

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 Dilkens  
Councillor Hatfield  
Councillor Sleiman  
Councillor Payne

**Citizens**

Merrill Baker  
Barb Bjarneson  
Cheryl Cross-Leal

**Regrets**

Councillor Marra

**Delegations**

Doreen Kondruk (Item 1- Planning Act Matter)  
Brian Ciaramitaro (Item 2-Planning Act Matter)  
Bridget Scheuerman (Item 5)

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

Thom Hunt, City Planner  
Don Wilson, Manager of Development Applications  
Michael Cooke, Manager of Planning Policy  
Greg Atkinson, Senior Planner  
Adam Szymczak, Planner III-Zoning  
Simona Simion, Planner II, Research & Policy Support  
June He, Engineer III (Acting)  
Wira Vendrasco, Deputy City Solicitor  
Lee Anne Doyle, Chief Building Official  
Bill Jean, Manager of Permit Services/Deputy Chief Building Official  
Agatha Armstrong, Deputy City Clerk  
Marianne Sladic, Steno Clerk Senior

1. **CALL TO ORDER**

The Chair calls the meeting to order at 4:30 o'clock p.m.

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

None disclosed.

3. **ADOPTION OF MINUTES**

Moved by Cheryl Cross-Leal, seconded by Councillor Dilkens,  
**THAT** the minutes of the meeting of the Planning and Economic Development Standing Committee (Planning Act Matters) held May 13, 2013 **BE ADOPTED** as presented.

Carried.

Moved by Councillor Sleiman, seconded by Councillor Dilkens,  
**THAT** the minutes of the meeting of the Planning and Economic Development Standing Committee held May 13, 2013 **BE ADOPTED** as presented.

Carried.

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

None requested.

5. **COMMUNICATIONS**

None.

6. **PLANNING ACT MATTERS**

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

**Item 2 East Pelton Secondary Plan: North Portion OPA No. 83**

Moved by Councillor Hatfield, seconded by B. Bjarneson

I That Official Plan Amendment No. 83 – East Pelton Secondary Plan: North Portion **BE APPROVED** and O.P. Vol. 2 Chapter 7 East Pelton **BE AMENDED** by **ADDING** OPA 83; and

II That Administration **BE DIRECTED** to prepare a By-law to implement Official Plan Amendment No.83.

Carried.

7. **PRESENTATIONS AND DELEGATIONS**

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

**Item 1 Zoning By-law 8600 Housekeeping Amendment 2013 -1**

Motion to move items 1 & 2 with the option for item 3 to be reviewed and amended and brought back to this Committee at a later date made by Mr. Baker, seconded by Councillor Payne. Councillor Payne adds a friendly amendment to include wording regarding massing as well.

That Zoning By-law 8600 **BE AMENDED** on the following basis:

1. That Section 17 (1)(a)(i) be deleted and replaced with the following:

“(i) A retail store; temporary outdoor vendor’s site [ZNG/3930]”

That Section 17(1)(a)(viii) be deleted and replaced with the following:

“(viii) Any of the following existing uses:

Any use permitted in Section 18(1)(a) of this by-law [ZNG/3930]”

2. That Section 7(144a) be deleted and replaced with the following:

“(144a) “**Tourist Home**” means an ancillary use that:

1. is located in a Single Unit Dwelling that is the principal residence of the Tourist Home operator;
2. provides sleeping accommodation to the travelling public; and
3. may include the provision of meals.

A Bed and Breakfast or a Guest House is a Tourist Home. A Correctional Facility, Group Home, Hospital, Hotel, Motel, Private Home Day Care, Residential Care Facility or a Lodging House is not a Tourist Home. [ZNG/3930]”

Carried.

The Committee recesses at 6:13 o’clock p.m. to allow the citizens to leave the meeting as the Planning Act Matters are complete.

The Committee reconvenes at 6:15 o’clock p.m. to deal with the remaining items on the agenda.

8. **COMMITTEE MATTERS**

**Minutes of the Windsor BIA Advisory Committee minutes of meeting held April 16, 2013**

Moved by Councillor Hatfield, seconded by Councillor Dilkens

That the minutes of the International Relations Committee meeting held March 18, 2013 **BE RECEIVED** for information.

