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Windsor, Ontario, May 14, 2012

A meeting of the **Planning 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)  
Councillor Hatfield  
Councillor Sleiman  
Councillor Gignac

Citizens

Merrill Baker  
Cheryl Cross-Leal  
Barb Bjarneson

Delegations

Fatima Lopes (Item 1)  
Mary-Ann Keefner, Solicitor (Item 2, Planning Act Matter)  
Jenny Bilicic (Item 2, Planning Act Matter)  
Louis Francescutti (Item 2, Planning Act Matter)  
Ron Duquette (Item 2, Planning Act Matter)  
Lawrence Lamoure (Item 4, Planning Act Matter)  
Joseph Reidy, (Item 4, Planning Act Matter)

*Also present are the following from Administration:*

Thom Hunt, City Planner  
Adam Szymczak, Planner III - Zoning  
Jim Abbs, Planner III - Subdivisions  
Lee Anne Doyle, Chief Building Official  
Wira Vendrasco, Senior Legal Counsel  
Stacey Shyshak, Engineer II  
Marianne Sladic, Steno Clerk Senior (A)  
Robert Barlozzari, City Council Assistant

1. **CALL TO ORDER**

The meeting is called to order at 4:30 o'clock p.m.

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

None.

3. **ADOPTION OF MINUTES**

Moved by Councillor Sleiman, seconded by Councillor Hatfield,  
That the minutes of the meeting of the Planning Standing Committee (Planning Act  
Matters) held March 20, 2012 **BE ADOPTED** as presented.  
Carried.

Moved by Councillor Sleiman, seconded by Councillor Hatfield  
That the minutes of the meeting of the Planning Standing Committee held April 10, 2012  
**BE ADOPTED** as presented.  
Carried.

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

None requested.

5. **COMMUNICATIONS**

None.

6. **COMMITTEE MATTERS**

None.

7. **PRESENTATIONS AND DELEGATIONS**

**Item 1 Amend By-Law 11171 and Conveyance of part of east/west alley between Chandler Road and Alexis Road, north of Reginald Street**

Ms. Fatima Barros Lopes appears before the committee speaking to the closed alley located to the north of her property at 1561 Chandler Road, specifically noting that the portion at the rear of her property which cuts behind her garage and has a gate installed for access. Ms. Barros Lopes explains that she would like clarification to the closed alleyway in the event that a legal dispute of the land arises with neighbours.

The salient points of the discussion include:

- If abutting owners waive rights to alleyway, homeowners at 1561 Chandler would have the opportunity to purchase the closed alley.
- Administration directed to provide an answer to Ms. Barros Lopes prior to the matter going to City Council for approval.
- Additional information will accompany final report to Council.
- Costs to purchase alleyway would be \$1.00 plus costs of deed preparation, which will be provided prior to final report to Council.

Moved by Councillor Hatfield, seconded by Councillor Gignac

I) That paragraph (i) in By-law 11171 **BE AMENDED** as follows:

The east/west alley providing frontage being conveyed at the price of \$1.00 plus deed preparation costs and,

II) That paragraph (ii) **BE DELETED** and that the City Solicitor prepare an amending by-law for Council's consideration, and

III) That the request by the following owner to acquire a portion of the 14 foot wide east/west alley between Chandler Road and Alexis Road north of Reginald Street closed by By-law Number 11171, as shown on the attached drawing, where the abutting property owner(s) have not exercised the right to purchase **BE APPROVED** subject to easements in favour of EnWin Utilities Ltd., Bell Canada and Cogeco Cable Systems Inc., and further that the unclaimed alley **BE CONVEYED** at \$1.00 plus the cost of deed preparation since the abutting property owners have not exercised the right to purchase:

UNCLAIMED ALLEY	CONVEY TO
3065 Seminole Street Lots 132 to 150 & Part Closed Alley, Plan 1083	1561 Chandler Road Part Lots 151 & 152, Plan 1083, All on PIN 01122-0538

Carried.

