

A meeting of the **Planning 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 Marra (Chair) arrives at 4:35p.m.  
Councillor Dilkens  
Councillor Sleiman  
Councillor Payne  
Councillor Kusmierczyk

**Citizens**

Barbara Bjarneson

**Citizens Absent**

Merrill Baker

**Delegations**

Ken Khahra, Agent for Property Owner (Item 1)  
William Bijl, Kanata Living Representing Maisonville Court Retirement Living (Item 2)  
Larry Horwitz, Applicant (Item 2)  
Vern Myslichuk, Owner (Report No. 342)

***Also present are the following from Administration:***

Thom Hunt, City Planner/Executive Director  
Don Wilson, Manager of Development Applications  
Wira Vendrasco, Deputy City Solicitor  
Lee Anne Doyle, Executive Director of Building/Chief Building Official  
Adam Szymczak, Planner III, Zoning  
Greg Atkinson, Planner III, Economic Development  
Kevin Alexander, Planner III, Community Development  
John Calhoun, Heritage Planner  
Tony Ruffolo, Right of Way Coordinator  
Anna Ciacelli, Supervisor of Council Services (A)

**1. CALL TO ORDER**

The Vice Chair calls the meeting of the Planning and Economic Development Standing Committee to order at 4:30 o'clock p.m.

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

Councillor Payne discloses an interest and abstains from voting on Item No. 4, being the report of the City Planner regarding "Application by the Owner of 528 Chippawa Street for an exemption from Demolition Control By-law 20-2007 and an application for

Financial Incentives under the Sandwich Community Improvement Plan” due to his involvement in the BUHDAG application to quash certain bylaws.

3. **ADOPTION OF MINUTES**

Moved by Councillor H. Payne, seconded by Councillor E. Sleiman,  
**THAT** the minutes of the meeting of the Planning and Economic Development Standing Committee held April 14, 2014 **BE ADOPTED** as presented.  
Carried.

Moved by B. Bjarneson, seconded by Councillor E. Sleiman,  
**THAT** the minutes of the meeting of the Planning and Economic Development Standing Committee (Planning Act Matters) held April 14, 2014 **BE ADOPTED** as amended changing the word highways to streets on page 5.  
Carried.

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

None requested.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

None.

The Chairperson arrives at 4:35p.m. and Councillor Dilkens returns to his seat.

7. **PLANNING ACT MATTERS**

Item 1 **Rezoning, Dougall Avenue Veterinary Professional Corp., 0 Huron Church Road, permit additional commercial uses.**

Don Wilson, Manager of Development Applications, appears before the Planning & Economic Development Standing Committee providing a brief outline of the City Planner’s report regarding rezoning, Dougall Avenue Veterinary professional Corp., 0 Huron Church Road, permit additional commercial uses.

**Ken Khahra, Agent for the Property Owner**

Ken Khahra, Agent for the Property Owner, appears before the Planning & Economic Development Standing Committee providing reasons for his concerns regarding the indicated setback limit, requesting access on Huron Church through part lot 6 which is furthest from the intersection, access onto Malden Road, the mandatory traffic impact, archaeological studies that

would be required and the permitted uses that would be allowed. Mr. Khahra would like to use the subject property for a business such as a Jiffy Lube.

B. Bjarneson, Committee Member expresses her concerns if a business such as auto repair would be allowed that cars would be sitting idle on the subject property and wouldn't be very appealing which might cause other concerns. She also indicates her concerns with the reduced setback that is being sought.

Thom Hunt, City Planner/Executive Director indicates that the required setback is 10 metres, which has been expressed by the applicant as causing a hardship. The Planning Department is working on reducing that amount with a limit not currently being set. The Official Plan study would address this issue but due to the length of time it may take complete the study, potentially 6 months, this may cause undue hardship to the applicant.

Councillor Kusmierczyk indicates his concern with reducing the required setback and the impact that it would have on sightlines.

Thom Hunt explains that those types of issues would be determined at the site plan review stage of the application which occurs after the rezoning stage.

Councillor Sleiman suggests a deferral of the matter so that certain issues with the request be dealt with in advance of the issue going to Council.

Councillor Payne indicates he would support the application with an additional report providing more information on the four points that have been noted by the committee including: the setback, the permitted use, the traffic impact study, and the access points. He is requesting further information back to Council regarding these points before a direction is made.

Councillor Dilkens inquires as to the alley issue as well as the setback issue.

Don Wilson explains details of the alley issue and it would go through the normal alley closure procedure should Mr. Khahra wish to purchase the alley.

Mr. Khahra indicates he would be willing to look at the possibility of purchasing the alley. Administration indicates the alley would be available through the regular alley closing process and the applicant can make application at any time.

