CITY OF WINDSOR MINUTES 11/04/2024

Development & Heritage Standing Committee Meeting

Date: Monday, November 4, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour
Member Daniel Grenier
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Tracy Tang – Planner III, Heritage
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development
Aaron Farough, Senor Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Patrick Winters, Manager, Development
Justina Nwaesei, Planner III, Development
Simona Simion, Planner III, Economic Development
Brian Nagata, Planner II, Development Review
Diana Radulescu, Planner II, Development Review

Elara Mehrilou, Transportation Planner I
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.1 being "Zoning By-law Amendment Application for 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1" 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 7.3 being "Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211], 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 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1" as his company is the applicant for this application.

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 (*Planning Act*) minutes of its meeting held October 7, 2024

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 7, 2024 **BE ADOPTED** as presented.

Report Number: SCM 320/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1

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

Decision Number: **DHSC 670**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the east side of California Avenue between Balmoral Street and Norfolk Street, described as Lots 1291 to 1294, Plan 1023 (PIN No. 01277-0254 LT), by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

514. EAST SIDE OF CALIFORNIA AVENUE BETWEEN BALMORAL STREET AND NORFOLK STREET

(1) For the lands comprising of Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.4.5 shall apply; and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 8; ZNG/7227]

Carried.
Councillor Fred Francis voting nay.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 135/2024
Clerk's File: Z/14849

7.2. Zoning By-Law Amendment Z027-24 (ZNG/7230) - Marko Agbaba – 180 California Avenue, Ward 2

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

Decision Number: **DHSC 671**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

XX. EAST SIDE OF California Avenue, south of Riverside DR E

For the lands comprising of PLAN 804 LOT 5; the following additional regulations shall apply:

1)	a)	Lot Width – minimum	13.5 m
	b)	Lot Coverage – maximum	46.5%
	c)	Gross Floor Area – *Main Building* – maximum	758.0 m^2

(ZDM 3)

II. THAT the H symbol **SHALL APPLY** to PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(12) a) Stage 1 Archaeological Assessment to the satisfaction of the Heritage Planner.

Carried.

Report Number: S 145/2024
Clerk's File: Z/14866

7.3. Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211]; Ward 5.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 672**
I THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East, described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)], from RD2.1 to RD2.2, subject to s.95.20.

II THAT the holding (H) symbol **SHALL APPLY** to the land described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)] and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(2) Registration of a Final Plan of Subdivision.

III THAT the application of Olivia Construction Homes Inc. for Draft Plan of Subdivision approval for Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (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-003/24-1, prepared by VERHAEGEN Land Surveyors for Olivia Construction Homes Inc., showing 4 Blocks for townhome dwellings, 1 Block to be conveyed to the Corporation of the City of Windsor for the accommodation of existing municipal drain

south of the subject land, 1 Block for Road Reserve, and two proposed road allowances (Street A and extension of Loon Street);

C. That the owner 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 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 and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The owner shall include all items as set out in the Results of Consultation (attached hereto as Appendix D) with further amendments as required, all requirements under the General Provisions of the Plan of Subdivision Agreement for the Engineering Department, and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. The owner shall, prior to the issuance of a construction permit for any and all phases of the development, finalize an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation, with the Essex Region Conservation Authority (ERCA), to the satisfaction of the City Engineer and Essex Region Conservation Authority.

3. The Owner shall install the stormwater management measures, for each phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

4. The owner shall, prior to the issuance of a construction permit, provide the Essex Region Conservation Authority a copy of the fully executed subdivision agreement between the Owner and the Municipality, containing provisions to carry out the recommendations of the final plans, reports, and requirements noted above in paragraphs III.E.2 & III.E.3, and obtain the necessary ERCA approvals for each phase or phases seeking final approval.

5. Prior to undertaking construction or site alteration activities, the owner shall obtain all necessary approvals from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act,* any other legislation, and applicable conditions specified herein.

6. Notice is required in every agreement of purchase and sale for the units within Block 4, that the properties are subject to Section 28 approvals by ERCA under the

Conservation Authorities Act. Additionally, the notice should specify that the rear portion of the lots with 8m plus the depth of the drain may not meet the minimum setback requirement for additional structures. The ERCA permit process will assess the feasibility of constructing buildings and structures in proximity to the regulated watercourse, Pillette Drain No. 1.

