

Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Monday, December 14, 2015
4:30 PM

Members Present:

Chairperson

Ward 8—Councillor Marra

Councillors

Ward 4 - Councillor Holt

Ward 7 - Councillor Kusmierczyk

Ward 9 - Councillor Payne

Ward 5 - Councillor Sleiman (Vice Chairperson)

Planning Act Citizens

Anthony Gyemi

Dorian Moore

Heritage Act Citizens

Lynn Baker

Andrew Foot

John Miller

Members absent:

Member Bjarneson

Member Chamely

Member DiMaio

Delegations

Tony Azar, Applicant (Item 7.3)

Tim McWilliams, resident (Item 7.3)

Rob Strickland, former property owner/resident (Item 7.3)

Scott Allen, Mike Meddaoui and Said Meddaoui, representing the owner (Item 7.1 & 7.2)

David Anstett and Marissa Limoge, representing U-Haul (Item 11.1)

Frank LaRosa, representing Full Service Group Construction (Item 10.1)

James & Patricia Hong, owners (Item 10.1)

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 2 of 15

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor
Thom Hunt, Executive Director Planning, Building Services/City Planner
Don Wilson, Manager of Development Applications
John Revell, Chief Building Official
Tony Ruffolo, Right of Way Supervisor
Greg Atkinson, Planner III Economic Development
Jim Abbs, Planner III
John Calhoun, Heritage Planner
Anna Ciacelli, Supervisor of Council Services
Marianne Sladic, Steno Clerk Senior

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:34 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 THE PLANNING ACT MINUTES

Minutes

Planning, Heritage & Economic Development Standing Committee Monday, December 14, 2015

Page 3 of 15

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters)

Moved by: Member Gyemi
Seconded by: Councillor Kusmierczyk

THAT the minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters) **BE APPROVED** as presented.

Carried.

Agenda Item: SCM 22/2015
Clerk's File:

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

Please see section 7.1, 7.2, and 7.3.

7. PLANNING ACT MATTERS

7.1. CDM-005/15 [CDM/4525] - 1849677 Ontario Ltd. - 3820 Tecumseh Rd. E. - Condo Conversion Ward 5

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: **PHED 345**

I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as the North Part of Lot 362 to 364, inclusive Plan 961, Parts 1 and 2, 12R-1996, City of Windsor known municipally as 3820 Tecumseh Road East, to permit the conversion of a 3-storey rental apartment building containing 23 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-005/15-2, **BE APPROVED** subject to the following:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;

Minutes

Planning, Heritage & Economic Development Standing Committee Monday, December 14, 2015

Page 4 of 15

- E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
 2. Building Department's Order to Repair dated October 28, 2015, as included in Appendix 'A' of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

- F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 15, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the City Engineer or designate:

1. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line; and
2. Provide City with an easement centered over the existing municipal sewers on private property, at it's entire expense.

- G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 19, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;
2. Repair or replacement of the fencing at the northeast corner of the property to deter trespassing through this area of the property;
3. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);
4. Removal of any graffiti on the building or other structures on the property; and
5. Trimming and thinning of all trees and shrubbery located on the site, particularly at in front of first floor windows, to provide appropriate visibility for security purposes.

- H. The owner shall agree to submit a photometric plan to both the Corporation's Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 5 of 15

Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of "Full Cut-Off" type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are 'Full Cut-Off', with the following minimum and maximum illumination levels measured in foot-candles (Fc):

- a. uncovered parking areas - 0.5 min./4.0 max.;
- b. walkways - 0.5 min./2.0 max.;
- c. building entrances - 3.5 min./8.0 max.;
- d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
- e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

I. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's September 28, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:

1. Submission of a Landscape Plan (3 full-size copies of all plans) prior to final approval and registration of the condominium plan. The Landscape Plan shall be prepared by a Landscape Architect registered with the OALA, complete with plant material, surface treatments, site amenities, proposed exterior lighting (including wall mounted luminaries) and all details. The Landscape Plan shall include the location of all existing and proposed light fixtures and any manufacturer product data sheets and verification that any replacement or proposed fixtures are 'Full Cut-Off'.

