

Development & Heritage Standing Committee Meeting

Date: Monday, October 6, 2025

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 4 - Councillor Mark McKenzie

Members

Member Anthony Arbour

Member Regrets

Member Daniel Grenier

Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Matthew Johnson, Executive Director, Economic Development

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Deputy Chief Administrative Officer / Commissioner, Economic Development

Neil Robertson, City Planner

Greg Atkinson, Deputy City Planner – Development

Jason Campigotto, Deputy City Planner – Growth

Aaron Farough, Senior Legal Counsel

Sahar Jamshidi, Manager, Road Safety

Patrick Winters, Manager, Development

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Laura Diotte, Manager, Planning
Elara Mehrilou, Supervisor, Coordinator Maintenance
Shannon Mills, Technologist III
Frank Garado, Planner III – Policy & Special Studies
Adam Szymczak, Planner III - Development
Brian Nagata, Planner III - Development
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

None.

Delegations—participating in person

Item 7.1, 7.2, & 7.3 - Tracey Pillon-Abbs, Principal Planner, Pillon Abbs Inc.
Item 7.1 - Brent Klundert, President, BK Cornerstone
Item 7.1 - Andi Shallvari, Representing Property Owners
Item 7.2 - Dan Coccimiglio, Area Resident
Item 11.1 - Kip Brouwer, Area Resident
Item 11.1 - Grazyna Stachyra, Area Resident

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

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See item 7.1.

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 September 2, 2025

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Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 2, 2025 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 288/2025

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See items 7.1. through 7.3.

7. *PLANNING ACT* MATTERS

7.1. ZBA Application - 475 Cabana Road W - Z012-2025 [ZNG/7306] -Ward 1

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

- 1) THAT the report of the Planner III – Policy & Special Studies dated August 6, 2025 entitled, “ZBA Application - 475 Cabana Road West – Z 012-2025 [ZNG/7306] - Ward 1” **BE REFERRED** back to administration to allow for their review and comment regarding the new proposal; and that the information **BE BROUGHT FORWARD** to a future Development & Heritage Standing Committee meeting.

Carried.

Report Number: S 103/2025

Clerk's File: ZB/15009

7.2. ZBA Application - 619 Cabana Rd W – Z 013-2025 (ZNG/7307) - Ward 1

Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 770**

- I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning exception to Section 91.10:

- x. **SOUTH SIDE OF CABANA ROAD WEST, BETWEEN DOUGALL AVENUE AND MCGRAW AVENUE**

For the lands comprising of the west Part Lot 5, Registered Plan 1478, a *Multiple Dwelling* containing up to 6 dwelling *units* shall be an additional permitted *main use*,

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and the following additional provisions shall apply to a *Multiple Dwelling* containing up to 6 *dwelling units*:

- a) *Lot Width: minimum* 15.0 m
- b) *Lot Area: minimum* 540 m²
- c) *Lot Coverage: maximum* 35.0%
- d) *Building height: maximum* 9.0 m
- e) *Front Yard Depth: minimum / maximum* 6.0 m / 7.0 m
- f) *Rear Yard Depth for main building: minimum* 20.0 m
- g) *Side Yard Width: minimum* 1.20 m
- h) In any *required front yard*, a *parking space* is prohibited.
- i) Notwithstanding Section 25.5.20.1.5, the *minimum* parking area separation from a *building* wall in which is located a main pedestrian entrance facing the *parking area* shall be 1.5 m.
- j) A *screening fence* with a *minimum* height of 1.8 m shall be provided along the south *lot line*.
- k) A landscaped area with a minimum width of 2.0 m shall be provided abutting the south *lot line*.
- l) A minimum of 50% of the north exterior wall elevation shall be covered in masonry, brick or any combination thereof. A minimum of 35% of east and west exterior wall elevations shall be covered in masonry, brick or any combination thereof.