7. Right-of-Way - Prior to the issuance of a construction permit, the owner shall

   a) Construct on all future municipal right-of-way, pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, complete with a 20-meter right-of-way. Pavements may be 7.4 meters in width, as shown on Standard City Drawing AS-206C. The cul-de-sac pavements shall have a minimum radius of 9.5 meter. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.

   b) Construct at the easterly 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, and 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.

8. Sidewalks – Prior to the issuance of a construction permit, the owner shall 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:

   a) New Street A – along the north boulevard to Allyson Avenue

   b) Loon Street – along the north boulevard between Allyson Avenue and Tourangeau Road

9. Private Storm Drainage Connection - The owner agrees that private storm drain connections from residential units shall not be provided, and further agrees that the proposed townhouses shall be constructed with slabs on grade and shall be drained on grade via splash-blocking.

10. Catch Basins – Prior to the issuance of a construction permit, the owner shall install two sets of catch basins on each of Street `A' and Loon Street, as a factor of safety, and install rear yard drain catch basins that shall outlet to shared rear-yard drainage piping, all to the satisfaction of the City Engineer.

11. Servicing Study – Prior to the issuance of a construction permit, the owner shall, at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The study shall review the proposed

impact and recommend mitigating measures and implementation of those measures.

12. Site Servicing Plans – The owner shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits.

13. Servicing Charges – The owner shall pay owed servicing fees in the amount of $11,557.70 + HST + an annual interest charge applied based on the Infrastructure Ontario 5-year borrowing rate plus 1%.

14. Conveyance Requirements - The owner shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor
    i) Block 5 on Map No. SDN-003/24-1 for the municipal Pillette Drain No.1. This conveyance shall be approximately 4.7 meters;
    ii) Block 6 *(0.3m wide strip of land along the dead-end of Street A*) on Map No. SDN-003/24-1, for land reserve purposes;
    iii) A 6.0m wide easement along the southerly limit of Block 4 on Map No. SDN-003/24-1, for the maintenance and improvement of the Pillette No. 1 Drain. Should the municipal drain be abandoned, the easement would still be necessary for the maintenance of the municipal ditch; and all conveyances shall be to the satisfaction of the City Engineer and the City Solicitor.

15. Drainage Engineering Report – The owner agrees that the subject site shall be serviced by the Pillette Drain No. 1, situated to the south of the property; and further agrees that any new storm sewer outlet connection to the drain shall be completed in accordance with City of Windsor Engineering Best Practice BP.1.3.2, which includes an Engineer's Report, and any other requirements specified under the Drainage Act. Therefore, the owner shall retain, at its own expense, a Consulting Engineer to provide, prior to the issuance of a construction permit, a detailed Drainage Report in accordance with the Drainage Act, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

16. Climate Change considerations - The owner shall 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.

17. Tree Removal & Replacement - The owner shall pay to the Corporation, prior to the issuance of a construction permit, the sum of $74,392.00 being tree replacement cost for the removal of trees with a total of 547 cm tree diameter, which requires replacement with a total of 110 new caliper trees.

18. Tree Protection Fencing - The owner shall install tree protection fence for Tree Root protection zones for each tree, prior to commencement of pre-grading activities, and shall further 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.

19. Parkland Conveyance: The owner 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.

20. Archaeological Assessment - Prior to final Plan approval and prior to any additional land disturbances, the owner shall undertake a Stage 1 archaeological assessment and any further recommended assessments. The required assessment(s) shall be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism.

21. Prior to the issuance of a construction permit, the owner shall submit a final copy of the relevant archaeological reports mentioned above, in paragraph 20, and GIS study area to the City of Windsor.

22. The owner shall adhere to the recommended mitigation and avoidance measures in section 4.4 of the Fisheries Act Review prepared by MTE, dated May 14, 2024.

23. The owner shall:
    i) Relocate, at their own cost, any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

    ii) Provide Bell Canada with servicing plans/CUP to confirm the provision of communication/telecommunication infrastructure needed to service the development. The owner shall be responsible for providing entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the owner may be required to pay for the extension of such network infrastructure. If the owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

NOTES TO DRAFT APPROVAL (File # SDN-003/24)

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.*

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.