The plan is to address the following issues:

- a. Consideration of a wider diversity of Genus when selecting species, in order to reduce total loss during a pathogen epidemic as seen with the Emerald Ash Beetle and Dutch Elm Disease;
 - b. Selection of plant species capable of withstanding the Windsor/Essex County climatic including cold and heat hardiness, soil conditions, and any other environmental conditions that may affect the sustainability of a plants health; and
 - c. Coordination of trees and light poles/ signs to reduce conflict.
2. Payment of a cash-in-lieu equivalent of street tree fees for six (6) trees, as required on a per lot basis, as per CR332/79, in accordance with the Corporation's Schedule of Fees.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer's October 9, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:

1. Provision of a minimum of 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area;
 - a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;

Minutes

Planning, Heritage & Economic Development Standing Committee Monday, December 14, 2015

Page 6 of 15

- b. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
- 2. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.
- K. The owner shall agree to provide a minimum of 1 Type 'A' (3.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA and a bicycle rack facility accommodating a minimum of 3 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;
- L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;
- M. The owner shall agree to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.

II That the owner **SHALL SUBMIT** an application to close the alley on the north side of the property and acquire it in order to assume the sewers within the alley that service the property, to the satisfaction of the City Engineer, Manager of Development, and Chief Building Official;

III Final approval of the plan of condominium **SHALL NOT BE CONSIDERED** until all of the required works or undertakings identified in '1. Recommendations I' of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Carried.

Agenda Item: S 50/2015
Clerk's File: ZP/12384

7.2. CDM-004/15 [CDM/4524] - 1849677 Ontario Ltd. - 3580 Seminole St. - Condo Conversion Ward 5

Moved by: Councillor Kusmierczyk
Seconded by: Member Moore

Decision Number: **PHED 346**

I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Lots 52 to 54, inclusive, Plan 1071, City of Windsor known

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 7 of 15

municipally as 3580 Seminole Street, to permit the conversion of a 3-storey rental apartment building containing 17 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-004/15-2, **BE APPROVED** subject to the following:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
 1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
 2. Building Department's Order to Repair dated October 28, 2015 as included in Appendix 'A' of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

- F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way September 29, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the City Engineer or designate:
 1. ~~Contribution of \$500.00, prior to final approval and registration of the condominium plan, payable to the Public Works Department and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor; and~~
 2. Execution of an Encroachment Agreement between the owner, 1849677 Ontario Limited, and the City of Windsor to provide for encroachment of parking spaces into the Central Avenue right-of-way on the east side of the _____ property.
- G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 13, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:
 1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design _____ that is patent protected and where unauthorized key duplication is restricted, _____ on _____ all exterior doors of the building;

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 8 of 15

2. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);
 3. Installation of a dead bolt lock with a 1 inch throw on the entry door of each residential unit within the building;
 4. Trimming and thinning of all trees and shrubbery located on the site, particularly at the front of the building and along the west property line, to provide appropriate visibility for security purposes; and
 5. Replacement of the existing municipal address sign at the main entrance to the building with a minimum address number height of 3 inches for a location no greater than 25 feet from the curb line or edge of pavement and a minimum address number height of 6 inches for a location greater than 25 feet from the curb line or edge of pavement, as per By-law 196-2011.
- H. The owner shall agree to submit a photometric plan to both the Corporation's Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of "Full Cut-Off" type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are 'Full Cut-Off', with the following minimum and maximum illumination levels measured in foot-candles (fc):
- f. uncovered parking areas - 0.5 min./4.0 max.;
 - g. walkways - 0.5 min./2.0 max.;
 - h. building entrances - 3.5 min./8.0 max.;
 - i. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
 - j. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.
- I. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's September 28, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:
1. Submission of a Landscape Plan (3 full-size copies of all plans) prior to final approval and registration of the condominium plan. The Landscape Plan shall be prepared by a Landscape Architect registered with the OALA, complete with plant material, surface treatments, site amenities, proposed exterior lighting (including wall mounted luminaries) and all details. The Landscape Plan shall include the location of all existing and

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 9 of 15

proposed light fixtures and any manufacturer product data sheets and verification that any replacement or proposed fixtures are 'Full Cut-Off'.