Carried.

9. **ADMINISTRATIVE ITEMS**

**Item 5 Olde Riverside Town Centre Business Association 2013 Beautification Project**

**Bridget Scheuerman, Executive Director for Olde Riverside Town Centre Business Improvement Association**

Bridget Scheuerman, Executive Director for Olde Riverside Town Centre Business Improvement Association appears before the committee and is available for questions regarding the cost sharing arrangement with the Corporation to allow for the 2013 Beautification Project.

Moved by Councillor Hatfield, seconded by Councillor Payne

I. **THAT** the request of the Olde Riverside Town Centre Business Improvement Association for consideration of a cost sharing arrangement with the Corporation to allow for the 2013 Beautification Project at an estimated cost of \$150,000 **BE APPROVED** as follows:

- a) **THAT** funding in the amount of a \$75,000 grant from the BIA Assistance Program **BE PROVIDED** in 2013;
- b) **THAT** a 10-year interest free loan in the amount of \$75,000 to cover the remaining costs associated with the project **BE APPROVED** using the BIA Assistance Program with loan payments to commence in 2014;

II. **THAT** the CAO and the City Clerk **BE AUTHORIZED** to sign the related loan agreement satisfactory in legal content to the City Solicitor, **in financial content to the** Chief Financial Officer and City Treasurer, and in technical content to the City Planner.

Carried.

**Item 3 Request to close part of north/south alley south of College Avenue, east of Campbell Avenue**

Moved by Councillor Payne, seconded by Councillor Hatfield

I. That part of the 4.57 metre (15.0 feet) wide north/south alley south of College Avenue, east of Campbell Avenue, abutting the west lot line of the property known as 1657 College Avenue and shown as Part 1 on Drawing No. CC-1639 **attached** hereto as Appendix "A", **BE ASSUMED** for subsequent closure and conveyance to the abutting property owners and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law;

II. That part of the 4.57 metre (15.0 feet) wide north/south alley south of College Avenue, east of Campbell Avenue, abutting the west lot line of the property known as 1657 College Avenue and shown as Part 1 on Drawing No. CC-1639 **attached** hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

- i. Easements are required in favour of:
  - Bell Canada
  - EnWin Utilities Ltd.
  - Cogeco Cable Canada LP
- ii. Conveyance cost
  - Abutting properties zoned either CD1.2 or CD2.2: \$7.00 per square foot (\$75.34 per square metre) no easements and \$3.50 per square foot (\$37.67 per square metre) with easements. Survey cost and deed preparation is included in the prices above.

and further:

- iii. The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1639, **attached** hereto as Appendix "A"

- iv. The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice
- v. The City Solicitor **BE REQUESTED** to prepare the by-law to close
- vi. The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor
- vii. The transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

**Item4 Economic Revitalization & Brownfield Redevelopment Community Improvement Plans (CIP) – 2013 Update**

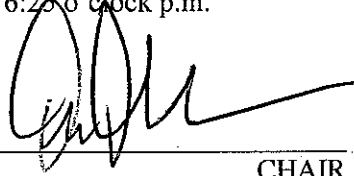
Moved by Councillor Sleiman, seconded by Councillor Payne  
**THAT** the report of the City Planner dated May 28, 2013 entitled “Economic Revitalization and Brownfield Redevelopment Community Improvement Plans (CIP) – 2013 Update” **BE RECEIVED** for information.  
Carried.

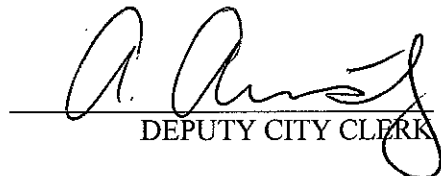
**10. DATE OF NEXT MEETING**

The next meeting of the Planning and Economic Development Standing Committee will be held on Monday July 15, 2013 at 4:30 o'clock p.m. in Council Chambers.

