

Development & Heritage Standing Committee Meeting

Date: Monday, June 3, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member William Tape

Members Regrets

Member Joseph Fratangeli

Member Khassan Saka

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

Dana Paladino, Commissioner, Corporate Services

Thom Hunt, City Planner

Greg Atkinson, Deputy City Planner

James Chacko, Executive Director, Parks & Facilities

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Shawna Boakes, Executive Director Operations / Deputy City Engineer
Jen Knights, Executive Director, Recreation & Culture
Wira Vendrasco, Acting City Solicitor
Michael Cooke, Manager, Planning Policy / Deputy City Planner
Patrick Winters, Manager, Development
Michelle Staadegaard, Manager, Culture & Events
Emilie Dunnigan, Manager Development Revenue & Financial Administration
Aaron Farough, Senior Legal Counsel
Diana Radulescu, Planner II – Development Review
Adam Szymczak, Planner III – Development
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Economic Development
Frank Garardo, Planner III – Policy & Special Studies
Laura Strahl, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 - Sean Eden & Omar Srour, Magnificent Homes
Item 7.4 - Tracey Pillon-Abbs, RPP, Principal Planner
Item 7.4 - Sumeet Hehr, area resident
Item 7.5 – Heather Purdy, area resident
Item 10.1 – Rob MacDonald, consultant team lead, Archaeological Services Inc.
Item 10.1 – Martin Cooper, consolutant team project manager, Archaeological Services Inc.

Delegations—participating in person

Item 7.1 - Natalya Garrod & Zack Hamm, Caldwell First Nation
Item 7.2 - David French, BA, CPT, Storey Samways Planning Ltd.
Item 7.2 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.3 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.4 - Zak Habib, Project Manager, available for questions
Item 7.4 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.5 – Michael Davis, Partner, Urban Planning, Siv-ik Planning & Design Inc.
Item 7.5 – Sukhi Dhaliwal, area resident
Item 7.5 – Suzanne De Froy, area resident
Item 7.5 – Satvir Sandhu, area resident
Item 7.5 – Andi Shallvari, Consultant & Marc Masotti, Consultant, Masotti Construction
Item 7.5 – Jagjeet Bal, area resident
Item 7.5 – Kathy Moreland, area resident
Item 7.5 – Ian Murphy, area resident
Item 7.5 - Brian KUKHTA, area resident
Item 7.5 - Ruqaiya Siddiqui, area resident

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Item 7.5 – Pavitarpal Randha, area resident

Item 11.2 – James King, Owner/Operator Central Park Athletics (3400 Grand Marais Rd. E)

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being "Official Plan Amendment and Zoning By-Law Amendment regulations for Multiple Dwelling - Z010/24[ZNG7188] & OPA187[OPA7189] Castle Gate Towers INC. - 2230-2240 Daytona Ave," as his company has hired the planner on record for the application for one of their projects.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

10. Letter from the Ministry of Citizenship & Multiculturalism regarding the changes made to the *Ontario Heritage Act* (OHA) as part of *Bill 23, More Homes Built Faster Act, 2022*

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 627**

That the letter from the Ministry of Citizenship & Multiculturalism dated May 27, 2024 regarding the changes made to the *Ontario Heritage Act* (OHA) as part of *Bill 23, More Homes Built Faster Act, 2022* **BE RECEIVED.**

Carried.

Clerk's File: GP2024

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held May 6, 2024

Moved by: Member William Tape

Seconded by: Member Charles Pidgeon

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THAT the minutes of the Development & Heritage Standing Committee meeting held May 6, 2024 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 138/2024

10. HERITAGE ACT MATTERS

10.1. Windsor Archaeological Management Plan Review (City-wide)

Rob MacDonald, consultant team lead and Martin Cooper, consultant team project manager, Archaeological Services Inc.

Rob MacDonald, consultant team lead and Martin Cooper, consultant team project manager, Archaeological Services Inc. appear before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled “Windsor Archaeological Management Plan Review (City-wide)”, and provide an overview of the Windsor Archaeological Management Plan as follows: What is an Archaeological Management Plan (AMP); Project Consultant Team; Technical Working Group; Project Objectives; Indigenous Engagement Plan; Community Engagement Plan; Windsor Archaeological Management Plan (WAMP) Development Steps; Archaeological Potential Modeling & Mapping Process; Archaeological Potential Modeling Approaches; Indigenous Site Potential; Pre-Contact Indigenous Archaeological Site Potential; Colonial Period Site Potential; Colonial Period Archaeological Site Potential; Combined Indigenous and Colonial Period Site Potential; Lands with no Archaeological Integrity or Previously Assessed and Cleared; Archaeological Potential Zone and Archaeologically Sensitive Areas; and a WAMP Review.

Councillor Kieran McKenzie inquires whether the recommendations are sufficiently representative of the work that the consultants have undertaken and would there be any delta between the recommendations and what they would propose. Mr. MacDonald responds that the recommendations are completely appropriate to what they would propose. They have achieved a good balance between the two.

Councillor Kieran McKenzie inquires whether the map could be classified as a living document that changes as various new sites are identified. Mr. MacDonald responds that the WAMP takes advantage of the advanced geographical information system technology. The information can easily be updated in real time on a periodic basis.

Councillor Kieran McKenzie asks for information related to the engagement process with first nations communities as it relates to the recommendations. Mr. Cooper indicates that there was a list of 14 first nations and organizations compiled and received a response from 7 of those groups. Four groups were met with regularly, they provided input on how they would like to see the WAMP progress. It is an ongoing process with a living document.

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Councillor Kieran McKenzie requests information related to identifying how often formal review, updates and council involvement would be recommended. Mr. MacDonald indicates that it depends on the volume of reports that are received at the City. Reporting on an annual basis for a municipality is typical, but it is at their discretion. The WAMP is typically completed on the same cycle as the Official Plan reviews.

Councillor Kieran McKenzie inquires whether it is a 5-year cycle. Mr. MacDonald indicates that is correct.

Member John Miller inquires about a funding source for this initiative. Emilie Dunnigan, Manager Development Revenue and Financial Administration appears before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled "Windsor Archaeological Management Plan Review (City-wide)", and indicates that the additional contribution of \$50,000 will come from the ongoing operating budget and not from the Heritage budget.

Councillor Jim Morrison inquires whether there is any direction if a major study were required, where the funding would be sourced. Ms. Dunnigan responds that any studies should be included in the initial project budget. Stages 3 & 4 would be funded on an annual basis from a reserve fund. It is likely that there may not be sufficient funds where finance may need to revisit the capital project itself to reallocate, reprioritize, make changes in scope and if more funding is required, they would need to come back to council.

Councillor Jim Morrison inquires whether this applies only to properties on City owned land. Kristina Tang, Heritage Planner, appears before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled "Windsor Archaeological Management Plan Review (City-wide)", and indicates that the reserve fund is only for City projects.

Councillor Kieran McKenzie inquires about the potential need for additional staffing, will they see this in the 2025 budget as a recommendation. Jelena Payne, Commissioner, Economic Development appears before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled "Windsor Archaeological Management Plan Review (City-wide)", and indicates that there has been some discussion, and the consensus is to wait a year or so to determine what the capacity of the consultants are for these types of projects. There have been some challenges finding qualified archaeological candidates. This may be brought forward in the 2026 budget.

Councillor Kieran McKenzie inquires what the timeline would be to implement this recommendation and any areas impacted by this policy. Michael Cooke, Manager Planning Policy appears before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled "Windsor Archaeological Management Plan Review (City-wide)", and indicates that the OPA will implement the AMP if approved today, the by-law will come into effect. The policies and procedures will follow. Staffing requirements will be monitored. The consultants will be responsible for training and educating staff on the significance, importance of the schedule, and steps involved in the various stages of work.

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Councillor Kieran McKenzie inquires whether there would be a requirement for Council involvement in that process. Mr. Cooke responds that Council should have a fulsome understanding of the plan to allow for better implementation.

Councillor Kieran McKenzie inquires whether it is reasonable to request an implementation update. Mr. Cooke indicates that is something that can be included.

Councillor Jim Morrison inquires whether they are expecting the consultants to come back for the Council meeting to start the process so that there is some understanding of the plan. Mr. Cooke responds that the consultants will be returning as part of the scope of work.

Councillor Angelo Marignani inquires how this information will be presented to Council and the public and if there will be a risk report provided. Ms. Tang indicates that identification of archaeological risks will come through the planning act. As part of the roll-out they will be updating their internal mapping system for City involved projects. In terms of private development, the mapping and schedule for OPA will be available publicly online.

