Development & Heritage Standing Committee Meeting

Date: Monday, December 2, 2024
Time: 4:30 PM

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 Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon
Member William Tape

Members Regrets
Member Khassan Saka
Member John Miller
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
Jason Campigotto, Deputy City Planner – Growth
Adam Szymczak, Acting Deputy City Planner – Development
Aaron Farough, Senor Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Patrick Winters, Manager, Development
Simona Simion, Planner III, Economic Development
James Abbs, Planner III - Development
Diana Radulescu, Planner II, Development Review
Elara Mehrilou, Transportation Planner I
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.3 – Sil D'Andrea, Area Resident
Item 7.4 – Tuseef Rehman, Area Resident
Item 7.5 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.5 – Sarah Jarvis, Area Resident
Item 7.5 – Paul & Helen Berry, Area Resident
Item 7.5 – Rick & Livia Lobzun, Area Resident

Delegations—participating in person

Item 7.1 – Amy Farkas, Dillon Consulting Limited
Item 7.2 – Amy Farkas, Dillon Consulting Limited
Item 7.2 – Terry Rafih, Applicant
Item 7.3 – Anthony Palermo, Applicant
Item 7.4 – Jackie Lassaline, Lassaline Planning Consultants
Item 7.4 – Muhammad Siddiqui, Area Resident
Item 7.4 – Abdul Naboulsi, Area Resident
Item 7.4 – Dr. Suzanne De Froy, Area Resident
Item 7.4 – Brian Kukhta, Area Resident
Item 7.6 – Jackie Lassaline, Lassaline Planning Consultants
Item 7.6 – Mark Agbaba, 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 7.5 being "Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6" 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 August 6, 2024

Moved by: Member William Tape
Seconded by: Member Joseph Fratangeli

That the minutes of the Development & Heritage Standing Committee meeting held August 6, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 242/2024

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

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

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

Report Number: SCM 268/2024

8.3. Adoption of the Development & Heritage Standing Committee minutes from its meeting held October 7, 2024

Moved by: Member Charles Pidgeon
Seconded by: Member William Tape

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

Report Number: SCM 319/2024

8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 4, 2024

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

That the minutes of the Development & Heritage Standing Committee meeting held November 4, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 345/2024

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None Presented

10. HERITAGE ACT MATTERS

10.1. Community Heritage Fund Request – 794 Devonshire Road, Porter Coate House (Ward 4)

Arun Rattan, Applicant

Arun Rattan, Applicant, appears before the Development & Heritage Standing Committee regarding the administrative report dated November 14, 2024, entitled “Community Heritage Fund Request – 794 Devonshire Road, Porter Coate House (Ward 4)” and is available for questions.

Member William Tape requests administration confirm the choice for the bid for masonry. Tracy Tang, Acting Planner III – Heritage appears before the Development & Heritage Standing Committee regarding the administrative report dated November 14, 2024, entitled “Community Heritage Fund Request – 794 Devonshire Road, Porter Coate House (Ward 4)” and responds that of the three submitted quotes for masonry, the applicant and property owner selected the mid-range of the three quotes. Typically, the lowest submitted quote is chosen, in this case, the

difference between the two quotes was only $500. The selected quote had better timelines for completing the project.

Member William Tape asks administration to confirm the makeup of the mortar to ensure that a high lime content mortar is chosen, as well as the timeline for the start of the project as the mortar material needs to be heated. Ms. Tang responds that the mortar selected is type O, which has been confirmed with the contractor. As part of the conditions within the heritage permit is to provide all specifications for the materials being used prior to work being started.

Councillor Angelo Marignani asks administration to identify who is responsible for any unforeseen structural concerns during the restoration process. Ms. Tang responds that typically any unforeseen cost is the responsibility of the property owner.

Councillor Angelo Marignani asks if there has ever been an instance where we have granted funding for the heritage maintenance of a building and additional costs manifested as a result of that restoration. Jason Campigotto, Acting Deputy City Planner – Growth appears before the Development & Heritage Standing Committee regarding the administrative report dated November 14, 2024, entitled “Community Heritage Fund Request – 794 Devonshire Road, Porter Coate House (Ward 4)” and responds that the recommendation is to approve a grant amount to an upset limit of $17,221. Any additional costs associated with the restoration would be the responsibility of the property owner.