8. **PLANNING ACT MATTERS**

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

**Item 2 Rezoning, Dicosc Inc. (applicant, 2990 Curry Avenue, to permit commercial uses to the site (i.e. medical practitioner's office.)**

Moved by Ms. Bjarneson, seconded by Ms. Cross-Leal

That an amendment to Zoning By-law 8600 changing the zoning of 2990 Curry Avenue (Lots 108 and 109, Part of Blocks H and J (Part of Closed Alley) Plan 1056) City of Windsor, near the intersection of Curry Avenue and Grand Marais Road West; from RD1.4 to CD1.1 **BE DENIED**.

Carried.

**Item 3 Rezoning, Maranatha Christian Academy, 885 Northwood Street, to permit a school as an additional permitted use**

Moved by Councillor Hatfield, seconded by Councillor Gignac

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 885 Northwood Street (Lots 253 to 258, Registered Plan 1289, more particularly described as Part 1, Plan 12R-14244) City of Windsor, by deleting Section 20(1)55, and replacing with the following site specific provision; "For Lots 253 to 258, Registered Plan 1290, (known municipally as 885 Northwood Street), a School shall be an additional permitted use."

Carried.

Councillor Marra was absent when the vote was taken.

**Item 4 Rezoning, The Congregation of the Grace & Truth Chapel, northeast corner of E.C. Row Avenue West and Rockwell Boulevards, to allow a private park with an ancillary parking area for joint use with the adjacent church to the west at 2635 Rockwell Boulevard**

**THAT** an amendment to Zoning By-law 8600 changing the zoning of a vacant property located on the northeast corner of E. C. Row Avenue West and Rockwell Boulevard legally described as Lots 78 to 82 and Part north-south Alley Plan 189, (designated as Part 3, 12R-20632), from HRD1.1 to GD1.2, **BE APPROVED**, and further,

**THAT** neighbours **BE CONSULTED** during site plan control phase.

Carried.

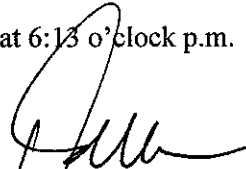
Councillor Marra was absent when the vote was taken


**9. DATE OF NEXT MEETING**

The next meeting of the Planning Standing Committee will be held on June 11, 2012 at 4:30 o'clock p.m. in Council Chambers.

**10. ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:13 o'clock p.m.

  
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CHAIR

  
\_\_\_\_\_  
COUNCIL SECRETARIAT

**MINUTES OF THE CITY OF WINDSOR PLANNING STANDING COMMITTEE  
(Planning Act Matters)**

**May 14, 2012**

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A meeting of the Windsor Planning Standing Committee was held this day at 4:30 p.m. in the Council Chambers, Third Floor, City Hall, there being present:

Councillor B. Marra – Chair, Councillor J. Gignac, Councillor E. Sleiman, Ms. C. Cross-Leal, Councillor A. Halberstadt, Councillor P. Hatfield, Mr. M. Baker and Ms. B. Bjarneson.

Regrets:

Also present are:

Mr. Thom Hunt – City Planner, Mr. Jim Abbs – Senior Planner, Mr. Adam Szymczak – Acting Manager of Development, and Ms. Marianne Sladic – Senior Clerk, Planning Department; Mr. Robert Barlozzari – City Clerks Office; Ms. Stacy Shyshak - Engineering & Corporate Projects Department; Ms. Lee Anne Doyle –Executive Director/Chief Building Official, Building Department; and Ms. Wira Vendrasco – Senior Legal Counsel, Legal Department.

**GENERAL BUSINESS:**

The Chair explains the rules of procedure of the Planning Standing Committee and that this is the required public meeting in accordance with the Planning Act. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting. The Chair indicates those interested in making submissions to Council must list to speak as a delegation with Council Services.