[ZDM 9; ZNG/7307]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of the west Part Lot 5, Registered Plan 1478, situated on the south side of Cabana Road West between Dougall Avenue and McGraw Avenue, from RD1.4 to RD1.4x(x).
- III. THAT when Site Plan Control is applicable:
 - A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer:

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1. Those documents submitted in support of the application for amendment to the Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought, and any comments from municipal departments and external agencies included in Appendix D.

Carried.

Councillor Fred Francis voting nay.

Report Number: C 108/2025

Clerk's File: ZB/15008

7.3. Rezoning Application – 4325-4445 Cabana Rd E - Z-018/25 ZNG/7315 - Ward 9

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 771**

1. THAT Zoning By-law 85-18 **BE AMENDED** by renumbering paragraph 3.101b to 3.101c and paragraph 3.101a to 3.101b and by adding the following new definition to Section 3:

3.101a **POWER GENERATION FACILITY** is an industrial activity and means premises used to generate electricity and may include a power distribution station or a transformer station.
[ZNG/7315]

2. THAT Zoning By-law 85-18 **BE FURTHER AMENDED** by adding the following defined area to Section 14:

14.3.17 Defined Area M1-17 as shown on Zoning Map T12 of this By-law.

a) Permitted Uses

- 1) All uses permitted in the Industrial (M1) zone save and except a dwelling or dwelling unit.
- 2) *Power Generation Facility.*

b) Permitted Buildings and Other Structures

No building or structures shall be used or erected in Defined Area M1-17 except for the following purposes:

- 1) buildings and structures for the permitted uses.
- 2) accessory buildings and structures for the permitted uses.

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c) Other Requirements

- 1) The regulations of subsection 14.1.3 to 14.2.4 and all other applicable regulations shall apply to any use permitted in subsection 14.3.17 a).

(ZNG/7315)

3. THAT Zoning By-law 85-18 **BE FURTHER AMENDED** by changing the zoning of CON 7; PT GORE LOT 17; RP 12R8108; PARTS 4; 5; 7 & 8; PT PARTS 1 TO 3; 6 & 9; RP 12R28421; PARTS 4 TO 6; PIN 75235-0176, situated at the southwest corner of Cabana Road East and 8th Concession Road (4325-4445 Cabana Road East; Roll No. 090-010-04950) from M1 to M1-17.
4. THAT, when Site Plan Control is applicable:
 - A. The following additional materials **BE SUBMITTED** with an application for site plan approval, and **BE SUBJECT** to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer:
 - 1) A noise study.
 - 2) A copy of the confirmation email from Transport Canada that an Aeronautical Assessment Form (AAF) has been submitted to Transport Canada.
 - 3) Confirmation of submission of a Land Use Form to the NAV CANADA Land Use Web Submission Portal.
 - B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following into an approved site plan and an executed and registered site plan agreement:
 - 1) Any noise mitigation measures identified in a Noise Study, subject to the approval of the Site Plan Approval Officer.
 - 2) Provision of Transport Canada's determination regarding the proposed Power Generation Facility to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
 - 3) Provision of NAV CANADA's assessment of the proposed Power Generation Facility to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer.

Carried.

Report Number: S 109/2025
Clerk's File: Z/15030

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There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:59 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:00 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See item 11.1.

10. HERITAGE ACT MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Joy Road Sanitary Sewer - Oversizing - Ward 10

Kip Brouwer, Area Resident

Kip Brouwer, Area Resident, appears before the Development and Heritage Standing Committee regarding the administrative report dated September 17, 2025, entitled "Joy Road Sanitary Sewer - Oversizing - Ward 10" and is available for questions.

Grazyna Strachyra, Area Resident

Grazyna Strachyra, Area Resident, appears before the Development and Heritage Standing Committee regarding the administrative report dated September 17, 2025, entitled "Joy Road Sanitary Sewer - Oversizing - Ward 10" to express concerns about whether connecting to the sanitary sewer will be mandatory for residents. Ms. Strachyra also asks if the city will perform the sewer hookup, or if residents will have to find their own contractors and inquires about the approximate cost to residents for this work.