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

Decision Number: **DHSC 683**

I. That the Heritage Permit at 794 Devonshire Rd, Porter Coate House, **BE GRANTED** for masonry repairs and foundation waterproofing.

II. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the repairs and restoration of exterior walls.

III. That a total grant of 30% of the cost of the masonry repairs and foundation waterproofing, to an upset amount of $17,221 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Porter Coate House, at 794 Devonshire Rd, subject to:

   a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;

   b. Determination by the City Planner that the work is completed to heritage conservation standards;

   c. Owner’s submission of paid receipts for work completed; and

   d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 160/2024
Clerk's File #: MBA/6702

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:40 o'clock p.m.

The Chairperson calls the (*Planning Act Matters*) portion of the Development & Heritage Standing Committee meeting to order at 4:42 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (Planning Act) of its meeting held November 4, 2024

Moved by: Councillor Angelo Marignani
Seconded by: Member Anthony Arbour

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 4, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 346/2024

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

See items 7.1, 7.2, 7.3, 7.5, and 7.7

7. PLANNING ACT MATTERS

7.1. Zoning Bylaw Amendment Z 020-24 [ZNG-7216] Farhi Holdings Corporation 8565 McHugh Street – Combined Use Building Development – Ward 6

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

Decision Number: **DHSC 676**
That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Block 43, Plan 12M-678; in the City of Windsor, known municipally as 8565 McHugh Street by adding site specific regulations as follow:

516. SOUTHWEST CORNER DARFIELD ROAD AND MCHUGH STREET
For the lands described as for Block 43, Plan 12M-678, in the City of Windsor, known municipally as 8565 McHugh Street, the following regulations shall apply:

a) Notwithstanding Section 15.2.5.15 of Zoning Bylaw 8600, dwelling units on a ground floor in a combined use building shall be an additional permitted use.

b) Building Height – Maximum – 28.0 m;

c) Building setback from an interior lot line abutting a Residential District (RD) 1.1 zone - 24m.

Carried.

Report Number: S 152/2024
Clerk's File #: Z/14848

7.2. Zoning Bylaw Amendments - Z 033-24 [ZNG-7238] 1495754 Ontario Inc. 0 Esplanade Dr– Multiple Dwelling Building Development – Ward 7

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

Decision Number: **DHSC 677**

I. That Zoning By-law 8600 **BE AMENDED** changing the zoning of PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168 in the City of Windsor, known municipally as 0 Esplanade Dr., from Holding Residential District (HRD) 2.3 and Commercial District 4.2.to Residential District (RD) 3.1

II. That subsection 1 of Section 20 of Zoning By-law 8600 **BE AMENDED** for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr. by adding site specific regulation as follows:

517. ESPLANADE DRIVE, EAST OF GANATCHIO TRAIL

For the lands described as for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr., the following regulations shall apply:
Building Height – Maximum – 14.0 m
[ZNG/7238]

III. That the Site Plan Control Officer include the completion of an Archeological Assessment as a condition of the Site Plan Control Agreement.
Carried.

Report Number: S 153/2024
Clerk's File #: Z/14874

7.3. Zoning By-Law Amendment – Z034/24 (ZNG/7241) - Anthony Palermo – 5172 Joy Rd, Ward 9

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

Decision Number: **DHSC 678**

I. That Zoning By-law 85-18 **BE AMENDED** by changing the zoning of CON 8 PT LOT 15 RP 12R10850 PARTS 7 & 14, situated on the north side of Joy Road and east of 8th

Concession Road, known municipally as 5172 Joy Road, by adding a defined area as follows:

6.3.17 Defined area R1-17 as shown on schedule "A", Map 3 of this by-law.

a) Maximum lot coverage for all accessory structures 193 m^2
b) Maximum height of all accessory structures 4.3 m
c) Materials
   i. A barn or accessory structure may be constructed with post, beam, or galvanized steel materials

Carried.

Report Number: S 157/2024
Clerk's File #: Z/14861

7.4. OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9

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

Decision Number: **DHSC 679**
That the application for "OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9" **BE DENIED**.
Carried.
Councillor Jim Morrison voting nay.

Report Number: S 141/2024
Clerk's File #: Z/14862 & Z/14863

7.5. Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6

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

Decision Number: **DHSC 680**

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block "A", Registered Plan 1628 except for Part 1, Plan 12R-11541, identified as PIN 01066-0197, situated at the northeast corner of Wyandotte Street East and Watson Avenue, and known municipally as 0 Wyandotte Street East (Roll No: 060-330-00100) from Commercial District 2.1 (CD2.1) to Residential District 3.2 (RD3.2).

