CITY OF WINDSOR MINUTES 07/02/2024

Development & Heritage Standing Committee Meeting

Date: Tuesday, July 2, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets
Ward 1 - Councillor Fred Francis

Members
Member Anthony Arbour
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon
Member Khassan Saka
Member William Tape

Member Regrets
Member John Miller
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Kristina Tang, Planner III – Heritage
Rob Martini, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Thom Hunt, City Planner
Greg Atkinson, Deputy City Planner – Development

Jason Campigotto, Deputy City Planner - Growth
Michael Cooke, Manager, Planning Policy / Deputy City Planner
Patrick Winters, Manager, Development
Robert Perissinotti, Development Engineer
Elara Mehrilou, Transportation Planner I
Brian Nagata, Planner II – Development Review
Justina Nwaesei, Planner III – Development
Tracy Tang, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Gabriel Lam, Waterloo – Co-op Planning
Julia Wu, Waterloo – Co-op Planning
Danielle Porier, Waterloo – Co-op Planning
Liyue Qiu, Waterlook – Co-op Planning
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 - Abdul Naboulsi, area resident
Item 7.3 - Tracey Pillon-Abbs, Planning Consultant/Agent
Item 7.4 - Tracey Pillon-Abbs, Planning Consultant/Agent
Item 10.1 - Xiaoling Duan, Property Owner
Item 10.2 - David Mady, V.P. Real Estate Development, Rosati Group
Item 11.4 - Rhys Trenhaile, co-owner 2770722 Ontario Limited

Delegations—participating in person

Item 7.1 - Jim Dyment, BES, Municipal Planning Consultants
Item 7.2 - Pawan Khichi, Property Owner and Bryan Pearce, Principal Planner, Baird Architecture Engineering
Item 7.2 - David French, BA, CPT, Storey Samways Planning Ltd.
Item 7.2 - Suzanne De Froy, area resident
Item 7.2 - John Davis, area resident
Item 7.2 - Vladimir Drobnjakovic, area resident
Item 7.2 - Chris Kosmidis, area resident
Item 7.2 - Daniela Fraley, area resident
Item 7.2 - Reham Glyana on behalf of Hiam Nona & Bassim Jerdow, area residents
Item 7.2 - Moe Azumi, area resident
Item 7.3 - Andi Shallvari, Owner
Item 7.3 - Erik Gerth, area resident
Item 7.3 - Suzanne Rossini, area resident
Item 10.3 - Mary Quenneville, property owner
Item 11.1 - Kyle Edmunds, Dillon Consulting Limited

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

Planning Act Matters

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.3 being "Zoning By-law Amendment Application for 0 Bernard Road, Z011/24 [ZNG-7193], Ward 5" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being "Zoning By-law Amendment Application for 0 Turner Road, Z014/24 [ZNG-7202], Ward 9" 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

None presented.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held June 3, 2024

Moved by: Councillor Angelo Marignani
Seconded by: Member Charles Pidgeon

THAT the minutes of the Development & Heritage Standing Committee meeting held June 3, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 180/2024

10. *HERITAGE ACT* MATTERS

10.1. Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)

Xiaoling Duan, Property Owner

Xiaoling Duan, Property Owner appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and is available for questions.

Councillor Kieran McKenzie asks the delegate about the reasons for the choice of materials. Xiaoling Duan responds that the material choice is good quality, but due to the immediate need for replacement, the cost of the material chosen is much more affordable considering the other costs associated with addressing the maintenance of the home.

Councillor Kieran McKenzie inquires about the importance of the material choice from a heritage perspective, to maintain the heritage component or value of the property and whether a different material negates or significantly impacts its heritage value. Kristina Tang, Heritage Planner appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and indicates that each of the heritage attributes contribute to the heritage value and appearance of the property. It is strongly encouraged to use the wood shingles, but during the lifetime of this property, there were other materials used besides wood. The property underwent a restoration project where wood shingles were chosen. It is not a permanent change that could be completed at a later date.

Councillor Kieran McKenzie inquires as to what happens if they deny the request. Ms. Tang responds that based on the *Ontario Heritage Act*, alterations can be granted or denied at committee or council and can be granted with terms or conditions or the application can be refused.

Councillor Keiran McKenzie indicates that if the owner is not allowed to proceed as requested, the property may stay in its current state and continue to decline. Ms. Tang indicates that the owner has noted that the roof is leaking and needs to be replaced. There is a risk of property deterioration. There is also a property standards by-law with applicable provisions for designated properties, but there is still an issue with the associated costs for repairs to the owner. There is also an appeals process for the owner should they not be in agreement with council’s decision.

Councillor Kieran McKenzie inquires whether the appeal would bring them to some form of tribunal that could reverse the municipality’s decision. Ms. Tang responds that it would go to the Ontario Land Tribunal which would be a longer time frame.

Councillor Angelo Marignani inquires whether there are any other changes proposed to other key elements. Ms. Tang responds that in the report, the owner is also requesting some painting and maintenance, but not replacement.

Member William Tape inquires as to what form of financial assistance can be provided to the owner to be able to return the property to its original historical form. Ms. Tang responds that the community heritage fund is available to support up to 30% of the cost of the roof. There could also be a supplemental application made to the Heritage Property Tax Reduction Program.

Councillor Jim Morrison inquires whether the committee is able to deviate from the recommendations provided by administration. Ms. Tang responds that the owner provided verbal notice that the wood shingle roof was quoted around $40,000. Administration was not able to verify if it will meet the requirements through the Heritage Incentive Program. The recommendation was worded as in past approved similar applications. The amounts available would still depend on the quotes received.

Councillor Kieran McKenzie inquires whether there is a scenario that would support or subsidize features of a renovation through the heritage fund that are not heritage features. Ms. Tang responds that the program would not fund asphalt roofing or non-heritage conservation works as they are not eligible costs.

Councillor Kieran McKenzie inquires whether administration has explored every potential option to assist the owner with the cost of as many features as needed to be remediated that fall within heritage scope. Ms. Tang indicates that the owner's immediate concern was the roofing. During discussions with the owner, they have outlined the incentive programs that the City offers, and the owner has not expressed interest in any of them to date.

Councillor Kieran McKenzie inquires whether there is any flexibility in the 30% threshold to be able to provide the maximum allowable funding of $20,000.

Thom Hunt, City Planner appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled "Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)" and provides details related to other projects that the committee has provided funding to, which was above the normal range. This committee has the ability to offer more funds. There are exceptions, and the projects that have been detailed had accurate estimates from reputable contractors.

Councillor Kieran McKenzie inquires whether the delegate can provide the City with quotes that they require to determine if there is additional funding available and if they would be open to discussion. Xiaoling Duan responds that they would be open to that process.

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

THAT the report of the Heritage Planner dated June 4, 2024 entitled “Request for Heritage Permit – 567 Church Street, RevellD'Avignon House (Ward 3)” **BE REFERRED** back to administration to re-engage the owner and provide information related to different and enhanced opportunities for funding that may be available to protect the heritage features of the building.
Carried.

Report Number: S 72/2024
Clerk’s File: MBA/2985

10.2. Request for Partial Demolition of Heritage Listed Property- 820 Monmouth Road, Terrace (Ward 4)

David Mady, V.P. Real Estate Development, Rosati Group

David Mady, V.P. Real Estate Development, Rosati Group appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Partial Demolition of Heritage Listed Property- 820 Monmouth Road, Terrace (Ward 4)” and is available for questions.

Councillor Mark McKenzie comments that the proposed plans for the property look like they are going to match the neighbourhood.

Councillor Kieran inquires whether the wording in the recommendation to be informed relates to a property that has been listed but is not yet designated. Tracy Tang, Planner III- Economic Development appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Partial Demolition of Heritage Listed Property- 820 Monmouth Road, Terrace (Ward 4)” and indicates yes that is the standard wording when there is a notice of intention to demolish or partially demolish.

Councillor Kieran McKenzie inquires as to how this would be treated if it was designated. Ms. Tang indicates that if it was a designated property, there would need to be a heritage permit and a request for alteration and would be considered on a case-by-case basis to approve or refuse the application.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 632**
THAT Council **BE INFORMED** of the proposed partial demolition at 820 Monmouth Rd, Terrace of 35 square feet of building to accommodate a one-storey rear addition.
Carried.

Report Number: S 73/2024
Clerk's File: MBA2024

10.3. Request for Partial Demolition of Heritage Listed Property - 886 Monmouth Road, Terrace (Ward 4)

Mary Quenneville, property owner

Mary Quenneville, property owner appears before the Development & Heritage Standing Committee regarding the administrative report dated June 12, 2024, entitled "Request for Partial Demolition of Heritage Listed Property - 886 Monmouth Road, Terrace (Ward 4)" and provides details related to a proposed deck at the front of the house she would like to put in to replace the deteriorating one.

Councillor Mark McKenzie asks the delegate about the timeline when she first contacted the city about getting started with this project. Ms. Quenneville responds, in Late April, early May. The contractor that was hired to complete the work recommended obtaining a permit from the City. The application was then forwarded to the heritage committee.