**11. ADJOURNMENT**

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

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
DEPUTY CITY CLERK

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 Dilkens (Vice-Chair)  
Councillor Hatfield  
Councillor Payne  
Councillor Sleiman

**Citizens**

Barb Bjarneson  
Merrill Baker  
Cheryl Cross-Leal

**Regrets**

Councillor Marra

**Delegations**

Greg Kondruk(son) for Doreen Kondruk, resident Ward 7 – Item 1  
Brian Ciaramitaro, Chief Ministerial Officer, Windsor Christian Fellowship – Item 2

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

Thom Hunt, City Planner  
Don Wilson, Manager of Development Applications  
Wira Vendrasco, Deputy City Solicitor  
Lee Anne Doyle, Executive Director/Chief Building Official  
Bill Jean, Manager of Permit Services/Deputy Chief Building Official  
Michael Cooke, Manager Planning Policy  
Adam Szymczak, Planner III  
Greg Atkinson, Planner III  
Simona Simion, Planner II  
Sasha Oliveira, Co-Op Student  
Jane He, Engineering III (A)  
Agatha Armstrong, Deputy City Clerk  
Sandra Gebauer, Council Assistant (A)  
Jessica Matte-Wilson, Steno Clerk

1. **CALL TO ORDER**

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

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

None disclosed.

3. **ADOPTION OF MINUTES**

Moved by Councillor Payne, seconded by Councillor Sleiman

**THAT** the minutes of the meeting of the Planning & Economic Development Standing Committee (Planning Act Matters) held Monday, May 13, 2013 BE ADOPTED as presented.

Ms. Bjarneson abstains from the vote having been absent from the May 13, 2013 meeting.

Carried, Unanimously.

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

None.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

None.

7. **PLANNING ACT MATTERS**

Item 1 **Zoning By-Law 8600 Housekeeping Amendment 2013-1**

Mr. Adam Szymczak provides a summary of the proposal. Recommendation is for approval.

The Vice-Chair asks any delegates on the item to come forward.

Ms. Doreen Kondruk & son Greg Kondruk – 11060 Riverside Dr. E., N8P 1A4. Present a photo of a newly built, 2-storey addition to the original home that was erected next to Ms. Kondruk's house. Ms. Kondruk advises there was a Committee of Adjustment hearing regarding the initial build at which time the owner of that home was advised a 2-storey addition would not be permitted.

The Vice-Chair interjects to explain to the Committee members why the delegates are in attendance. Their concern is relative to section 3 of the Housekeeping Amendment regarding building height.

Councillor Hatfield inquires a definition of 2-storeys. Mr. Jean gives definition of a building storey (floor to ceiling or floor to floor) as 4m in height. The determination in this instance was to follow, as is stated in the recommendations, to allow 10m height maximum. The home in question, from ground to rooftop is 9.8m which is under the proposed 10m maximum limit. The Vice-Chair asks that a definition be given to residents in terminology that is understandable to the average individual.

The Vice-Chair asks if there are any other delegates to speak on this item.

Councillor Hatfield reiterates the last comment from Mr. Kondruk and proceeds to give his version of Mr. Jean's description for verification. Mr. Jean confirmed.

Councillor Hatfield asks Ms. Doyle to update the Committee on results thus far from meetings she's had Ms. Kondruk. Regulations were reviewed and a drawing was prepared to assist in explanation.

Ms. Doyle advises consistency in building permits and regulations concerning height, etc. elsewhere in the city, although this is the first of its kind in that particular section of Riverside Dr.

Councillor Hatfield asks when setting these regulations and they qualify for single-unit dwelling, when they add an extension, is it the same criteria? Ms. Doyle advises it is.

Councillor Hatfield advises that according to the Building Department, viewing the height and size of the building, does it qualify and is it up to standards or is there something wrong with the structure? Ms. Doyle advises the permit was issued based on compliance of the Building Code and applicable laws.

Councillor Gignac seeks clarification in regards to changes proposed, if this will allow additional footage in the height of a building? Mr. Jean reiterates the calculation is made from grade to roof line, not to exceed 10m as proposed in the recommendations. It is not an increase in height. It's making the calculation of height easier and more understandable as opposed to using "storeys".