B. Bjarneson expresses concern regarding the Official Plan and the open space policy that exists in the area. Ms. Bjarneson and Councillor Dilkens also inquire as to the length of time an archaeological study may take and whether it is warranted at this location. Administration indicates that this area was part of an archaeological master plan which took place in the early 2000's and was completed in 2005. It was noted that the South part of this area is included as a high potential area in terms of the potential of a significant find. This is a normal procedure in the process.

Moved by Councillor Payne, seconded by Councillor Sleiman

1. **THAT** Official Plan Amendment # XX **BE APPROVED**, creating a site specific, Special Policy Area in the Volume II, Part 1, of the City of Windsor Official Plan so that Section 7.2.6.4 (iv), of the City of Windsor Official Plan: Volume 1 does not apply to 0 Huron Church Road (Part of Lots 6 to 10, Plan 1021); so that one point of access to Huron Church Road shall be permitted;

2. **THAT** an amendment to Zoning By-law 8600 **BE APPROVED**, amending the zoning for 0 Huron Church Road (Part of Lots 6 to 10, Plan 1021); from CD1.6 to (H)CD1.6 with special provisions to add the following as permitted uses:

- i. a retail store, a business, financial, or medical office, a veterinary clinic, and a public parking area;
- ii. That only one access **BE PERMITTED** from the site to Huron Church Road and the access be located as far north from the intersection within Lot 6.

3. **THAT** the Hold provision **BE REMOVED** upon the provision of the following:

- a. The applicant applies to remove the hold provision;
- b. A Traffic Impact Study to review potential access to Malden Road, and potential impact on the Huron Church Road/Malden Road intersection;
- c. Registration of a Site Plan Control Agreement.

Carried

Moved by Councillor Payne, seconded by Councillor Dilkens

**THAT** Administration **PROVIDE** supplemental information for Council's consideration regarding:

- 1) Auto repair (i.e. Jiffy Lube-type operation), and should be aesthetically acceptable,
- 2) Set back – suggests 5m (protect/maintain existing trees),
- 3) Recommendation from Planning regarding the alley.

Carried.

Councillor Kusmierczyk and B. Bjarneson voting nay.

Moved by Councillor Dilkens, seconded by Councillor Payne

**THAT** the requirement of an Archaeological Assessment **BE REMOVED**.

Carried.

Councillor Dilkens leaves the meeting at 5:40p.m.

Item 2 **Amendment to Zoning By-law 8600, L. Horwitz, 2879 Riverside Drive East, maintain Institutional District zoning and add a site specific provision**

Adam Szymczak, Planner III, Zoning appears before the Planning & Economic Development Standing Committee providing a brief outline of the report by the City Planner regarding the requested zoning amendment to 2879 Riverside Dr. E, maintain Institutional District zoning and add a site specific provision.

William Bijl, Kanata Living

William Bijl, Kanata Living, representing Maisonville Court Retirement Living appears

before the Planning & Economic Development Standing committee expressing concerns with allowing light manufacturing as a permitted use for the subject property as the Retirement Home would like to expand its property to put in a park setting for its residents closer to the church. The added noise and traffic from a light industrial business may impede the resident's time to enjoy the outdoors.

Larry Horwitz, Applicant

Larry Horwitz, applicant appears before the Planning & Economic Development Standing Committee to express his gratitude to administration for all of the assistance and guidance provided to him during this process. He indicates this is a great opportunity for the City to bring in new development opportunities to the area. He would like to see the restriction of 20% retail brought up to 50% retail. Mr. Horwitz asks for clarification on the changes in the report.

Salient points of discussion include:

- Permitted uses
- Exterior/interior appearance
- Heritage designation
- Notification
- Transportation planning

Moved by Councillor Payne, seconded by Councillor Sleiman

**THAT** an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Farm Lot 99, Concession 1 and Part of Lots 1, 2 and 3, and Part of Block A, Registered Plan 487, situated on the south side of Riverside Drive East between Drouillard Road and Cadillac Street, by adding a site-specific provision on the following basis:

“306. For the lands comprising of Part of Farm Lot 99, Concession 1, and Part of Lots 1, 2 and 3, and Part of Block A, Registered Plan 487, situated on the south side of Riverside Drive East between Drouillard Road and Cadillac Street the following additional provisions shall apply:

(1) Additional Permitted Uses:

Business Office; Financial Office; Hotel; Medical Office; Micro-brewery; Place of Entertainment & Recreation; Professional Studio; Public Hall; Restaurant; Retail Store; Self Storage Facility; Tourist Home; Any Industrial use in Section 18(4)(a)(v);

(2) Additional Regulations:

(a) For a retail store, the maximum gross floor area shall be 20% of the existing building.