**ADOPTION OF THE MINUTES**

Moved by Councillor B. Bjarneson, seconded by Councillor Sleiman.

That the minutes of the Planning Standing Committee (Planning Act Matters) meeting of March 20, 2012 **BE ADOPTED.**

Motion **CARRIED UNANIMOUSLY.**

The Chair introduces the first item on the agenda.

**Item 2 – DICOSC INC. – 2990 Curry Ave.**

The Applicant is requesting to rezone the property at 2990 CURRY AVE (Lots 108 and 109, Part of Blocks H and J, PLAN 1056) to permit commercial uses on the site. The site is currently zoned RD (Residential District) 1.4 The zone proposed is CD (Commercial District) 1.1 The applicant proposes to renovate the existing building for a dental office. Site alterations with respect to the parking area and building additions will be subject to site plan control. [Jim Abbs – Senior Planner]

Recommendation is for approval. Additional comments from Transportation Planning and Engineering & Corporate Projects noted on Blue Sheets.

Mary-Ann Keefner (agent) – Miller Canfield Paddock & Stone – 443 Ouellette Ave., Windsor, ON N9A 6R4 – Notes the physician proposed to begin operating on property is currently operating out of the medical facility on Grand Marais Rd. W. The idea is to move the physician into the home, extend the parking of clients on site thereby removing clients from parking on street. The agent is in agreement with the recommendations. Notes Dr. Coscarella (applicant) is on his way to attend the meeting.

Ms. Bjarneson poses several questions to Administration:

- 1) Why wasn't this a site-specific re-zoning? Mr. Abbs aimed to make the zoning similar to what was already listed in the area in order to make it compatible and consistent with neighbourhood uses.
- 2) Can it be made site-specific? Mr. Abbs advises the Committee may recommend to Council that it remain a residential zoning with a site-specific provision for specific use.
- 3) Parking for the Grand Marais location on Curry, is that legal parking? Mr. Abbs advises it's difficult to tell. The situation is pre-existing and has been that way for a very long time. There was a time when transitional parking was permitted. If anyone were to come in now and request, they would be denied. It's on the Curry Avenue parking.
- 4) What types of standards are required for lighting on this site? Her concern is for surrounding residents. Mr. Abbs there will be lighting regulations to be followed which will be dealt with through Site Plan Control. Issues concerning lighting and landscaping are all dealt through the Site Plan Control process.
- 5) Could the building be demolished and replaced? Mr. Abbs replies yes.
- 6) How many practitioners are permitted at the location? Mr. Abbs advises there is no limit on the number of practitioners allowed. That's governed by the size of the space.

Ms. Cross-Leal inquires what buffers will be in place between this location and the residents? Mr. Abbs advises that being that the applicant proposes to renovate the house, the existing yards will remain as they are. There is a fence in the area. Any other buffers will be dealt through Site Plan. If this is approved, would a zoning application for the house next door be automatically approved if an application is submitted? Mr. Abbs advises each application is dealt with individually. What may be appropriate for this parcel may not be appropriate for the next parcel.

Councillor Sleiman inquires the definition of a medical office? Ms. Keefner explains the purpose of the re-zoning is to accommodate a podiatrist who's current practice has grown. Councillor Sleiman asks if it's nurse practitioners? Mr. Abbs advises the re-zoning is to permit a 'medical office' and advises there's a list of types of practitioners that could occupy a medical office.

Councillor Gignac has a concern about the proposed zoning change and how parking effects the residents. Mr. Abbs advises that the Committee does have control regarding the parking required for the 900 sq. ft. office. When this is complete, the parking will be legal for the property at 2990 Curry. The situation on Grand Marais is existing, provided for the Grand Marais site and is not being dealt with in this application. The development pre-dates the current by-law regarding parking. Councillor Gignac requests that a determination be made whether that parking is legal or illegal in time for Council.