Councillor Angelo Marignani requests that administration highlight the provincial rules vs the municipal rules. Wira Vendrasco, City Solicitor appears before the Development & Heritage Standing Committee regarding the Administrative report dated January 30, 2024, entitled "Windsor Archaeological Management Plan Review (City-wide)", and responds that the province has set out various pieces of legislation that outline the responsibilities of the municipalities. The provisions in the planning act would indicate if archaeological investigations need to be part of complete applications and Environmental Assessments.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 622**

- I. THAT the update to the Windsor Archaeological Management Plan (WAMP) attached hereto in the Appendices **BE ADOPTED** by City Council; and further,
- II. THAT Council **DIRECTS** Administration to **DEVELOP** Corporate Procedures to implement the Windsor Archaeological Management Plan (WAMP); and further,
- III. THAT Administration **UNDERTAKE** a search for an appropriate location to study, curate, store and display significant archaeological resources resulting from future archaeological investigations within the municipal limits of Windsor and report back to City Council on options which may be available should a future need arise; and further,

Whereas on February 2, 2024 the 2024 Capital Budget was deemed approved via Mayoral Decision MD05-2024 and subsequently City Council **SUPPORT** expenditures of up to \$75,000, be it further resolved,

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- IV. THAT a new "Windsor Archaeological Fund" reserve fund **BE ESTABLISHED** to be used as needed for unexpected studies and/or surveys, or other related costs that may be required during the execution of capital projects as it relates to Stage 3 and Stage 4 archaeological assessments; and further,
 - V. THAT the City Treasurer **BE DIRECTED** to transfer \$75,000 from the Pay-As-You-Go Reserve, Fund 169, to this new "Windsor Archaeological Fund" Reserve to provide initial funding; and further,
 - VI. THAT the City Treasurer **BE DIRECTED** to bring forward a request to establish an annual transfer to the Windsor Archaeological Fund in the amount of \$50,000 to a new Corporate Account as part of the 2025 Operating budget for consideration of future funding; and further,
 - VII. THAT the City Treasurer **BE AUTHORIZED** to approve the allocation of the "Windsor Archaeological Fund" to projects as required; and that the use of this Reserve **BE REPORTED** to City Council semi-annually through the semi-annual variance report; and,
 - VIII. THAT administration **BE REQUESTED** to report back with an update related to the implementation of the Windsor Archaeological Management Plan prior to the end of 2024.

Carried.

Report Number: S 15/2024

Clerk's File: SPL/14797

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:18 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:20 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held May 6, 2024

Moved by: Member Anthony Arbour

Seconded by: Member Daniel Grenier

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held May 6, 2024 **BE ADOPTED** as presented.

Carried.

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Report Number: SCM 153/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See items 7.1 through 7.5

7. *PLANNING ACT* MATTERS

7.1. Official Plan Amendment initiated by the City of Windsor for the Windsor Archaeological Management Plan Review (City-wide) – File No. OPA 181 [OPA/7170]

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 617**

THAT Official Plan Amendment No. 181 as shown in Appendix A, regarding the Windsor Archaeological Management Plan (WAMP) review and as detailed in the administrative report entitled "Official Plan Amendment initiated by the City of Windsor for the Windsor Archaeological Management Plan Review (City-wide) – File No. OPA 181 [OPA/7170]" **BE ADOPTED**; and,

THAT administration **BE REQUESTED** to meet with representatives from the Caldwell First Nation Group to review their concerns and that an update **BE PROVIDED** to Council accordingly; and,

THAT the Caldwell First Nation Group **BE REQUESTED** to provide a commentary letter regarding the meetings and discussions with administration and that this information **BE PROVIDED** to City Council for their consideration.

Carried.

Report Number: S 16/2024

Clerk's File: Z/14780

7.2. Zoning By-Law Amendment Z009-24 [ZNG/7186] and Official Plan Amendment OPA 186 [OPA-7187] - 2743331 Ontario Inc. – 0, 0, 666, 676, 684 & 696 Chatham Street West, Ward 3

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

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Decision Number: **DHSC 618**

- I. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Part of Lot 2, Block B, Plan 76, situated on the northeast corner of Chatham Street West and Caron Avenue as a Special Policy Area; and,
- II. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:
 - 1.# **NORTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE**
 - 1.#.1 The lands described as Part of Lot 2, Block B, Plan 76 situated at the northeast corner of Chatham Street and Caron Avenue, and known municipally as 0 Chatham Street West, 666 Chatham Street West, 676 Chatham Street West, 684 Chatham Street West and 696 Chatham Street West, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.#.2 Notwithstanding Section 6.11 of the Official Plan, Volume I:
 - a) A building with maximum 16 storeys shall be permitted; and
 - b) A building with solely residential uses shall be permitted.
- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Part of Lot 2, Block B, Plan 76 situated at the northeast corner of Chatham Street and Caron Avenue, and known municipally as 0 Chatham Street West, 666 Chatham Street West, 676 Chatham Street West, 684 Chatham Street West and 696 Chatham Street West and Plan 450, Part Lot C situated at the southeast corner of Chatham Street West and Caron Avenue, and known municipally as 0 Chatham Street West by adding a site-specific exception to Section 20(1) as follows:
 - X. **NORTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE AND SOUTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE**

For the 1228 m² lands comprising of Part of Lot 2, Block B, Plan 76; the following additional regulations shall apply:

 - a) Despite Section 16.6.1, a *multiple dwelling* building is permitted;
 - b) Ground floor parking is not permitted;
 - c) The podium of the building shall not be higher than 14 metres and must be clad with red brick;
 - d) Despite section 16.6.5.4, the maximum building height shall be 55 metres;
 - e) The parking located at Plan 450, Part Lot C shall count towards the required parking for the proposed development at Part of Lot 2, Block B, Plan 76;

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- f) Despite Section 24.26.8, an exterior parking space is permitted to be located within 6 metres of the intersection of any two streets;
 - g) Despite Section 25.5.20, a parking area separation of 0.9m from a street is permitted;
 - h) Notwithstanding the definition of “amenity area” in Section 3, *amenity area* may include the *gross floor area* of any balcony;
 - i) Section 5.15.5 related to the location of a building on a *corner lot* shall not apply; and,
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to request the applicant undertake the following, subject to any updated information, and to incorporate recommendations from the studies into an approved site plan and an executed and registered site plan agreement:
- 1) Geotechnical study
 - 2) Noise and Vibration Study
 - 3) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix I of Report S68/2024, subject to approval of the City Engineer; and,
- V. THAT The Site Plan Approval Officer **CONSIDER** all comments contained in Appendix I of Report S68/2024 and all recommendations in the documents submitted in support of the applications for amendments to the Zoning By-law 8600.
Carried.

Report Number: S 68/2024
Clerk’s File: Z/14760 & Z/14762

7.3. Zoning By-Law Amendment Z013-24(ZNG/7201) - Baird AE Inc – 285 Giles Boulevard and 0 Giles Boulevard, Ward 3

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 619**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of South Part Lots 18 & 19, Lot 20 and North Part Lot 21, Plan 110 situated at the southwest corner of Giles Boulevard and McDougall Street, and known municipally as 285 Giles Boulevard and Part Park Lot 5, Plan 106 situated at the southeast corner of Giles Boulevard and McDougall Street, and known municipally as 0 Giles Boulevard by adding a site-specific exception to Section 20(1) as follows:
 - x. **southwest corner of Giles Boulevard and McDougall Street and southeast corner of Giles Boulevard and McDougall Street**

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For the 2283 m² lands comprising of South Part Lots 18 & 19, Lot 20 and North Part Lot 21, Plan 110; the following additional regulations shall apply to a *combined use building*:

- j) Despite Section 15.2.5.15, for a combined use building, dwelling units are permitted in the same storey and below non-residential uses;
- k) Despite Section 25.5.20.6, the minimum separation between a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area shall be 2 metres.
- l) Despite Section 24.26.1, the required parking spaces for dwelling units are permitted to be located at Part Park Lot 5, Plan 106, situated at the southeast corner of Giles Boulevard and McDougall Street.

(ZDM 7; ZNG/7201)

II. THAT the Site Plan Approval Officer **BE DIRECTED** to request the applicant undertake the following, subject to any updated information, and to incorporate recommendations from the studies into an approved site plan and an executed and registered site plan agreement:

- 1) Noise Study
- 2) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix E of Report S 59/2024, subject to the approval of the City Engineer.
- 3) Provide written confirmation from the Ministry of the Environment, Conservation and Parks (MECP) that a Record of Site Condition (RSC) has been filed in the Environmental Site Registry.
- 4) Tree Inventory and Preservation Study; and,

III. The Site Plan Approval Officer **CONSIDER** all other comments contained in Appendix E of Report S 59/2024 and all recommendations in the documents submitted in support of the applications for amendments to the Zoning By-law 8600.

Carried.