(b) For any industrial use, outdoor storage is prohibited.

(c) For an existing building, the required number of parking spaces, accessible parking spaces, bicycle parking spaces

and loading spaces shall be as existing. [ZDM 6; ZNG/4090]"

Carried.

B. Bjarneson voting nay.

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

8. **COMMITTEE MATTERS**

**Report No. 342 of the Windsor Heritage Committee (Low-Martin House, 2021 Ontario Street—Heritage Grant)**

John Calhoun, Heritage Planner provides a brief outline of report No. 342 of the Windsor Heritage Committee regarding the Low-Martin House, 2021 Ontario Street—Heritage Grant.

Salient points of discussion include:

- Stage of completion
- Fundraising events being held at the home
- Financial matters
- Heritage fund
- Permits and inspections

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk,

**THAT** a grant in the amount of \$52,000 from the Community Heritage Fund for the Low-Martin House, 2021 Ontario Street **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 City Planner will determine if work is according to applicable codes and historic standards.

Carried.

Councillor Dilkens absent at the time the vote was taken.

9. **ADMINISTRATIVE ITEMS**

Item 3 **Provincial Policy Statement 2014**

Thom Hunt, provides a brief outline of the Provincial Policy Statement 2014, mainly as a communication on land use planning Province wide. A future report will be submitted to indicate what existing policies the City has in place that might require changes.

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk,

**THAT** the administrative report authored by the Manager of Planning Policy dated April 30, 2014 entitled "Provincial Policy Statement 2014" **BE RECEIVED** for information.

Carried.

Councillor Dilkens absent at the time the vote was taken.

Councillor Payne leaves the meeting at 6:20p.m.

Item 4 **Application by the Owner of 528 Chippawa Street for an exemption from Demolition Control By-law 20-2007 and an application for Financial Incentives under the Sandwich Community Improvement Plan**

Kevin Alexander, Planner III, Community Development provides a brief outline of the report by the City Planner regarding an exemption from the Demolition Control By-law 20-2007 and an application for financial incentives under the Sandwich Community Improvement Plan.

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman,

**I. THAT** an exemption from Demolition Control By-law 20-2007, **BE GRANTED** to Buschante Development Group (Matthew Buschman), the owner of the property located at 528 Chippawa Street, to allow for the construction of a four (4) unit double duplex building, subject to the condition that the proposed building be constructed no later than two (2) years from the date that demolition of the existing residential building is commenced, and also subject to the condition that the Olde Sandwich Towne Community Improvement Plan Supplemental Development and Urban Design Guidelines be incorporated into this development as per the attached drawings identified in Appendix "C", and that any changes will be subject to the approval of the City Planner through the Site Plan Control process.

**II. THAT**, the request for incentives under the Sandwich Incentive Program(s) "toolkit" made by BUSCHANTE DEVELOPMENT GROUP, owner of the property located at 528 Chippawa Street, **BE APPROVED** for the following programs:

- i. Development and Building Fees Grant for 100% of the Development and Building Fees identified in the Sandwich CIP (+/- \$8,233.00);*
- ii. Revitalization Grant Program for 70% of the municipal portion of the tax increment for up to 10 years(+/- \$2,755.00 per year); and*

**III. THAT**, the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program(s) Agreements in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication.

Carried.

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

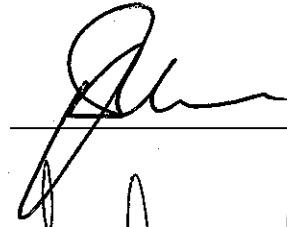
Councillor Payne declares a conflict and abstains from voting.

10. **QUESTION PERIOD**

None.

11. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:25o'clock p.m.



CHAIR



SUPERVISOR OF COUNCIL SERVICES (A)



A meeting of the Planning & Economic Development Standing Committee is held this day commencing at 4:30 pm in Council Chambers, there being present the following members:

Councillor Marra (Chair)  
Councillor Dilkens (Vice-Chair)  
Councillor Payne  
Councillor Sleiman  
Councillor Kusmierczyk

**Citizens**

Barb Bjarneson

**Regrets**

Merrill Baker

**Delegations**

*Also present are the following from Administration:*

Wira Vendrasco, Deputy City Solicitor  
Thom Hunt, City Planner  
Don Wilson, Manager of Development Applications  
Adam Szymczak, Planner III  
Justina Nwaesei, Planner II  
Kevin Alexander, Planner III  
Greg Atkinson, Planner III  
John Calhoun, Heritage Planner  
Lee Anne Doyle, Executive Director/Chief Building Official  
Tony Ruffolo, Engineering, Public Works  
Anna Ciacelli, Supervisor of Council Services (A)

1. **CALL TO ORDER**

The Vice-Chair calls the meeting to order at 4:29 pm.