Councillor Gignac refers to comments in Appendix D concerning the Official Plan and changes to permitted uses which would result in this application being denied. Councillor Gignac asks why the application is being reviewed this evening? Mr. Abbs states the policies mentioned have not yet come to this Committee for review nor gone to Council for adoption. At this time it is unknown whether this Committee would agree that those policies be put in place. One of the policies being considered is in regards to buffers between residential and residential with commercial uses.

Councillor Gignac asks in terms of making a recommendation to approve on the basis that it's meeting the needs of the neighbourhood, her thought is that this would be a neighbourhood facility and the patrons would walk to the facility. Is this really the case here? Mr. Abbs advises they are not in the position to say whether it will or won't be. Can only provide opportunity.

Councillor Gignac inquires about vacancy of commercial properties in the area. Mr. Abbs advises there isn't a test, however, there is indication of ample commercial space available throughout the city.

Councillor Hatfield seeks clarification. The additional information sheets (blue) indicate the property will house a dental office yet Ms. Keefner informs the Committee the office will be occupied by a podiatrist. Dr. Frank Coscarella confirms the facility will be used by a podiatrist.

The Chair asks if there are any members of the audience wishing to speak on the item.

Jenny Bilicic & Louis Francescutti – 2940 Curry Ave. (residents) – Lives directly next door to the property in question. State they are not in support of the application for the following reasons:

- 1) Creep factor into residential lands. The property in question was a buffer to the commercial area on Grand Marais. Now will have to put up with the additional exhaust, noise and dust stirred up by the expanded parking area.
- 2) Resale value will drop on the residential home.
- 3) Disruption to the pets. Ms. Bilicic's dogs are relatively quiet but with the additional traffic in back will aggravate them.
- 4) Additional encroachment to privacy and peace.

- 5) State there is no safety fear in the neighbourhood. Primarily older residents.

Ron Duquette – 2930 Curry Ave. (resident) – Does not support the application. Concur with Ms. Bilicic and Mr. Francescutti of the safety factor, noise, traffic and age of the neighbourhood. Mr. Duquette is also in fear of the encroachment of commercial into the residential area and is not in favour of a parking lot and further traffic. Also has a concern that the property may not remain a medical office but be permitted into another commercial development and possibly open on a 24 hour basis. Mr. Duquette advises he spoke with several neighbours and they're all in agreement they're not pleased with the possible encroachment and increased traffic.

Ted Misiarz – 2925 Curry Ave. (resident) – Has been a resident since 1960 and states his displeasure at the amount of commercial development in the area. Mr. Misiarz has attempted to stave off further development, but to no avail. He is strongly against the application. Patrons parking on Curry encroach on his driveway and speeds have increased by people trying to make the light.

Councillor Hatfield clarifies some of the points regarding the proposed development to Mr. Duquette. Mr. Duquette suspects/fears the development will be demolished and rebuilt and another form of commercial venture may come in eventually. And the concern of a lack of buffer.

Councillor Hatfield asks Ms. Bilicic her choice of fence between the parking lot and her property? Ms. Bilicic notes there is a privacy fence currently in place, however, the added traffic would cause disruption to her pets as well as invade on the peace and quiet of her property. She is not interested in the additional noise, clutter in the street and view that will result.

Councillor Gignac asks Ms. Bilicic and Mr. Duquette, if the application is passed, as suggested by Ms. Bjarneson to be site specific, would that be more appealing to them? Both vehemently oppose the idea.

Mr. Baker asks Mr. Duquette regarding a comment made concerning a relief in on-street parking since patrons began parking behind the subject property. Mr. Duquette advised initially it did, but since that time, the office has gotten busier and the problem with parking on the street has returned.

Mr. Baker asks Dr. Coscarella if he would be in agreement with a site-specific zoning? Dr. Coscarella advises he'd be fine with that. Mr. Baker reconfirms the practitioner that will be practicing at the location is currently practicing in the Grand Marais location. Dr. Coscarella confirms and that he will be using the Grand Marais office. His staff will be parking at the Curry location and have been for the past year. There are seven (7) staff members.