The plan is to address the following issues:

- d. Consideration of a wider diversity of Genus when selecting species, in order to reduce total loss during a pathogen epidemic as seen with the Emerald Ash Beetle and Dutch Elm Disease;
 - e. Selection of plant species capable of withstanding the Windsor/Essex County climatic including cold and heat hardiness, soil conditions, and any other environmental conditions that may affect the sustainability of a plants health; and
 - f. Coordination of trees and light poles/ signs to reduce conflict.
2. Payment of fees for three (3) trees on the Seminole Street frontage, as per CR332/79, on a per lot basis, in accordance with the Corporation's Schedule of Fees.
- J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer's November 23, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:
2. Provision of a minimum of 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area;
 - a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
 - b. If there are steps at a barrier free entrance, a ramp must be provided in accordance with legislation;
 - c. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
 2. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.
- K. The owner shall agree to provide a minimum of 1 Type 'A' (3.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA and a bicycle rack facility accommodating a minimum of 3 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 10 of 15

- L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;
- M. The owner shall agree to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.
- II Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in '1. **Recommendations I**' of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Carried.

Agenda Item: S 27/2015
Clerk's File: ZP/12383

7.3. Z-016/15 [ZNG/4550] - Azar Holdings Inc. - 0 & 1166 Eastlawn Ave. - Request for a rezoning amendment to allow construction of residential dwellings. Ward 6

Moved by: Councillor Sleiman
Seconded by: Councillor Kusmierczyk

Decision Number: **PHED 347**

1. THAT an amendment to Zoning By-law 8600 **BE APPROVED** amending the zoning of Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211, City of Windsor; located at 1166 Eastlawn Avenue and 0 Eastlawn Avenue, from Institutional District 1.1 (ID1.1) and Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and adding a site specific provisions as follows:

No exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit.
2. THAT the owner **ENTERS** into a servicing 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 herein and other relevant matters set out in CR 233/98 (Standard Servicing Agreement).
 - b. The owner shall agree that the Chief Building Official shall not be required to issue building permits until such time as the owner has constructed curbs and base asphalt on the final pavement structure fronting the said block;
 - c. The owner shall agree to extend Eastlawn Avenue and all municipal and utility services. This includes removing the temporary cul-de-sac and barricade, and

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 11 of 15

- replace with concrete curbs and gutter, including boulevard, existing driveways and road restoration. All work done to the satisfaction of the City Engineer.
- d. The owner shall agree to close and remove all redundant driveway approaches and restore the boulevard to the satisfaction of the City Engineer;
 - e. In the event the Owner(s) is required to oversize any services, to service other lands, the Owner agrees that any over-sizing 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.
 - f. The owner shall agree to construct a concrete sidewalk along the EAST side of Eastlawn Avenue, along the frontage of the subject lands, connecting to the North side of Tranby Avenue, to the satisfaction of the City Engineer
3. THAT prior to the issuance of permits for the extension of Eastlawn Avenue, the owner **SHALL PROVIDE** a reference plan sufficient to create a 0.3 m reserve on WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and a 0.3 m reserve on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211.
 4. THAT 0.3 m on the WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and 0.3m on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211, **BE CLOSED** by by-law for the purpose of creating a 0.3 metre reserve, until such time as the individual owners of Lots 59 through 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 have paid their proportionate share of costs for construction of infrastructure associated with the extension of Eastlawn Avenue. When a proportionate share of said infrastructure costs are paid, the appropriate portion of the 0.3m reserve **BE DECLARED** a public highway.
 5. THAT the development **OCCUR** in two phases. The first phase on lands accessible lands from the portion of Eastlawn Avenue currently constructed to municipal standard. The second to commence once access and services are available to the remaining lands.

Carried.

Agenda Item: S 21/2015

Clerk's File: ZP/12328

8. ADOPTION OF THE MINUTES

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 12 of 15

8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015

Moved by: Member Foot

Seconded by: Councillor Kusmierczyk

THAT the Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 **BE ADOPTED** as presented.

Carried.

Agenda Item: SCM 27/2015

Clerk's File:

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

Please see Item 10.1

10. HERITAGE ACT MATTERS

10.1. Hong Family House, 1566 Pillette Road - Heritage Alteration Permit & Community Heritage Fund

John Calhoun, Heritage Planner, appears before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Heritage Alteration Permit & Community Heritage Fund for 1566 Pillette Road—Hong Family House and provides some detail regarding the work that has been completed.

Mr. LaRosa, representing Full Service Group Construction, appears before the Planning, Heritage and Economic Development Standing Committee regarding the Heritage Alteration Permit & Community Heritage Fund for 1566 Pillette Road—Hong Family House and indicates there are very minimal alterations being done and provides some detail regarding the actual alterations.