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

Councillor Payne declares a conflict on the first part of Item 4 – Demolition.

**ADOPTION OF MINUTES**

Ms. Bjarneson as a note in terms of the recommendation on page 5 Re: highways and she feels it's more accurate to say streets.

Moved by Councillor Sleiman, seconded by Ms. Bjarneson.

**THAT** the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, April 14, 2014 BE ADOPTED as amended.

Carried, Unanimously.

**REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None

3. **COMMUNICATIONS**

4. **PRESENTATIONS AND DELEGATIONS**

5. **PLANNING ACT MATTERS**

Item 1 **Dougall Avenue Veterinary Corp. – 0 Huron Church Rd.**

Don Wilson is introduced as the author of the report. The recommendation is for approval.

The Chair, Councilor Marra, arrives at 4:33pm

Mr. Kanwar Khahra (applicant) – presents his argument for approval for rezoning. He brings up the matter of an additional use as a repair shop. Also notes disagreement with recommendations for:

- 1) 10m setback (suggests 3m setback and refers to a previous re-zoning in 2012/13 on 1375 Huron Church at Tecumseh Rd. W.),
- 2) Traffic Impact Study (looks to add Huron Church access furthest away from intersection). They'd like to add a one-way access off Malden.
- 3) Triangular alley/lot. Don't know what the City intends to do with that. They may have a quote for purchase of alley to utilize the space. And,
- 4) Archaeological Assessment to be done.

Would like these matters resolved.

The Chair asks if there are any other individuals present in the audience on this item.

Ms. Bjarneson seeks clarification on auto repair. She's concerned about outdoor storage. The previous request was for auto sales/rentals, which would be deemed outdoor storage. Mr. Khahra advises they're looking towards something along the lines of a Jiffy Lube. Mr. Wilson adds that this type of "quick lube" operation is deemed an auto repair shop by definition. Mr. Khahra states there is no long-term outdoor storage.

Councillor Sleiman states he hears the recommendation is against car repair but the applicant is asking for car repair. Mr. Khahra explains they requested a different zoning to permit a gas station/auto rental, which was rejected (1797 Huron Church Rd.). The zoning is very restricted and they'd like to expand on it more. Councillor Sleiman asks what type of business they intend to run on site? Mr. Khahra advises an auto repair shop/quick lube operation.

Councillor Sleiman notes how busy Huron Church is. Councillor Sleiman comments that the applicant is making a lot of changes to what the recommendations suggest. Councillor Sleiman also mentions Mr. Khahra's comments about land conveyance but the Councilor doesn't see that

anywhere in the recommendations. Mr. Khahra advises land conveyance was going to be addressed by Mr. Wilson and Mr. Hunt.

Mr. Hunt addresses the applicant's comment regarding the setback. Given the shallowness of the lots, the current 10m setback limits development of the property. Also gives background information on the former A&W (Tecumseh & Huron Church) site and the amendment to allow a 3m setback despite administration's recommendations. Mr. Hunt & Mr. Wilson met with the applicant on a number of occasions and discussed the hardship due to the shallowness of the lots. Although a number wasn't discussed, a recommendation of a reduction in the setback was suggested. The current building on site is approximately 5m away from the road, therefore, a reduction to 5m setback might be considered appropriate, but there was no definitive decision made.

The Official Plan portion that addresses the setback can be amended, but can take up to 6 months or more, which presents a difficulty to the applicant.

Councillor Kusmierczyk concerned with any negative impact on a reduction of setback, for example, speeding traffic. Mr. Hunt advises those decisions are made at the Site Plan level at which time recommendations are made for or against based on location of building and access, drawings, etc.

Mr. Khahra requests to post the recommendations of the 2012 report of the former A&W site, adopted by Council. The request for 3m setback was allowed by Council at that time. Mr. Khahra inquires why he is now required to do a study when the other owner/applicant was not? Mr. Wilson provides more background on the Huron Church decision. There has been a long-standing provision in place for a 10m setback within the Official Plan. As part of the March 2011 Zoning By-law Housekeeping Amendments the 10 meter setback was included. At that time, Erica Krygsman and the owner of 1375 Huron Church Road attended that Planning Advisory Committee meeting and indicated their concern with the increase, requesting a reduction in both landscaping and set back requirements. At that time, the Planning Advisory Committee reviewed it and made the recommendation to allow a 3m setback for the property in question. The recommendation did not come through Administration but through PAC. Subsequently, there was a 2012 report on the rezoning for the parcel immediately north of the former A&W property for parking use only, however the 3m reduction setback requested in 2011 already applied.