Ms. Keefner notes the parking, as noted on the site plan, is on the south side, adjacent to the existing commercial uses. N&D in the plaza has been in the neighbourhood for a very long time and the neighbourhood has had close exposure to the commercial area for an extended period. The uses proposed and the site-specific recommendations that they're not opposed to



permitted within the Official Plan to promote walking/bicycling to an interchangeable type of community. The kind of uses proposed do not cause pollution or noise. Renovation noise would be short-lived. The use would not increase noise. There is issue with Canada Post employees parking on the street. Increasing on-site parking to the location would assist the podiatrist and employees. Request to allow the application so that they may proceed to the Site Plan Approval process which would then address the buffer and landscaping portion.

Ms. Bjarneson asks if notification was sent to the residents of the apartment building/condominium adjacent? Mr. Abbs advises it is an apartment and the notification should've gone out to the tenants individually.

Councillor Gignac wants clarification if the application were approved as site-specific then several years down the line the building is demolished and a multi-storey is constructed. What would happen? Mr. Abbs states the use would be permitted but there would be a problem with yard requirements, parking, etc. He believes there would be difficulty there.

Moved by Ms. Bjarneson to **DENY** the application, seconded by Ms. Cross-Leal.

- I) That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 2990 Curry Avenue (Lots 108 and 109, Part of Blocks H and J (Part of Closed Alley) Plan 1056) City of Windsor, near the intersection of Curry Avenue and Grand Marais Road West; from RD 1.4 to CD1.1.
- II) That alterations with respect to the parking area and building conversion **BE DEEMED** a development and be subject to site plan control.

Ms. Bjarneson advises sympathy towards the applicant, however, feels that the current commercial area is more than sufficient. She is not pleased with the 'creep factor' that would encroach on the residents. Also, the property is next to the apartment, which has no backyard resulting in no buffer between the two. If approved, Ms. Bjarneson hopes there would be consideration with lighting encroachment and landscaping. But she's not confident that the building would remain as such which would result in further change to the residential neighbourhood. Also, given the fact the Official Plan may be changing, in which case this application would be denied, is yet another factor why she is against approval.

Ms. Cross-Leal expands on Ms. Bjarneson's comments and also adds that although the applicant will meet the parking requirements, the parking will be used for staff and not for patients.

Motion **CARRIED, UNANIMOUSLY.**

#### **Item 4 – CONGREGATION OF GRACE & TRUTH CHAPEL – North Service Rd./Rockwell Blvd.**

A Zoning By-law amendment has been requested for a property located on the north east corner of E. C. Row Avenue West and Rockwell Boulevard. The property is more particularly

described as Lofts 78 to 82 and Part Alley, Plan 1289, Part 3 12R-20632. The site is currently vacant.

The subject land is presently zoned "HRD1.1" – in By-law 8600 and is designated 'Residential' in the City of Windsor Official Plan and Low Profile Residential in the South Cameron Planning Area Secondary Plan.

The applicant wishes to rezone the site to develop it for a private park and parking area for the adjacent church to the west.

The site is designated Residential on the Official Plan, therefore an Official Plan Amendment is not required. [Jim Abbs – Senior Planner]

Recommendation is for approval.

Mark Hanna (agent) – HGS Limited – Doesn't have anything further to add stating he is in agreement and in support of the recommendations.

Mr. Baker asks if there was cash-in-lieu of parkland. Mr. Szymczak isn't aware, however, if there is it would be addressed at the Site Plan Control stage.