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

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.

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

VIII THAT Administration from the Parks Department **BE DIRECTED** to comment on the potential sale of vacant land on Plymouth Street; and,

IX THAT this information be **BE BROUGHT FORWARD** when this item proceeds to Council for their consideration.
Carried.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 146/2024
Clerk's File: Z/14851 Z/14853

7.4. Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1

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

Decision Number: **DHSC 673**
THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the north side of Giles Blvd between Parent Ave and Langlois Ave, described as Lot 53 Plan 937, PIN 01155-0034, by adding a site-specific provision to permit one *Multiple Dwelling* containing a maximum of six *dwelling units,* subject to the following additional regulations:

515. NORTH SIDE OF GILES BLVD BETWEEN PARENT AVE AND LANGLOIS AVE

(1) For the lands comprising Lot 53 Plan 937, PIN 01155-0034, one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted main use subject to the following additional provisions:

1. Notwithstanding Section 11.2.5.4.1, the minimum lot width shall be 11.2 m.
2. Notwithstanding Section 11.2.5.4.2, the minimum lot area shall be 470.2 m^2.
3. Notwithstanding Section 24.20.5.1, the minimum required parking spaces shall be four (4) parking spaces.

[ZDM 7; ZNG/7232]

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

Report Number: S 137/2024
Clerk's File: Z/14864

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:03 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:03 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Brownfield Property Tax Assistance/Rehabilitation Grant Community Improvement Plan (CIP) application submitted by Capital Plus Real Estate Corp. for 3841-3847 Howard Avenue (Ward 8)

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

Decision Number: **DHSC 674**

I. THAT the request made by Capital Plus Real Estate Corp. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 3841-3847 Howard Avenue for up to 10 years, not to exceed 100% of the eligible costs, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. THAT Administration **BE DIRECTED** to prepare an agreement between Capital Plus Real Estate Corp., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications; and,

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,

IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Programs **EXPIRE** if the agreement is not signed by applicant within two years following Council approval.

Carried.

Report Number: S 138/2024
Clerk's File: SPL2024

11.2. Part Closure of north/south alley located between Park Street West and Wyandotte Street West, Ward 3, SAA-7034

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

Decision Number: **DHSC 675**

I. THAT part of the 5.90-metre-wide north/south alley located between Park Street West and Wyandotte Street West, namely south of Lot 27, Plan 281, and shown on Drawing No. CC-1857 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;

II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the owner of 170 Wyandotte Street West, 564 Victoria Avenue and 569 Pelissier Street, and as necessary, in a manner deemed appropriate by the City Planner, subject to the following conditions being satisfied by the owner/applicant at their sole expense:

a. Removal and/or relocation of Bell Canada's overhead telecommunications infrastructure from the subject alley, in coordination with and to the satisfaction of Bell Canada and the City Engineer.
b. Removal and/or relocation of ENWIN Utilities Ltd.'s underground high voltage conductors, and overhead high-voltage power lines and utility pole with guy wire and anchor from the subject alley, in coordination with and to the satisfaction of ENWIN Utilities Ltd. and the City Engineer.
c. Removal and/or relocation of ENWIN Utilities Ltd.'s utility pole and guy wires and anchors from that part of the north/south alley to remain open, across from the property known municipally as 563 and 567 Pelissier Street, legally described as Lot 27, Plan 281, in coordination with and to the satisfaction of ENWIN Utilities Ltd. and the City Engineer.
d. Removal and/or relocation of Telus Communications Inc.' overhead and underground telecommunications infrastructure from the subject alley, in coordination with and to the satisfaction of Telus Communications Inc. and the City Engineer.
e. Construction of a new east/west alley over and along Lot 26, Plan 281, constituting the north half of the property known municipally as 564 Victoria Avenue, legally described as Lots 26 and 27, Plan 281, which shall connect the remaining part of the north/south alley to the Victoria Avenue right-of-way, as shown on Drawing No. CC-1857, and hereinafter referred to as the "east/west alley", in coordination with and to the satisfaction of the City Engineer.
f. Obtain necessary permits for and construct new driveway approach off Victoria Avenue for the east/west alley in coordination with and to the satisfaction of the City Engineer.
g. Obtain necessary permits for and complete any required modifications to the existing drainage within the part of the north/south alley to remain open to accommodate the east/west alley in coordination with and to the satisfaction of the City Engineer.