Report Number: S 59/2024
Clerk's File: Z/14778

**7.4. Z010-24 [ZNG7188] & OPA187[7189] Castle Gate Towers -2230-2240
Daytona Ave**

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Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 620**

1. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating lands on Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue, as a Special Policy Area; and,

2. THAT Chapter I in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding site specific policies as follows:

1.XX East Side of Daytona Avenue, South of Northwood Street

<i>LOCATION</i>	1.xx.1	The property described as Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7, in the City of Windsor, known municipally as 2230-2240 Daytona Ave, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
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<i>ADDITIONAL PERMITTED</i>	1.xx.2	Notwithstanding Section 4.7.1.4 of the Official Plan, Volume II, South Cameron
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<i>USES</i>		Secondary Plan: a multiple dwelling shall be an additional permitted use.
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3. THAT Zoning By-Law 8600 **BE AMENDED** by changing the zoning of Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue by adding a site-specific exception to Section 20(1) as follows:

505. EAST SIDE OF DAYTONA AVENUE, SOUTH OF NORTHWOOD STREET

For the lands comprising Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue, a multiple dwelling with five or more dwelling units shall be an additional permitted main use subject to the following additional provisions:

1. Notwithstanding the definition of "front lot line" in Section 3, the exterior lot line adjacent to Daytona Avenue shall be deemed to be the front lot line.

2. Lot Width – minimum 44.0 m

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3. Lot Area – per dwelling unit – minimum 90.0 m²
 4. Lot Coverage – maximum 40.0%
 5. Main Building Height –maximum 14.63 m
 6. Front Yard Depth – minimum 4.0 m
 7. Side Yard Width – minimum 5.0 m
 8. Rear Yard Depth – minimum 12.0 m
 9. Notwithstanding Sections 25.5.20.1.5 and 25.5.20.1.6, where a building is located on the same lot as the parking area, for a building wall containing a habitable room window, a main pedestrian entrance facing the parking area, or containing both a habitable room window and main pedestrian entrance facing the parking area, the minimum parking area separation from that building wall shall be 0m.
 10. Direct vehicular access to Northwood Street is prohibited; and,
4. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:
- a) Noise abatement shall be required to be incorporated into the site plan agreement in accordance with section 4.7.1.9 of the City of Windsor Official Plan, Vol. II.
 - b) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix attached.
- Carried.
Councillors Fred Francis and Angelo Marignani voting nay.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 67/2024
Clerk's File: Z/14775 & Z/14776

7.5. OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9

Councillor Jim Morrison leaves the meeting at 7:11 o'clock p.m. and Councillor Mark McKenzie assumes the chair.

Councillor Jim Morrison returns to the meeting at 7:17 o'clock p.m. and Councillor Mark McKenzie returns to his seat at the Council Table.

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Moved by: Councillor Fred Francis
Seconded by Member Anthony Arbour

THAT the application for OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9 BE DENIED.

The motion is **put** and is **lost**.

Aye votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani and Member Anthony Arbour.

Nay votes: Councillors Kieran McKenzie and Jim Morrison and Members Daniel Grenier and Robert Polewski.

Absent: None.

Abstain: None.

Moved by: Councillor Kieran McKenzie
Seconded by: Member Daniel Grenier

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan BE AMENDED by designating Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726 (Roll No. 070-150-00801, 070-150-23126), situated on the north side of Ducharme Street, east of Sixth Concession Road, and known municipally as 3930 and 3950 Sixth Concession Road, as a Special Policy Area; and,

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan BE AMENDED by adding a new Special Policy Area as follows:

1.X NORTHEAST CORNER OF SIXTH CONCESSION ROAD AND DUCHARME STREET

LOCATION 1.X.1 The property described as Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726, situated at the northeast corner of Sixth Concession Road and Ducharme Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.

ADDITIONAL PERMITTED USES 1.X.2 Notwithstanding the “Low Profile Residential” land use designation on Schedule NR2-7: Land Use Designations and the Low Profile Residential policies in Section 3.7.2 of

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the North Roseland Planning Area, a townhome dwelling or multiple dwelling having a maximum building height of 11 m shall be an additional permitted use.

3. THAT Zoning By-law 8600 BE AMENDED by changing the zoning of Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726; Roll No: 070-150-00801 and 070-150-23126, situated on the north side of Ducharme St, east of Sixth Concession Rd, and known municipally as 3930 and 3950 Sixth Concession Road, further identified as Parts 1, 2 and 3 on the draft reference plan attached as Appendix A to Report S 66/2024, by adding the following site specific exception:

502. NORTHEAST CORNER SIXTH CONCESSION ROAD AND DUCHARME STREET

For the lands described as Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726, the following additional provisions shall apply:

1) The following are an additional permitted *main use*:

Multiple Dwelling

Townhome Dwelling

2) The following additional provisions shall apply to an additional permitted *main use*:

a) Notwithstanding the definition of “*front lot line*” in Section 3, for the purpose of the additional provisions below, the *exterior lot line* adjacent to Sixth Concession Road shall be deemed to be the *front lot line*.

- | | |
|--|-----------------------------|
| b) Dwelling units – maximum | 24 |
| c) Lot Width – minimum | 20.0 m |
| d) Lot Area – minimum | 135 m ² per unit |
| e) Lot Coverage – maximum | 45% of <i>lot area</i> |
| f) Main Building Height – maximum | 11.0 m |
| g) Front Yard Depth – minimum | 4.5 m |
| h) Rear Yard Depth – minimum | 7.5 m |
| i) Side Yard Width – minimum | 2.5 m |
| j) Gross Floor Area – <i>Total Main Building</i> – maximum | 3,900 m ² |
| k) Notwithstanding Section 25.5.10.1, tandem parking spaces are permitted. | |

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- m) Notwithstanding Section 25.5.20.1.5, the minimum parking area separation from a *building* wall in which is located a main pedestrian entrance facing the *parking area* shall be 0.0 m.
- n) Notwithstanding Section 25.5.20.1.6, where a *building* is located on the same *lot* as the *parking area*, for that portion of a *building* wall not containing a *habitable room window* within 4.0 m of the *ground*, the minimum parking area separation from that portion of the *building* wall shall be 0.0 m.
- p) Sections 5.11.5 and 24.40 shall not apply.

The motion is **put** and is **lost**.

Aye votes: Councillors Kieran McKenzie and Jim Morrison and Members Daniel Grenier and Robert Polewski.

Nay votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani and Member Anthony Arbour.

Absent: None.

Abstain: None.

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 621**

That the report of the Planner II – Development dated May 16, 2024 entitled “OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9” **BE RECEIVED**.

Carried.

Report Number: S 66/2024
Clerk’s File: Z/14777 & Z/14779

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 9:06 o’clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 9:06 o’clock p.m.

11. ADMINISTRATIVE ITEMS

11.2. City of Windsor Community Improvement Plans-Rescindment of Grant Approvals with no expiry deadline (City-wide)

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James King, Owner/Operator, Central Park Athletics

James King, Owner/Operator, Central Park Athletics appear before the Development & Heritage Standing Committee regarding the Administrative report dated May 17, 2024, entitled “City of Windsor Community Improvement Plans-Rescindment of Grant Approvals with no expiry deadline (City-wide)” and outline issues that his business has faced and concludes by requesting a one-year extension of the Community Improvement Plan Grant approval.

Councillor Angelo Marignani inquires whether the delegate has requested an extension previously. Mr. King responds that there hasn't been an extension. He indicates that they wanted to build a student residence on-site. Mr. King provides details related to the history of the application.

Councillor Angelo Marignani inquires as to details from administration related to the extension request. Greg Atkinson appears before the Development & Heritage Standing Committee regarding the Administrative report dated May 17, 2024, entitled “City of Windsor Community Improvement Plans-Rescindment of Grant Approvals with no expiry deadline (City-wide)” and indicates that the landscaping is not a concern. There is a grant agreement that needs to be completed. Eligible invoices and proof of payment need to be provided before the City is able to pay out any grants. The indoor soccer pitch eligible grant was given in 2014 a draft grant agreement was followed up with in 2017 with no response, which was resent in 2019 with no response and a formal letter was sent in April of 2023 notifying that the grant approvals would be rescinded if no follow-up was received. No response was received until this week. We are recommending rescinding because finance holds this money after the approval is given. If projects do not move forward, or follow-up within a reasonable time frame is not received, the funds can be repurposed for other budget pressures.