Ms. Bjarneson advises she notices several trees were removed. Mr. Hanna notes the trees were removed because they were blocking the drainage which is on the closed right-of-way. Ms. Bjarneson asks the size of the congregation. Mr. Hanna advises approximately 60-70 families. Ms. Bjarneson advises that upon inspection, there seems to be ample parking for the facility. Why is there more needed? Mr. Hanna advises that he is a member of the congregation and that when they hold family hour etc. there are more people in attendance which requires more parking. Ms. Bjarneson asks whether the area that isn't paved will be the park or the extended parking lot? It will be an overflow parking. They have enough space, according to the by-law, but sometimes there is a need for more. Mr. Hanna advises the green space is required to allow for activities for the children and families during some of their gatherings.

Councillor Gignac questions the limited capacity of the combined sewer systems. What is the situation with water run-off? The report notes limited capacity of a combined sewer. Ms. Shyshak responds advising the applicant would be required to do a stormwater retention calculation like everyone else so they would have to store any excess on site. There is currently a storm sewer along E.C. Row. There is no combined sewer at the site. Basically, it all flows through ditches and eventually flow into the storm sewer. The reference to combined sewer refers to what's downstream from there. It is something that is required by everyone and they've recently updated theirs in order to address some of the concerns from the neighbours following recent construction done on the site.

Ms. Cross-Leal inquires how many trees will be lost? Mr. Hanna advises they're providing a tree survey and the subject will be addressed through the Site Plan Control review process. The intent is to maintain as many trees as possible, but some are diseased or dead. Those will be

removed. Ms. Cross-Leal asks if they'll be willing to replant some of those lost trees? Mr. Hanna advises they'll compensate, if required.

Ms. Bjarneson advises in terms of noise abatement, she's under the impression they may be required to extend the barrier. Is that correct? Mr. Szymczak advises that may have been raised as a caution but because it may be a park, there wouldn't be a need for noise abatement.

The Chair asks if there are any members of the audience wishing to speak on the item.

The Chair (Councillor Marra) turns the meeting over to Vice-Chair (Councillor Sleiman). [5:30pm]

Laurence Lamoure (resident) – 2570 Virginia Park – Notes there has been a problem with flooding since the church put on their last addition. After grading, it magnified the amount of water running into the backyards of the neighbours. Mr. Lamoure noticed there was a replacement of a 4" drain pipe recently which didn't rectify the situation. Mr. Szymczak advises the flooding isn't subject to this application, however, there are members from the Building Department that can comment to address the situation. Ms. Doyle advises the Building Department has received four (4) complaints from neighbours, however, upon inspection it was noted there are no adverse effects in terms of drainage from the church property. The issue is that the residential properties have no rear-yard drainage. The responsibility to add rear-yard drainage is that of the individual homeowners. The area is experiencing higher than normal rainfall lately. At this time the Building Department has not issued any order, nor is there need to issue any orders with their drainage.

Councillor Gignac inquires of Ms. Doyle, when building permits are issued and there's a concern with water in the yards, is it a requirement for them to install rear-yard drainage? Ms. Doyle advised there was not a requirements previously. However, as of January 1, 2012 it is compulsory in order for that installation to occur. There was no requirement for this prior to this year. Councillor Gignac, being unfamiliar with this area given it's not her Ward, asks if it common to have standing water in the area? Ms. Doyle advises it is. It is common across the city, although not quite to the same significance in some areas over others. However, most tends to percolate with 24 hours.

Councillor Hatfield addresses Mr. Lamoure and asks if he's in agreement with the Building Official regarding their findings? Mr. Lamoure says no. He has already been in contact with a building inspector twice in the last couple years and has done what was suggested (installing one drain system with a pump and then another in order to keep up) but still has a problem. Councillor Hatfield asks if Mr. Lamoure agrees with the fact that Windsor experienced an exceptional amount of rainfall last year and that may have impacted the amount of accumulation? Mr. Lamoure does agree there was more rain than usual. Councillor Hatfield notes that he has to side with Administration when trained professionals are sent to the site to determine whether run-off from the property is affecting neighbours and the conclusion is that it doesn't. Mr. Lamoure advises he and the neighbours have pictures that show otherwise.