Carried.

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

Report Number: S 154/2024
Clerk's File #: Z/14875

7.6. Zoning Bylaw Amendment Z 031-24 [ZNG-7236] 1066 California Ave Ward 2

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

Decision Number: **DHSC 681**

I. That Zoning By-law 8600 **BE AMENDED** by adding the following clause to Section 20(1):

518. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF DAVIS ST AND NORTH OF GIRARDOT ST

For the lands comprising of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251) for a *townhome dwelling*, the following additional provisions shall apply:

a) *Lot Width* – minimum	19.8 m
b) *Lot Coverage* – maximum	54% of lot area
c) *Front Yard* Depth – minimum	5.4 m
d) *Rear Yard* Depth – minimum	6.31 m

e) Section 5.99.80.1.1.b) shall not apply

[ZDM 4; ZNG/7236]

II. That Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(13) a) Pursuant to Section 9.3.7.1(a) of Volume I: The Primary Plan of the City of Windsor Official Plan, submission of Stage 1 Archaeological Assessment and any further recommended assessments be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner.

b) Alley Contribution to the satisfaction of the City Engineer.

c) Stormwater Management Plan to the satisfaction of the City Engineer.

[ZNG/7236]

III. That Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251), situated on the east side of California Avenue between Davis Street and Girardot Street, and known municipally as 1066 California Avenue (Roll No. 050-37-03500), from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and S.20(1)H(13)518.

IV. That the Committee of Adjustment **CONSIDER** comments contained in Appendix E of Report S 147/2024 as part of any consent application to sever the proposed townhome dwelling units.

Carried.

Report Number: S 147/2024
Clerk's File #: Z/14876

7.7. OPA 190 Source water policies

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

Decision Number: **DHSC 682**

1. That Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Official Plan Amendment (OPA) 190 attached hereto as Appendix 1, and summarized as follows:

   a) Chapter 2, Glossary; is hereby amended by adding definitions
   b) Chapter 5, Environment is hereby amended by adding section 5.39 Source Water Protection Policies

2. That Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Schedule K: Sourcewater Protection Areas as shown in Appendix 1.

Carried.

Report Number: S 159/2024
Clerk's File #: Z/14881

11. ADMINISTRATIVE ITEMS

None presented.

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 6:42 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, January 6, 2025.

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

CITY OF WINDSOR MINUTES 12/2/2024

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

Date: Monday, December 2, 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
Jason Campigotto, Deputy City Planner – Growth
Adam Szymczak, Acting Deputy City Planner – Development
Aaron Farough, Senor Legal Council
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Patrick Winters, Manager, Development
Simona Simion, Planner III, Economic Development
James Abbs, Planner III - Development
Diana Radulescu, Planner II, Development Review

Elara Mehrilou, Transportation Planner I
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.3 – Sil D'Andrea, Area Resident
Item 7.4 – Tuseef Rehman, Area Resident
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Delegations—participating in person

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Item 7.3 – Anthony Palermo, Applicant
Item 7.4 – Jackie Lassaline, Lassaline Planning Consultants
Item 7.4 – Muhammad Siddiqui, Area Resident
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Item 7.4 – Dr. Suzanne De Froy, Area Resident
Item 7.4 – Brian Kukhta, Area Resident
Item 7.6 – Jackie Lassaline, Lassaline Planning Consultants
Item 7.6 – Mark Agbaba, 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 7.5 being "Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6" 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 November 4, 2024

Moved by: Councillor Angelo Marignani
Seconded by: Member Anthony Arbour

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 4, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 346/2024

7. *PLANNING ACT* MATTERS

7.1. Zoning Bylaw Amendment Z 020-24 [ZNG-7216] Farhi Holdings Corporation 8565 McHugh Street – Combined Use Building Development – Ward 6

Jim Abbs, Planner III, Development (author), is available for questions.

Amy Farkas, Dillon Consulting Limited (agent), is available for questions.