h. Obtain necessary permits to remove the old driveway approach on Victoria Avenue and restore the redundant curb cut and boulevard to City Standards and to the satisfaction of the City Engineer.
i. Obtain necessary permits to remove the old alley driveway approach and restore the redundant curb cut and commercial sidewalk on Wyandotte Street West to City Standards and to the satisfaction of the City Engineer.
j. Obtain necessary permits to construct the new east/west alley as per AS-201 and to install drainage for the new alley as per City Standards and to the satisfaction of the City Engineer.
k. Provide a 12R Reference Plan to describe the subject alley and the east/west alley to the satisfaction of the City Engineer.
l. Gratuitously convey to The Corporation of the City of Windsor:

    i. the east/west alley to the satisfaction of the City Engineer.

III. THAT Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned CD3.6, no charge contingent upon the owner satisfying all the conditions set forth under Recommendation II herein.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1857.

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

VIII. THAT the City Solicitor or designate **BE AUTHORIZED** to prepare a by-law to dedicate the lands described under Section e. of Recommendation II herein as a public highway **PRIOR TO** the subject alley being closed.

Carried.

Report Number: S 140/2024
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 is adjourned at 6:05 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, December 2, 2024..
Carried.

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

Development & Heritage Standing Committee Meeting
(*Planning Act* Matters)

Date: Monday, November 4, 2024
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members
Member Anthony Arbour
Member Daniel Grenier
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Tracy Tang – Planner III, Heritage
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development
Aaron Farough, Senor Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Patrick Winters, Manager, Development
Justina Nwaesei, Planner III, Development
Simona Simion, Planner III, Economic Development
Brian Nagata, Planner II, Development Review
Diana Radulescu, Planner II, Development Review
Elara Mehrilou, Transportation Planner I

Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.2 - Joseph Papic, abutting property owner
Item 7.3 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.3 - Mary Pintarich, area resident

Delegations—participating in person

Item 7.1 - Andi Shallvari, Agent for the Applicant
Item 7.2 - Jackie Lassaline, Lassaline Planning Consultants
Item 7.2 - Marko Agbaba, Property Owner
Item 7.3 - Norman Dworatschek, area resident
Item 7.3 – Andrew Jacobs, area resident
Item 7.4 - Melanie Muir, Dillon Consulting Limited
Item 7.4 – Dan Grenier, property owner

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.1 being "Zoning By-law Amendment Application for 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1" 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 7.3 being "Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211], 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 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1" as his company is the applicant for this application.

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 October 7, 2024

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 7, 2024 **BE ADOPTED** as presented.

Report Number: SCM 320/2024

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1

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

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

Councillor Fred Francis inquires whether this development is affordable and attainable and will change the character of the neighbourhood and set a precedent by allowing a semi-detached dwelling use in a residential area comprised primarily of single-unit dwellings. Brian Nagata states that the planning rationale was based on 2024 Provincial Planning Statement (PPS) which promotes a mix of residential types.

Councillor Francis inquires whether a mix of residential types are considered even when the housing prices remain the same when the report states affordable and attainable housing. Mr. Nagata states that he cannot estimate the selling prices of homes and that this is a different housing choice.

Councillor Francis states that he believes that the development will sell for more than the houses within the neighbourhood. Mr. Nagata states that he cannot assume what the units will sell for. Neil Robertson states that this development is meant to provide a mix of housing options within the neighbourhood and increase the supply of housing which in theory will lower housing costs. Mr.

Robertson continues that any new build will cost more than existing housing due to construction and land prices.

Councillor Francis inquires whether two single family homes with additional dwelling units (ADUs) was considered to achieve the same housing stock and to not change the characteristics of the neighbourhood. Mr. Nagata agrees that a single-family home could be constructed on each lot with ADUs. Mr. Nagata clarifies that the creation of the lots can be achieved without a Consent through transferring two of the lots on the underlying Registered Plan of Subdivision.