Councillor Jim Morrison seeks to clarify whether Ms. Strachyra's property pertains to this project. Patrick Winters, Manager, Development, appears before the Development and Heritage Standing Committee regarding the administrative report dated September 17, 2025, entitled "Joy Road Sanitary Sewer - Oversizing - Ward 10" to explain that the matter before Committee is only concerning the oversizing of the sewer for a potential future extension easterly. The sewer extension itself is a separate project that will be subject to the Local Improvement policies of the

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city, and the delegate's property would be part of that Local Improvement in the future. Mr. Winters states that the city does intend to install sanitary sewers on Joy Road, but that project is currently subject to appeal with the Ontario Land Tribunal.

Councillor Angelo Marignani asks if there is a mandatory requirement for properties to connect to sanitary sewers once they are installed. Aaron Farough, Senior Legal Council, appears before the Development and Heritage Standing Committee regarding the administrative report dated September 17, 2025, entitled "Joy Road Sanitary Sewer - Oversizing - Ward 10" and replies it is his understanding that a resident has appealed the decision to make the sanitary sewer installation subject to a Local Improvement assessment charge and the city must apply to the Ontario Land Tribunal in order to continue.

Councillor Angelo Marignani asks where the funding for this project is coming from. Patrick Winters replies that the city would be paying for the cost of oversizing the sewer, as is typical when developers are required to install larger-sized sewers.

Councillor Kieran McKenzie asks if the Joy Road residents would be given consideration for cost mitigation as this project is not a community-driven Local Improvement. Shannon Mills, Technologist III, appears before the Development and Heritage Standing Committee regarding the administrative report dated September 17, 2025, entitled "Joy Road Sanitary Sewer - Oversizing - Ward 10" to explain that the city is seeking an extension of the one-year compliance period to three years, so residents are not required to connect to the sewer right away. If the Local Improvement proceeds in future, they will be charged the local improvement rates to connect. If the Local Improvement does not go through, residents will be required to find a contractor to connect them to the sewer at a potentially higher cost.

Councillor Kieran McKenzie asks if residents who have recently replaced their septic systems would be given any extra consideration with regards to connecting to the new sanitary sewer. Patrick Winters replies yes, that is the intention, and the city is working to minimize the impact to residents as much as possible.

Councillor Kieran McKenzie asks if residents will have the option to connect to the sewer sooner should they wish. Patrick Winters replies that waiting for the Local Improvement to be approved will benefit residents with a lower connection cost.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 772**

- I. THAT Council **APPROVE** \$35,773.54 (inclusive of HST) to be paid to Brouwer Enterprises Inc. as the City of Windsor's portion of the sanitary sewer oversizing costs for the Joy Road Sanitary Sewer Development to be funded from the Project ID #7035119 – New Infrastructure Development; and further,

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- II. THAT Council **APPROVE** an extension of the standard one-year compliance period to a total of three years for the property owners of lands municipally known as 4610, 4635, and 4650 Joy Road, to meet the requirements of the Property Standards By-law 9-2019, Schedule A, section 1.21. The extended compliance period shall begin on the date the City issues a formal notice to the property owners requiring connection to the sanitary sewer.

Carried.

Report Number: S 117/2025

Clerk's File: SL2025

11.2. Part Closure of east/west alley located between Seventh Street and Eighth Street, SAA-7320 - Ward 1

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 773**

- I. THAT the 125.0 metre portion of the 4.57-metre-wide east/west alley, located between Seventh Street and Eighth Street, and shown on Drawing No. CC-1873 (attached hereto as Appendix "A"), and hereinafter referred to as the "Subject Alley", **BE ASSUMED** for subsequent closure;
- II. THAT the portion of the Subject Alley shown as Part 1 on Drawing No. CC-1873 **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner;
- III. THAT the portion of the Subject Alley shown as Part 2 on Drawing No. CC-1873 **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor and as necessary, in a manner deemed appropriate by the City Planner;
- IV. THAT Conveyance Cost **BE SET** as follows in accordance with CR106/2003, as amended by CR427/2003 & CR182/2005:
- a. For alley conveyed to abutting lands zoned RD1.1, \$1.00 plus HST, deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1873;
- VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- VII. 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; and,

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

Report Number: S 115/2025

Clerk's File: SAA2025

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held September 5, 2025

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 774**

THAT the minutes of the International Relations Committee meeting held September 5, 2025 **BE RECEIVED** as presented.