Councillor Gignac – 246 St. Rose Ave., N8S 1X2 - has Mr. Jean look at the photo presented on the overhead showing the home in question. The original home is brown and the addition is blue. Councillor Gignac asks Mr. Jean if the original building is a one-storey or 2-storey home? Mr. Jean says it's a one-storey. Councillor Gignac counters that it is a 2-storey home. Councillor Gignac brings attention to the fact that new homes are being built along Riverside Drive that dwarf existing homes. Councillor Gignac is interpreting the amendment as increasing allowable height.

The Vice-Chair reviews the photo of the residence in question, noting the obvious 1<sup>st</sup> and 2<sup>nd</sup> storeys. Then notes a landing, which can be interpreted as a 3<sup>rd</sup> storey. The Vice-Chair seeks clarification. Councillor Gignac states in addition to this view, in the front there are two (2) turrets that are very prominent. Mr. Jean advises the alleged 3<sup>rd</sup> floor access is nothing more than a ledge for planting purposes. The area is small ceiling, the door being the uppermost ceiling. The Vice-Chair inquires about a 2<sup>nd</sup> door above the original structure and asks if that's a balcony? Mr. Jean advises it is a balcony from the 2<sup>nd</sup> level.

Mr. Kondruk asks how wide the planting area. Mr. Jean advises it's 6 ft. wide. The Vice-Chair interjects advising that he doesn't want to utilize this time to dissect this particular property during this meeting. This Committee has no say in the matter concerning the completed structure. In the interest of getting a resolution to the proposed amendment, he asks the Committee to consider the recommendations under 1 and 2, and that recommendation 3 be referred back to Administration for a report that would outline a type of situation that we see can't happen again and that there's a much broader consultation on what appears may not be a regular housekeeping item.

Councillor Payne inquires about the drawing asks if the line between one and two is a ceiling. The Kondruk's advise it is a ceiling. Councillor Payne advises the 2<sup>nd</sup> appears smaller and wants to know the difference in height. The Vice-Chair states Mr. Jean indicated it was 9.8m.

Ms. Cross-Leal notes an occurrence when the former Planning Advisory Committee was able to incur change of a garage door that was built. Ms. Cross-Leal can't understand why the Kondruk's cannot be accommodated as well. Ms. Cross-Leal is not in agreement with the interpretation of what's been done, lack of consideration of existing buildings, neighbourhood, etc. What resources do they have to turn to, if not this Committee? Mr. Hunt advises the garage door mentioned did not conform to the Zoning By-Law and therefore had to be removed. When something doesn't conform to the by-law, the City has the power to order its removal. The issue brought forward tonight does conform to the Zoning By-Law, that's the predicament this Committee finds itself in, even though it may not agree with what it



looks like. The Committee's hands are tied when trying to remedy this type of situation. Mr. Hunt advises the suggestion to suspend the section regarding building heights to be deferred and brought back to the Committee would help seal these loopholes that some have ingeniously taken advantage of.

Councillor Sleiman advises common sense should prevail. He wants to know how the Building Department can review a permit for build that doesn't coincide with an established area/neighbourhood. The recommendation does not address this factor and he feels it should.

Ms. Bjarneson advises there is confusion and that it appears there is an increase in the by-law amendment from 8m to 10m maximum height. Also, when this comes back to the Committee, instead of saying "Sections" to state where these streets are located which would help in terms of knowing what they're looking at. Also would like to know in recommendation 36 regarding setback, does that describe change or status quo. Further clarification is required. There is also a comment regarding "Accessory Buildings" which isn't clear if it's just the Sandwich area or if it's throughout the City.

Councillor Payne notes concern. It'll be some time before an amended report comes back to the Committee and then to Council. In that time, someone else may come in for a permit to construct an addition, like the one presented, and do the same thing. Is there any way that can be forestalled until this process is completed? Also, notes concern over the mass of the building as well compared with adjacent homes. To Mr. Hunt, is it possible to control massing? Ms. Doyle addresses the first question advising the City is obligated to continue allowing permits that fall within compliance of the by-laws until such time that those by-laws change. Mr. Kondruk notes concern over the term "obligated" given that this obligation allows for a monstrosity to be erected next door. Ms. Doyle advises they are obligated under law to issue permits that are in compliance. If not, the City is subject to liability issues. Mr. Kondruk doesn't understand why the City would want to make houses higher than this legal. The Vice-Chair notes understanding of their frustration. Council passes by-laws and changes by-laws. But until such time that it happens, they must issue a permit when a request is presented to them that is in compliance with the legislation. When it comes back and isn't exactly how Council intended, then ways are found to amend those by-laws and address the issues. Councillor Payne requests the item should come back in time for the next meeting so too much time isn't wasted.