Mr. Khahra advises the report to Council came a year after the report Mr. Wilson mentions. Mr. Khahra would like to know how they arrived at a 3m setback? The Chair advises that the information is not readily available, and to avoid any further delays, will advise Administration to review past information in order to provide the answer and brought forward as part of the information that goes to Council.

Mr. Khahra notes their parcel is more shallow than the parcel at 1375 Huron Line Rd., hence the reason 3m makes more sense on their site. The Chair doesn't argue the fact of the shallowness of the property, however, the issue is what the setback should be changed to. Mr. Khahra is requesting the issue be dealt with as an exception basis and not as a comprehensive study. A comprehensive study could take a year, where he ends up paying taxes on a property that isn't earning anything.

Councillor Sleiman asks Administration if it is best to defer the application until a solid application can be presented? The Chair advises that a deferral may be warranted but per

instruction from Mr. Hunt, the application can go through with some specific direction from this committee. Mr. Hunt notes the major issues:

- 1) Set back reduction from 10m, as per the Official Plan,
- 2) Requirement of a Traffic Impact Study to determine Huron Church access location, (ie. Lot 6),
- 3) Right-in access on Malden Rd.
- 4) Alley property (odd shaped) – alley closure and possibly purchase by applicant and residents.

Councillor Payne would favour sending this forward to Council with a supplementary report. There seem to be several issues:

- 1) Auto repair, auto sales, auto rental (definitions)
- 2) Setback
- 3) Access from Huron Church and Malden, and
- 4) Alley Closure

Councillor Payne doesn't feel a decision should be made on any of them, but to isolate the major points for Council. Would Administration be willing to provide the supplementary report to Council for consideration with the proposed recommendations? Mr. Hunt agrees but also states there would be benefit to some debate over those points. Would like some direction from the committee regarding those points.

The Chair commends Councillor Payne for isolating the four issues, but the role isn't to make decisions but recommendations to Council. The committee can defer or send forward to Council but it must be made clear what is to be considered and what the position of the committee is.

Ms. Bjarneson inquires why there is consideration to change the Official Plan Open Space designation? Is it because of the addition of the new parkway? If so, then that should be stated. Is the intent of the applicant to consolidate the two (2) parcels in question? The Chair intercedes and advises that things have changed in respect to Huron Church because of the new parkway development. Mr. Hunt adds that the previous report for lots 2-5, Council approved and noted the change in the Official Plan due to certain sites and noted the recommendation for an Official Plan review. The future vision of Huron Church will be an internal study, as directed by Council, for a future report. The study would answer, fundamentally, about the open space designation and commercially zoned properties, so there is compliance between the two documents. There are currently spots along Huron Church that are zoned to allow commercial uses yet the Official Plan designates it as open space. Administration is trying to reconcile all the inherent policy directions and some of them conflict with that study.

Ms. Bjarneson asks if that study will come before this report to Council? Mr. Hunt advises there is current commercial zoning on the property with added uses compatible with Huron Church Rd. The other study will not be completed/available prior to this application to Council.

Ms. Bjarneson asks if the applicant is awarded the 3m setback, the eight (8) trees currently on the property, would they be removed? Mr. Hunt advises the trees are very mature and are approximately 2.5m ± from the property line. The Landscape Architect would determine the proper setback for tree survival. Ms. Bjarneson asks if he could look at it before this application goes to Council. Mr. Hunt advises it could be done.

Ms. Bjarneson notes a resident called in opposition. Is this the resident at 3804 Malden? Mr. Wilson advises he spoke to them and they lived on Blackburn. The resident at 3804 Malden has

not contacted the Planning Department, although they did attend the last meeting in March and indicated the alley and issues with drainage.

Ms. Bjarneson asks in terms of lighting and whatever else is put on the site will be determined at Site Plan Control? Mr. Wilson advises that all of those issues and details are addressed during Site Plan approval and incorporated into the Site Plan Agreement.

Ms. Bjarneson asks in term of the auto repair, it wasn't just the Planning Department but also Police Services that questioned some of the uses. Mr. Wilson corrects saying that was auto sales and/or auto rental. The Chair advises the auto sales/rental was part of the original application. The auto repair is something that evolved from a discussion last week. Mr. Khahra advises it evolved from the Council Meeting of April 21<sup>st</sup>. The Chair states it was not in the original application. Mr. Khahra confirms.