Councillor Francis inquires whether we want to grant approval when it does not achieve increase housing stock or provide affordable housing, while setting a precedent in the neighbourhood. Mr. Robertson states that the development provides a mix of housing options and is consistent with the PPS.

Councillor Francis inquires why we would not tell the Developer that rezoning is not an option for a semi-detached dwelling and that single family homes with ADUs can be built to achieve the same price point and characteristics of the neighbourhood. Mr. Robertson states that character is not limited to the type of dwelling and includes a more comprehensive list, and that compatibility of a build and its negative impact on the neighbourhood which help to arrive to a recommendation.

Councillor Francis inquires why single-family homes with ADUs were not considered. Andi Shallvari states that land value is greater with single-family homes where a semi-detached dwelling limits the footprint to a development that will not be as expensive to build and will be more affordable to purchase. Mr. Shallvari states that single family homes with ADUs goes against our company's mission to build homes for families rather than to landlords.

Councillor Francis inquires if the building permit fees were cheaper. Mr. Shallvari agrees and states that it has to make sense for the company.

Councillor Kieran McKenzie inquires if the market segment to target first time home buyers or families who have previously owned a home. Mr. Shallvari states it's a combination of buyers, such as a couple to rent the property, or if the property were severable then to sell separately for families.

Councillor Kieran McKenzie inquires if other designs would cater to a different segment of the market. Mr. Shallvari states that a single-family home would cater to rentals, where semi-detached homes would be possible to sell to families.

Councillor Kieran McKenzie inquires whether recent approvals in the area play a part in the analysis of a rezoning application or if specific to the parcel of land is evaluated on its own merit, or if it is a combination of the previous. Mr. Nagata states that it is a combination of factors. Mr. Nagata notes that the applicant is not seeking any relief from the provisions of the RD1.4 zoning for a semi-detached dwelling. Mr. Nagata further notes that the proposed development would also

comply with the provisions of the RD1.4 zoning for a single unit dwelling. Mr. Nagata concludes that the proposed development will therefore be compatible with the established built form.

Councillor Francis states that he will not be supporting the motion as it goes against objectives for affordable housing and keeping with the character of the neighbourhood.

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

Decision Number: **DHSC 670**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the east side of California Avenue between Balmoral Street and Norfolk Street, described as Lots 1291 to 1294, Plan 1023 (PIN No. 01277-0254 LT), by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

514. EAST SIDE OF CALIFORNIA AVENUE BETWEEN BALMORAL STREET AND NORFOLK STREET

(1) For the lands comprising of Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.4.5 shall apply; and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 8; ZNG/7227]

Carried.
Councillor Fred Francis voting nay.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 135/2024
Clerk's File: Z/14849

7.2. Zoning By-Law Amendment Z027-24 (ZNG/7230) - Marko Agbaba – 180 California Avenue, Ward 2

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

Jackie Lassaline (agent) states that she is in agreement with the Administration recommendation. Ms. Lassaline states that the proposed four-square building is comparable with the existing heritage buildings located adjacent to and across the street from the existing property, and is similar in massing, height and colour and will fit into the neighbourhood.

Marko Agbaba (applicant) states that the front yard parking is at 49.6% and does not require a variance, the sanitary capacity has been assessed by the City of Windsor and it was noted that it

will not experience any degradation due to the development. Mr. Agbaba noted that the calculation of gross floor area (GFA) typically includes above-grade space, but the requested increase in GFA for this development is due to the additional dwelling units in the cellar instead of being detached from the house. Mr. Agbaba states that parking will be provided without asking for any variances, and nearby University of Windsor parking lots can be used in addition for residents and guests.

Joseph Papic (area resident) has concerns that the proposed development will accommodate a large number of residents in comparison to the size of the lot. Mr. Papic states that the application is asking for relief on maximum lot width, lot coverage, rear yard setback and requests that those numbers be adjusted so the development can meet the existing zoning by-law requirements. Mr. Papic notes that the proposed GFA exceeds what is allowed under the zoning by-law, thereby creating dense intensification, that the proposal exceeds the allowed percentage of front yard hard surfaces, and that there is limited parking provided for the amount of residents and guests, thereby creating stress for the neighbourhood. Mr. Papic further states that this proposal is similar to a lodging house or a hotel in the middle of a neighbourhood and does not match the neighbourhood context.