Member William Tape refers to the plans to attach the deck to the building and discourages Ms. Quenneville with proceeding in that direction as it may cause potential deterioration. He adds that moving the deck to its own foundation is a better choice for maintenance.

Councillor Mark McKenzie inquires as to why this application is still going through the heritage process if the porch is not a heritage feature. Ms. Tang responds that under section 27 of the *Ontario Heritage Act*, any proposed demolition or removal of the property or part of the property, heritage listed properties are subject to a heritage permit as part of the process.

Councillor Mark McKenzie inquires whether there is a way to expedite the process for listed properties. Mr. Hunt indicates that in heritage conservation districts part of the regime will be that the Heritage and City Planners can approve minor modifications. There will be a template that will allow decisions to be delegated back to administration to expedite the process.

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

Decision Number: **DHSC 633**
THAT Council **BE INFORMED** of the proposed partial demolition at 886 Monmouth Road, Terrace, to remove the existing poured concrete porch and construct a new front yard deck.
Carried.

Report Number: S 78/2024
Clerk's File: MBA2024

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:16 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:17 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 June 3, 2024

Moved by: Member Daniel Grenier
Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held June 3, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 192/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

N/A

7. *PLANNING ACT* MATTERS

7.1. Official Plan Amendment to Facilitate Additional Changes to Streamline the Development Approval Process - City Wide

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 628**

1. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Official Plan Amendment (OPA) 179 attached hereto as Appendix 1, and summarized as follows:

    a) Chapter 10, Procedures; Section 10.2, Supporting Studies and Information is hereby deleted and replaced by a new Section 10.2 Development Applications;
    b) Chapter 10, Procedures; Section 10.6, Public Participation is hereby deleted and replaced with a new Section 10.6 Public Participation;
    c) Chapter 11, Tools; Subsection 11.4.3, Consents is hereby deleted and replaced by a new Subsection 11.4.3 Consent Policies;

d) Chapter 11, Tools; Section 11.4.4, Part Lot Control is hereby deleted and replaced with a new Subsection 11.4.4 Part Lot Control Policies;
e) Chapter 11, Tools; Subsection 11.6.3, Zoning By-law Amendment Policies is hereby amended by adding Subsection 11.6.3.4;
f) Chapter 11, Tools; Subsection 11.6.6 Minor Variance Policies is hereby amended by deleting and replacing with new Subsections 11.6.6.1 to 11.6.6.5 (inclusive); and,
g) Chapter 11, Tools; Section 11.7 Site Plan Control is hereby amended by deleting and replacing with a new Section 11.7.; and,

2. THAT the Terms of Reference – Planning Application Technical Guidelines attached as Appendix 2 to this report **BE ADOPTED** as a reference document to assist administration and applicants when submitting development applications; and,

3. THAT Administration continue to give consideration to matters which could further assist with streamlining the development approval process and **REPORT BACK** on any options or parameters regarding the delegation of authority to Administration.

Carried.

Report Number: S 22/2024
Clerk's File: Z/14733

Councillor Jim Morrison leaves the meeting at 6:05 o'clock p.m. and Councillor Kieran McKenzie assumes the chair.

Councillor Jim Morrison returns to the meeting at 6:09 o'clock p.m. and Councillor Kieran McKenzie returns to his seat at the Council Table.

7.3. Zoning By-law Amendment Application for 0 Bernard Road, Z-011/24 [ZNG-7193], Ward 5

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

Decision Number: **DHSC 630**
THAT the report of the Planner II - Development Review dated May 14, 2024 entitled "Zoning By-law Amendment Application for 0 Bernard Road, Z011/24 [ZNG-7193], Ward 5" **BE DENIED**.
Carried.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.
Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 65/2024
Clerk's File: Z/14744

7.4. Zoning By-law Amendment Application for 0 Turner Road, Z-014/24 [ZNG-7202], Ward 9

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 631**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the southeast corner of Moxlay Avenue and Turner Road, described as Part of Lots 1007 to 1010, Part of Closed Alley, Plan 1126, Part 2, Reference Plan 12R-11872 [PIN No. 01350-0225 LT], from Residential District 1.1 (RD1.1), to Residential District 3.2 (RD3.2), subject to additional regulations:

508. SOUTHEAST CORNER OF MOXLAY AVENUE AND TURNER ROAD

(1) For the lands comprising of Part of Lots 1007 to 1010, Part of Closed Alley, Plan 1126, Part 2, Reference Plan 12R-11872, PIN No. 01350-0225 LT, the following shall apply:

1. Section 5.15.5 shall not apply.

2. The provisions of Section 12.2.5 shall apply, save and except Subsections 12.2.5.3, 12.2.5.4 and 12.2.5.8.

3. Lot Coverage - maximum 41.6%

   For this provision *lot coverage* shall exclude any portion of an *accessory building* covered by a *green roof*.

4. Main Building Height - maximum 10.0 m

5. Front Yard Depth - maximum 0.0 m

6. Landscaped Open Space Yard - minimum 41.6% of lot area

   For this provision a *landscaped open space yard* shall include a *green roof* and *soft landscaping* defined as follows:

   *"**GREEN ROOF** means an area open to the sky, located on the roof of a building and maintained with flowers, grass, shrubs, and/or trees."*

   *"**SOFT LANDSCAPING** means an area open to the sky, maintained with flowers, grass, shrubs, and/or trees."*

7. A minimum of 390.0 m^2 of *green roof* shall be provided.

8. Notwithstanding Section 25.5.20.1.2 of Table 25.5.20.1, the minimum separation from a *parking area* and Turner Road shall be 1.20 metres, and such separation shall include a 1.20-metre-high ornamental fence spanning the length of the separation, save and except that portion of the separation within 0.30 metres of an *access area*.

9. Notwithstanding Section 25.5.20.1.3 of Table 25.5.20.1, the minimum separation from a *parking area* to the south interior lot line shall be 1.20 metres.

10. Notwithstanding Section 25.5.20.1.6 of Table 25.5.20.1, the minimum separation from a *parking area* to a building wall containing a *habitable room window* shall be 3.50 metres, and such separation shall include a soft landscaping buffer with a minimum depth of 2.00 metres along any building wall containing a *habitable room window*.

[ZDM 12; ZNG/7202]

and,

II. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** with an application for Site Plan Approval:

a. Micro-Climate Study, prepared by Haddad Morgan & Associates Ltd., dated December 30, 2023.
b. Planning Rationale Report, prepared by Pillon Abbs Inc., dated April 25, 2024.
c. Road Traffic and Stationary Noise Impact Study: Turner Road Noise Impact Study, prepared by Acoustic Engineering Ltd., dated November 9, 2023.
d. Sanitary Study, prepared by Haddad Morgan & Associates Ltd., dated August 14, 2023.
e. Stormwater Management Study, prepared by Haddad Morgan & Associates Ltd., stamped on March 27, 2024.
f. Stormwater Management Study Approval Letter, from the Office of the Commissioner of Engineering Services., dated March 27, 2024.
g. Tree Inventory & Preservation Study, prepared by a licensed landscape architect, in accordance with Section 10.2.14 of the City of Windsor Official Plan.
h. Urban Design Study, prepared by a qualified consultant, in accordance with Section 10.2.12 of the City of Windsor Official Plan; and,

III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

a. 1.83-metre-high screening fence shall be erected and maintained on the north limit of Lot 1011, Plan 1126, PIN No. 01350-0183 LT.
b. 1.83-metre-high screening fence shall be erected and maintained the west limit of the east half of the Closed Alley, Plan 1126, PIN No. 01350-0226 LT.
c. Mitigation measures identified in the aforesaid Road Traffic and Stationary Noise Impact Study: Turner Road Noise Impact Study, subject to the approval of the Chief Building Official.
d. Servicing and right-of-way requirements of the City of Windsor - Engineering Department - Right-of-Way Division contained in Appendix E of this report and measures identified in the aforesaid Sanitary Study and Stormwater Management Study; and,

IV. THAT the Site Plan Approval Officer **CONSIDER** the following matter in an approved site plan and/or executed and registered site plan agreement:

e. Energy Strategy prepared by a qualified consultant, in accordance with the Energy Strategy Terms of Reference.

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

Report Number: S 79/2024
Clerk's File: Z/14808

7.2. Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for properties known as 4170 and 4190 Sixth Concession Rd; Applicant: 2863167 Ontario Inc.; File Nos. SDN-001/24 [SDN/7194] and Z-012/24 [ZNG/7195]; Ward 9.