Carried.

Report Number: SCM 293/2025

Clerk's File: MB2025

12.2. Report No. 59 of the International Relations Committee

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 775**

THAT Report No. 59 of the International Relations Committee indicating:

THAT the results of the e-mail poll conducted on July 2, 2025 approving the following recommendation **BE CONFIRMED AND RATIFIED**:

THAT the International Relations Committee **MOVE FORWARD** with scheduling reciprocal site visits with Arlington, Texas, as a starting point for exploring a potential partnership; and,

THAT the delegations **INCLUDE** representation from the Committee as well as representation from Tourism and Economic Development; and,

THAT the Committee **APPROVE** a budget in the upset amount of \$15,000 to support costs associated with both the incoming and outgoing delegations.

BE APPROVED.

Carried.

Report Number: SCM 297/2025

Clerk's File: MB2025

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13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 6:12 o'clock a.m. The next meeting of the Development & Heritage Standing Committee will take place on November 3, 2025
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

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

Date: Monday, October 6, 2025

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 4 - Councillor Mark McKenzie

Members

Member Anthony Arbour

Member Regrets

Member Daniel Grenier

Member Robert Polewski

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM
ADMINISTRATION:**

Matthew Johnson, Executive Director, Economic Development

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM
ADMINISTRATION:**

Jelena Payne, Deputy Chief Administrative Officer / Commissioner, Economic Development

Neil Robertson, City Planner

Greg Atkinson, Deputy City Planner – Development

Jason Campigotto, Deputy City Planner – Growth

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Sahar Jamshidi, Manager, Road Safety

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Laura Diotte, Manager, Planning
Elara Mehrilou, Supervisor, Coordinator Maintenance
Shannon Mills, Technologist III
Frank Garado, Planner III – Policy & Special Studies
Adam Szymczak, Planner III - Development
Brian Nagata, Planner III - Development
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

None.

Delegations—participating in person

Item 7.1, 7.2, & 7.3 - Tracey Pillon-Abbs, Principal Planner, Pillon Abbs Inc.
Item 7.1 - Brent Klundert, President, BK Cornerstone
Item 7.1 - Andi Shallvari, Representing Property Owners
Item 7.2 - Dan Coccimiglio, Area Resident
Item 11.1 - Kip Brouwer, Area Resident
Item 11.1 - Grazyna Stachyra, Area Resident

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

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See item 7.1.

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 September 2, 2025

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Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 2, 2025 **BE ADOPTED** as presented.

Carried.

7. PLANNING ACT MATTERS

7.1. ZBA Application - 475 Cabana Road W - Z012-2025 [ZNG/7306] -Ward 1

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

Tracey Pillon-Abbs (agent), presents an alternative concept plan.

Councillor Fred Francis calls a point of order. Councillor Francis states that the delegate presents an alternative concept plan than the previously submitted application, and states that Administration has not commented on changes and is unsure how to make a decision on the changes. Mr. Robertson states that the information presented was the previous concept and is unsure how widely the new concept has been shared with residents and Administration.

Councillor Francis makes a motion to refer the item back to a future meeting and allow for comments from Administration and the public on the new concept plan.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

- 1) THAT the report of the Planner III – Policy & Special Studies dated August 6, 2025 entitled, “ZBA Application - 475 Cabana Road West – Z 012-2025 [ZNG/7306] - Ward 1” **BE REFERRED** back to administration to allow for their review and comment regarding the new proposal; and that the information **BE BROUGHT FORWARD** to a future Development & Heritage Standing Committee meeting.