Mr. Hunt answers the second question advising through legislation municipalities now have more power to control height, mass and scale. The only instrument a municipality may have, and is a drastic measure, is an Interim Control By-Law. That has the ability to freeze a certain provision in the zoning but it also, at the same time, presents an issue for the City in terms of implicating other issuances of building permits in a similar zone. In his opinion, this instance it would not be a suggestion but the situation can be addressed in the revised report.

Councillor Hatfield notes it was last fall when he first heard from Ms. Kondruk at which time he was in touch with Ms. Doyle who sent out Inspectors to review the property, measure, and confirm all was in compliance, which it was, based on the current by-laws. Councillor Hatfield doesn't feel it's fair to blame the department for following Council's by-laws & regulations. Councillor Hatfield compares to a similar situation between Amica's building next door to Pinnacle Condominiums. Is there anything that can be done within the law to request an owner to downsize a building or to prevent it from happening again in the same neighbourhood or municipality? Ms. Doyle advises "no", there is nothing that can be done. The owner is within compliance of all by-laws and regulations. However, moving forward, there is an opportunity to change zoning regulations by re-examining what is currently in the by-law.

Councillor Sleiman to Mr. Hunt, will there be a public consultation prior to the report coming to the Committee? Mr. Hunt advises the building height is the key consideration to the amended report. In the interest of time, Mr. Hunt suggests the report come back to the Committee as soon as possible. A

public meeting would delay the report further. This forum would be the better public forum. Councillor Sleiman notes the concern of many residents and that he feels it would be beneficial to hold a public meeting outside of this forum so that when a recommendation is brought forth it will be based on planning principle and public opinion. Mr. Hunt advises that the people currently affected and other case will be consulted during the period it takes to complete the report.

Ms. Kondruk mentions a man on the radio the other day who is having the same problems and was told three (3) years ago that this kind of issue would be dealt with, and it hasn't.

Ms. Bjarneson to Ms. Kondruk, the visuals provided adds to a better understanding of the problem at hand. Ms. Bjarneson would like a better definition of ceiling. Because to have a ceiling which you can actually walk around doesn't constitute, necessarily, a ceiling. Mr. Szymczak advises the recommendation he proposed eliminates the need for description of ceilings or floors. It would just measure the building height from grade, which is from the centre line of the road to a point on the building. If it's a flat roof, it's to the highest point of the building. If it's a pitched roof, it's to the halfway point between the top and the eaves. What the recommendation does is remove all that interpretation about ceilings and plant ledges. What is being done is it's taking the measurement from internal to external. To measure internal, there are all sorts of issues in terms of storeys because you have foyers, and vaulted ceilings. Internal measurements include multiple sections and levels. The recommendation would eliminate the confusion by providing an external measurement to 10m maximum. At this time there is no actual maximum height limit. The number proposed is less than other by-laws which were as high as 10.5m.

Motion to move items 1 & 2 with the option for item 3 to be reviewed and amended and brought back to this Committee at a later date made by Mr. Baker, seconded by Councillor Payne. Councillor Payne adds a friendly amendment to include wording regarding massing as well.

That Zoning By-law 8600 **BE AMENDED** on the following basis:

1. That Section 17 (1)(a)(i) be deleted and replaced with the following:

“(i) A retail store; temporary outdoor vendor's site [ZNG/3930]”

That Section 17(1)(a)(viii) be deleted and replaced with the following:

“(viii) Any of the following existing uses:

Any use permitted in Section 18(1)(a) of this by-law [ZNG/3930]”

2. That Section 7(144a) be deleted and replaced with the following:

“(144a) **“Tourist Home”** means an ancillary use that:

1. is located in a Single Unit Dwelling that is the principal residence of the Tourist Home operator;
2. provides sleeping accommodation to the travelling public; and
3. may include the provision of meals.