Councillor Hatfield suggests to Ms. Doyle to have inspectors review the site again in order to assess the situation and ensure there are no problems.

Joe Reidy (resident) – 2580 Virginia Park. Notes several things said he doesn't agree with.

- 1) The church parking lot does not flood their backyards. The lot drains from the front portion all the way to the back with cut-outs to the curb so it drains, not as a retention pond as the by-law would state.
- 2) There was a natural swail ditch that went to E.C. Row. When they expanded their parking lot they closed that off, causing the water to drain into their yards. So yes, there's a problem.

The City had been called, an Inspector had come out and even gave him a diagram of how to deflect the water into the storm sewer. They were told to disconnect their eaves trough from the storm sewers. Now they're asked to take the run-off and direct to the storm sewers in front of the house. This makes no sense to him.

The Vice-Chair advises his concerns would be better dealt with at the Site Plan review. This meeting is strictly for re-zoning. Mr. Reidy asks if this application is approved, will that cause further run-off into their property? If so, he objects to the approval. They don't want more than what they already have.

Also, Mr. Reidy asks why are they permitted to already begin work on the project before receiving approval? They've already cut down trees and continue to do so. There is digging going on. When he asked the contractor, he was told they will be getting permits. Mr. Reidy notes he thought permits were to be issued prior to construction.

Mr. Reidy advises they have pictures of flooding which almost reaches their houses, which is about 100 ft.

Councillor Hatfield clarifies that they never experienced this kind of flooding until the last expansion occurred. Mr. Reidy confirms that since their last expansion, they've been seeing flooding in their yards. They re-did the parking lot, closed of their natural drains and pushed the dirt up higher so when the field drains it goes off the sides.

Ms. Bjarneson asks of Administration of the subject property, are the trees of any significance or is it just scrubland? Mr. Szymczak advises it's just scrubland. Is that land beyond the subject property zoned residential? Mr. Szymczak says correct.

Mr. Hanna advises the subject property applying for re-zoning is across the street from the church property. Regarding the church property expansion, Mr. Hanna advises they had a design that was approved which included the drainage. Water run-off would come off and drain into a swail at the south end of the property. Would like to note that they have recently retained a permit to add additional retention to the property. The cut-outs in the curb have been blocked off and are retaining the water on property and have improved the ditch by

widening and increasing the capacity, installing a 6" drain as well. They are now retaining more water than are required to and are confident they have corrected the problems.

On behalf of the Congregation, Mr. Hanna extends his apologies to the neighbours and will ensure the situation is rectified.

Moved by Mr. Baker, seconded by Ms. Bjarneson.

- I) That an amendment to Zoning By-law 8600 changing the zoning of a vacant property located on the northeast corner of E. C. Row Avenue West and Rockwell Boulevard legally described as Lots 78 to 82 and Part north-south Alley Plan 189, (designated as Part 3, 12R-20632), from HRD1.1 to GD1.2, **BE APPROVED.**
- II) Include surrounding neighbours at the Site Plan Control Review meeting.

Councillor Hatfield supports the motion, but would like the Church, neighbours and Building Department to meet at the site and discuss the drainage problem and take the applicant's word that the problems are being addressed prior to the application going to Council in a month.

Councillor Gignac supports the application from a Planning perspective, but there is a problem that has been brought to attention. The Councillor believes the church is trying to be a good neighbour but it's more critical. The intensity of storms in our area is increasing and the volume of water experienced is getting larger. When we do build, it's a requirement we retain all water on our properties. Feels Councillor Hatfield voiced what's expected to be brought forth at Council. Councillor Gignac states some contradictory comments regarding downspout disconnects, running water from backyards to front sewer systems and installation of backyard drainage to address the flooding issues. There needs to be clarification in what will be required. Hopes Administration brings to Council some real, solid strategies. Resolution needed.