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

Decision Number: **DHSC 671**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

XX. EAST SIDE OF California Avenue, south of Riverside DR E

For the lands comprising of PLAN 804 LOT 5; the following additional regulations shall apply:

1)	a)	Lot Width – minimum	13.5 m
	b)	Lot Coverage – maximum	46.5%
	c)	Gross Floor Area – *Main Building* – maximum	758.0 m^2

(ZDM 3)

II. THAT the H symbol **SHALL APPLY** to PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(12) a) Stage 1 Archaeological Assessment to the satisfaction of the Heritage Planner.

Carried.

Report Number: S 145/2024
Clerk's File: Z/14866

7.3. Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211]; Ward 5.

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

Tracey Pillon-Abbs (agent) is in agreeance with Administration's recommendations and is available for questions.

Mary Pintarich (area resident) has concerns that the vacant land on Zelda Court has been designated parkland and Olivia Homes should either purchase the land from the City or obtain the parkland to extend Zelda Court as a street to the development property. Ms. Pintarich states concerns of parking in the neighbourhood as surrounding streets are not equipped for on-street parking.

Norman Dworatschek (area resident) has concerns of limited parking, existing neighbourhood characteristic.

Andrew Jacobs (area resident) has concerns of limited parking and the width of the street not allowing for on-street parking with two lanes of traffic, emergency services has difficulty getting down the street when cars are parked on the street and suggests a near by vacant lot for parking and access for construction. Mr. Jacobs states concerns of traffic in addition to the current volume from area residents, construction workers, and the Amazon plant and the streets cannot sustain the proposed development. Mr. Jacobs has concerns of speeding traffic, and the characteristics of the neighbourhood not matching the surrounding neighbourhood.

Councillor Mark McKenzie inquires about the vacant commercial land along Plymouth Drive and if there is an opportunity for staff to propose the sale of City land to the Developer. Justina Nwaesei states that there is a municipal drain between the commercial land and the applicant's land, which poses a development constraint, and if the commercial land is used for parking then the development will create additional issues with respect to driving over the drain.

Chair Jim Morrison inquires if traffic calming measures have been applied for. Mr. Jacobs states that traffic calming and curbs and gutters for the streets have all been brought forward to the Ward Councillor.

Chair Morrison asks if any petitions have been started for traffic calming. Mr. Jacobs states that a neighbour has started a petition for the neighbourhood who has also informed the Ward Councillor about traffic.

Chair Morrison inquires if each townhome has a driveway. Tracey Pillon-Abbs confirms that each unit will have a driveway and potentially a garage, but the final design has not been confirmed.

Chair Morrison inquires if the development will have access off Tourangeau Road. Ms. Pillon-Abbs confirms this and that it will be a connecting road to the existing neighbourhood.

Councillor Kieran McKenzie inquires whether the vacant land on Zelda Court is zoned as parkland and owned by the City. Ms. Nwaesei is unsure and will research the area. Chair Morrison defers the question to Ms. Pillon-Abbs. Ms. Pillon-Abbs states that the Surveyor determined it was a municipal right-of-way and the intent is to open up Zelda Court into the cul-de-sac.

Councillor Kieran McKenzie inquires if Zelda Court will have a sidewalk. Ms. Pillon-Abbs states that the development will meet municipal standards and requirements and it would be a condition of the Development Agreement.

Councillor Kieran McKenzie inquires with Administration if Zelda Court will have sidewalks. Ms. Nwaesei states that sidewalks will be on the northside of the street that is extending all the way from Allyson Avenue to Tourangeau Road, and on the northside of Zelda Court to Allyson Avenue.

Ms. Nwaesei states that the vacant land on Zelda Court does show the configuration of a right-of-way. Patrick Winters states that aerial curb returns were installed when Allyson Avenue with the intent to extend the road in the future.

Councillor Mark McKenzie asks that when this item is brought to Council that the Parks Department comment on the sale of the vacant land on Plymouth Drive.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 672**
I THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East, described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)], from RD2.1 to RD2.2, subject to s.95.20.