Councillor Kieran McKenzie inquires whether there have been any other proponents that have corresponded with administration to request any extensions. Mr. Atkinson responds that there have been 2 that have reached out requesting an extension.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 624**

- I. THAT approvals for financial incentives authorized under various Community Improvement Plans by Council Resolutions listed in Appendix A **BE RESCINDED** save and except for the properties located at 3400 Grand Marais Rd E and 2862 Kew Dr; and,
- II. THAT these properties **BE GRANTED** up to a one year extension to complete the Community Improvement Plan work; and,
- III. THAT funding in the amount of \$164,059, which has been allocated to various capital projects for use under the Community Improvement Plans **BE RETURNED** to CIP Reserve Fund 226; and,

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IV. THAT future tax increment grants estimated in the amount of \$569,074.24 **BE RETURNED** to the general tax levy and used to offset future budget pressures.

Carried.

Report Number: S 69/2024

Clerk's File: SPL2024

11.1. Council Question - Feasibility Report on the Elimination of Alley Closure Administrative Fees, CQ 21-2023

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 623**

I. That the report of the Planner II - Development Review dated May 7, 2024 entitled "Council Question - Feasibility Report on the Elimination of Alley Closure Administrative Fees, CQ 21-2023" regarding a feasibility report on the elimination of the alley closure application fee of \$1505.00 and other associated fees to assist in the acceleration of closing residential alleys **BE RECEIVED** for information; and,

II. THAT Council **DIRECT** the Recommendations for Accelerating the Timeline for Closing Residential Alleys contained within Report S 60/2024 to the new Ad Hoc Alley Standards Committee, as approved by the Environment, Transportation & Public Safety Standing Committee on April 24, 2024; and,

III. THAT any additional funding and staffing requests **BE FORWARDED** to the 2025 Budget Deliberation process.

Carried.

Report Number: S 60/2024

Clerk's File: SAA2024 & ACOQ2024

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held May 8, 2024

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 625**

THAT the minutes of the International Relations Committee meeting held May 8, 2024 **BE RECEIVED** as presented.

Carried.

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Report Number: SCM 154/2024

12.2. Report No. 52 of the International Relations Committee - City of Windsor and Arlington, Texas Friendship City Agreement

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 626**

THAT Report No. 52 of the International Relations Committee indicating:

THAT the International Relations Committee RECOMMEND that the City of Windsor and the City of Arlington, Texas enter into a Friendship City Agreement; and,

THAT if approved by both parties, that the Mayor's Office BE REQUESTED to sign a Friendship City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City/Friendship City Policy.

BE APPROVED.

Carried.

Report Number: SCM 155/2024

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 9:22 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, July 2, 2024.

Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

Development & Heritage Standing Committee Meeting

Date: Monday, June 3, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member William Tape

Members Regrets

Member Joseph Fratangeli

Member Khassan Saka

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

Dana Paladino, Commissioner, Corporate Services

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Thom Hunt, City Planner
Greg Atkinson, Deputy City Planner
James Chacko, Executive Director, Parks & Facilities
Shawna Boakes, Executive Director Operations / Deputy City Engineer
Jen Knights, Executive Director, Recreation & Culture
Wira Vendrasco, Acting City Solicitor
Michael Cooke, Manager, Planning Policy / Deputy City Planner
Patrick Winters, Manager, Development
Michelle Staadegaard, Manager, Culture & Events
Emilie Dunnigan, Manager Development Revenue & Financial Administration
Aaron Farough, Senior Legal Counsel
Diana Radulescu, Planner II – Development Review
Adam Szymczak, Planner III – Development
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Economic Development
Frank Garardo, Planner III – Policy & Special Studies
Laura Strahl, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 - Sean Eden & Omar Srour, Magnificent Homes
Item 7.4 - Tracey Pillon-Abbs, RPP, Principal Planner
Item 7.4 - Sumeet Hehr, area resident
Item 7.5 – Heather Purdy, area resident
Item 10.1 – Rob MacDonald, consultant team lead, Archaeological Services Inc.
Item 10.1 – Martin Cooper, consultant team project manager, Archaeological Services Inc.

Delegations—participating in person

Item 7.1 - Natalya Garrod & Zack Hamm, Caldwell First Nation
Item 7.2 - David French, BA, CPT, Storey Samways Planning Ltd.
Item 7.2 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.3 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.4 - Zak Habib, Project Manager, available for questions
Item 7.4 - Bryan Pearce, Principal Planner, Baird, Architecture & Engineering
Item 7.5 – Michael Davis, Partner, Urban Planning, Siv-ik Planning & Design Inc.
Item 7.5 – Sukhi Dhaliwal, area resident
Item 7.5 – Suzanne De Froy, area resident
Item 7.5 – Satvir Sandhu, area resident
Item 7.5 – Andi Shallvari, Consultant & Marc Masotti, Consultant, Masotti Construction
Item 7.5 – Jagjeet Bal, area resident
Item 7.5 – Kathy Moreland, area resident

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Item 7.5 – Ian Murphy, area resident

Item 7.5 - Brian KUKHTA, area resident

Item 7.5 - Ruqaiya Siddiqui, area resident

Item 7.5 – Pavitarpal Randha, area resident

Item 11.2 – James King, Owner/Operator Central Park Athletics (3400 Grand Marais Rd. E)

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being “Official Plan Amendment and Zoning By-Law Amendment regulations for Multiple Dwelling - Z010/24[ZNG7188] & OPA187[OPA7189] Castle Gate Towers INC. - 2230-2240 Daytona Ave,” as his company has hired the planner on record for the application for one of their projects.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held May 6, 2024

Moved by: Member Anthony Arbour

Seconded by: Member Daniel Grenier

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held May 6, 2024 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 153/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See items 7.1 through 7.5

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7. PLANNING ACT MATTERS

7.1. Official Plan Amendment initiated by the City of Windsor for the Windsor Archaeological Management Plan Review (City-wide) – File No. OPA 181 [OPA/7170]

Robert MacDonald & Martin Cooper, ASI Consultants – provided an overview presentation on the Windsor Archaeological Management Plan earlier in the Development Heritage Standing Committee as part of a related Heritage Matter (S15/2024).

Kristina Tang, Planner III – Heritage Planner (author) and Michael Cooke – is available for questions.

Natalya Garrod (delegate) states that she is a Registered Professional Planner and a Technical Advisor to the Chief and Council of Caldwell First Nation. Zack Hamm (delegate) states that he is Environment & Consultation Department Manager at Caldwell First Nation and licensed Archeologist. Ms. Garrod asks the Committee to not advance the Windsor Archaeological Management Plan (WAMP) as it is currently written until Caldwell First Nation has been able to consult with the Heritage & Planning Department, to make further refinements to the plan as it is proposed. Ms. Garrod has concerns with the lack of discussion on comments provided to the City, the current plan does not reflect the full inventory of lands of archeological potential and cultural significance, placing archeological materials at risk. Ms. Garrod has concerns for the developments not subject to Planning Act applications that do not undergo proper archeological work or invitation to participate in field work, lack of funding for Caldwell First Nation to complete field work resulting in inadequate consultation. Ms. Garrod continues stating that there is a lack of budget to complete ground penetrating radar and additional studies. Ms. Garrod has concerns of additional historically significant sites that are excluded such as ancient burial mounds, trading posts, birthing places, indigenous slave houses, ceremonial sites, etc., and these sites are being considered in isolation of each other. Ms. Garrod concludes that Caldwell requests that the Heritage Committee direct City Staff to continue to work with Caldwell First Nation's Consultation and Environment Department until discussion and negotiation of the recommended amendments take place.

Councillor Fred Francis states that if this is approved today then it will then be presented in 30 days to Council for final approval, during which time the Committee can direct administration to consult with Caldwell First Nation and asks if that is enough time. Ms. Garron responds stating that it is not enough time to consult as there is outstanding work to be completed for recognition of historical sites, a lack of budget and staff to complete the work. Councillor Francis states that with further discussion Council can make decisions if additional resources are needed and recommends moving forward with the approval. Ms. Garron agrees with an amended recommendation.

Chair Jim Morrison states that this is a living document, and that consultation is continuous, where the plan would still be amendable with new discoveries and issues. Councillor Francis expresses

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his concern that this is the first time he is hearing about this issue and is interested in hearing more from Caldwell First Nation before it gets to Council.

Councillor Kieran McKenzie states that this document is important and brings new tools to bear that do not currently exist and agrees that 30 days is not enough time to complete a discussion to bring changes forward. Councillor McKenzie states that some issues still need to be resolved regarding policy pieces and specific sites. Mr. Hamm states their resources are limited and ongoing consultation is costly, and more investigation and funding is required as additional sites emerge over time.