Councillor Dilkens would like clarification of the alley issue. Mr. Wilson directs to the page in which a drawing of the alley is given and notes the unusual configuration. The Chair asks Mr. Khahra if they have any interest in purchasing a part of the alley? Mr. Khahra advises if the opportunity presented itself they would consider it. The Chair feels it would help alleviate some of the issues and advises there is an application process for purchase and he could proceed without any adverse affects to this application. Mr. Khahra advises once he knows the issues presented here this evening are resolved then he can proceed with possibly purchasing the alley. The Chair notes he's not trying to impose anything, just offering a suggestion.

Councillor Dilkens asks why an archaeological assessment is required and are there any archaeological assessments related to any of the properties north and west of the site or if there was any indication there was a need for an archaeological assessment? Mr. Wilson advises there was an Archeological Plan/Study in the early 2000's after a review of all properties in the city of Windsor. The archaeological requirements are now included in the Official Plan. The south portion of this site is included as a high potential area. Councillor Dilkens asks if there was any indication from surrounding properties and roads that there was any significant archaeological findings there? Mr. Wilson advises this is a standard requirement being brought forward to the applicant's attention. The Chair asks Mr. Wilson if the committee can choose not to include that as a recommendation to Council? Mr. Wilson advises it is part of the Official Plan and must be understood as Policy.

The Chair allows Mr. Khahra to make a few comments. Mr. Khahra advises there have been several discussions over setback and studies, all of which are time consuming. What he's asking for is a site-specific resolution due to timing. Also advises the sites are owned by two (2) separate corporations which will not be merging. Mr. Khahra notes his concern with the requirement for an archaeological study. Mr. Khahra questions the need for it since the previous owner was not required to do so. The property has been a commercial use since 1968. Perhaps the City can include the archaeological study as part of their comprehensive study.

Mr. Calhoun adds the need for archaeological study was not put in place until the Archeological Master Plan was concluded in 2005. Therefore, developments prior to that would not have required the study. Information could well have been lost for lack of that study.

Moved by Councillor Payne, seconded by Councillor Sleiman, as AMENDED.

1. That Official Plan Amendment # XX **Be Approved**, creating a site specific, Special Policy Area in the Volume II, Part 1, of the City of Windsor Official Plan so that Section 7.2.6.4 (iv), of the City of Windsor Official Plan: Volume 1 does not apply to 0 Huron Church Road (Part of Lots 6 to 10, Plan 1021); so that one point of access to Huron Church Road shall be permitted;
2. That an amendment to Zoning By-law 8600 **Be Approved**, amending the zoning for 0 Huron Church Road (Part of Lots 6 to 10, Plan 1021); from CD1.6 to (H)CD1.6 with special provisions to add the following as permitted uses:
  - i. A retail store, a business, financial, or medical office, a veterinary clinic, and a public parking area.
  - ii. That only one access **Be Permitted** from the site (Lots 6-10, Plan 1021) to Huron Church Road and the access be located as far north from the intersection within Lot 6.
3. That the Hold provision **Be Removed** upon the provision of the following:
  - a. The applicant applies to remove the hold provision;
  - b. A Traffic Impact Study to review potential access to Malden Road, and potential impact on the Huron Church Road/Malden Road intersection;
  - c. Registration of a Site Plan Control Agreement

Motion **CARRIED**

4. Moved by Councillor Payne, seconded by Councillor Dilkens,  
That administration **PROVIDE** supplemental information for Council's consideration regarding:
  - 1) Auto repair (i.e. Jiffy Lube-type operation), and should be aesthetically acceptable,
  - 2) Access – should only be one access on Huron Line, and
  - 3) Set back – suggests 5m (protect/maintain existing trees),
  - 4) Recommendation from Planning regarding the alley.

Motion **CARRIED**

Moved by Dilkens, seconded by Payne

5. That the requirement of An Archaeological Assessment **BE REMOVED**.

Motion **CARRIED**

Councillor Kusmierczyk and B. Bjarneson opposed.

Discussion between Motions 3, 4 & 5:

Ms. Bjarneson asks that the landscape architect review the trees prior to going to Council. The Chair advises that will be part of the condition for #2. Even though it's been recommended in this committee, there still has to be a resolution debated. There will have to be a site visit to determine the outcome which will be part of that assessment. The Chair also reiterates the applicant is seeking approval for auto repair, further defined as a Jiffy Lube establishment.