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

Decision Number: **DHSC 629**
I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the lands located on the east side of Sixth Concession Road, north side of Spago Crescent, south of Holburn Street, described as Pt Lot 13, Concession 6, designated as Part 1 and Part 2 on 12R 12694 [PIN 01560-0137 LT and PIN 01560-0136 LT], from RD1.2 to RD2.3 with a holding prefix (HRD2.3); and,

II. THAT the holding (H) symbol **BE REMOVED** when the following conditions are satisfied:

a) The Owner(s) apply to remove the hold provision; and
b) Registration of a Final Plan of Subdivision; and,

III. THAT the application of 2863167 Ontario Inc. for Draft Plan of Subdivision approval for Part of Lot 13, Concession 6, designated as Part 1 and Part 2 on 12R 12694 [PIN 01560-0137 LT and PIN 01560-0136 LT], **BE APPROVED** subject to the following conditions:

A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);

B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-001/24-1, prepared by VERHAEGEN Land Surveyors for 2863167 Ontario Inc., showing 5 Blocks for townhome dwellings, 1 Block to be conveyed to the Corporation of the City of Windsor for storm water management pond, 2 Blocks for Road Reserves, and one proposed road allowance (Street A);

C. That the owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands;

D. That the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix D, attached hereto) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. **Conveyance Requirements**: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor
   i) Block 6 on Map No. SDN-001/24-1 for Storm Water Management (SWM) Facility purposes;

   ii) Block 7 *(a 0.3m wide strip of land along the entire Sixth Concession Road frontage)* and Block 8 *(0.3m wide strip of land along the dead-end of Street A*) on Map No. SDN-001/24-1, for land reserve purposes; and

   iii) A 2.5m wide strip of land along the frontage of Block 5 on Map No. SDN-001/24-1, for utilities; and all conveyances shall be to the satisfaction of the City Engineer and the City Solicitor.

3. **Cul-De-Sac**: The Owner(s) shall construct at the northerly limit of Street A a cul-de-sac bulb wide enough to accommodate a minimum boulevard width of 2.5m for utilities as stipulated by the City of Windsor Standard Drawing AS-206C. Also, the radius shall be large enough for garbage collection trucks and emergency vehicles to turn around in. All work to be to the satisfaction of the City Engineer.

4. **Sidewalks** -The owner(s) shall agree to:

a) Pay to the Corporation, prior to the issuance of a Building Permit, the sum of $10,080.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the 6th Concession Road frontage of the subject lands.

b) Construct, at their entire expense and according to City of Windsor Standard Specifications, concrete sidewalks at the following locations, to the satisfaction of the City Engineer:
   i. New Street A – along the west boulevard
   ii. Spago Crescent - along the north boulevard from Street A to Zurich Avenue

5. **Curbs and Gutters** – The Owner(s) shall further agree to pay to the Corporation, prior to the issuance of a construction permit, the sum of $5,328.00 being the Owner's contribution towards the future construction of concrete curb & gutter on the 6th Concession Rd frontage of the subject lands.

6. **Drainage Report** - The Owner(s) shall agree to retain, at its own expense, a Consulting Engineer to provide a detailed Drainage Report in accordance with the *Drainage Act*, to the satisfaction of the City Engineer.

7. **Servicing Charges** – The Owner(s) shall note that they may be required to pay servicing charges for the existing sewers on Spago Crescent and/or sewer connection(s) owing to Sixth Concession Development Ltd. if not paid previously for this site. Proof of payment will be required prior to the issuance of a construction permit.

8. **Tree Removal & Replacement:** The Owner(s) shall pay to the Corporation, prior to the issuance of a construction permit, the sum of $3,400 being tree replacement cost for the removal of the Norway Maple (22cm DBH).

9. **Tree Protection Fencing:** The Owner(s) shall agree to install tree protection fence, prior to commencement of pre-grading activities, and shall further agree to retain a Certified Arborist to inspect the tree protection fencing prior to and during construction to ensure that the fencing remains intact and in good repair throughout the stages of development.

10. **Climate Change considerations:** The Owner(s) shall agree to compensate at caliper-per-caliper rate any trees not able to be retained on the site, in addition to the standard payment for one new tree per unit requirement at the time of building permit, to the satisfaction of the City Forester as per the Schedule of Fees.

11. **Parkland Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit, pay cash-in-lieu of the 5% of lands to be developed, in accordance with By-

law 12780, to the satisfaction of the Executive Director of Parks and the City Planner.

12. **Enbridge Clearance Requirements:** The Owner(s) shall agree to maintain a minimum separation of

    i) 0.6m horizontal and 0.3m vertical from all Enbridge's plants less than NPS 16;

    ii) 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines; and

    iii) 1.0m when drilling parallel to any of Enbridge's pipelines.

13. **Noise and Vibration Control:** The Owner(s) shall, at its entire expense,
    i) install a 1.8m high noise barrier fence with a minimum density of 20 kg/m2 along the westerly lot line (Sixth Con. Rd. frontage) of the subject lands in accordance with the diagram labelled *Sheet 4 – Mitigation Measures (excerpt from Appendix B to Acoustical Report)* on page 14 of Appendix E attached to this report.

14. **Noise Control Measures:** The Owner(s) shall agree to design the subject development in compliance with the following criteria:

    i) all windows leading to sensitive living areas shall have a minimum sound transmission class (STC) as noted in the diagram labelled *Sheet 4 – Mitigation Measures (excerpt from Appendix B to Acoustical Report)* on page 14 of Appendix E attached to this report, in order to meet the MOECC indoor noise level criteria;

    ii) all walls leading to sensitive living areas shall have a minimum sound transmission class (STC) as noted in the diagram labelled *Sheet 4 – Mitigation Measures (excerpt from Appendix B to Acoustical Report)* on page 14 of Appendix E attached to this report;

    iii) acoustic privacy between units in a multi-tenant building, the inter-unit wall, shall meet or exceed STC-50; and

    iv) wall separation between noisy spaces, such as refuse chutes or elevator shafts, and suites shall meet or exceed STC-55.

15. **Acoustical Consultant Review:** The Owner(s) shall, prior to the issuance of a building permit, and at their entire expense, engage the services of an acoustical consultant to review the sound transmission class (STC) for the proposed development's walls, windows, and doors to ensure they conform to the recommendations outlined in the February 20, 2024, Acoustical Report prepared by BAIRD AE.

16. **Warning Clause(s):** The Owner(s) shall agree to place the following warning clause in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within the subject plan of subdivision [Map No. SDN-001/24-1].

    a) Noise Warning -
    "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

    b) Vibration Warning -
    "Purchasers/tenants are advised that due to the proximity of the adjacent roadway, vibration from the roadway may be felt."

17. The Owner(s) shall agree to:

    i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

    ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development; and, where the required infrastructure is unavailable, the owner(s) shall agree to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure or demonstrate to the satisfaction of the City Engineer and Chief Building officer that sufficient alternative communication/telecommunication will be provided to enable the effective delivery of communication/telecommunication services for emergency management services.

NOTES TO DRAFT APPROVAL (File # SDN-001/24)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.*

2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the City Planner / Executive Director of Planning and Development, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*

4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*

5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*

6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan; and,*

IV. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The *Planning Act*; and,

V. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision; and,

VI. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner / Executive Director of the Planning and Development shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor
Carried.
Councillor Mark McKenzie and Member Anthony Arbour voting nay.

Report Number: S 71/2024
Clerk's File: Z/14781 & Z/14544

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 9:10 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 9:11 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. 3251 Riverside Drive East Culvert Relocation - Cost Sharing - Riverside Horizons Inc. - Ward 5

Kyle Edmunds, Dillon Consulting Limited

Kyle Edmunds, Dillon Consulting Limited appears before the Development & Heritage Standing Committee regarding the administrative report dated June 14, 2024, entitled "3251 Riverside Drive East Culvert Relocation - Cost Sharing - Riverside Horizons Inc. - Ward 5" and is available for questions.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 634**

I. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a cost sharing agreement with Riverside Horizon's Inc., whereby the City will pay an estimated $509,876, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Pratt Drain culvert relocation, to be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer; and,

II. THAT the cost sharing payment be funded from the New Infrastructure Development Project (Project ID #7035119).

Carried.

Report Number: S 80/2024
Clerk's File: SPL/14202

11.4. City of Windsor Community Improvement Plans-Extensions of Grant Approvals

Rhys Trenhaile, co-owner 2770722 Ontario Limited

Rhys Trenhaile, co-owner 2770722 Ontario Limited appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 14, 2024, entitled "3251 Riverside Drive East Culvert Relocation - Cost Sharing - Riverside Horizons Inc. - Ward 5" and is available for questions.

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

Decision Number: **DHSC 637**

I. THAT approvals for financial incentives authorized under various Community Improvement Plans by Council Resolutions listed in Appendix A **BE EXTENDED** for one (1) year from the date of Council approval of Report S74/2024; and,

II. THAT the City **CONSENT** to assignments of all existing Community Improvement Plan ("**CIP**") grant agreements with the City (each, a "**Grant Agreement**") upon the original owner (the "**Assignor**") notifying the City that all or part of the subject property is being or has been conveyed to a new owner (the "**Assignee**"), provided:

a. In the case of the Assignor wishing to assign the right to receive the Grant payments to the Assignee:

i. The Assignee and Assignor enter into an assignment agreement satisfactory in form and content to the City Solicitor;
ii. The Assignor agrees that the Assignee has the right to receive the Grant payments;
iii. The Assignee agrees to assume the Assignor's obligations under the Grant Agreement; and
iv. All other requirements of the Grant Agreement are satisfied; or

b. In the case of the Assignor wishing to continue to receive the Grant payments:

i. The Assignee and Assignor enter into an assignment agreement satisfactory in form and content to the City Solicitor (the "**Grant Retention Agreement**", and together with the Grant Assignment Agreement, the "**Assignment Agreements**");
ii. The parties agree that the Assignor shall continue to receive the Grant payments;
iii. The Assignee agrees to assume the Assignor's obligations under the Grant Agreement; and
iv. All other requirements of the Grant Agreement are satisfied.