Councillor Sleiman questions the type of work and whether committee approval should be required since it is very minimal. Administration provides information on the process with these types of applications.

Councillor Holt inquires about the additional information that was provided and received clarification from Administration. Administration provides information regarding the additional amount of \$559.35 that is being requested for brick/work repair that was requested and indicates that the funds are available and an amendment to the recommendation will be required.

Councillor Holt also acknowledges the Hong Family for their efforts in preserving local heritage.

Minutes

Planning, Heritage & Economic Development Standing Committee Monday, December 14, 2015

Page 13 of 15

Moved by: Councillor Holt
Seconded by: Member Baker

Decision Number: **PHED 348**

- I. THAT the Heritage Alteration Permit application for the Hong Family House, 1566 Pillette Road, for changes from stucco to cement board, and changes to the roof edges, **BE GRANTED.**
- II. THAT a Community Heritage Fund grant for an amount of \$10,132 and an additional amount of \$559.35 for brick work/repair of the Hong Family House, 1566 Pillette Road, **BE APPROVED**, provided that funds up to the approved amount will be disbursed when work is complete, and work receipts produced. The Chief Building Official and the City Planner will determine if work is according to applicable codes and historic standards.
Carried.
Councillor Payne was absent when the vote was taken on this matter.

Agenda Item: S 51/2015
Clerk's File: MB/10970

11. ADMINISTRATIVE ITEMS

- 11.1. **Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8)**

Greg Atkinson, Planner III, appears before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8) and acknowledges all the hard work completed by all parties involved. He indicates that Americo has applied for a number of grants totaling \$1.6 million in grants and tax cancellations over a 13 year period. This is the maximum available through the CIP program.

David Anstett and Marissa Limoge, representing U-Haul, appear before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8) and are pleased with the report, indicating the property will be used for the future.

Councillor Kusmierczyk thanks the applicants and inquires as to the timeline when they will be open for business. The applicants explain they are doing the renovations in 3 phases over the next

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 14 of 15

6 years. They indicate that vehicles are being rented currently on site, next they will work on the storage areas, and they'd like to complete the work prior to the timeline indicated if possible.

Councillor Kusmierczyk inquires about financial details of the fund. Mr. Atkinson provides an explanation regarding the fund and the balance.

Councillor Sleiman inquires as to the financial component of the project. Administration explains the financial components in detail as per Appendix A.

The applicant indicates repairs to the building are underway. Vehicles are stored outside the building currently and extensive work has been completed to the outside of the site. Repairs to the interior of the building are ongoing.

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Sleiman

Decision Number: **PHED 349**

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Environmental Study Grant Program **BE APPROVED** for the proposed Phase II Environmental Site Assessment Study and Risk Assessment Study at 9082, 9100 and 9152 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 9082, 9100 and 9152 Tecumseh Road East for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the proposed redevelopment at 9082, 9100 and 9152 Tecumseh Road East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 9082, 9100 and 9152 Tecumseh Road East in accordance with the Provincial Brownfield Financial Tax Incentive Program; and

THAT, Administration **BE DIRECTED** to prepare an agreement between 9082 TECUMSEH (CANADA) LTD and the City to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner

Minutes

Planning, Heritage & Economic Development Standing Committee

Monday, December 14, 2015

Page 15 of 15

as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and

THAT 9082 TECUMSEH (CANADA) LTD **BE ASKED** to participate in promoting the redevelopment of the property as a brownfield success story.

Carried.

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

Agenda Item: S 57/2015

Clerk's File: Z/8955

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None.

14. ADJOURNMENT

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:56 o'clock p.m.



Ward 8 Councillor Marra
(Chairperson)



Supervisor of Council
Services

A meeting of the Planning Heritage & Economic Development Standing Committee is held this day commencing at 4:30 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

Barb Bjarneson

Delegations

Timothy McWilliams

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Jim Abbs, Planner III
Greg Atkinson, Planner III
John Calhoun, Heritage Planner
Tony Ruffolo, Right-of-Way Supervisor
John Revell, Chief Building Official
Anna Ciacelli, Supervisor of Council Services
Marianne Sladic, Senior Steno Clerk, Planning

1. **CALL TO ORDER**

The Chair calls the meeting to order at 4:34 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 Anthony Gyemi, seconded by Councillor Kusmierczyk.