Councillor McKenzie inquires with Administration regarding the feasibility to discuss the concerns brought forward by Caldwell and create an amendment prior to presentation at a Council meeting and about the process while the legislative piece is ongoing. Michael Cooke states that during discussion with Caldwell's Team, the City would like to refresh this schedule and update the living document regularly. Mr. Cooke states that it can be presented as a stand-alone Official Plan Amendment (OPA) for specific sites and an archeological update can happen more frequently than five years if required, with assistance from ASI for answering questions, and addressing items and concerns presented by Caldwell for further improvement. Mr. Cooke states that cultural landscapes have not yet been embarked on and the locations of these sites, and the City is willing to collaborate to evolve WAMP and open to learn how to improve assessments. Mr. Cooke states that we must understand how to bring the current OPA to Council as an amended document to reflect adjustments and adaptations from concerns raised by Caldwell.

Councillor McKenzie asks if it is possible to address policy concerns, site specific and financial concerns, and report back to the next Council meeting if a consensus was reached. Mr. Cooke states that a supplementary report could include additional information and changes that we would like to include from Caldwell but presented in such a way to protect the precise location of specific sites to prevent looting or vandalism.

Councillor Marginani asks if Caldwell First Nation has collaborated with the University of Windsor or St. Clair College for testing using the ground penetrating radar to determine where these archeological concerns are located and if so how. Mr. Hamm states that they have collaborated with Dr. Maria Cioppa from the University of Windsor, to complete a small portion but it's not as time effective as hiring professionals or consultants. Ms. Garrod states that the areas that require scans are raised surfaces in a woodland lot, and the proper technology or funds is not present to complete that work. Ms. Garrod requests the Committee to direct staff to have a mandate and budget to complete the work.

Councillor Francis states that he will move the recommendation with the following amendment that Administration meet with Caldwell to review their concerns and recommendation and provide that information to City Council. Councillor Francis encourages Caldwell to provide a commentary letter that will go to council as per those discussions and meetings to fully inform Council to make the appropriate decisions.

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Councillor Marginani also requests a financial report on costs. Councillor Francis states that City has plenty of resources and if deemed by Council that the resources are needed, then the resources could be made available.

Chair Morrison states he supports the motion and that this is not a site-specific plan, rather an update to an old plan. Budget decision will be determined at Council; this is just implementing a plan to move us forward.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 617**

THAT Official Plan Amendment No. 181 as shown in Appendix A, regarding the Windsor Archaeological Management Plan (WAMP) review and as detailed in the administrative report entitled "Official Plan Amendment initiated by the City of Windsor for the Windsor Archaeological Management Plan Review (City-wide) – File No. OPA 181 [OPA/7170]" **BE ADOPTED**; and,

THAT administration **BE REQUESTED** to meet with representatives from the Caldwell First Nation Group to review their concerns and that an update **BE PROVIDED** to Council accordingly; and,

THAT the Caldwell First Nation Group **BE REQUESTED** to provide a commentary letter regarding the meetings and discussions with administration and that this information **BE PROVIDED** to City Council for their consideration.

Carried.

Report Number: S 16/2024

Clerk's File: Z/14780

7.2. Zoning By-Law Amendment Z009-24 [ZNG/7186] and Official Plan Amendment OPA 186 [OPA-7187] - 2743331 Ontario Inc. – 0, 0, 666, 676, 684 & 696 Chatham Street West, Ward 3

Laura Strahl (author), Planner III – Special Projects - is available for questions.

David French (agent) is available for questions.

Laura Strahl states that there are two additional zoning provisions that have been clarified since the publishing of the consolidated agenda and recommends that the following be added to recommendation three in report S 68/2024: the definition of "amenity area" in Section 3, amenity area may include the gross floor area of any balcony, and Section 5.15.5 related to the location of a building on a corner lot shall not apply. Ms. Strahl clarifies that the recommendations do not change the applicant's proposal, rather to facilitate the proposal.

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Councillor Kieran McKenzie asks if the new clauses will it adjust the parking spaces. Ms. Strahl states her verbal update regarding two additional provisions is in addition to the provisions outlined in the Additional Information Memo. Councillor McKenzie asks whether the proposed parking spots follows best practice regarding the distance from the corner or infrastructure. Ms. Strahl states that the site lot lines have a grass boulevard, sidewalk and then meet the road and it was determined that it was appropriate. Councillor McKenzie asks about the proximity of the parking spots to the corner. Ms. Strahl states that site plan shows that only a corner of a car is within the six-meter corner.

Councillor McKenzie asks whether the structures that will be demolished are listed as being heritage structures, due to the acknowledgement of this area being a heritage neighbourhood. Ms. Strahl states that there are no structures on the site and no buildings will be demolished for the proposal.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 618**

- I. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Part of Lot 2, Block B, Plan 76, situated on the northeast corner of Chatham Street West and Caron Avenue as a Special Policy Area; and,
- II. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:
 - 1.# **NORTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE**
 - 1.#.1 The lands described as Part of Lot 2, Block B, Plan 76 situated at the northeast corner of Chatham Street and Caron Avenue, and known municipally as 0 Chatham Street West, 666 Chatham Street West, 676 Chatham Street West, 684 Chatham Street West and 696 Chatham Street West, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.#.2 Notwithstanding Section 6.11 of the Official Plan, Volume I:
 - a) A building with maximum 16 storeys shall be permitted; and
 - b) A building with solely residential uses shall be permitted.
- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Part of Lot 2, Block B, Plan 76 situated at the northeast corner of Chatham Street and Caron Avenue, and known municipally as 0 Chatham Street West, 666 Chatham Street West, 676 Chatham Street West, 684 Chatham Street West and 696 Chatham Street West and Plan 450, Part Lot C situated at the southeast corner of Chatham Street West and Caron Avenue, and known municipally as 0 Chatham Street West by adding a site-specific exception to Section 20(1) as follows:

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X. NORTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE AND SOUTHEAST CORNER OF CHATHAM STREET WEST AND CARON AVENUE

For the 1228 m² lands comprising of Part of Lot 2, Block B, Plan 76; the following additional regulations shall apply:

- a) Despite Section 16.6.1, a *multiple dwelling* building is permitted;
- b) Ground floor parking is not permitted;
- c) The podium of the building shall not be higher than 14 metres and must be clad with red brick;
- d) Despite section 16.6.5.4, the maximum building height shall be 55 metres;
- e) The parking located at Plan 450, Part Lot C shall count towards the required parking for the proposed development at Part of Lot 2, Block B, Plan 76;
- f) Despite Section 24.26.8, an exterior parking space is permitted to be located within 6 metres of the intersection of any two streets;
- g) Despite Section 25.5.20, a parking area separation of 0.9m from a street is permitted;
- h) Notwithstanding the definition of “amenity area” in Section 3, *amenity area* may include the *gross floor area* of any balcony;
- i) Section 5.15.5 related to the location of a building on a *corner lot* shall not apply; and,

IV. THAT the Site Plan Approval Officer **BE DIRECTED** to request the applicant undertake the following, subject to any updated information, and to incorporate recommendations from the studies into an approved site plan and an executed and registered site plan agreement:

- 1) Geotechnical study
- 2) Noise and Vibration Study
- 3) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix I of Report S68/2024, subject to approval of the City Engineer; and,

V. THAT The Site Plan Approval Officer **CONSIDER** all comments contained in Appendix I of Report S68/2024 and all recommendations in the documents submitted in support of the applications for amendments to the Zoning By-law 8600.

Carried.

Report Number: S 68/2024
Clerk's File: Z/14760 & Z/14762

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7.3. Zoning By-Law Amendment Z013-24(ZNG/7201) - Baird AE Inc – 285 Giles Boulevard and 0 Giles Boulevard, Ward 3

Laura Strahl (author), Planner III – Special Projects - is available for questions.

Bryan Pearce (agent) is available for questions.

Bryan Pearce states that he has read through the staff report and would like to acknowledge a technical amendment to the land area to be corrected in the Committee's recommendation to Council, which has been provided by Laura Strahl to the Clerk's office. Mr. Pearce states that this property is a great adaptive reuse and with a mixed-use proposal this will convert the building to a commercial ground floor with 46 residential units above.

Councillor Kieran McKenzie asks about the conversion of a portion of the ground floor to residential and is concerned with a common wall being shared between a residence unit and commercial space, and if there will be any sound mitigation. Ms. Strahl states that the relief asked for by the applicant is the setback from the parking area to the habitable wall. Councillor McKenzie notes that the unit he is referring to is shared with the storage area and asks if that is common practice or an issue from a building perspective that would raise an issue. Ms. Strahl states that the building code would stipulate that.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 619**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of South Part Lots 18 & 19, Lot 20 and North Part Lot 21, Plan 110 situated at the southwest corner of Giles Boulevard and McDougall Street, and known municipally as 285 Giles Boulevard and Part Park Lot 5, Plan 106 situated at the southeast corner of Giles Boulevard and McDougall Street, and known municipally as 0 Giles Boulevard by adding a site-specific exception to Section 20(1) as follows:

x. **southwest corner of Giles Boulevard and McDougall Street and southeast corner of Giles Boulevard and McDougall Street**

For the 2283 m² lands comprising of South Part Lots 18 & 19, Lot 20 and North Part Lot 21, Plan 110; the following additional regulations shall apply to a *combined use building*:

- j) Despite Section 15.2.5.15, for a combined use building, dwelling units are permitted in the same storey and below non-residential uses;
- k) Despite Section 25.5.20.6, the minimum separation between a building wall containing a habitable room window or containing both a main pedestrian entrance and a

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habitable room window facing the parking area where the building is located on the same lot as the parking area shall be 2 metres.