III. THAT the City Planner **BE AUTHORIZED** to sign the Assignment Agreements, satisfactory in form and content to the City Solicitor, in content to the Deputy City Planner – Development and in financial content to the City Treasurer.

Carried.

Report Number: S 74/2024
Clerk's File: SPL2024

11.2. Application to Demolish Residential Dwelling Located at 2318 Westcott Road, which is Subject to Demolition Control By-law 131-2017 (Ward 5)

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

Decision Number: **DHSC 635**

I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the property owner 2644008 Ontario Ltd. (Adel Shaya) for the single residential dwelling located at 2318 Westcott Road to facilitate redevelopment of the property into a single detached dwelling, resulting in a total of one residential dwelling unit; and,

II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit; and,

III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit, that:

1. The Redevelopment identified in Appendix 'C' be substantially complete within two years of demolition permit issuance; and,

2. If redevelopment, including construction of a new building, is not substantially complete within two years of the commencement of demolition the maximum penalty ($20,000) shall be entered on the collectors roll of the property; and,

IV. THAT the City Solicitor **BE DIRECTED** to register a notice of Condition #2 in the land registry office against the property in the event that the redevelopment is not substantially complete within two (2) years following the commencement of the demolition.

Carried.

Report Number: S 76/2024
Clerk's File: SPL2024

11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Reigns 740 Inc. for 3495 Bloomfield Road (Ward 2)

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

Decision Number: **DHSC 636**

I. THAT the request made by Reigns 740 Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for the property located at 3495 Bloomfield Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

and,

II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $15,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,

III. THAT the grant funds in the amount of $15,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,

IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 77/2024
Clerk's File: SPL2024

11.5. Sandwich Town CIP Application, 3495 Bloomfield Road; Owner: Reigns 740 Inc. (C/O: Sital Singh Garha); (Ward 2)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 638**

I. THAT the request for incentives under the Sandwich Incentive Program made by Reigns 740 Inc. (C/O: Sital Singh Garha), (the "Owner") owner of the property located at 3495 Bloomfield Road (the "Property"), **BE APPROVED** for the following programs when all work is complete:

   i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a maximum amount of (+/- $60,000);

   ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-$10,836 per year) (collectively, the "Grant"); and,

II. THAT Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan (the "Grant Agreement") to the satisfaction of the City Planner as to content, the City Solicitor as to form, and the CFO/City Treasurer as to financial implication; and,

III. THAT funds in the maximum amount of $60,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete; and,

IV. THAT grants **BE PAID** to Reign 740 Inc. upon completion of the proposed three (3) single family dwellings from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

V. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit; and,

VI. THAT the approved Grants **SHALL LAPSE** if the Owner has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 81/2024
Clerk's File: SPL2024

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Item matters) is adjourned at 9:14 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Tuesday, August 6, 2024.
Carried.

Ward 10 – Councillor Jim Morrison (Chairperson)	Deputy City Clerk / Supervisor of Council Services

CITY OF WINDSOR MINUTES 07/02/2024

Development & Heritage Standing Committee Meeting

Date: Tuesday, July 2, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets
Ward 1 - Councillor Fred Francis

Members
Member Anthony Arbour
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon
Member Khassan Saka
Member William Tape

Member Regrets
Member John Miller
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Kristina Tang, Planner III – Heritage
Rob Martini, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Thom Hunt, City Planner

Greg Atkinson, Deputy City Planner – Development
Jason Campigotto, Deputy City Planner - Growth
Michael Cooke, Manager, Planning Policy / Deputy City Planner
Patrick Winters, Manager, Development
Robert Perissinotti, Development Engineer
Elara Mehrilou, Transportation Planner I
Brian Nagata, Planner II – Development Review
Justina Nwaesei, Planner III – Development
Tracy Tang, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Gabriel Lam, Waterloo – Co-op Planning
Julia Wu, Waterloo – Co-op Planning
Danielle Porier, Waterloo – Co-op Planning
Liyue Qiu, Waterlook – Co-op Planning
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 - Abdul Naboulsi, area resident
Item 7.3 - Tracey Pillon-Abbs, Planning Consultant/Agent
Item 7.4 - Tracey Pillon-Abbs, Planning Consultant/Agent
Item 10.1 - Xiaoling Duan, Property Owner
Item 10.2 - David Mady, V.P. Real Estate Development, Rosati Group
Item 11.4 - Rhys Trenhaile, co-owner 2770722 Ontario Limited

Delegations—participating in person

Item 7.1 - Jim Dyment, BES, Municipal Planning Consultants
Item 7.2 - Pawan Khichi, Property Owner and Bryan Pearce, Principal Planner, Baird Architecture Engineering
Item 7.2 - David French, BA, CPT, Storey Samways Planning Ltd.
Item 7.2 - Suzanne De Froy, area resident
Item 7.2 - John Davis, area resident
Item 7.2 - Vladimir Drobnjakovic, area resident
Item 7.2 - Chris Kosmidis, area resident
Item 7.2 - Daniela Fraley, area resident
Item 7.2 - Reham Glyana on behalf of Hiam Nona & Bassim Jerdow, area residents
Item 7.2 - Moe Azumi, area resident
Item 7.3 - Andi Shallvari, Owner
Item 7.3 - Erik Gerth, area resident
Item 7.3 - Suzanne Rossini, area resident
Item 10.3 - Mary Quenneville, property owner
Item 11.1 - Kyle Edmunds, Dillon Consulting Limited

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

Planning Act Matters

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.3 being "Zoning By-law Amendment Application for 0 Bernard Road, Z011/24 [ZNG-7193], Ward 5" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being "Zoning By-law Amendment Application for 0 Turner Road, Z014/24 [ZNG-7202], Ward 9" 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

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held June 3, 2024

Moved by: Member Daniel Grenier
Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held June 3, 2024 **BE ADOPTED** as presented.
Carried.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

N/A

7. *PLANNING ACT* MATTERS

7.1. Official Plan Amendment to Facilitate Additional Changes to Streamline the Development Approval Process - City Wide

Jim Dyment (agent/consultant) – provides a powerpoint presentation of the work completed under the “Streamlining Development Approval” project and is available for questions.

Michael Cooke (author) is available for questions.

Councillor Kieran McKenzie asks if there are any risks as it relates to the general process of planning applications or things to be cognizant as it related to the general process and where we can continue to improve. Jim Dyment states that the City’s Legal Council has minimized any risk that you may have had prior. Councillor McKenzie states that with there is value in consolidating processes but also with having discussions with members of the public in a meeting forum.

Member Daniel Grenier asks for clarification of whether open houses are mandatory for all applications. Mr. Dyment states that there is discretion at the staff level to determine whether it is necessary, and a large multi residential or commercial development would require an open house, but a minor development may not, as staff has delegated authority to determine whether it is required.

Member Grenier asks whether rezoning has flexibility to be presented to the Committee of Adjustment for minor variances or minor rezoning and whether that is based on staff discretion once an application has been received. Mr. Dyment states that this is correct, and that the City has instilled a pre-consultation process to determine an application’s viability and reduces unnecessary costs to applicants.

Councillor Angelo Marignani asks how public consultation streamlining process will work, whether a distance for public notification has been determined and what types of mediums are used for the notification. Mr. Dyment states that the Planning Act provides a required 120-meter distance for consultation and this amended consultation section implements using the internet to send notifications. Michael Cooke states that when staff or proponent have identified the importance and request an open house ward councillors are notified in advance. Mr. Cooke adds that the notification distance is based on the type of meeting such as this statutory Standing Committee meeting which uses a 120-meters distance to capture any property from the subject site. He also states that Planner’s have flexibility to include other surrounding properties to be notified especially for Open House/Information meetings hosted by applicants. Mr. Dyment states that policies were added to adopt standards for posting signs on the proposed development to explain the

development process. Mr. Dyment adds that policies are in place to streamline the affirmation of an application within a shorter timeframe than what the Planning Act states due to technological advances.

Councillor Marignani asks how this amendment to our development process will help bring transparency to the public regarding applications. Mr. Dyment states that the policies requires that a hardcopy of an application be kept for the public to view in the Planning Office, and post copies of all background reports on the internet to be viewed. Mr. Cooke states the public notice is circulated for the initial open house organized by the Developer, which is pre-approved by the City Planner to ensure that the message is clear that the application is not final. Mr. Cooke adds that it is important that the open house has the appropriate administration staff present to answer any questions or concerns that the public may have. The developer is then required to provide a report of the discussion at the open house which is shared with the public. Mr. Cooke adds that this amendment will potentially allow for the Developers to modify their proposals based on comments made by the public before they submit their application. Councillor Marignani agrees that pre-consultation applications allow the public to voice their concern and proposals can be changed.