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

Decision Number: **DHSC 676**
That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Block 43, Plan 12M-678; in the City of Windsor, known municipally as 8565 McHugh Street by adding site specific regulations as follow:

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For the lands described as for Block 43, Plan 12M-678, in the City of Windsor, known municipally as 8565 McHugh Street, the following regulations shall apply:

a) Notwithstanding Section 15.2.5.15 of Zoning Bylaw 8600, dwelling units on a ground floor in a combined use building shall be an additional permitted use.

b) Building Height – Maximum – 28.0 m;

c) Building setback from an interior lot line abutting a Residential District (RD) 1.1 zone - 24m.

Carried.

Report Number: S 152/2024
Clerk's File #: Z/14848

7.2. Zoning Bylaw Amendments - Z 033-24 [ZNG-7238] 1495754 Ontario Inc. 0 Esplanade Dr– Multiple Dwelling Building Development – Ward 7

Jim Abbs, Planner III, Development (author), is available for questions.

Amy Farkas, Dillon Consulting Limited (agent), is available for questions.

Terry Rafih, 1495754 Ontario Inc. (applicant), is available for questions.

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

Decision Number: **DHSC 677**

I. That Zoning By-law 8600 **BE AMENDED** changing the zoning of PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168 in the City of Windsor, known municipally as 0 Esplanade Dr., from Holding Residential District (HRD) 2.3 and Commercial District 4.2.to Residential District (RD) 3.1

II. That subsection 1 of Section 20 of Zoning By-law 8600 **BE AMENDED** for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr. by adding site specific regulation as follows:

517. ESPLANADE DRIVE, EAST OF GANATCHIO TRAIL

For the lands described as for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr., the following regulations shall apply:
Building Height – Maximum – 14.0 m
[ZNG/7238]

III. That the Site Plan Control Officer include the completion of an Archeological Assessment as a condition of the Site Plan Control Agreement.
Carried.

Report Number: S 153/2024
Clerk's File #: Z/14874

7.3. Zoning By-Law Amendment – Z034/24 (ZNG/7241) - Anthony Palermo – 5172 Joy Rd, Ward 9

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

Anthony Palermo (applicant), is available for questions.

Sil D'Andrea (area resident) expresses concerns of the size, scale and type of structure proposed in the application, and asks that the by-law not be changed so that an acceptable regular sized normal residential garage be built instead of a pole barn. Mr. D'Andrea states concerns of lot coverage and height being similar to a house, where the height exceeds the maximum allowable height and is not proportional to surrounding houses. Mr. D'Andrea states that the proposed development of a pole barn is not compatible or consistent within a residential zone, as it has an agricultural or industrial appearance. Mr. D'Andrea continues to state concerns of setting a precedent within the area and the potential for future business operations within a residential zone. Mr. D'Andrea has concerns of hardscaping leading to more surface runoff and flooding on Ray Road, in an area with poor drainage and a high-water table.

Councillor Kieran McKenzie inquires regarding the intended use of the barn. Anthony Palermo states he will use the barn for personal storage.

Councillor Kieran McKenzie inquires if the barn requires two storeys to accommodate the equipment. Mr. Palermo states to fit his snowmobile trailer, he requires a minimum of twelve feet.

Councillor Kieran McKenzie asks if there is a way to scale down the proposed barn. Mr. Palermo states that a ten-foot height would not accommodate his needs and would require twelve to fourteen feet in height.

Councillor Kieran McKenzie inquires if different exterior materials would be considered to have a less industrial look. Mr. Palermo states that the current choice is based on cost, and that brick and block is very costly.

Councillor Kieran McKenzie asks Mr. Palermo to be mindful of the structure's appearance. Mr. Palermo states that he was initially informed that the barn would not be an issue to construct on the property, and that other similar structures exist within the neighbourhood.

Councillor Kieran McKenzie inquires whether there is intention to use the barn for commercial purposes. Mr. Palermo states he has no intention to use it for his business rather for personal storage.

Mr. D'Andrea states the best compromise is the size of a normal garage that is proportionate with the neighbourhood, where a pole barn does not match the surrounding neighbourhood. Councillor McKenzie states that Mr. Palermo has addressed the reasoning for the height and that his intention is for personal storage and asks if that alleviates some concerns. Mr. D'Andrea agrees but states his concern with the scale of the structure and fitting with the surrounding residential area.

Councillor Kieran McKenzie inquires if the proposed height of the barn is not allowed would Mr. Palermo still build the barn. Mr. Palermo agrees that for the purpose of barn he needs the height requested.

