuk advises those funds would be used for the parks in that area.