Councillor Gignac requests a friendly amendment to the Motion to include the residents during the Site Plan Control Review process. Mr. Szymczak inquires as to why the residents would be required to attend. The subject property is across the street from the church. Councillor Gignac advises she'd like them in attendance because they've voiced some concerns.

Motion **CARRIED, UNANIMOUSLY.**

*Following the motion, members of the gallery began voicing their disapproval of work being done on the Church property, mentioning several trees taken down, some on the public right-of-way, without permit. Councillor Hatfield and Ms. Doyle comment to the public and provide some direction, however, information will be noted.*

### **Item 3 – MARANATHA CHRISTIAN ACADEMY – 885 Northwood St.**

The Applicant is requesting to rezone the property at 885 Northwood Street (Lots 253 to 259, Registered Plan 1285) to permit a school as an additional permitted use. Windsor Community Living currently operates a life skills learning centre on the site. The site is

currently zoned RD3.4, with a special provision to permit the operation of the life skills learning centre. The zone proposed is RD3.4 with a special provision to permit a school on the site. The applicant proposes to operate classes associated with the adjacent Maranatha Christian Academy within the structure at 855 Northwood. No new structures are proposed for this site. [Jim Abbs – Senior Planner]

Mark Hanna (agent) – HGS Limited – is in agreement with the recommendations.

Mr. Baker reconfirms this application would not be taken through the Site Plan process. Mr. Abbs advises since there is no development it is not subject to Site Plan Control. Should they, in future, increase parking or make any changes to the property, then it would be required. Mr. Baker notes an exposed refuse bin. Is there any way to have that enclosed/changed. Mr. Abbs advises generally that issue is handled through the Site Plan Control process, but it can be requested (not required) by this Committee. Mr. Szymczak advises that it is an existing situation.

Ms. Bjarneson notes upon inspection of the property there is a residence at 2501 Virginia Park who's back gate was open onto the school yard. Is that a concern for students and/or homeowner? Mr. Hanna advises he's not aware of the gate.

Ms. Bjarneson inquires as to the relationship between the school and the Filipino Community Centre and shared driveway? Mr. Hanna advises there will be no changes. There is a formal agreement between the school and the centre.

Ms. Bjarneson reconfirms the academy is both a primary and secondary educational facility and inquires about number of students, how they're transported and comments received from other departments. Mr. Hanna confirms it is a primary/secondary educational facility. There are approximately 240 students from across the city. The students are not bussed in. Students are dropped off within school property, not on the street, therefore Windsor Police comments/concern are not an issue.

Councillor Hatfield asks whether the academy would be willing to enclose their refuse bin on-site? Mr. Hanna believes so. Notes if it's a requirement, then it will be done.

Ms. Cross-Leal seeks clarification that this is not a zoning change. It is actually the same zoning by-law but site specific to allow uses. Mr. Abbs advises it's still considered a zoning change because it is site specific and can have an impact. It will remain RD3.1 but with a site specific provision attached to it.

Ms. Bjarneson to Administration requests confirmation that there have been no problems with the Filipino Community regarding shared access. Mr. Abbs is not aware of any problems. Mr. Hanna advises the shared access is owned by the school and they

allow the Centre the privilege to use the access as well as their parking. It is a friendly arrangement.

The Vice-Chair asks if there are any members of the audience wishing to speak on the item.

Moved by Councillor Hatfield, seconded by Councillor Gignac as amended.

- I) That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 885 Northwood Street (Lots 253 to 258, Registered Plan 1289, More particularly described as Part 1, Plan 12R-14244) City of Windsor, by deleting Section 20(1)55, and replacing with the following site specific provision;

"For Lots 253 to 258, Registered Plan 1289, (known municipally as 885 Northwood Street), a School shall be an additional permitted use."

- II) Request to enclose/contain the refuse bin.

Motion **CARRIED, UNANIMOUSLY** as **AMENDED**.

Meeting adjourned: 6:05 pm

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Councillor Bill Marra, Chair

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Mr. Don Wilson, Secretary

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