Councillor Kieran McKenzie inquires if the Zoning By-law 8600 were to be in effect instead of the current by-law, would the proposed barn be accepted under the by-law 8600. Ms. Radulescu states that is correct, and that under the general provisions for accessory structures in Zoning By-law 8600, the barn would be allowed, and no variances would be required, given that the total lot coverage for all accessory buildings would be contained within the 10%. Ms. Radulescu states that the proposed height and prohibited materials this led to rezoning.

Councillor Kieran McKenzie inquires about future changes to the zoning designation for this area. Ms. Radulescu states there is no timeline associated with that change but that it would be communicated to Council when this would happen as part of a housekeeping amendment in the future.

Councillor Kieran McKenzie inquires when larger structures were permitted throughout that the area, when By-law 85-18 changed, and the rationale behind the change. Ms. Radulescu states that the by-law passed in 1986. Mr. Szymczak states the City inherited by-law 8518 when the Sandwich South lands were transferred to the City of Windsor, and the zoning bylaw that we inherited for those lands and was already in place.

Councillor Kieran McKenzie inquires if the by-law prohibits any commercial activity within the proposed building. Ms. Radulescu states that this subject land is within the residential zone one category and one home occupation is permitted in this zone, and it could be located within accessory garage. Ms. Radulescu states that the By-law contains a list of permitted occupations and those that are not permitted in this zone, and she is unable to comment on the applicant's commercial business.

Councillor Kieran McKenzie inquires what type of business Mr. Palermo has. Mr. Palermo states that he owns a plumbing business.

Councillor Kieran McKenzie inquires if this would be prohibited. Ms. Radulescu defers to another colleague. Mr. Szymczak states that a plumber would be a general contractor, and this is permitted for a general office or trade contractor.

Councillor Kieran McKenzie inquires if storage of equipment and supplies and activities related to plumbing would be allowed within the office. Mr. Szymczak states that he would expect there to be

some accessory nature to the office use that would allow it, such as storage and you may be able to do general repairs.

Councillor Kieran McKenzie inquires if Mr. Palermo is proposing to use the barn for office use. Mr. Palermo states that is not the case and would use it for storage.

Councillor Kieran McKenzie inquires what the maximum allowable height is under the current by-law. Ms. Radulescu states that 3.7 metres are allowed for an accessory structure.

Councillor Kieran McKenzie inquires if the proposed height is 4.3 meters. Ms. Radulescu states that this is correct.

Chair Jim Morrison inquires if Joy and Ray Road are both slated for sanitary sewers as there are concerns about drainage and flooding and would that be alleviated through the process. Mr. Patrick Winters states that if the local improvement is successful, a storm sewer would be installed on the street which would provide adequate drainage, with a stormwater outlet available to the properties. Mr. Winters states that internal drainage work would be the responsibility of the homeowner once the connection is provided.

It would be on them to do their own internal drainage work, to get out to the connection once provided.

Chair Morrison inquires if that is forthcoming. Mr. Winters states that it is going through the appeals process, and administration still intends to move forward with it.

Chair Morrison inquires if the pole barn on Ray Road is similar in height. Councillor Kieran McKenzie states that it is a similar height.

Councillor Kieran McKenzie inquires if the proposed building would put any additional pressure on the existing drainage capacity. Mr. Winters states that there is not a system under existing conditions, and currently relying on water infiltrating into the ground. Mr. Winters continues that the building department and the building permit that is issued will undergo a review and determine whether it will cause a problem for the neighbors with where the structure and downspouts go.

Councillor Kieran McKenzie inquires if there is any analysis undertaken for a structure this size, to address concerns with stormwater management, and what would be the potential impact of this construction. Mr. Winters states that the lots are fairly large with less than 10% lot coverage with a minimal impact, as long as downspouts are pointed away from neighbouring yards.

Councillor Kieran McKenzie states he would like to move the recommendation and supports it in hopes that the residents have had some of their concerns alleviated. Councillor McKenzie also states that there are buildings with a similar height and lot coverage, and that future by-laws will move toward permitting this type of structure within the neighbourhood.