Councillor Kieran McKenzie asks Administration about any risks with streamlining the process that may occur due to the amendment. Mr. Cooke states that the legislative changes that the province has introduced with the objective to streamline the process, we must be mindful of a Planner's professional responsibility and what is in the best interest of the public for engagement and consultation. Mr. Cooke adds that the process prior was that applications could be deferred at the Standing Committee meeting to provide an opportunity for public consultation. The revised process is intended to reduce the chance of deferral by requiring public open houses to become the normal practise. Mr. Cooke concludes that the pre-consultation process and policies provides a comprehensive information package.

Councillor McKenzie asks if we will get all information needed to make an appropriate decision with streamlining. Mr. Cooke states that the first step includes a statement of viability to inform the applicant and create discussion regarding the application, and stage two requires studies to be completed and results will be shared with the public. Mr. Cooke adds that with the amendment signage will be visible to the neighbourhood, and will inform a wider radius of the community, and eliminate the risk of residents not being aware. Mr. Cooke states that by conducting open house meetings, we also are able to reduce risk by having reports deferred because area property owners will know about a proposal long before it comes to the standing committee.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 628**

1. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Official Plan Amendment (OPA) 179 attached hereto as Appendix 1, and summarized as follows:

    a) Chapter 10, Procedures; Section 10.2, Supporting Studies and Information is hereby deleted and replaced by a new Section 10.2 Development Applications;
    b) Chapter 10, Procedures; Section 10.6, Public Participation is hereby deleted and replaced with a new Section 10.6 Public Participation;
    c) Chapter 11, Tools; Subsection 11.4.3, Consents is hereby deleted and replaced by a new Subsection 11.4.3 Consent Policies;
    d) Chapter 11, Tools; Section 11.4.4, Part Lot Control is hereby deleted and replaced with a new Subsection 11.4.4 Part Lot Control Policies;
    e) Chapter 11, Tools; Subsection 11.6.3, Zoning By-law Amendment Policies is hereby amended by adding Subsection 11.6.3.4;
    f) Chapter 11, Tools; Subsection 11.6.6 Minor Variance Policies is hereby amended by deleting and replacing with new Subsections 11.6.6.1 to 11.6.6.5 (inclusive); and,
    g) Chapter 11, Tools; Section 11.7 Site Plan Control is hereby amended by deleting and replacing with a new Section 11.7.; and,

2. THAT the Terms of Reference – Planning Application Technical Guidelines attached as Appendix 2 to this report **BE ADOPTED** as a reference document to assist administration and applicants when submitting development applications; and,

3. THAT Administration continue to give consideration to matters which could further assist with streamlining the development approval process and **REPORT BACK** on any options or parameters regarding the delegation of authority to Administration.

Carried.

Report Number: S 22/2024
Clerk's File: Z/14733

Councillor Jim Morrison leaves the meeting at 6:05 o'clock p.m. and Councillor Kieran McKenzie assumes the chair.

Councillor Jim Morrison returns to the meeting at 6:09 o'clock p.m. and Councillor Kieran McKenzie returns to his seat at the Council Table.

7.3. Zoning By-law Amendment Application for 0 Bernard Road, Z-011/24 [ZNG-7193], Ward 5

Brian Nagata (author), Planner II – Development Review, presents application.

Tracey Pillon-Abbs (agent) and Andi Shallvari (applicant) is available for questions.

Erik Gerth (area resident) has concerns that the proposed semi-detached dwelling development does not match the surrounding single residence homes found in the neighbourhood nor does it suit the character of the neighbourhood. Mr. Gerth shows concerns about the tenant occupancy, lack of parking available in the neighbourhood, change of character of the neighbourhood and lack of communication regarding the development.

Suzanne Rossini (area resident) has concerns of changing the bylaw and the correlation to increased crime rates with renters occupying the development. Ms. Rossini has concerns for the decrease in property value with more semi-detached dwellings, and the decrease of greenery and tree removal. Ms. Rossini states that she has a petition against changing the bylaw and most of the neighbourhood is opposed to the proposed development, and limited parking available on the street.

Councillor Kieran McKenzie asks whether the property adjacent to the north is separately owned by a different landowner. Ms. Pillon-Abbs states that yes, the land has been severed previously and is not owned by the applicant.

Councillor Kieran McKenzie asks about the condition relating to parking on site. Ms. Pillon-Abbs confirms that currently the development proposes two units total with no additional dwelling units (ADU). Ms. Pillon-Abbs states that parking will be provided in the front yards with private driveways, which will accommodate the minimum parking requirements, and the two trees will remain on the property and be protected. Ms. Pillon-Abbs adds that the dwelling will be severed along the common wall for separate ownership. Ms. Pillon-Abbs states that the only relief requested is for lot area and minimum frontage due to the subject property being a smaller lot.

Councillor Kieran McKenzie asks about the width of the lot and the accommodations required with a smaller lot width. Brian Nagata states that there are a wide variety of lot widths within the block. Councillor McKenzie asks why we are recommending this proposal where lot width would typically be a concern for other applications. Mr. Nagata states that the proposed development would make it very hard to build an ADU later, and the majority of the surrounding single-family dwellings could build ADUs as-of-right, achieving a total of three dwelling units and a higher density. Mr. Nagata also states that the development is limited due to the parking requirements for ADUs, which can not be accommodated on the subject property. Councillor McKenzie asks if the subsequent owner would have to go ask for a variance. Mr. Nagata confirms that an application would have to be presented to the Committee of Adjustment to request relief from the ADU parking requirements.

Councillor Kieran McKenzie asks if a subsequent administration at the Committee of Adjustment would conclude if they were to look at today’s decision that there was deliberate intention to not allow for an ADU on site. Mr. Nagata states that when an application is presented to the Committee of Adjustment, previous Planning Act

applications should be reviewed and taken into consideration when the Planner develops their recommendation.

Councillor Mark McKenzie inquires whether an ADU would be approved at this site if the City were to eliminate minimum parking requirements city wide. Mr. Nagata defers to management. Greg Atkinson states that elimination of minimum parking requirements may apply to certain types of development, and it may not apply to low-profile development, where typically one parking spot per dwelling unit is required. Mr. Atkinson continues to state that comments will be taken into consideration when conducting an analysis, with a subsequent report to council with recommendations.

Councillor Mark McKenzie asks if there are any other semi-detached units on Bernard Road and whether this would be the first. Mr. Nagata states that based on records, the surrounding homes are single family dwellings with a variety of styles within the block and will be the first semi-detached dwelling.

Councillor Marignani asks for clarification of the sanitary ejector pump system option for flooding mitigation. Chair Jim Morrison defers the question to Engineering. Patrick Winters states that he does not anticipate that the units require a sanitary ejector pump as the existing houses are fed with gravity feeds, and if there are concerns about basement flooding, back water fills can be installed which is a requirement of new builds.

Councillor Marignani asks what the length of the driveway is. Mr. Nagata states the length is six meters which is typical of private property.

Councillor Marignani asks about the square footage of each unit. Mr. Nagata defers the question to Ms. Pillon-Abbs who defers to Andi Shallvari. Mr. Shallvari states that the gross floor area is approximately 155.0 m^2.

Councillor Marignani asks whether there will be a half basement that will require excavation. Ms. Pillon-Abbs states that it will be an unfinished basement.

Councillor Kieran McKenzie asks how this development is compatible and consistent with development patterns in the surrounding neighbourhood and confirmation that a diverse mix of building types is preferred versus identical Mr. Nagata states that there is a wide variety of different styles of homes in the area which is preferred over identical homes, and the development is complimentary within the block. Mr. Nagata states that his review had included lot areas and coverage, age of the homes, and other factors to confirm that the development would fit in the neighbourhood.

Member Anthony Arbor states that this development creates a change in the neighbourhood where there are only single-family homes and now introducing duplexes with the possibility of ADUs may fundamentally shift the neighbourhood. Mr. Nagata states that it would be difficult to establish ADU’s on the subject property due to the small lot size. Mr. Nagata notes that the majority of single unit dwellings on the block could establish two ADU’s without the need for any Planning Act approvals, resulting in a total of three dwelling units and a higher density then the proposed semi-detached dwelling.

Member Arbor states that this development is turning a small lot into a larger home than the surrounding neighbourhood which is not consistent. Mr. Nagata states that the height and setback provisions do comply with this development.

Councillor Mark McKenzie states he does not feel comfortable supporting the development currently as there are no other semi-detached dwellings in the neighbourhood.

Councillor Kieran McKenzie states he is disappointed and believes that Council will make the appropriate decision. This is a small duplex and administration has done a good job at evaluating the development and has determined it is appropriate for the neighbourhood, and this development will not destroy the fabric of the neighbourhood.

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

Decision Number: **DHSC 630**
THAT the report of the Planner II - Development Review dated May 14, 2024 entitled "Zoning By-law Amendment Application for 0 Bernard Road, Z011/24 [ZNG-7193], Ward 5" **BE DENIED**.
Carried.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.
Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 65/2024
Clerk's File: Z/14744

7.4. Zoning By-law Amendment Application for 0 Turner Road, Z-014/24 [ZNG-7202], Ward 9

Brian Nagata (author), Planner II – Development Review, is available for questions.