- I) Despite Section 24.26.1, the required parking spaces for dwelling units are permitted to be located at Part Park Lot 5, Plan 106, situated at the southeast corner of Giles Boulevard and McDougall Street.

(ZDM 7; ZNG/7201)

II. THAT the Site Plan Approval Officer **BE DIRECTED** to request the applicant undertake the following, subject to any updated information, and to incorporate recommendations from the studies into an approved site plan and an executed and registered site plan agreement:

- 1) Noise Study
- 2) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix E of Report S 59/2024, subject to the approval of the City Engineer.
- 3) Provide written confirmation from the Ministry of the Environment, Conservation and Parks (MECP) that a Record of Site Condition (RSC) has been filed in the Environmental Site Registry.
- 4) Tree Inventory and Preservation Study; and,

III. The Site Plan Approval Officer **CONSIDER** all other comments contained in Appendix E of Report S 59/2024 and all recommendations in the documents submitted in support of the applications for amendments to the Zoning By-law 8600.

Carried.

Report Number: S 59/2024

Clerk's File: Z/14778

7.4. Z010-24 [ZNG7188] & OPA187[7189] Castle Gate Towers -2230-2240 Daytona Ave

Frank Garardo (author), Planner III – Policy and Special Studies - presents application.

Tracey Pillon-Abbs (agent) – presents PowerPoint and is available for questions.

Bryan Pearce and Zak Habib (applicants) is available for questions.

Chair Morrison asks for clarification whether the proposed development application proposes a three or four storey building. Frank Garardo states that the applicant's proposal is for four storeys

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or 14.63 meters in height, and the recommended site-specific provisions include a maximum height of three storeys or 10.5 meters. Chair Morrison clarifies that the recommendation is three storeys or 10.5 meters.

Sumeet Hehr (area resident) states he strongly disagrees with the application and has concerns of financial risk, limitation to the use of back yard due to encroachment and a breach of privacy with several occupants seeing into their property decreasing their enjoyment and family life. Mr. Hehr continues that it will be a toll on mental health with decreased sunlight and it will create adverse effects on their routine and mood, causing a buildup of stress causing mental health issues. Mr. Hehr states that safety and privacy will be affected with the constant change of tenants in rental units, and their backyard will have tenants looking into their backyard twenty-four hours a day, and his family's safety will be compromised, and asks who is responsible for that. Mr. Hehr states that the back lights of the building and of the units will decrease his evening privacy in his backyard. Mr. Hehr states that his pool will now be useless as many tenants will be able to see into his backyard which will make his wife and daughter feel uncomfortable. Mr. Hehr states that the current zoning should be adhered to by building the same or similar developments. Mr. Hehr states that when he purchased this property the City ensured him that the surrounding lots will have the same or similar zoning, and now a four-storey building is being placed behind our house and it is not fair to my family that rules are being bent. Mr. Hehr continues that the development is depriving him of his rights, his safety, inconsiderate of our privacy, lack of empathy, playing with my family's emotions and family's investment is at risk, and asks who will take the responsibility for this. Mr. Hehr states he will escalate this issue by asking the media to publish this and asks for Mayor Dilkens to put a stop to this unfair proposal and help protect our rights and will continue to the Premier's office.

Councillor Marginani asks if the refuge container will be located and stored indoors or outdoors as it is close to the residential area. Ms. Pillon-Abbs is proposed to be located on exterior southeast corner and is subject to Site Plan Control and can be reviewed in the future at that stage. Councillor Marginani states that this will be a concern if it stays in the proposed spot because it is located in the residential area.

Councillor Marginani asks Mr. Hehr his address. Mr. Hehr states his address is 2239 Northway Avenue.

Councillor Francis asks if the development will not proceed if it is not a four-storey building, as there is a disagreement with City Administration regarding the height. Ms. Pillon-Abbs defers the question to the applicant and builder. Councillor Francis states that he will not support a four-storey building but would consider a three-storey.

Councillor Francis asks if the Committee agrees with Administration, site-specific at three-storeys, will the development still go continue or will it only proceed with four-storeys. Zak Habib states that if you look at the neighbourhood as a whole, there are other four-storey buildings within the area and is consistent and complement the surrounding neighbourhood with mixed heights. Mr. Habib states that this development provides a housing type that does not exist in the neighbourhood for residents who may require units like this. Mr. Habib continues that another less desirable proposal

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presented to the City was to build three four-plexes on the property, but this wasn't conducive for regular neighbourhood life. Mr. Habib states that the way this building is designed makes a very good use for the way the building is laid out with setbacks, where townhomes would have increased the number of units, parking, and garbage. Mr. Habib states that studies have been completed such as shadow studies and the effect it has on neighbouring properties. Mr. Habib concludes that the fourth storey is what makes the project viable due to increase costs. Councillor Francis clarifies that the project will not proceed without four storeys, and Mr. Habib agrees.

Councillor Kieran McKenzie asks if there are other ways in regard to Site Plan, to address privacy issues such as trees on the back end of the property. Mr. Habib states that along with site plan control, a landscaping plan and study have been conducted. Mr. Habib states that fencing and landscaping will be included to enhance the buffer between the building and the existing neighbours. Councillor McKenzie asks for Ms. Pillon-Abbs opinion. Ms. Pillon-Abbs states that the plan is to buffer the area from the parking area to residents with trees and a privacy fence.

Councillor Kieran McKenzie asks Administration whether the basis for recommendation for three-storey versus four-storey is solely on neighbourhood character or on the level on intensification such as inadequate services or traffic impacts. Mr. Garardo states that in evaluating the Official Plan, reasons for recommendation are types of development pattern where the current designation of the block is low profile residential with a maximum of three-storeys in height. Mr. Garardo continues that intensification guidelines, adequate separation and privacy are evaluated as well.

Councillor McKenzie asks if a four-storey building was recently approved near the development. Chair Morrison agrees that it was six-storeys with commercial on the back of the building on Huron Church. Councillor McKenzie asks that there are a number of buildings along the corridor that are above three-storeys. Mr. Garardo agrees, and that Huron Church is designated as a mixed-use corridor with permissions of higher density. The current Official Plan contains policies of low-profile developments.

Councillor McKenzie asks if the three-storey recommendation is marginal that could have easily been four-storeys. Mr. Garardo states his recommendation aligns with the Official Plan and Provincial Policy.

Councillor McKenzie asks if the recommendation is not approved for four-storeys what would his next steps be. Mr. Habib states he feels his proposal is the best use of the site and would consider three-storey townhomes with a basement additional dwelling unit (ADU). Councillor McKenzie informs Mr. Hehr that the applicant may have another proposal that would be equally concerning, and will not stay vacant, and asks what his response would be if there was future development on the land. Mr. Hehr states that the proposal does not align with the current neighbourhood and is not opposed to additional units, rather that it conforms to the current zoning.

Chair Morrison asks if the footprint be expanded to create twenty units on three-storeys. Bryan Pearce states that with collaboration with the City, the site plan is consistent with the street pattern with the existing neighbourhood. Mr. Pearce states that the remnant lands remaining allow for site circulation for a driveway and underground parking, and if expanding then the building would be

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closer to the road and lot lines. Mr. Pearce states that following the Intensification Policies and current zoning regulations of the City, a height relief of nine meters at a set back of twenty-five feet.

Chair Morrison asks if the extra twenty feet was used to expand the footprint and add more units. Mr. Garardo states that the recommended provisions do include certain enhancements on property that allow for flexibility for a multiple dwelling to be on the property. Mr. Garardo states that the current proposal does not have residential units on the first floor, some of the recommended provisions do give the flexibility for a reduced set back of 10.5 meters and 1.2 metres distance for parking from habitable rooms, and the number of parking units. Mr. Garardo concludes that the recommended provision does have flexibility.

Chair Morrison asks if the proposal does not have any residential units on the first floor. Ms. Pillon-Abbs states that only amenity space would be on the first floor and allows for parking to be brought closer to the building. Ms. Pillon-Abbs states that the focus is for affordable rental units which is not offered currently in this neighbourhood. Chair Morrison asks whether this is solely a residential building, not mixed-use. Ms. Pillon-Abbs agrees.