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

Decision Number: **DHSC 678**

I. That Zoning By-law 85-18 **BE AMENDED** by changing the zoning of CON 8 PT LOT 15 RP 12R10850 PARTS 7 & 14, situated on the north side of Joy Road and east of 8th Concession Road, known municipally as 5172 Joy Road, by adding a defined area as follows:

6.3.17 Defined area R1-17 as shown on schedule "A", Map 3 of this by-law.

a) Maximum lot coverage for all accessory structures 193 m^2
b) Maximum height of all accessory structures 4.3 m
c) Materials
    i. A barn or accessory structure may be constructed with post, beam, or galvanized steel materials

Carried.

Report Number: S 157/2024
Clerk's File #: Z/14861

7.4. OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9

Adam Szymczak (author), Senior Planner – Development, presents application.

Jackie Lassaline, Lassaline Planning Consultants (agent) is available for questions.

Muhammad Siddiqui, (area resident) presents a petition with more than 200 homeowners and residents in opposition to the proposed development.

Councillor Kieren McKenzie raises a Point of Order which is acknowledged by Chair Morrison.
Mr. Siddiqui states that the scale and character of the proposed development will impact the quality of life especially for seniors, environmental impact to the local ecosystem, lack of green space, increased noise, pollution, and accidents due to high traffic, and safety concerns with a large ditch and no sidewalks. Mr. Siddiqui states that resident safety should be the priority. Mr. Siddiqui notes that Talbot Trail Public School is at capacity.

Abdul Naboulsi (area resident) has concerns that the Committee is approving everything and that development of large apartment buildings or three storey townhomes is not what residents want. Mr. Naboulsi states that the developments are either in alignment with the Official Plan or they are not. Mr. Naboulsi inquires whether these developments are affordable or attainable and what price the homes or apartments will be sold for. Mr. Naboulsi states that residents do not support intensification in the area.

Chair Morrison states that the Developer is responsible for pricing of units with no indication of whether the housing will be affordable or not.

Dr. Suzanne De Froy (area resident) states that she is committed to building a healthy and community and realizes that the provincial and federal government has offered monetary incentives to reach targets. Ms. De Froy has concerns that the provincial targets for affordable housing has created an urgent demand, and changing by-laws will not be a problem in favour of developers and not the concerned resident. Ms. De Froy states safety concerns on Sixth Concession for drivers, pedestrians and bikers along a narrow gravel side and ditches. Ms. De Froy states development along the road is not inline with the City's plan for promoting densification along major thoroughfares and transit corridors. Ms. De Froy states that the City's Official Plan states that owners, neighbourhoods and the community are protected from inappropriate developments and that the proposal is not comparable with existing residences and normalizes a form of urban sprawl that is alarming and precedent setting.

Tuseef Rehman (area resident) has concerns with overcrowded schools, pedestrian safety due to lack of sidewalks and increased traffic. Mr. Rehman states he has no opposition to the development, but they should provide amenities such as schools, parking and police.
Chair Morrison refers Mr. Rehman to speak with School Board Trustees about schooling needs in the neighbourhood as the City does not have any jurisdiction over schools.

Brian Kukhta (area resident) states that the development will set a precedent and change the neighborhood which the residents do not want. Mr. Kukhta states this development is not consistent with the surrounding neighbourhood and has concerns with the lack of green space, flooding, garbage and recycling, and first responders. Mr. Kukhta states the traffic studies are flawed and that by-laws are meant to maintain the integrity of the subdivisions.

Councillor Kieran McKenzie inquires about Sixth Concession being designated as a recreation way. Mr. Szymczak states that the recreation way designation means that Sixth Concession will have facilities for bikes and pedestrians.

Councillor Kieran McKenzie asks when that was passed. Mr. Szymczak states over 20 years ago. Councillor McKenzie states that is enough for him to say no to the development.

Councillor Kieran McKenzie inquires if there have been internal discussions regarding funding to implement the 6th Concession Road/North Talbot Road environmental assessment (EA). Neil Robertson defers the question to the Public Works. Patrick Winters states that there are no funds

allocated in the ten-year capital plan for Sixth Concession but are looking at opportunities to fund some of the work.

Councillor Kieran McKenzie inquires if Administration prioritizes funding prior to releasing the budget, and if there has ever been an administration recommendation for the Sixth Concession if it is not in the ten-year capital plan. Mr. Winters states that he is not involved in those discussions, but is aware of conflicting priorities for upgrading roads that have a completed EA and are ready with a detailed design and funding,

Councillor Kieran McKenzie inquires why some of the EA has been implemented but there is no plan to implement the remainder of the EA. Mr. Winters states that, per the EA Act, you have ten years to implement a phase that was identified in the EA, and this EA is active.