A Bed and Breakfast or a Guest House is a Tourist Home. A Correctional Facility, Group Home, Hospital, Hotel, Motel, Private Home Day Care, Residential Care Facility or a Lodging House is not a Tourist Home. [ZNG/3930]”

The Vice-Chair notes making decisions is easier when you have a visual reference. Most evident with today's discussion in respect to Section 3 and how those decisions play out in the real world. The example provided today by the Kondruk's present the need for change to existing by-laws. What exists is a legal loophole which needs to be remedied.

Carried, Unanimously.

**Item 2 East Pelton Secondary Plan: North Portion OPA No. 83**

Ms. Simona Simion provides background of the proposal. Recommendation is for approval.

The Vice-Chair invites the delegates come forward.

Mr. Brian Ciaramitaro – Chief Ministerial Office, Windsor Christian Fellowship. Would like to go on record that they are opposed to amendment changes being made to the East Pelton Secondary Plan because they have objections with the un-finalized Lauzon Parkway EA, which is interlaced with the EPSP. They're concerned the Lauzon Parkway EA will detrimentally impact their operations and facilities, as well as to access to Walker Road, Legacy Park and 7<sup>th</sup> Concession. As a result, they object to the major road plans due to their basis on the EA. In addition, WCF is concerned with the minor institution zoning that is applied to WCF.

Councillor Payne seeks clarification to the connection between Lauzon Parkway and the East Pelton Secondary Plan. Why the opposition? Mr. Ciaramitaro references Schedule EP-3: Major Road Plan where the E/W Arterial Roadway is being proposed. That E/W roadway is connected to the EA study related to the Lauzon Parkway project. The major intersection that is approached at the west end of the corridor approaches Walker Road, 7<sup>th</sup> Concession and Legacy Park, as well as where their entrance to their property currently extends. Therefore, any amendments made to the Secondary Plan will also affect that area directly by those changes as well as the Lauzon Parkway EA. They're interlaced.

Mr. Cooke confirms the Lauzon Parkway Environmental Assessment has been ongoing. It has three (3) components. 1) Lauzon Parkway extension to proposed Hwy. 401 interchange; 2) E/W Arterial Road connecting to Walker Road, and 3) County Road 42. The EA is in its final stages and MTO is very very close to releasing the final product. Mr. Cooke notes the dashed line (proposed E/W arterial roadway) currently exists in the East Pelton Secondary Plan (EPSP). The EPSP notes the location of this roadway and is part of the Environmental Assessment. The only portion of East Pelton being considered this evening is the portion north of the Windsor Christian Fellowship Church. Everything below that line is enshrined already in the Official Plan. Lands above the church site have been on hold in recent years while administration awaited the outcome of studies that were underway concerning the airport lands. What is before you tonight does not impact anything south of that line. The northern portion of East Pelton requires this secondary plan before applications can be submitted for plans for subdivisions in the future.

Councillor Payne to Mr. Cooke, clarifies that the concerns brought forth by the WFC representative are not relevant? Mr. Cooke indicates that the secondary plan is needed to amend the land uses for the northern portion of East Pelton from 'Future Urban' to 'Residential' and 'Open Space'. Additional roads will be required to service the northern portion of East Pelton as part of future plans of subdivision. In other words, the current road network will need to be expanded to service the area with new collector roads. Mr. Cooke adds that the Lauzon EA is a separate process under a separate legislation. Mr. Ciaramitaro disagrees with Mr. Cooke's comment that lands at WCF would not be affected and gives examples of the possibility of 7<sup>th</sup> Concession closing, which would impact the area

below the line.

Ms. Cross-Leal seeks clarification that the proposed E/W arterial road on the map is confirmed. Mr. Cooke advises that the E/W arterial road is already identified in the Official Plan. Mr. Cooke adds in response to the delegate's concern over 7<sup>th</sup> Concession, that eventually what may be preferred is a right in/right out access in that area due to its proximity to Walker Road. The northern dash lines represent future collector roads that will be built as development occurs. The goal is to have safe and efficient movement of vehicles and alternative transportation.