Carried.

Report Number: S 103/2025

Clerk's File: ZB/15009

7.2. ZBA Application - 619 Cabana Rd W – Z 013-2025 (ZNG/7307) - Ward 1

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

Tracey Pillon-Abbs (agent), states that this application conforms with the new residential intensification policy that the City has implemented along Cabana Road, with no commercial component. Ms. Pillon-Abbs states that the application is requesting a zoning amendment to permit the proposed development. Ms. Pillon-Abbs states that the application meets the new Official Plan

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Policy which does support this type of development. Ms. Pillon-Abbs addresses concerns from residents regarding the proposed concept plan.

Dan Coccimiglio (area resident) presents written submission. Mr. Coccimiglio has concerns of requested lot width, misguided lot area comparisons, the proposal does not conform with the Official Plan and zoning principles and will impact the character of the existing neighbourhood. Mr. Coccimiglio states that the over intensification will cause lack of privacy, additional traffic, more garbage and smaller units not geared toward family units. Mr. Coccimiglio states that this proposal oversteps guiding principles and provincial directives.

Councillor Fred Francis inquires whether this proposal is a concern as it will set a precedent for future proposed developments. Mr. Coccimiglio agrees and inquires what the purpose of by-laws are if site specific amendments are allowed and can have a drastic effect on the neighbourhood.

Councillor Francis inquires about the drastic changes this could cause to the neighbourhood. Mr. Coccimiglio states concerns of the over intensification of units can cause additional noise, garbage, traffic, pollution and only asks that the proposal fit with the character of the neighbourhood.

Councillor Francis inquires about the concerns of rear parking affecting residents along Kennedy Dr. W.. Mr. Coccimiglio states that once residents understand how parking in the rear yard means that the residential building will be further from neighbouring backyards then residents will be accepting of the parking lot. Mr. Coccimiglio states that garbage is another concern but understands that it will be handled in the Site Plan Control process.

Councillor Kieran McKenzie inquires about the building orientation and other potential concept plans. Ms. Pillon-Abbs states that other applicant determined that a lower profile building would create a blend better with surrounding properties due to massing and height of the building. Ms. Pillon-Abbs states that the configuration was due to the unique lot size, and the orientation of the buildings provided a better sighting of the buildings and friendly to pedestrians.

Councillor Kieran McKenzie inquires how many units would be provided if the building were to be four storeys. Ms. Pillon-Abbs states that there is a potential of thirty to forty units.

Councillor Francis agrees with Mr. Coccimiglio and inquires whether Administration has any responses to the concerns of residents. Mr. Robertson states that there are no recommendations of RD2.5 or RD2.1, the base zoning will remain, and the site-specific provisions will address the amendments in the recommendations. Mr. Robertson states that a number of the provisions are consistent with RD1.4 in terms of the setbacks which have been increased. Mr. Robertson states that as-of-right the proposal could have increased the number of units without being presented to the committee.

Councillor Francis inquires why there are site specific provisions created for this proposal to make something work at this site and will this set a precedence for future proposals. Mr. Robertson states that Administration is comfortable with the recommendations and the proposal addresses the impacts to the neighbourhood.

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Councillor Francis inquires about this proposal and its strong street presence and that no other buildings on Cabana Road have been built this close to the road. Mr. Robertson states that this is a trade-off to have the parking in the rear, where alternatively privacy is compromised with the building being so close to the rear lot line.

Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 770**

- I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning exception to Section 91.10:

x. **SOUTH SIDE OF CABANA ROAD WEST, BETWEEN DOUGALL AVENUE AND MCGRAW AVENUE**

For the lands comprising of the west Part Lot 5, Registered Plan 1478, a *Multiple Dwelling* containing up to 6 dwelling *units* shall be an additional permitted *main use*, and the following additional provisions shall apply to a *Multiple Dwelling* containing up to 6 *dwelling units*:

- a) *Lot Width: minimum* 15.0 m
- b) *Lot Area: minimum* 540 m²
- c) *Lot Coverage: maximum* 35.0%
- d) *Building height: maximum* 9.0 m
- e) *Front Yard Depth: minimum / maximum* 6.0 m / 7.0 m
- f) *Rear Yard Depth for main building: minimum* 20.0 m
- g) *Side Yard Width: minimum* 1.20 m
- h) In any *required front yard*, a *parking space* is prohibited.
- i) Notwithstanding Section 25.5.20.1.5, the *minimum* parking area separation from a *building* wall in which is located a main pedestrian entrance facing the *parking area* shall be 1.5 m.
- j) A *screening fence* with a *minimum* height of 1.8 m shall be provided along the south *lot line*.

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- k) A landscaped area with a minimum width of 2.0 m shall be provided abutting the south *lot line*.
- l) A minimum of 50% of the north exterior wall elevation shall be covered in masonry, brick or any combination thereof. A minimum of 35% of east and west exterior wall elevations shall be covered in masonry, brick or any combination thereof.

[ZDM 9; ZNG/7307]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of the west Part Lot 5, Registered Plan 1478, situated on the south side of Cabana Road West between Dougall Avenue and McGraw Avenue, from RD1.4 to RD1.4x(x).
- III. THAT when Site Plan Control is applicable:
 - A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer:
 - 1. Those documents submitted in support of the application for amendment to the Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought, and any comments from municipal departments and external agencies included in Appendix D.

Carried.

Councillor Fred Francis voting nay.

Report Number: C 108/2025
Clerk's File: ZB/15008

7.3. Rezoning Application – 4325-4445 Cabana Rd E - Z-018/25 ZNG/7315 - Ward 9

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

Tracey Pillon-Abbs (agent) states that the applicant supports Administration's recommendations and the intent of power generation facility is to convert energy from a primary source into a reuseable form of energy with operation one to two hours a day. The facility is located between two existing buildings and will not impact the surrounding community. Ms. Pillon-Abbs is available for questions.

Councillor Angelo Marignani inquires what kind of energy will be produced. Ms. Pillon-Abbs states that it can be natural gas or any type of energy. Ms. Pillon-Abbs states that no details have been released and it is subject to approval from the federal government.

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Councillor Marignani inquires what is likely the type of fuel being generate electricity at this facility. Ms. Pillon-Abbs states she is unable to answer the question and that the applicant requires the zoning amendment to move forward with the final proposal and design.

Councillor Marignani inquires if any indication about the type of fuel generated. Ms. Jelena Payne defers the question to Mr. Matthew Johnson as it is an Independent Electricity System Operator (IESO) initiative and the application will be going to Council on October 20, 2025, for endorsement. Chair Morrison states that delegate questions must continue prior to questions to Administration.

Councillor Kieran McKenzie inquires about the current uses. Ms. Pillon-Abbs states the current uses are transportation terminal, gymnastic club and contractors.

Councillor Kieran McKenzie inquires about compatibility with sensitive land uses and how this would be an appropriate use of the site for the proposed development. Ms. Pillon-Abbs states that there are several dwellings in the area. An open house was held to hear any concerns. No residents attended and no written comments were submitted. The location was chosen between two existing buildings to buffer any noise generated.

Councillor Kieran McKenzie inquires whether any mitigations for odour that may be generated. Ms. Pillon-Abbs states that there should be no odour coming from the stacks.

Councillor Marignani inquires about the fuel to be used. Mr. Matthew Johnson states the fuel is a containerized natural gas system and that there will be noise and odour buffering ventilation systems in place.

Councillor Marignani inquires if this is a similar project to the Ford Foundry Power Generation plant. Mr. Robertson states that the Ford Foundry was an expansion project and this project is not to the same scale but is similar in terms of operation.

Councillor Marignani inquires if there has been consultation with neighbours. Mr. Johnson states that as part of the application process community engagement is required, and in-person and virtual open houses were held with no concerns from residents.