Councillor Kieran McKenzie inquires about the stormwater management report and the impact on existing infrastructure. Juan Paramo states that this development will be required to provide a storm water management plan during the site plan control process.

Councillor Kieran McKenzie inquires if this development is characterised as infill. Mr. Robertson states that it is considered infill because infrastructure and transit are present.

Councillor Marignani inquires if there are any concerns with the deficiencies such as parking spaces or parking area separation from the building wall containing room windows. Mr. Szymczak states that the building and parking area were designed to maximize setbacks from existing dwellings and that he has no concerns with those deficiencies.

Councillor Kieran McKenzie states he will oppose the proposal due to the condition of the road, the lack of infrastructure, the road is insufficient to promote a suitable amount of safety for pedestrians and cyclists, and the lack of active transportation infrastructure.

Councillor Francis states he supports that motion. Councillor Francis disagrees with the opinion that the project is sensitively integrated within the surrounding neighbourhood when it’s the first development proposed like this.

Member Grenier inquires if by not supporting the motion will it push for improvements to the roads, as additional developments will create more issues. Councillor Marignani states that it is important in reviewing the developments that we look at what the City is responsible for and that warrants further discussion before going forward with this project.

Chair Morrison states that this is a compatible development and will not be supporting the motion to deny, and that Council can express their concerns for infrastructure improvements if they believe something is a priority.

Councillor Kieran McKenzie clarifies his comments around investment decisions with respect to Sixth Concession, and notwithstanding his opposition to the development, that there is tremendous amount of diligence, analysis and professional expertise from Administration.

Chair Morrison states that the application will go forward to City Council later.

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

Decision Number: **DHSC 679**
That the application for "OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9" **BE DENIED**.
Carried.
Councillors Jim Morrison voting nay.

Report Number: S 141/2024
Clerk's File #: Z/14862 & Z/14863

7.5. Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6

Adam Szymczak (author), Senior Planner – Development, presents application.

Tracey Pillon-Abbs, RPP Principal Planner, Pillon Abbs Inc. (agent), is available for questions. Ms. Pillon-Abbs states that she supports the staff recommendation to amend the zoning bylaw from CD 2.2 to RD 3.2, which is like the development to the east.

Sarah Jarvis (area resident), is available for questions and that she is not a board member of the neighbouring building, but that board members and building management are aware of her submitted letter prior to the meeting.

Paul and Helen Berry (area residents) have concerns about traffic at Wyandotte and Watson, whether the development will have affordable units, and whether sidewalks will be addressed to help pedestrians in the area.

Rick and Livia Lobzun (area residents) have concerns of additional traffic as the area is already busy.

Councillor Marignani inquires about traffic concerns at Wyandotte and Watson suggesting a dedicated left turning lane and about plans for the intersection. Mr. Sayyadi states that if there is a safety concern, a safety audit will be conducted and based off traffic volume, whether it warrants changes and budget will be considered.

Councillor Marignani inquires about the ingress and egress on Wyandotte and whether the entrance and exit will be on Watson. Mr. Szymczak states that there will be two access ways, a new access on Watson, and sharing the existing access with the plaza to Wyandotte. Mr. Szymczak states that the development will be connected to the parking area of the commercial plaza to the east.

Councillor Marignani inquires if there are any plans to improve the roadway. Gholamreza (Ray) Sayyadi states he is not aware of any plans.

Councillor Marignani inquires if a Traffic Impact Study (TIS) has been completed for the intersection. Chris Gerardi states that a TIS was not requested as the initial review of traffic volume was low with the number of trips per minute during peak hour being close to half of the threshold that triggers a TIS.

Councillor Marignani inquires what the differences between the current and proposed zoning. Mr. Szymczak states that the current zoning is commercial and permits a range of commercial uses and the proposed is residential to permit a multiple dwelling.

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

Decision Number: **DHSC 680**

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block "A", Registered Plan 1628 except for Part 1, Plan 12R-11541, identified as PIN 01066-0197, situated at the northeast corner of Wyandotte Street East and Watson Avenue, and known municipally as 0 Wyandotte Street East (Roll No: 060-330-00100) from Commercial District 2.1 (CD2.1) to Residential District 3.2 (RD3.2).