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

Motion **CARRIED, UNANIMOUSLY.**

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.

7.3 **AZAR HOLDINGS – 0 & 1166 Eastlawn Ave.**

Mr. Jim Abbs presents the item.

Tony Azar (Azar Holdings) is in agreement with the recommendations. Mr. Azar adds that further discussion with Tony Ruffolo (Public Works) regarding a phasing of development. Because part of the lands front existing road access, those lands would be developed first. The second phase would begin development commencing completion of the road and services extension.

Mr. Azar also advises that although Public Works would like to see the alley closed, Mr. Azar is not wish to close the alley due to possible future utility servicing requirements. The Chair notes the alley closure is not part of the recommendations. The Chair also acknowledges the request for phased development and Mr. Ruffolo's agreement with the request.

The Chair asks if there is anyone else in attendance regarding this application.

Mr. Tim McWilliams (resident) – 1250 Belle Isle Blvd. – Present as an unofficial representative of some of the area residents. Mr. McWilliams requests the following:

- Not change the entire section. Develop the area already accessible
- The area not accessible to be designated as parkland
- Would like to minimize neighbourhood congestion
- Provide some quiet and green space.

Mr. Robert Strickland (former resident/owns property in area) is in agreement with the proposed development. Sees it as an improvement to the area.

Councillor Holt inquires as to the proposed development, noting concern from Police Services regarding 'snout houses'. Mr. Azar advises they ensure compliance in order to appease Police Services.

Councillor Holt to Administration regarding changing the zoning by-law regarding snout houses, given that the subject regularly comes up. Mr. Abbs advises there is nothing in the zoning by-law that specifically addresses that, however, when in-fill and new subdivisions occur, the City tries to work with the developer to ensure that regulations can be put in place to deter that type of development being constructed. In this case, a special provision in the zoning by-law was put in place to specifically prohibit that type of house. Councillor Holt inquires if there's anything that can be requested of Administration to come forward with a change to the policy that would allay Police Services from bringing forth this type of concern? Mr. Abbs advises the Committee can make that recommendation regarding that design standard. Councillor Holt notes he will be in touch with Administration regarding such request.

Councillor Holt thanks Mr. Azar for his efforts with in-fill development.

Councillor Sleiman addresses Administration regarding the requirement from Public Works that no permit will be provided until curbs, gutters and base concrete are in place. Councillor Sleiman suggests the curbs and gutters would best be added later due to probability of damage/destruction during construction. Mr. Ruffolo advises this has always been standard practice.

Mr. Gyemi inquires about the properties that back onto Belle Isle View. Mr. Abbs advises some are privately owned and now can be developed, should the owner(s) choose to.

Mr. Gyemi seeks more clarification regarding the 12m as opposed to 15m wide lots. Mr. Abbs advises this was how the original development was laid out in 1926. However, all the interior sides are the same in the RD1.1 category and RD1.2 category. What you will see is some of the homes will be narrower than others, but they'll have the same spacing and setbacks.

Mr. Gyemi also adds his comments to Councillor Holt's concerns regarding snout houses and would like to be part of the discussion regarding request to change the zoning by-law. Mr. Abbs advises the change to by-law can be constructed, however, the answer as to why must also be addressed.

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk.

1. THAT an amendment to Zoning By-law 8600 BE APPROVED amending the zoning of Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211, City of Windsor; located at 1166 Eastlawn Avenue and 0 Eastlawn Avenue, from Institutional District 1.1 (ID1.1) and Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and adding a site specific provisions as follows:

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

2. THAT the owner enters into a servicing 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 herein and other relevant matters set out in CR 233/98 (Standard Servicing Agreement).
 - b. The owner shall agree that the Chief Building Official shall not be required to issue building permits until such time as the owner has constructed curbs and base asphalt on the final pavement structure fronting the said block;
 - c. The owner shall agree to extend Eastlawn Avenue and all municipal and utility services. This includes removing the temporary cul-de-sac and barricade, and replace with concrete curbs and gutter, including boulevard, existing driveways and road restoration. All work done to the satisfaction of the City Engineer.
 - d. The owner shall agree to close and remove all redundant driveway approaches and restore the boulevard to the satisfaction of the City Engineer;
 - e. In the event the Owner(s) is required to oversize any services, to service other lands, the Owner agrees that any over-sizing 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.
 - f. The owner shall agree to construct a concrete sidewalk along the EAST side of Eastlawn Avenue, along the frontage of the subject lands, connecting to the North side of Tranby Avenue, to the satisfaction of the City Engineer
3. THAT prior to the issuance of permits for the extension of Eastlawn Avenue, the owner shall provide a reference plan sufficient to create a 0.3 m reserve on WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and a 0.3 m reserve on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211.
 4. THAT 0.3 m on the WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and 0.3m on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211, BE CLOSED for the purpose of creating a 0.3 metre reserve, until such time as the individual owners of Lots 59 through 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 have paid their proportionate share of costs for construction of infrastructure associated with the extension of Eastlawn Avenue. When a proportionate share of said infrastructure costs are paid, the appropriate portion of the 0.3m reserve can be declared a public highway.
 5. THAT the development occur in two phases. The first phase on lands accessible lands from the portion of Eastlawn Avenue currently constructed to municipal standard. The second to commence once access and services are available to the remaining lands.

Motion **CARRIED, UNANIMOUSLY AS AMENDED.**

7.1 **1849677 ONTARIO LTD. – 3820 Tecumseh Rd. E.**

Mr. Tom Cadman presents the item.

Scott Allen (MHBC) – Agent – Is in complete agreement with the recommendations and is available for questions.

Said, Amira & Hakim Meddaoui (Owner/Applicant) are also present for questions.

The Chair inquires if there is anyone in the audience to speak on this matter.

Mr. Moore inquires if any residents in the building have expressed interest in purchasing their unit once it becomes a condo? Mr. Allen advises that none of the residents have expressed interest at this time. Mr. Allen notes in the short term, the objective is to upgrade the housing stock through improvements, addressing all the requirements. Mr. Moore inquires whether the upgrades are still required should the property not convert to condos? Mr. Cadman advises that all issues raised on the Work Order from the Building Department must be addressed, regardless of whether the application is approved or denied.

Councillor Sleiman inquires whether the request for condominium conversion is to sell off the property in future or for the tax break? Mr. Allen advises his client seeks flexibility in their building stock, thereby having the opportunity to sell separate units, should the opportunity arise, or if they wish to release themselves from that asset. Mr. Allen states that upon reassessment of the property following upgrades, the tax relieve isn't as high as they would be prior to upgrades.

Councillor Holt to Administration regarding vacancy rate and asks how is it trended? Mr. Cadman advised he checked with CMHC earlier for an update, which was due earlier this month but has yet to come surface. Mr. Cadman suspects it may be up lately.

Councillor Kusmierczyk asks when the current owners acquired the property. Mr. Allen advises the purchase took place August of 2015.

Councillor Kusmierczyk to Administration, regarding parkland conveyance, due the funds stay within that ward? The Chair advises it does not. Mr. Cadman advises the funds are collected and remain with Parks to disperse as required at this time.

Mr. Gyemi inquires if there are other upgrades intended other than those required? Mr. Allen advises that suite upgrades occur as they become vacated. Mr. Allen advises upgrades have been carried out by the current owners.

Mr. Gyemi to the Building Department, inquires whether the lighting requirements are up to code? Mr. Revell confirms they have been updated.

Moved by Councillor Sleiman, seconded by Mr. Moore.

- I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as the North Part of Lot 362 to 364, inclusive Plan 961, Parts 1 and 2, 12R-1996, City of Windsor known municipally as 3820 Tecumseh Road East, to permit the conversion of a 3-storey rental apartment building containing 23 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-005/15-2, **BE APPROVED** subject to the following:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
 1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
 2. Building Department's Order to Repair dated October 28, 2015, as included in Appendix 'A' of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

- F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 15, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the City Engineer or designate:
 1. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line; and
 2. Registration of an easement centered over the existing municipal sewers on private property.
- G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 19, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:
 1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;
 2. Repair or replacement of the fencing at the northeast corner of the property to deter trespassing through this area of the property;
 3. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);
 4. Removal of any graffiti on the building or other structures on the property; and
 5. Trimming and thinning of all trees and shrubbery located on the site, particularly at in front of first floor windows, to provide appropriate visibility for security purposes.