Tracey Pillon-Abbs (agent) is available for questions.

Tracey Pillon-Abbs states that the applicant fully supports administrations recommendation but there is some disagreement with the recommended minimum landscape open space yard requirement. Ms. Pillon-Abbs states that the applicant wishes to request a smaller minimum with the potential for green rooftop on the main building and carport for additional landscaping, but the applicant is not ready to commit to build at this time. Ms. Pillon-Abbs states that there is not a lot of opportunity for ground landscaping and recommending that the Committee reconsider the recommendation with respect to landscaping.

Councillor Kieran McKenzie asks Administration for their response to the new landscape open space proposal. Mr. Nagata states that Administration has asked for additional landscaped open space yard to compensate for the requested increase in lot coverage that is translates to a higher density development. Mr. Nagata also noted that achieving a higher quality development is an objective of the recommended increase in landscaped open space yard. Mr. Nagata states that Administration would be supportive of having further discussions with the applicant on this matter.

Councillor Kieran McKenzie states that there are storm water management issues in the neighbourhood and a drainage study has been undertaken, and why a revision was required for a stormwater management study and ensuring that there is no heightened risk for flooding. Mr. Patrick Winters states that most often stormwater management studies submitted require revisions, and the revision would have been based on comments provided by the Engineering Department to the consulting engineer, that need to be addressed prior to approval. Mr. Winters states this has since been deemed acceptable by the Engineering Department.

Councillor Kieran McKenzie asks if the area drainage study had any impact on this proposal. Mr. Winters states that the runoff would be consistent with previous existing conditions due to storm water management measures put in place.

Councillor Kieran McKenzie states he is more comfortable supporting Administration's recommendation as there may be some common ground to meet in the middle in regard to the green space.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 631**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the southeast corner of Moxlay Avenue and Turner Road, described as Part of Lots 1007 to 1010, Part of Closed Alley, Plan 1126, Part 2, Reference Plan 12R-11872 [PIN No. 01350-0225 LT], from Residential District 1.1 (RD1.1), to Residential District 3.2 (RD3.2), subject to additional regulations:

508. SOUTHEAST CORNER OF MOXLAY AVENUE AND TURNER ROAD

(1) For the lands comprising of Part of Lots 1007 to 1010, Part of Closed Alley, Plan 1126, Part 2, Reference Plan 12R-11872, PIN No. 01350-0225 LT, the following shall apply:

1. Section 5.15.5 shall not apply.

2. The provisions of Section 12.2.5 shall apply, save and except Subsections 12.2.5.3, 12.2.5.4 and 12.2.5.8.

3. Lot Coverage - maximum 41.6%

   For this provision *lot coverage* shall exclude any portion of an *accessory building* covered by a *green roof*.

4. Main Building Height - maximum 10.0 m

5. Front Yard Depth - maximum 0.0 m

6. Landscaped Open Space Yard - minimum 41.6% of lot area

   For this provision a *landscaped open space yard* shall include a *green roof* and *soft landscaping* defined as follows:

   > *"**GREEN ROOF** means an area open to the sky, located on the roof of a building and maintained with flowers, grass, shrubs, and/or trees."*
   >
   > *"**SOFT LANDSCAPING** means an area open to the sky, maintained with flowers, grass, shrubs, and/or trees."*

7. A minimum of 390.0 m^2 of *green roof* shall be provided.

8. Notwithstanding Section 25.5.20.1.2 of Table 25.5.20.1, the minimum separation from a *parking area* and Turner Road shall be 1.20 metres, and such separation shall include a 1.20-metre-high ornamental fence spanning the length of the separation, save and except that portion of the separation within 0.30 metres of an *access area*.

9. Notwithstanding Section 25.5.20.1.3 of Table 25.5.20.1, the minimum separation from a *parking area* to the south interior lot line shall be 1.20 metres.

10. Notwithstanding Section 25.5.20.1.6 of Table 25.5.20.1, the minimum separation from a *parking area* to a building wall containing a *habitable room window* shall be 3.50 metres, and such separation shall include a soft landscaping buffer with a minimum depth of 2.00 metres along any building wall containing a *habitable room window*.

    [ZDM 12; ZNG/7202]

    and,

II. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** with an application for Site Plan Approval:

a. Micro-Climate Study, prepared by Haddad Morgan & Associates Ltd., dated December 30, 2023.
b. Planning Rationale Report, prepared by Pillon Abbs Inc., dated April 25, 2024.
c. Road Traffic and Stationary Noise Impact Study: Turner Road Noise Impact Study, prepared by Acoustic Engineering Ltd., dated November 9, 2023.
d. Sanitary Study, prepared by Haddad Morgan & Associates Ltd., dated August 14, 2023.
e. Stormwater Management Study, prepared by Haddad Morgan & Associates Ltd., stamped on March 27, 2024.
f. Stormwater Management Study Approval Letter, from the Office of the Commissioner of Engineering Services., dated March 27, 2024.
g. Tree Inventory & Preservation Study, prepared by a licensed landscape architect, in accordance with Section 10.2.14 of the City of Windsor Official Plan.
h. Urban Design Study, prepared by a qualified consultant, in accordance with Section 10.2.12 of the City of Windsor Official Plan; and,

III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

a. 1.83-metre-high screening fence shall be erected and maintained on the north limit of Lot 1011, Plan 1126, PIN No. 01350-0183 LT.
b. 1.83-metre-high screening fence shall be erected and maintained the west limit of the east half of the Closed Alley, Plan 1126, PIN No. 01350-0226 LT.
c. Mitigation measures identified in the aforesaid Road Traffic and Stationary Noise Impact Study: Turner Road Noise Impact Study, subject to the approval of the Chief Building Official.
d. Servicing and right-of-way requirements of the City of Windsor - Engineering Department - Right-of-Way Division contained in Appendix E of this report and measures identified in the aforesaid Sanitary Study and Stormwater Management Study; and,

IV. THAT the Site Plan Approval Officer **CONSIDER** the following matter in an approved site plan and/or executed and registered site plan agreement:

e. Energy Strategy prepared by a qualified consultant, in accordance with the Energy Strategy Terms of Reference.

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

7.2. Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for properties known as 4170 and 4190 Sixth Concession Rd; Applicant: 2863167 Ontario Inc.; File Nos. SDN-001/24 [SDN/7194] and Z-012/24 [ZNG/7195]; Ward 9.

Justina Nwaesei (author), Planner III – Development Review, presents application.

Bryan Pearce (principal planner) and Pawan Khichi (applicant) are available for questions.

David French (agent) is available for questions. Mr. French states that the application went through a comprehensive review and that the development is appropriate within the context of the neighbourhood where the official plan recognizes the area to be low profile. Mr. French states they are in agreeance with Administration's recommendations.

Suzanne De Froy (area resident) has concerns that this major development is inappropriate and does not conform to the Official Plan. Ms. De Froy states that a Housing Needs Assessment Report was conducted and had a map that identified acreage suitable for densification within the City with appropriate amenities for such a development, and it did not include this area proposed. Ms. De Froy states concerns that the infrastructure in the area is underdeveloped, safety concerns for the lack of bike lanes for pedestrians, cyclists and motorized vehicles on the gravel road, and insufficient traffic measures. Ms. De Froy states that surrounding neighbourhoods over the last few years have had several applications proposed and some approved with common concerns that match the current concerns of residents, and the developer has stated no improvements are needed to the proposal. Ms. De Froy adds that the traffic report is biased. Ms. De Froy states concerns that the proposal does not fit with the existing zoning by-law.

Abdul Naboulsi (area resident) has concerns of uncontrolled urban sprawl, the location is illogical as it does not match the surrounding housing, it will increase traffic and create additional safety concerns in an already unsafe area, and other surrounding areas are already being developed. Mr. Naboulsi has concerns that the Traffic Study had been conducted during a slower time of year and does not reflect accurate traffic volumes. Mr. Naboulsi adds that at the public open house residents voiced their concerns and no solutions were given for their concerns rather to call Windsor Police.

John Davis (area resident) expresses concerns of the proposed development not matching the surrounding neighbourhood, decrease in property value, traffic has increased, and safety is becoming a concern, and whether these units will be rented or sold.

Vladimir Drobnjakovic (area resident) presents a petition and letter from area residents. Mr. Drobnjakovic expresses concerns of lack of sidewalks, lack of transparency and communication regarding the proposed development, and this meeting is being held during the summer where neighbours are on vacation and unable to express their concerns. Mr. Drobnjakovic has concerns about the small radius notification regarding the development, pedestrian/cyclist safety due to the lack of traffic surveys on the affected street, increased traffic on already congested and unsafe roads, lack of parking, proposed housing will decrease property value, development is not consistent with the surrounding neighbourhood, and the development has a lack of road access to main arterial roads.