Councillor Kusmierczyk requests clarification of access from Huron Church Rd. Is there agreement that a traffic study is required or making a recommendation that the access is to be placed as far away from the intersection as possible, minus a traffic study? Mr. Hunt advises that they normally request a traffic study but would also request access to be furthest away from the intersection. To definitively give that recommendation you'd have to know where the building would be located, at which point the access is determined at Site Plan phase. The Site Plan process can further define it. The Traffic Impact Study was needed more so for the right in access from Malden Road. That would also be impacted on whether the applicant would be able to obtain the alley, which provides them with more frontage on Malden to accommodate that turn in.

Councillor Kusmierczyk asks that the recommendation be amended to waive the Traffic Study for access on Huron Church but access must be furthest away from the intersection. The Chair asks if this is a friendly amendment? Councillor Kusmierczyk confirms and Councillor Payne accepts.

Councillor Dilkens advises there are pieces of the motion he accepts and some he does not. The Chair suggests separating the Motion to be voted on separately.

The Chair addresses Mr. Khahra explaining he is not ignoring him but that he must adhere to the protocol. He has already permitted more latitude than is allowed. The Chair instructs Mr. Khahra he will have more opportunity at Council to inquire and address any issues.

Mr. Khahra wants to address the new information that was brought forward, ie. Waiving Archaeological requirement. The Chair advises this will be brought forward at Council.

Councillor Sleiman notes this is all going to Council, therefore, to move along the Motion.

The Chair asks the Committee if it is a general consensus that the setback should be reduced from 10m? All members agree. (No specific setback, additional informational information from City Forester/Landscape Architect)

Councillor Dilkens would also like to remove the Archaeological assessment and is willing to explain his reasons.

Councillor Payne notes he has experience with archaeological studies and states they can go on for an indeterminate amount of time.

Item 2 **LARRY HORWITZ – 2879 Riverside Dr. E.**

Mr. Szymczak is introduced as the author of the report. Recommendation is for approval.

Mr. Szymczak notes a correction on the recommendation saying “305”, it should be “306”.

Mr. Bill Bijl (Kanata Living), representing Maisonville Court Retirement Living. Located across the property of the applicant. They would support the recommendation with the removal of the category of ‘Light Manufacturing’.

Mr. Larry Horwitz (applicant) – Notes the site is a historical and restrictive location. The Arch Diocese has sent its support but do impose some restrictions to the site due to its historic significance. There are also other restrictions and impediments in developing the property. Knowing that, Mr. Horwitz thanks the City for their assistance in repurposing this building plausible, to improve the site and return it to its original beauty and make it a viable addition to Walkerville and the surrounding area. Mr. Horwitz is hoping to increase the Retail to be increased from 20 to 50%. Also would like some clarification on some of the changes.

Mr. Szymczak advises the changes are outlined in the report, but goes over them again and reviews them for the Committee. Use of pharmacy and exhibition hall were deleted because they’re already included in the other permitted uses that are listed. Specifically, a pharmacy is permitted as a retail store and exhibition hall is listed under place of entertainment & recreation. A restriction of the gross retail store of 20% is a policy listed under the Business Park section in Policies and the applicant is prohibited outdoor storage under the Industrial use because of the Business Park designation.

Councillor Sleiman reconfirms Mr. Horowitz is requesting a change of 20-50% retail floor area? Mr. Horwitz confirms adding that the addition would make it more of an attraction. Or at least a compromise of something more than 20%. The Chair directs Councillor Sleiman to page 6 of the report which deals with the retail issues and notes it’s consistent with the area. The Official Plan limits use to 20% retail.

Councillor Sleiman inquires if allowing light manufacturing is Administration’s recommendation? Mr. Szymczak explains that the applicant inferred a request for light manufacturing. There was no additional description as to what that entailed. The land is listed under the Business Park designation, therefore industrial uses listed under the MD1.4 zoning were recommended, one of the two (2) Business Park zones.

Councillor Sleiman to Mr. Horwitz, it was mentioned that there are restrictions incurred by the site and the Diocese, how serious is the request for light manufacturing? Mr. Horwitz advises he’s been approached by a business in which high tech assembly would occur.

The Chair asks Mr. Horwitz if he has read the options available listed on page 14 of the report, under MD1.4? Mr. Szymczak advises Section 5 applies, based on the request on his application.

Councillor Payne inquires whether the use the applicant is proposing will make any change to the exterior appearance of the building? Mr. Horowitz advises it will not alter the exterior.

Ms. Bjarneson asks Mr. Bijl about the possible expansion to the retirement home? Mr. Bijl informs Ms. Bjarneson they may purchase two (2) homes adjacent to the retirement home which



would be demolished in order to become a park setting for the residents. This would be closer to the church.