Carried.

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

Report Number: S 154/2024
Clerk's File #: Z/14875

7.6. Zoning Bylaw Amendment Z 031-24 [ZNG-7236] 1066 California Ave Ward 2

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

Jackie Lassaline (agent), Lassaline Planning Consultants and Marko Agbaba (applicant), Property Owner is available for questions.

Ms. Lassaline states that this development is an infilling development of a scale that is low profile and low density development based on the bylaw. Ms. Lassaline continues to state that the lot width and rear yard set back variances requested are very small, and the lot coverage is comparable to other developments. Ms. Lassaline states that the additional dwelling unit (ADU) allowance under provision E of the by-law, shall not apply in respect to the future severance of the building.

Councillor Marginani inquires if the plan is to develop this structure but not include the ADU possibility or not create another ADU behind or beside the structure. Ms. Lassaline states the intent of the proposal is for the three main severable principal units with two ADUs in each building on three separate parcels.

Councillor Kieran McKenzie inquires about the capacity of California Avenue as it relates to the neighbourhood with the recent amount of significant intensification on the road, and whether threshold is analyzed with each proposal. Ms. Simion states that the subject properties located within a neighborhood that consist of low profile development, less than 14 meters in height, small scale form and that means we have single, duplex and semi detached units and multiplexes up to 8 units. Ms. Simion states that the proposal is consistent with this neighbourhood and it is a good addition for California Avenue.

Marko Agbaba states that the submitted planning rationale reports submitted state this is a nine unit development unit with the appropriate amount of density for the location and dimensions that comply with the Provincial Planning Statement (PPS). Mr. Agbaba states that the development requests to reduce the size of the development by 70% and what is proposed is essential. Mr. Agbaba states that this development is consistent with the PPS in that it conforms with the neighbourhood and is similar to the three adjacent properties, and that there are multiple different ways to achieve nine units of density and this does so in a way that is consistent with the density of the neighbourhood.

Chair Morrison seeks clarification regarding the property to qualify for nine ADUs. Mr. Robertson states that the land must first be severed to be considered an urban parcel of land or individual parcel to be entitled to three ADUs, and this process has been consistent with semi detached and townhomes.

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

Decision Number: **DHSC 681**

I. That Zoning By-law 8600 **BE AMENDED** by adding the following clause to Section 20(1):

518. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF DAVIS ST AND NORTH OF GIRARDOT ST

For the lands comprising of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251) for a *townhome dwelling*, the following additional provisions shall apply:

a) *Lot Width* – minimum	19.8 m
b) *Lot Coverage* – maximum	54% of lot area
c) *Front Yard* Depth – minimum	5.4 m
d) *Rear Yard* Depth – minimum	6.31 m
e) Section 5.99.80.1.1.b) shall not apply	

[ZDM 4; ZNG/7236]

II. That Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(13) a) Pursuant to Section 9.3.7.1(a) of Volume I: The Primary Plan of the City of Windsor Official Plan, submission of Stage 1 Archaeological Assessment and any further recommended assessments be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner.

b) Alley Contribution to the satisfaction of the City Engineer.

c) Stormwater Management Plan to the satisfaction of the City Engineer.

[ZNG/7236]

III. That Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251), situated on the east side of California Avenue between Davis Street and Girardot Street, and known municipally as 1066 California Avenue (Roll No. 050-37-03500), from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and S.20(1)H(13)518.

IV. That the Committee of Adjustment **CONSIDER** comments contained in Appendix E of Report S 147/2024 as part of any consent application to sever the proposed townhome dwelling units.

Carried.

Report Number: S 147/2024
Clerk's File #: Z/14876

7.7. OPA 190 Source water policies

Frank Garardo (author), Senior Planner – Policy & Special Studies, presents application.

Dr. Katie Stammler, Risk Management Officer, ERCA, is available for questions.

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

Decision Number: **DHSC 682**

1. That Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Official Plan Amendment (OPA) 190 attached hereto as Appendix 1, and summarized as follows:

   a) Chapter 2, Glossary; is hereby amended by adding definitions
   b) Chapter 5, Environment is hereby amended by adding section 5.39 Source Water Protection Policies

2. That Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Schedule K: Sourcewater Protection Areas as shown in Appendix 1.

Carried.

Report Number: S 159/2024
Clerk's File #: Z/14881

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:42 o'clock p.m.

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