Daniela Frayley (area resident) has concerns of road safety and infrastructure, no sidewalks for pedestrians or cyclists, lack of parking, and biased traffic impact study without using up to date resources and conducted during low peak time periods. Ms. Frayley has concerns for the safety of the children in the neighbourhood.

Chris Kosmidis (area residents) expresses concerns of lack of bike lanes, pedestrian safety in general and due to the train tracks, increase housing units in area by fifty percent, and the inability for certain residents to voice their concerns regarding the development due to intimidation from the Developer.

Riham Gliana (area resident) has concerns of congestion, safety for children, inappropriate area for this development, major population increase for a small neighbourhood, traffic study was conducted during a slow time period, decrease in property values and this development in not what the area residents want.

Councillor Kieran McKenzie inquires about the claims of the traffic impact study, how it was conducted using the appropriate standards and done so in a way that reflects the true impact of the development, and the analysis from the study and what the consequential change would be at intersections. Mr. French states that when consulting with the City of Windsor certain studies are required and the scope of the study is defined by the City's Transportation Planning Department. Mr. French adds that when a Traffic Engineer signs and stamps a study it is deemed unbiased, and City has reviewed this study with comments and a revised study was submitted these addressing concerns. Mr. French adds that the revised study reviewed by the City had no further comments and was deemed to have met the requirements.

Councillor Kieran McKenzie asks Administration when the traffic impact study (TIS) was conducted, whether objectivity of the study was sound and what the City's analysis was of the study. Elara Mehrilou states that all concerns stated have been considered and reviewed deeming the current format to be satisfactory and the traffic impact on existing intersections will be minimal due to the development.

Councillor Kieran McKenzie asks Administration about the quantifiable changes pre and post development for traffic in terms of trips and the analysis of the additional traffic flow on existing streets as the study was only conducted on the Sixth Concession Road. Ms. Mehrilou states that the TIS scope asked for how the intersection would operate with the additional lots in future years, and the study concluded that there would be minimal impact. Councillor McKenzie asks for the data post development and whether it is available at this point. Patrick Winters states that trip generation numbers and the level of service for the existing intersections are analyzed and it shows that the level of service is not changing post development.

Councillor Kieran McKenzie asks about the impact the development will have on the market value of neighbouring houses and the frontage per unit. Mr. French states that the development proposes townhomes and the middle units which do not require side yards will allow for a smaller lot frontage, and the end units will be slightly larger. Mr. French states these units will not be categorized as affordable housing and will be free hold properties subject to part lot control to subdivide the dwellings and sold. Mr. French states the value cannot be determined at this time but may be similar in price to other townhomes in the city.

Councillor Kieran McKenzie inquires about the interactions at the public open house and the feedback and impact of the number of units on the neighbourhood. Mr. French states that the original plan has changed over the years because of comments received based on the Official Plan Policies and no access for the development onto the Sixth Concession Road. Mr. French states that any comments from the public open house have not been discounted, and Administration was also in attendance, and no changes were required. Mr. French states that the comments from the public had caused the Developer and Administration to revise required studies after the open house, such as traffic impact study.

Councillor McKenzie asks whether Administration has any responses to the area residents' comments regarding the planner's presentation. Ms. Nwaesei clarifies that during her presentation she was identifying which streets do and do not have sidewalks. Ms. Nwaesei states that one of the conditions for the draft plan approval is that the owner must construct a sidewalk from the frontage on the north side Spago to Zurich. Ms. Nwaesei clarifies where bike lanes are located on the Sixth Concession Road. Ms. Nwaesei states that traffic study materials are submitted by the proponent upon the request of Administration, and reviewed by different municipal departments, and her analysis includes reviewing the Official Plan and the Provincial Policy Statement.

Councillor Kieran McKenzie inquires about whether there is a planning best practice or statute or regulations that would prevent ingress/egress off the Sixth Concession Road into the subdivision. Ms. Nwaesei states the secondary plan policy states that we must avoid access from Sixth Concession Road. The secondary plan also requires noise and

vibration studies, and this development is also required to put a noise wall along the Sixth Concession Road. Councillor Kieran McKenzie asks with the increase in traffic and concerns of safety, whether certain requirements/conditions are contained in the planning report for Administration to recommend approval. Ms. Nwaesei agrees.

Councillor Kieran McKenzie inquires whether emergency services have been consulted to determine if services can still be provided within mandated timeframes. Ms. Nwaesei states that Windsor Police and Windsor Fire have been contacted and do not have any concerns.

Councillor Kieran McKenzie asks what would happen if City Council decided to deny the development that is in conformity with the Provincial Statutes and Standards. He also wants to know what would happen upon an appeal to the Ontario Land Tribunal by the developer. Ms. Nwaesei states that should the applicant appeal, the City would have to hire another Planner to present the application.

Councillor Kieran McKenzie asks Mr. Naboulsi to clarify his statement that the development is urban sprawl, as it is considered an infill development. Mr. Naboulsi states that the type of sprawl he is referring to is adding density to a current area that does not have that type of density already. Councillor McKenzie clarifies that this is considered infill development. Mr. Naboulsi states his opposition is to density and the consensus is that neighbours do not want this type of housing, and no opposition would be presented with single family homes.

Councillor Kieran McKenzie clarifies that the Housing Accelerator Fund proposes that areas will not have to go through a zoning process and will be pre-zoned for certain types of development, everything else would go through the normal process such as an amendment. Ms. De Froy states that an independent housing needs assessment report was commissioned identifying acreage for development for densification, and this proposal does not make sense and she questions the location.

Councillor Kieran McKenzie states that the Sixth Concession Road is insufficient and asks Administration to articulate the capacity of the road. Mr. Winters states that an environmental assessment has been completed that includes both Sixth Concession Road and North Talbot. Mr. Winters states that within the ten-year capital plan there is budget monies allocated for North Talbot and the first stage has been completed, with monies still available for the second and third phase. Mr. Winters states that with the environmental assessment, the intention for administration is to reconstruct North Talbot.

Councillor Kieran McKenzie asks if the Sixth Concession Road posed a significant risk for safety due to infrastructure is it currently sufficient to support the development. Mr. Winters states that the Transportation Planning Department has stated that the development will create minimal impact to the existing transportation system, the

environmental assessment does need to be completed, surfacing is self sufficient, and these properties are the last infill properties to be developed.

Councillor McKenzie asks when a traffic impact study analysis is undertaken to what extent does walkability and bike lanes play a role in the decision of the study. Ms. Mehrilou states that these are factors in the TIS and based on her review the current study is seen as satisfactory. Councillor McKenzie asks if this is satisfactory with no walkable areas. Ms. Mehrilou states that the TIS considers vehicles or motorists. Councillor McKenzie asks why it does not consider pedestrians. Ms. Mehrilou states that motorists and vehicles are considered.

Councillor McKenzie asks Thom Hunt if a TIS factor in pedestrian and active transportation users in their analysis. Mr. Hunt defers the question to Transportation Planning. Ms. Mehrilou states that the TIS counts pedestrian at intersections but in terms of improvement it only accounts for motorists. Councillor McKenzie states the impact to pedestrians and cyclists are significant and the current state is unacceptable.

Councillor Marginani inquires about water management system on block six on the draft plan and what type of development will that be. Robert Perissinotti states that it will be an underground water storage system that will be pumped into the Sixth Concession drain, and released at the same current rate and will not be released onto Spago.

Councillor Marginani asks about the square footage of each unit and whether there will be a basement.

Councillor Marginani asks for clarification why Spago is not being used for ingress-egress. Ms. Nwaesei states with respect to the Policy in the North Roseland Secondary Plan, requiring the development to be accessed anywhere other than the Sixth Concession Road, was decided a long time ago and she was not sure why the decision was made. Ms. Nwaesei states the policy was strengthened by requiring Developers to provide a Noise Study if their development abuts the Sixth Concession Road and assumes the reason for the access restrictions on the Sixth Concession Road could be due to either noise or traffic.

Councillor Marginani asks if there will be a sound barrier between the Sixth Concession Road and the development. Ms. Nwaesei confirms with a yes. Councillor Marginani states that the sound barrier would be beneficial for the entire neighbourhood east of the development.

Councillor Mark McKenzie asks why Site Plan Control was not required. Ms. Nwaesei states that based on the Planning Act requirement a subdivision with townhomes with less than ten units each does not require Site Plan Control. Councillor McKenzie clarifies that this is twenty-seven units. Ms. Nwaesei states that collectively there is twenty-seven

units but there are five townhomes each fronting on public right-of-way, but a condominium of this scale would require Site Plan Control.

Councillor Mark McKenzie asks if each of the twenty-seven units could have additional dwelling units. Ms. Nwaesei states that it is no different than existing single unit dwellings. Councillor McKenzie clarifies that there could be a potential of eighty-one units.

Councillor Marginani asks if there will be parking allowed on the cul-de-sac labelled Street A. Ms. Mehrilou states that parking on cul-de-sacs are not permitted throughout the city.

Councillor Marginani asks about the sidewalk on Spago Cresent will continue into the new development and whether that is the responsibility of the developer and then later the City. Ms. Mehrilou states that it will continue in the new subdivision. Ms. Nwaesei states that the developer will be responsible for the construction but that it will be a public sidewalk.