Mr. Baker inquires as to the inclusion of home-based occupations? Mr. Cooke notes that home based occupations are already permitted in all areas of the City designated as residential.

Ms. Bjarneson inquires whether there will be opportunity for rental units in this area? Mr. Cooke advises they will be encouraging a mix of tenures and forms of housing in this area. Ms. Bjarneson asks if there are many owners in that section, how do you realign the roads after certain smaller subdivisions have been established? Mr. Cooke advises the importance of working with property owners who own parcels and are trying to coordinate with neighbouring owners to have a more consolidated plan, accomplished through phasing. Ms. Bjarneson asks if work has already begun in this area? Mr. Cooke advises under the current zoning, the only uses permitted in this area are agricultural based and private residences. Ms. Bjarneson notes a property on 7<sup>th</sup> Concession which had bulldozers on site. Mr. Cooke advised he spoke with the property owner. They have fill on the property from another site, which is only temporary. They will be removing that once construction at their other site is complete. Ms. Bjarneson inquires whether there are plans to widen 7<sup>th</sup> Concession & Legacy Drive? Mr. Cooke advises that they will want to work with the owners on the design of the subdivision as they'll have to consider the railway lines as well to create separation and mitigation from the noise of the spur line and any vibration associated with that as well as 7<sup>th</sup> Concession separation. Currently no proposal to widen the roads. Ms. Bjarneson asks if a market assessment plan is necessary? Mr. Cooke advises no market assessment or planning rationale is required for this amendment.

Councillor Payne asks Mr. Cooke about his position on the opposition from the WCF? Should it be taken into account or not? Mr. Cooke advises his professional opinion is that the EA is a separate process. EA is more about the geometry of how some of these intersections are going to work. It's more of an engineering type of exercise than one of planning. We're looking at land use whereas the engineers are looking at road width, access and curvature. They are two separate processes. Councillor Payne mentions one of the property owners listed, not by name, had an issue that was discussed with Planning. They have 25 acres and wanted to split part of it and ended up complicated. Mr. Cooke advised it helps all property owners within the EPSP if their land is designated 'Residential' since it will provide more development opportunities for them. Councillor Payne asks if this owner should re-submit their application? Mr. Cooke advises applications for severance could be submitted if the north portion of EPSP is approved. Councillor Payne asks, overall, does this make development easier for property owners? Mr. Cooke advises that it provides one less approval to acquire. It's one step forward in development in an orderly fashion. Councillor Payne asks for explanation of the meaning of orderly? Mr. Cooke advises it will fall under a schedule of land use and proposed roads. Discussion occurs, a draft plan is requested and a process begins which includes feedback from various departments, etc. Councillor Payne seeks clarification that if an owner from the top section of the area proposes a subdivision that his plan can be developed without knowing how the remainder of the area will be developed? Mr. Cooke confirms but also advises this is no quick process. A lot goes into the plan of a subdivision and there are several offices which must provide input and direction.

The Vice-Chair asks if there are any other members of the audience who would like to speak on the item.

Mr. Abul Habib – Karim Homes. He and his brothers own property at 4330 7<sup>th</sup> Concession, 50 acres. He and his brothers endorse the proposal and would like to see it move forward. They are ready to approach the Planning Department to submit an application for plan of subdivision approval. They look to meet with other owners to discuss how to begin in the best way. The development would bring more jobs to locals as well.

Mr. Shad Habib – Karim Homes (shadhabib@gmail.com). Seeks confirmation that the Arterial Road is confirmed. They endorse the proposal and are prepared to move forward with plans for subdivision as soon as possible. He understands the concerns from WCF, but for them, this is a really good way to get people in from the east and west. Mr. Habib asks about timeframe. When will the City allow development process to begin? Mr. Cooke advised, provided the proposal is approved, the development is driven by the market and/or when they (builders/developers) decide to move forward.