Councillor Marignani asks why administration is recommending three-storeys over four. Mr. Garardo states that three-storeys exhibits existing development patterns which is consistent with low development profiles.

Councillor Francis states he cannot support the motion and agrees with the resident regarding adding congestion to an already congested neighbourhood and to not support four storey building. Councillor Francis states that Mr. Habib had some great points but concludes he cannot support the motion.

Councillor McKenzie states that the impact of twenty units on infrastructure and traffic would be negligible, and the developer will address challenges for privacy to surrounding residents at the site plan control stage.

Moved by: Councillor Kieran McKenzie
Seconded by: Member Anthony Arbour

Decision Number: **DHSC 620**

1. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating lands on Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue, as a Special Policy Area; and,
2. THAT Chapter I in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding site specific policies as follows:

1.XX East Side of Daytona Avenue, South of Northwood Street

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<i>LOCATION</i>	1.xx.1	The property described as Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7, in the City of Windsor, known municipally as 2230-2240 Daytona Ave, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
<i>ADDITIONAL PERMITTED USES</i>	1.xx.2	Notwithstanding Section 4.7.1.4 of the Official Plan, Volume II, South Cameron Secondary Plan: a multiple dwelling shall be an additional permitted use.

3. THAT Zoning By-Law 8600 **BE AMENDED** by changing the zoning of Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue by adding a site-specific exception to Section 20(1) as follows:

505. EAST SIDE OF DAYTONA AVENUE, SOUTH OF NORTHWOOD STREET

For the lands comprising Plan 1015, Lots 76 to 79, Part Lot 75 and RP 12R21146 Parts 5 to 7; Windsor (Roll 080-490-04510-000), situated on the East side of Daytona Avenue, South of Northwood Street and known municipally as 2230-2240 Daytona Avenue, a multiple dwelling with five or more dwelling units shall be an additional permitted main use subject to the following additional provisions:

1. Notwithstanding the definition of “front lot line” in Section 3, the exterior lot line adjacent to Daytona Avenue shall be deemed to be the front lot line.
2. Lot Width – minimum 44.0 m
3. Lot Area – per dwelling unit – minimum 90.0 m²
4. Lot Coverage – maximum 40.0%
5. Main Building Height –maximum 14.63 m
6. Front Yard Depth – minimum 4.0 m
7. Side Yard Width – minimum 5.0 m
8. Rear Yard Depth – minimum 12.0 m

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9. Notwithstanding Sections 25.5.20.1.5 and 25.5.20.1.6, where a building is located on the same lot as the parking area, for a building wall containing a habitable room window, a main pedestrian entrance facing the parking area, or containing both a habitable room window and main pedestrian entrance facing the parking area, the minimum parking area separation from that building wall shall be 0m.
10. Direct vehicular access to Northwood Street is prohibited; and,

4. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

a) Noise abatement shall be required to be incorporated into the site plan agreement in accordance with section 4.7.1.9 of the City of Windsor Official Plan, Vol. II.

b) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix attached.

Carried.

Councillors Fred Francis and Angelo Marignani voting nay.

Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 67/2024
Clerk's File: Z/14775 & Z/14776

7.5. OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9

Diana Radulescu (co-author), Planner II – Development Review, presents application.

Adam Szymczak (co-author), Planner III – Development, is available for questions.

Michael Davis (agent), Andi Shallvari & Marc Masotti (applicants) are available for questions.

Sukhi Dhaliwal, Heather Purdy, Pavitarpal Randha (area residents) are available for questions.

Mr. Davis states the project will create sixteen new townhomes, eight containing additional dwelling units (ADU), which will provide housing for an identified gap and catering to small families. Mr. Davis informs the Committee that the project is low profile in nature, has a balance of lot coverage versus open space, integrate parking with garages to accommodate the parking ratio, at grade ADUs for a wider demographic.

Councillor Jim Morrison leaves the meeting at 7:11 o'clock p.m. and Councillor Mark McKenzie assumes the chair.

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Mr. Davis states that there were multiple concerns from the public regarding the volume of traffic, where a Traffic Impact Study was conducted and concluded that it supported the application with some suggested changes. Mr. Davis adds that a Site Line Analysis and Sanitary Capacity Study were completed and concluded that it was in support of the application, and that the surrounding schools have availability for additional students. Mr. Davis concludes he is in full support of the Planning Staff report.

Councillor Jim Morrison returns to the meeting at 7:17 o'clock p.m. and Councillor Mark McKenzie returns to his seat at the Council Table.

Satvir Sandhu (area resident) states she resides next to the proposed development. Ms. Sandhu has concerns of neighbourhood preservation, traffic impact and safety, multiplexes are not permitted, flooding, safety for children boarding school buses, overflowing surrounding school, and accidental fires spreading to proximity houses with short-staffed emergency services. Ms. Sandhu shares concerns of privacy, safety, and quality of life for her family.

Suzanne De Froy (area resident) inquires about the number of emails sent in opposition of the development. Chair Mark McKenzie states that the agenda is posted online and includes submissions received to date. Ms. De Froy states concerns of traffic flow and speed, public safety, the proposed application fails the Planning Act tests, virtual consultation with residents were not available for the elderly population, several housing units replacing one individual residence, parking, tree replacement. Ms. De Froy adds that this will increase the number of residents, set a precedence for future developers for three storey residence, and the intended need or hardship by the applicant has not been established. Ms. De Froy states quality of life, traffic noise, safety are also concerns and submits a petition with 170 signatures.

Jagjeet Bal (area resident) has concerns of high-volume traffic, decreased safety and increased motor vehicle accidents.

Kathy Moreland (area resident) has concerns of increasing housing density changing the neighbourhood, increased noise, traffic, litter, strain on transit and school system, lack of sidewalks, accessibility, and safety risks for persons with disabilities and elderly, lack of police enforcement for speeding, lack of public transit, and underdeveloped infrastructure. Ms. Moreland concludes asking for the Committee to deny the proposal.

Ian Murphy (area resident) has concerns of flooding, lack of public notification regarding development, large volume of traffic, car accidents and lack of safety for residents and special needs children. Mr. Murphy states concerns of lack of planning, infrastructure and sidewalks, installation of a round-about will increase traffic, the design and lack of parking for the new development and safety for children boarding school buses.

Brian Kukhta (area resident) states that the homes in the neighbourhood are not starter homes and developments over the years have complied with the by-laws and blended with the existing neighbourhood but this proposal does not. Mr. Kukhta has concerns of the lack of parking for residents of the new development and the safety of their visitors parking in other areas of the

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neighbourhood. Mr. Kukhta has concerns of the precedence this sets for surrounding neighbourhoods for high density and does not complement the neighbourhood.

Ruqaiya Siddiqui (area resident) has concerns of preserving the character and community of the neighbourhood and this proposal does not match the surrounding housing

Councillor Kieran McKenzie inquires what is being proposed and the difference between the development and high-density housing. Mr. Davis states that anything more than a three-storey building is not considered low profile. Councillor McKenzie inquires whether the peak of the roof is the only difference between this development and the highest building in the area. Mr. Davis states that is correct.

Councillor Kieran McKenzie inquires about whether the proposal for parking exceeds the City's requirements. Mr. Davis agrees. Councillor McKenzie inquires about bicycle storage. Mr. Davis states the development does include indoor and temporary short-term bicycle storage.

Councillor Kieran McKenzie inquires about the market segment this development caters to. Mr. Davis states this development is for young families and multi-generational families with multiple levels.

Councillor Kieran McKenzie inquires if the characteristic of the development is consistent with a nearby townhome development. Mr. Davis states there have been approved developments within the area that are similar and following the Intesification Guidelines.

Councillor Kieran McKenzie inquires about the refuse management program for the development. Mr. Davis states that this will be addressed in Site Plan Control approval process.

Councillor Kieran McKenzie inquires about the measures to address impacts on infrastructure and storm water management. Mr. Davis states that requirements included a sanitary capacity study and storm water management with no issues identified.

Councillor Kieran McKenzie inquires about the Traffic Impact Study (TIS). Mr. Davis states the AM and PM peak hour impact is minimal, and no impact on surrounding intersections.

Councillor Kieran McKenzie inquires if Ms. De Froy has increased comfort after hearing Mr. Davis speak about the development. Ms. De Froy states she has no comfort from the previous statements and states that several problems have not been addressed over the years, and burden is placed on the neighbourhood.

Councillor Kieran McKenzie agrees that there are issues but is not convinced that twenty-four units is a major impact. Ms. De Froy states that near by developments have made the area very busy, and that there are other developments in the surrounding area to fulfill needs of smaller homes and not warranted at this site.

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Councillor Kieran McKenzie asks Ms. Sandhu to address the traffic issues and extent of the accidents. Ms. Sandhu states that there are frequent accidents at Sixth Concession and Ducharme and the last one was two weeks ago. Ms. Sandhu states concerns of flooding.