Ms. Bjarneson asks Mr. Horwitz, given the property is a heritage designation, what are some of the features and restrictions that need to be adhered to? Mr. Horwitz advises the building facade, some of the interior structure must remain intact (stained glass windows, etc.) plus a number of things that can't be altered. Most of the building remains as is. Restrictions from the Arch Diocese of London have moral clauses, such as prohibiting an abortion clinic. Things you wouldn't want in a neighbourhood environment.

Ms. Bjarneson notes concern in place of public hall and place of entertainment and considering the residents may have a park nearby. Are these matters reviewed as well under the Diocese's restrictions? Mr. Horwitz advises the Diocese restricts the use of a nightclub, but they can open a brewery.

The Chair asks Mr. Horwitz if he knows the gross square footage of the property? Mr. Horwitz estimates approximately 30-40,000 sq. ft. The Chair notes 20% of that comes out to approximately 6-8,000 sq. ft. of significant retail space. The Chair suggests Mr. Horwitz have that information available in time for Council since he's asking for an increase in retail space.

Councillor Sleiman asks Mr. Calhoun, when a building is designated a heritage building, are there changes permitted on the inside? Mr. Calhoun advises the Heritage By-Law guides as to what features may be altered. Any changes within are presented to the Heritage Committee, and ultimately to city Council, for guidance and decision. Council may choose to allow changes of Heritage identified by-law items. In this building, there are features within the sanctuary and auditorium which are identified in the by-law.

Councillor Sleiman asks if any manufacturing is permitted within a Heritage building? Mr. Calhoun advises the Heritage by-law does not identify uses.

Ms. Bjarneson inquires whether the Ford City BIA had any comments? Mr. Szymczak advises negative. Ms. Bjarneson asks if they were notified? Mr. Szymczak confirms they were contacted.

Ms. Bjarneson notes the Police Department's objection to light manufacturing but is unsure as to why they wouldn't be against storage? Mr. Szymczak advises he cannot comment on Police comments. Ms. Bjarneson advises she can support the application but not light manufacturing under the Industrial use section.

Ms. Bjarneson notes the request from Transportation Planning for a traffic impact study but doesn't see it as part of the recommendations and wanted to know why? Mr. Szymczak advises they had discussions with Transportation Planning regarding the application and that Transportation Planning are fine with a Traffic Impact Study as a requirement of any future development on the property (ie. additional buildings, etc.) via Site Plan Control. Ms. Bjarneson asks what about interior changes or building expansion? Mr. Szymczak advises any changes would have to go through the Heritage Committee and Council. There are other buildings on the property (rectory building, etc.) that can have future changes to the building. At that time a Traffic Impact Study may be required.

Ms. Bjarneson asks whether they (Transportation Planning) wouldn't have any comment on uses or impact to Riverside Dr.? Mr. Szymczak advises they do have comments, they requested an impact study. The Planning Department disagreed with the request and reached a compromise

that if the site became part of an expansion, then an impact study would be required as part of Site Plan Control. The building was already used as a church for a number of years and would have generated just as much, if not more, traffic at times. Ms. Bjarneson feels a retail store would generate more traffic. Mr. Szymczak advises that is why they've limited retail area to 20%.

Ms. Bjarneson asks what about in light manufacturing? Ms. Bjarneson notes that a church may have high volumes at certain times on the weekend and some evenings but light manufacturing affects the daytime hours and would think Transportation Planning would have comments to that before this is presented to Council. Mr. Szymczak advises that the biggest question for Traffic Impact statements is that with rezoning, actual uses are still relatively unknown. There are a number of allowable uses being requested but at this time, it is unknown as to what the building is actually going to be used for. The building already exists on arterial roads and a signalized intersection. Planning doesn't see a need for a Traffic Impact Study to control traffic.

Councillor Sleiman notes letter from London supporting the application. Councillor Sleiman asks if the Diocese is aware the site could become a banquet hall? The Chair advises the Diocese has been forwarded a copy of the report and are aware of what is permitted.

The Chair asks Mr. Szymczak if he stands by his recommendations. Mr. Szymczak confirms.

Moved by Councillor Payne, seconded by Councillor Sleiman.


That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Block 106, Plan 12M-255, located west of Woodward Boulevard between Lappan Avenue and Calderwood Avenue from Green District 1.1 (GD1.1) to Residential District 1.1 (RD1.1).

Motion **CARRIED**.

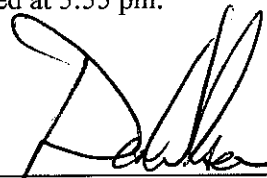
Ms. Bjarneson opposed.

The Chair concludes the Planning Act portion of the meeting.

There being no further business, the meeting is adjourned at 5:55 pm.



Councillor Bill Marra, Chair



Don Wilson, Secretary