Member Anthony Arbor asks for clarification on the egress onto Sixth Concession Road to lessen public concerns for traffic. Ms. Nwaesei states that she does not know the reasoning behind the policy, but that Council has power to make changes, however the Developer will have to resubmit a new application with an Official Plan Amendment and new revised studies. Mr. Perissinotti states that the Environmental Assessment calls for the Holburn-Sixth Concession Road intersection to be a round-about. Mr. Perissinotti states as per the TAC guidelines, there would not be enough separation between a controlled intersection and another intersection to Sixth Concession Road if a new access point was provided. Chair Jim Morrison states that in a pre-meeting this was discussed as to whether there was a way to provide Sixth Concession Road access and it was determined it was not feasible.

Chair Morrison asks if the public meeting was conducted while seventy-three units were proposed or twenty-seven. Mr. French states it was based on the twenty-seven units.

Councillor Kieran McKenzie asks Mr. French that his Traffic Engineer be present when this application is presented at Council.

Councillor Mark McKenzie states he is not in support of the application to be consistent with last months application in the same neighbourhood to support the residents, the value of their homes and the infrastructure is inadequate for pedestrians and cyclists. Councillor Mark McKenzie states that he does not believe this is responsible planning with the potential of eighty-one units.

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

Decision Number: **DHSC 629**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the lands located on the east side of Sixth Concession Road, north side of Spago Crescent, south of Holburn Street, described as Pt Lot 13, Concession 6, designated as Part 1 and Part 2 on 12R 12694 [PIN 01560-0137 LT and PIN 01560-0136 LT], from RD1.2 to RD2.3 with a holding prefix (HRD2.3); and,

II. THAT the holding (H) symbol **BE REMOVED** when the following conditions are satisfied:

a) The Owner(s) apply to remove the hold provision; and
b) Registration of a Final Plan of Subdivision; and,

III. THAT the application of 2863167 Ontario Inc. for Draft Plan of Subdivision approval for Part of Lot 13, Concession 6, designated as Part 1 and Part 2 on 12R 12694 [PIN 01560-0137 LT and PIN 01560-0136 LT], **BE APPROVED** subject to the following conditions:

A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);

B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-001/24-1, prepared by VERHAEGEN Land Surveyors for 2863167 Ontario Inc., showing 5 Blocks for townhome dwellings, 1 Block to be conveyed to the Corporation of the City of Windsor for storm water management pond, 2 Blocks for Road Reserves, and one proposed road allowance (Street A);

C. That the owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands;

D. That the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix D, attached hereto) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. **Conveyance Requirements**: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor
   i) Block 6 on Map No. SDN-001/24-1 for Storm Water Management (SWM) Facility purposes;

   ii) Block 7 *(a 0.3m wide strip of land along the entire Sixth Concession Road frontage)* and Block 8 *(0.3m wide strip of land along the dead-end of Street A*) on Map No. SDN-001/24-1, for land reserve purposes; and

   iii) A 2.5m wide strip of land along the frontage of Block 5 on Map No. SDN-001/24-1, for utilities; and all conveyances shall be to the satisfaction of the City Engineer and the City Solicitor.

3. **Cul-De-Sac**: The Owner(s) shall construct at the northerly limit of Street A a cul-de-sac bulb wide enough to accommodate a minimum boulevard width of 2.5m for utilities as stipulated by the City of Windsor Standard Drawing AS-206C. Also, the radius shall be large enough for garbage collection trucks and emergency vehicles to turn around in. All work to be to the satisfaction of the City Engineer.

4. **Sidewalks** -The owner(s) shall agree to:

   a) Pay to the Corporation, prior to the issuance of a Building Permit, the sum of $10,080.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the 6th Concession Road frontage of the subject lands.

   b) Construct, at their entire expense and according to City of Windsor Standard Specifications, concrete sidewalks at the following locations, to the satisfaction of the City Engineer:
      i. New Street A – along the west boulevard
      ii. Spago Crescent - along the north boulevard from Street A to Zurich Avenue

5. **Curbs and Gutters** – The Owner(s) shall further agree to pay to the Corporation, prior to the issuance of a construction permit, the sum of $5,328.00 being the Owner's contribution towards the future construction of concrete curb & gutter on the 6th Concession Rd frontage of the subject lands.

6. **Drainage Report** - The Owner(s) shall agree to retain, at its own expense, a Consulting Engineer to provide a detailed Drainage Report in accordance with the *Drainage Act*, to the satisfaction of the City Engineer.

7. **Servicing Charges** – The Owner(s) shall note that they may be required to pay servicing charges for the existing sewers on Spago Crescent and/or sewer connection(s) owing to Sixth Concession Development Ltd. if not paid previously for this site. Proof of payment will be required prior to the issuance of a construction permit.

8. **Tree Removal & Replacement:** The Owner(s) shall pay to the Corporation, prior to the issuance of a construction permit, the sum of $3,400 being tree replacement cost for the removal of the Norway Maple (22cm DBH).

9. **Tree Protection Fencing:** The Owner(s) shall agree to install tree protection fence, prior to commencement of pre-grading activities, and shall further agree to retain a Certified Arborist to inspect the tree protection fencing prior to and during construction to ensure that the fencing remains intact and in good repair throughout the stages of development.

10. **Climate Change considerations:** The Owner(s) shall agree to compensate at caliper-per-caliper rate any trees not able to be retained on the site, in addition to the standard payment for one new tree per unit requirement at the time of building permit, to the satisfaction of the City Forester as per the Schedule of Fees.

11. **Parkland Conveyance:** The Owner(s) shall, prior to the issuance of a construction permit, pay cash-in-lieu of the 5% of lands to be developed, in accordance with By-law 12780, to the satisfaction of the Executive Director of Parks and the City Planner.

12. **Enbridge Clearance Requirements:** The Owner(s) shall agree to maintain a minimum separation of

    i) 0.6m horizontal and 0.3m vertical from all Enbridge's plants less than NPS 16;

    ii) 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines; and

    iii) 1.0m when drilling parallel to any of Enbridge's pipelines.

13. **Noise and Vibration Control:** The Owner(s) shall, at its entire expense,
    i) install a 1.8m high noise barrier fence with a minimum density of 20 kg/m2 along the westerly lot line (Sixth Con. Rd. frontage) of the subject lands in accordance with the diagram labelled *Sheet 4 – Mitigation*

Measures (excerpt from Appendix B to Acoustical Report) on page 14 of Appendix E attached to this report.

14. **Noise Control Measures:** The Owner(s) shall agree to design the subject development in compliance with the following criteria:

    i) all windows leading to sensitive living areas shall have a minimum sound transmission class (STC) as noted in the diagram labelled *Sheet 4 – Mitigation Measures (excerpt from Appendix B to Acoustical Report)* on page 14 of Appendix E attached to this report, in order to meet the MOECC indoor noise level criteria;

    ii) all walls leading to sensitive living areas shall have a minimum sound transmission class (STC) as noted in the diagram labelled *Sheet 4 – Mitigation Measures (excerpt from Appendix B to Acoustical Report)* on page 14 of Appendix E attached to this report;

    iii) acoustic privacy between units in a multi-tenant building, the inter-unit wall, shall meet or exceed STC-50; and

    iv) wall separation between noisy spaces, such as refuse chutes or elevator shafts, and suites shall meet or exceed STC-55.

15. **Acoustical Consultant Review:** The Owner(s) shall, prior to the issuance of a building permit, and at their entire expense, engage the services of an acoustical consultant to review the sound transmission class (STC) for the proposed development's walls, windows, and doors to ensure they conform to the recommendations outlined in the February 20, 2024, Acoustical Report prepared by BAIRD AE.

16. **Warning Clause(s):** The Owner(s) shall agree to place the following warning clause in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within the subject plan of subdivision [Map No. SDN-001/24-1].

    a) Noise Warning -
    "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

    b) Vibration Warning -
    "Purchasers/tenants are advised that due to the proximity of the adjacent roadway, vibration from the roadway may be felt."

17. The Owner(s) shall agree to:

    i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

    ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development; and, where the required infrastructure is unavailable, the owner(s) shall agree to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure or demonstrate to the satisfaction of the City Engineer and Chief Building officer that sufficient alternative communication/telecommunication will be provided to enable the effective delivery of communication/telecommunication services for emergency management services.

NOTES TO DRAFT APPROVAL (File # SDN-001/24)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.*

2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the City Planner / Executive Director of Planning and Development, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*

4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*

5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*

6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan; and,*

IV. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The *Planning Act*; and,

V. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision; and,

VI. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner / Executive Director of the Planning and Development shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor
Carried.
Councillor Mark McKenzie and Member Anthony Arbour voting nay.

Report Number: S 71/2024
Clerk's File: Z/14781 & Z/14544

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 9:10 o'clock p.m.
Carried.

Ward 10 – Councillor Jim Morrison (Chairperson)	Deputy City Clerk / Supervisor of Council Services