Councillor Kieran McKenzie asks Ms. Bal to address traffic issues. Ms. Bal states there are countless accidents and causes a burden on the healthcare system.

Councillor Kieran McKenzie asks Mr. Kukhta if different types of housing belong in certain places, and a neighbourhood should not vary from the surrounding housing. Mr. Kukhta states that the proposed development does not comply with the secondary plan.

Councillor Kieran McKenzie inquires about the impact the development will have on water management capacity. Ms. Radulescu defers the question to the Engineering Department. Juan Paramo states that a Sanitary Sewer Study was received and that there is capacity to support the proposed development.

Councillor Kieran McKenzie asks Administration why flooding in the area and the impact of the proposed development. Patrick Winters states that there will be no impact, as there are standards that must be met and that flooding issues within the area is specific to individual properties. Councillor Kieran McKenzie inquires if Engineering Staff will attend individual homes to assess the reason for flooding and whether it's due to City related issue. Mr. Winters states there are City programs to prevent basement flooding such as the Basement Flooding Subsidy Program.

Councillor Kieran McKenzie inquires about the TIS and Administrations view. Shawna Boakes states an analysis of the TIS was conducted and states the impacts noted by the Developer are correct.

Councillor Kieran McKenzie inquires about transit services. Ms. Radulescu states that there are services at Sixth Concession and Provincial Road, and that Transit Windsor was circulated, and an additional route has been approved by City Council that will improve access to transit in the area and to this development.

Councillor Kieran McKenzie inquires about the extent to which the proposed development will impact potential developments in the area. Ms. Radulescu states each Planning Act application is reviewed individually.

Councillor Kieran McKenzie inquires about the City's authority with respect to land use and planning in relation to the Provincial Policy Statement (PPS), and if this development is denied at Council what is the process that follows. Adam Szymczak states that the applicant would have the right to appeal if Council does not follow the recommendations provided by Planning staff. Councillor K. McKenzie inquires whether the standard that is applied is consistent with the PPS in relation to the appeal. Mr. Szymczak agrees. Councillor K. McKenzie inquires whether Administration's recommendation is consistent with the PPS and what is being proposed. Mr. Szymczak agrees. Councillor K. McKenzie asks if the appeal would be presented to the Ontario Land Tribunal (OLT), where the applicant can state that Administration's recommendation aligns

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with the PPS despite the assumption that Council denies the application, and what happens in this situation. Mr. Szymczak states that it depends on what evidence is brought forward to the OLT. Thom Hunt states that the matter would be debated before the OLT. Councillor K. McKenzie inquires what the consequence are to the City if the decision at the OLT is to approve the amendments. Mr. Hunt defers the question to the Legal Department. Aaron Farough states the decision of the OLT would supersede any decision made by the City and applications go through an independent analysis and merit to determine consistency with the PPS, and if the decision of Council was overturned, the OLT may choose to award costs which would be payable by the City.

Councillor K. McKenzie inquires about the Ten-Year Capital Plan and whether the Sixth Concession project will be implemented in the plan at this time. Mr. Winters states that there is funding for the implementation of the Environmental Assessment and there are two more phases to complete prior to the assessment of the Sixth Concession. Councillor McKenzie confirms that most of a section of the Sixth Concession has been completed. Mr. Winters states that it was completed as a part of the Provincial Road Project. Councillor McKenzie confirms that the remainder of the Sixth Concession requires funding to be completed. Mr. Winters agrees.

Councillor Francis inquires whether once an application is approved for rezoning, is it more likely that Planning Staff would recommend approval of similar developments in the area.

Mr. Szymczak disagrees and states that every application is reviewed on its own merits. Councillor Francis inquires whether the approval comes down to Council decision as Administration would recommend another proposal that is similar. Mr. Szymczak states that approval of applications is always at Council's discretion.

Councillor Marginani inquires whether the four units will be severed. Ms. Radulescu states that that is unknown currently and that the application only entails the Zoning By-Law and Official Plan Amendments.

Councillor Francis states he cannot support the recommendation as the characteristics of the neighbourhood will change and create a precedence with future developments.

Councillor Kieran McKenzie opposes the motion and acknowledges the challenges of road infrastructure in the area, and states that traffic impact is negligible based on the TIS and the low impact of twenty-four units based on the studies conducted with little impact on surrounding neighbourhoods.

Chair Morrison opposes the motion.

Moved by: Councillor Fred Francis

Seconded by Member Anthony Arbour

THAT the application for OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9 BE DENIED.

The motion is **put** and is **lost**.

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Aye votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani and Member Anthony Arbour.

Nay votes: Councillors Kieran McKenzie and Jim Morrison and Members Daniel Grenier and Robert Polewski.

Absent: None.

Abstain: None.

Moved by: Councillor Kieran McKenzie

Seconded by: Member Daniel Grenier

1. THAT Schedule "A" of Volume I: The Primary Plan of the City of Windsor Official Plan BE AMENDED by designating Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726 (Roll No. 070-150-00801, 070-150-23126), situated on the north side of Ducharme Street, east of Sixth Concession Road, and known municipally as 3930 and 3950 Sixth Concession Road, as a Special Policy Area; and,

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan BE AMENDED by adding a new Special Policy Area as follows:

1.X NORTHEAST CORNER OF SIXTH CONCESSION ROAD AND DUCHARME STREET

<i>LOCATION</i>	1.X.1	The property described as Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726, situated at the northeast corner of Sixth Concession Road and Ducharme Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
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<i>ADDITIONAL PERMITTED USES</i>	1.X.2	Notwithstanding the "Low Profile Residential" land use designation on Schedule NR2-7: Land Use Designations and the Low Profile Residential policies in Section 3.7.2 of the North Roseland Planning Area, a townhome dwelling or multiple dwelling having a maximum building height of 11 m shall be an additional permitted use.
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3. THAT Zoning By-law 8600 BE AMENDED by changing the zoning of Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726; Roll No: 070-150-00801 and 070-150-23126, situated on the north side of Ducharme St, east of Sixth Concession Rd, and

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known municipally as 3930 and 3950 Sixth Concession Road, further identified as Parts 1, 2 and 3 on the draft reference plan attached as Appendix A to Report S 66/2024, by adding the following site specific exception:

502. NORTHEAST CORNER SIXTH CONCESSION ROAD AND DUCHARME STREET

For the lands described as Part of Lot 14, Concession 6, Sandwich East and Part 3, Plan 12R-14860 (PIN 01560-0993), and Lot 104, Plan 12M-524 (PIN 01560-2471), further identified as Parts 1, 2, and 3, Plan 12R-28726, the following additional provisions shall apply:

- 1) The following are an additional permitted *main use*:

Multiple Dwelling

Townhome Dwelling

- 2) The following additional provisions shall apply to an additional permitted *main use*:
 - a) Notwithstanding the definition of “*front lot line*” in Section 3, for the purpose of the additional provisions below, the *exterior lot line* adjacent to Sixth Concession Road shall be deemed to be the *front lot line*.
 - b) Dwelling units – maximum 24
 - c) Lot Width – minimum 20.0 m
 - d) Lot Area – minimum 135 m² per unit
 - e) Lot Coverage – maximum 45% of *lot area*
 - f) Main Building Height – maximum 11.0 m
 - g) Front Yard Depth – minimum 4.5 m
 - h) Rear Yard Depth – minimum 7.5 m
 - i) Side Yard Width – minimum 2.5 m
 - j) Gross Floor Area – *Total Main Building* – maximum 3,900 m²
 - k) Notwithstanding Section 25.5.10.1, tandem parking spaces are permitted.
 - m) Notwithstanding Section 25.5.20.1.5, the minimum parking area separation from a *building wall* in which is located a main pedestrian entrance facing the *parking area* shall be 0.0 m.
 - n) Notwithstanding Section 25.5.20.1.6, where a *building* is located on the same *lot* as the *parking area*, for that portion of a *building wall* not containing a *habitable room window* within 4.0 m of the *ground*, the minimum parking area separation from that portion of the *building wall* shall be 0.0 m.
 - p) Sections 5.11.5 and 24.40 shall not apply.

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The motion is **put** and is **lost**.

Aye votes: Councillors Kieran McKenzie and Jim Morrison and Members Daniel Grenier and Robert Polewski.

Nay votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani and Member Anthony Arbour.

Absent: None.

Abstain: None.

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 621**

That the report of the Planner II – Development dated May 16, 2024 entitled “OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9” **BE RECEIVED**.

Carried.

Report Number: S 66/2024
Clerk’s File: Z/14777 & Z/14779

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 9:06 o’clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 9:06 o’clock p.m.

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 9:06 o’clock p.m.

Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services