Ms. Angela Ciarlariello-Bondy – daughter of Carmin & Antonietta Ciarlariello - 4655 8<sup>th</sup> Concession, Windsor, ON. They are in favour of this proposal. Approval would allow for severance of their property.

Councillor Sleiman to Abul Habib, did he discuss the plan of subdivision with Administration? Mr. Habib advises he has approached the City and provided a preliminary sketch by their architect of what their initial proposed development would look like. They were advised their request was premature until this process was completed. They and their engineer are to have a meeting with the neighbours to discuss development. Either way, Habib Homes is willing to proceed immediately. Everyone is essentially waiting for approval of this proposal.

Councillor Payne to Ms. Ciarlariello-Bondy. Mr. Payne informs her it was their property he was referring to earlier. Mr. Payne asks Mr. Cooke if their application would move forward now. Mr. Cooke asks few details for a severance. Looking long-term it would be one step closer to proceed with the development options. Councillor Payne asks if it's feasible for them to approach for a severance once this proposal goes through? Mr. Cooke advised yes an application could be submitted.

Ms. Ciarlariello-Bondy asks if they could just sever the house now so they can sell it and decide what to do with the rest of the land later? Mr. Cooke advises that would be an option.

Councillor Sleiman to Mr. Cooke inquires if the drawing is of all the land transferred from the Town of Tecumseh? Mr. Cooke advises that East Pelton represents a portion of the transferred lands and the Windsor International Airport and Sandwich South Secondary Plan make up the balance. Councillor Sleiman asks if an overall picture is looked at when considering plans for residential, commercial, etc.? Mr. Cooke advises they do exactly that. They look at the larger network and what is located nearby. Councillor Sleiman asks where is the starting point? Mr. Cooke advises that has not yet been determined. The City is not in the position to inform the developer/property owner to begin their development. The Developer/property owner approaches the City when they're ready to make their application. The Plan of Subdivision works through the questions the councillor is asking. The Vice-Chair informs Councillor Sleiman that the East Pelton: North Portion is 1/10 of the lands acquired from the transfer.

Councillor Hatfield inquires to change the height from 4 stories to 18m as listed on page 11 of 18. Mr. Cooke advises a 4-storey limit represents a medium density structure, not a single family dwelling and can be used as a buffer for noise from the road and rail. The lower density areas will be referenced to the zoning by-law that Adam Szymczak will be bringing forward regarding height (as covered in the previous item this evening). The Councillor is simply looking to simplify the definition by stating height rather than storey.

Councillor Hatfield also inquires on page 11 of 18 regarding pedestrian access and buildings on lot line. Mr. Cooke advises the intent to provide residents safe passage from their residence to other land use areas within the district. Mr. Hunt also expands advising the sidewalk will not be at the end of the right-of-way. There would be a grass strip in between. The sidewalk and public right-of-way is not immediately next to the lot line.

Councillor Hatfield inquires about the new public access onto Provincial Road (page 12 of 18). Is there going to be any discussion or plans for access from Hwy 401 to 8<sup>th</sup> Concession to the jail? Mr. Hunt advises that distance between off-ramps on the 401 are mandated by the Province and they have large setback requirements. Therefore, there won't be one. Access to the jail will remain from Walker Road.

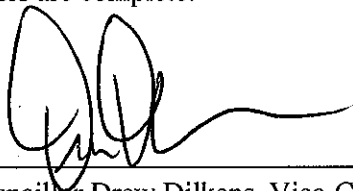
Moved by Councillor Hatfield, seconded by Ms. Bjarneson.

- I That Official Plan Amendment No. 83 – East Pelton Secondary Plan: North Portion BE APPROVED and O.P. Vol. 2 Chapter 7 East Pelton BE AMENDED by ADDING OPA 83; and
- II That Administration BE DIRECTED to prepare a By-law to implement Official Plan Amendment No.83.

Carried, unanimously.

Councillor Hatfield asks Administration to take into account discussions regarding storeys and height, referencing the previous item of controversy regarding the same.

The Committee recesses at 6:25 pm to allow the citizen(s) to leave the meeting as the Planning Act Matters are complete.



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Councillor Drew Dilkens, Vice-Chair

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Don Wilson, Secretary

/jmw/ms