II THAT the holding (H) symbol **SHALL APPLY** to the land described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)] and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(2) Registration of a Final Plan of Subdivision.

III THAT the application of Olivia Construction Homes Inc. for Draft Plan of Subdivision approval for Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (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-003/24-1, prepared by VERHAEGEN Land Surveyors for Olivia Construction Homes Inc., showing 4 Blocks for townhome dwellings, 1 Block to be conveyed to the Corporation of the City of Windsor for the accommodation of existing municipal drain south of the subject land, 1 Block for Road Reserve, and two proposed road allowances (Street A and extension of Loon Street);

C. That the owner 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 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 and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The owner shall include all items as set out in the Results of Consultation (attached hereto as Appendix D) with further amendments as required, all requirements under the General Provisions of the Plan of Subdivision Agreement for the Engineering Department, and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. The owner shall, prior to the issuance of a construction permit for any and all phases of the development, finalize an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation, with the Essex Region Conservation Authority (ERCA), to the satisfaction of the City Engineer and Essex Region Conservation Authority.

3. The Owner shall install the stormwater management measures, for each phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

4. The owner shall, prior to the issuance of a construction permit, provide the Essex Region Conservation Authority a copy of the fully executed subdivision agreement between the Owner and the Municipality, containing provisions to carry out the recommendations of the final plans, reports, and requirements noted above in paragraphs III.E.2 & III.E.3, and obtain the necessary ERCA approvals for each phase or phases seeking final approval.

5. Prior to undertaking construction or site alteration activities, the owner shall obtain all necessary approvals from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act,* any other legislation, and applicable conditions specified herein.

6. Notice is required in every agreement of purchase and sale for the units within Block 4, that the properties are subject to Section 28 approvals by ERCA under the *Conservation Authorities Act*. Additionally, the notice should specify that the rear portion of the lots with 8m plus the depth of the drain may not meet the minimum setback requirement for additional structures. The ERCA permit process will assess the feasibility of constructing buildings and structures in proximity to the regulated watercourse, Pillette Drain No. 1.

7. Right-of-Way - Prior to the issuance of a construction permit, the owner shall

   a) Construct on all future municipal right-of-way, pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, complete with a 20-meter right-of-way. Pavements may be 7.4 meters in width, as shown on Standard City Drawing AS-206C. The cul-de-sac pavements shall have a minimum radius of 9.5 meter. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.

   b) Construct at the easterly 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, and 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.

8. Sidewalks – Prior to the issuance of a construction permit, the owner shall 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:

   a) New Street A – along the north boulevard to Allyson Avenue

   b) Loon Street – along the north boulevard between Allyson Avenue and Tourangeau Road

9. Private Storm Drainage Connection - The owner agrees that private storm drain connections from residential units shall not be provided, and further agrees that the proposed townhouses shall be constructed with slabs on grade and shall be drained on grade via splash-blocking.

10. Catch Basins – Prior to the issuance of a construction permit, the owner shall install two sets of catch basins on each of Street `A' and Loon Street, as a factor of safety,

and install rear yard drain catch basins that shall outlet to shared rear-yard drainage piping, all to the satisfaction of the City Engineer.

11. Servicing Study – Prior to the issuance of a construction permit, the owner shall, at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

12. Site Servicing Plans – The owner shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits.

13. Servicing Charges – The owner shall pay owed servicing fees in the amount of $11,557.70 + HST + an annual interest charge applied based on the Infrastructure Ontario 5-year borrowing rate plus 1%.

14. Conveyance Requirements - The owner shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor
    i) Block 5 on Map No. SDN-003/24-1 for the municipal Pillette Drain No.1. This conveyance shall be approximately 4.7 meters;
    ii) Block 6 *(0.3m wide strip of land along the dead-end of Street A*) on Map No. SDN-003/24-1, for land reserve purposes;
    iii) A 6.0m wide easement along the southerly limit of Block 4 on Map No. SDN-003/24-1, for the maintenance and improvement of the Pillette No. 1 Drain. Should the municipal drain be abandoned, the easement would still be necessary for the maintenance of the municipal ditch; and all conveyances shall be to the satisfaction of the City Engineer and the City Solicitor.

15. Drainage Engineering Report – The owner agrees that the subject site shall be serviced by the Pillette Drain No. 1, situated to the south of the property; and further agrees that any new storm sewer outlet connection to the drain shall be completed in accordance with City of Windsor Engineering Best Practice BP.1.3.2, which includes an Engineer's Report, and any other requirements specified under the Drainage Act. Therefore, the owner shall retain, at its own expense, a Consulting Engineer to provide, prior to the issuance of a construction permit, a detailed Drainage Report in accordance with the Drainage Act, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

16. Climate Change considerations - The owner shall 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.

17. Tree Removal & Replacement - The owner shall pay to the Corporation, prior to the issuance of a construction permit, the sum of $74,392.00 being tree replacement cost for the removal of trees with a total of 547 cm tree diameter, which requires replacement with a total of 110 new caliper trees.

18. Tree Protection Fencing - The owner shall install tree protection fence for Tree Root protection zones for each tree, prior to commencement of pre-grading activities, and shall further 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.

19. Parkland Conveyance: The owner 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.

20. Archaeological Assessment - Prior to final Plan approval and prior to any additional land disturbances, the owner shall undertake a Stage 1 archaeological assessment and any further recommended assessments. The required assessment(s) shall be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism.

21. Prior to the issuance of a construction permit, the owner shall submit a final copy of the relevant archaeological reports mentioned above, in paragraph 20, and GIS study area to the City of Windsor.

22. The owner shall adhere to the recommended mitigation and avoidance measures in section 4.4 of the Fisheries Act Review prepared by MTE, dated May 14, 2024.

23. The owner shall:

    i) Relocate, at their own cost, any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

    ii) Provide Bell Canada with servicing plans/CUP to confirm the provision of communication/telecommunication infrastructure needed to service the development. The owner shall be responsible for providing entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the owner may be required to pay for the extension of such network infrastructure. If the owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

NOTES TO DRAFT APPROVAL (File # SDN-003/24)

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.*

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.

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

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.

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

VIII THAT Administration from the Parks Department **BE DIRECTED** to comment on the potential sale of vacant land on Plymouth Street; and,

IX THAT this information be **BE BROUGHT FORWARD** when this item proceeds to Council for their consideration.
Carried.
Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 146/2024
Clerk's File: Z/14851 Z/14853

7.4. Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1

Simona Simion (author), Planner III – Economic Development, is available for questions.

Melanie Muir (agent) and Daniel Grenier (applicant) are available for questions.

Councillor Kieran McKenzie inquires if there is a reduction in parking due to bike parking facilities included in the development and access to transit. Simona Simion agrees.

Councillor Kieran McKenzie inquires if there are any minimum standards associated with the type of bike parking facilities that would be required to be constructed to agree to reduce the parking minimums. Ms. Simion states that only regulation for parking is when we have a parking area, which is more than five parking spaces, which means that there are no requirements for this development to have bike parking. Ms. Simion states that she ensured that parking is provided, is secure and weatherproof, and that each unit will have bike storage within the unit and considered secure.

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

Decision Number: **DHSC 673**
THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the north side of Giles Blvd between Parent Ave and Langlois Ave, described as Lot 53 Plan 937, PIN 01155-0034, by adding a site-specific provision to permit one *Multiple Dwelling* containing a maximum of six *dwelling units,* subject to the following additional regulations:

515. NORTH SIDE OF GILES BLVD BETWEEN PARENT AVE AND LANGLOIS AVE

(1) For the lands comprising Lot 53 Plan 937, PIN 01155-0034, one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted main use subject to the following additional provisions:

1. Notwithstanding Section 11.2.5.4.1, the minimum lot width shall be 11.2 m.

2. Notwithstanding Section 11.2.5.4.2, the minimum lot area shall be 470.2 m^2.

3. Notwithstanding Section 24.20.5.1, the minimum required parking spaces shall be four (4) parking spaces.

[ZDM 7; ZNG/7232]

Carried.

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

Report Number: S 137/2024
Clerk's File: Z/14864

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:03 o'clock p.m.

Ward 10 – Councillor Jim Morrison (Chairperson)

Deputy City Clerk / Supervisor of Council Services