Councillor Kieran McKenzie inquires about the mitigation measures. Mr. Johnson states that the exhaust and noise from the facility will be buffered and the containerized systems must meet all codes. As part of Site Plan Control (SPC), a noise study and fire code and fire safety plans are required.

Councillor Kieran McKenzie inquires whether residents would be impacted due to emissions. Mr. Johnson states that mitigation measures and code compliance requirements are put in place to protect the surrounding community, and IESO has final approval of the Request for Proposal process. City Administration can add further requirements during SPC.

Councillor Kieran McKenzie inquires about noise and whether the levels would remain the same or have a measurable impact on the current uses of the site. Mr. Johnson states that he is unfamiliar

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with the other uses currently on the site, but a site visit was conducted with the applicant at a similar facility in Leamington and the noise from that facility was not significantly higher. Mr. Johnson states that each unit is within a sound dampening container. Mr. Szymczak states that a noise study is a requirement.

Councillor Kieran McKenzie inquires about appropriate use of land and what tools are available to address the challenges to minimize impact on the neighbourhood. Mr. Szymczak states that SPC is an appropriate tool, which will request a noise study that must comply with provincial guidelines and recommend mitigation measures, if required.

Member Anthony Arbour inquires about the working hours of the facility and if it exceeds the working hours being requested and approved. Mr. Johnson states that the facility will operate under the procurement issued through the IESO and will only operate for the hours it has been approved for.

Member Arbour inquires whether the facility will be running throughout the day. Mr. Johnson states that he is unsure but can request the information from the applicant.

Councillor Marignani inquires about the airport zoning regulations. Mr. Szymczak states that anything proposed within a specific radius of the airport must be reviewed by Transport Canada and NAV Canada to ensure compliance with their requirements.

Councillor Marignani inquires if drainage will be directed towards Baseline Road. Mr. Szymczak states this will be addressed during SPC.

Chair Morrison inquires about the zoning of the property and why a power facility was not a permitted use. Mr. Szymczak states that By-law 85-18 was inherited when the lands were transferred from the Town of Tecumseh to the City of Windsor, and the list of permitted uses was what was in their industrial zone.

Chair Morrison inquires about the process of the application and when it comes back to Council will we require a Municipal Support Resolution (MSR) like the other power generation facility. Mr. Szymczak states the MSR is a separate approval process, and the Council report for the MSR will be considered at the next council meeting and that this planning report will be presented at the same council meeting.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 771**

1. THAT Zoning By-law 85-18 **BE AMENDED** by renumbering paragraph 3.101b to 3.101c and paragraph 3.101a to 3.101b and by adding the following new definition to Section 3:

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- 3.101a **POWER GENERATION FACILITY** is an industrial activity and means premises used to generate electricity and may include a power distribution station or a transformer station.
[ZNG/7315]
2. THAT Zoning By-law 85-18 **BE FURTHER AMENDED** by adding the following defined area to Section 14:
- 14.3.17 Defined Area M1-17 as shown on Zoning Map T12 of this By-law.
- a) Permitted Uses
- 1) All uses permitted in the Industrial (M1) zone save and except a dwelling or dwelling unit.
 - 2) *Power Generation Facility.*
- b) Permitted Buildings and Other Structures
- No building or structures shall be used or erected in Defined Area M1-17 except for the following purposes:
- 1) buildings and structures for the permitted uses.
 - 2) accessory buildings and structures for the permitted uses.
- c) Other Requirements
- 1) The regulations of subsection 14.1.3 to 14.2.4 and all other applicable regulations shall apply to any use permitted in subsection 14.3.17 a).
- (ZNG/7315)
3. THAT Zoning By-law 85-18 **BE FURTHER AMENDED** by changing the zoning of CON 7; PT GORE LOT 17; RP 12R8108; PARTS 4; 5; 7 & 8; PT PARTS 1 TO 3; 6 & 9; RP 12R28421; PARTS 4 TO 6; PIN 75235-0176, situated at the southwest corner of Cabana Road East and 8th Concession Road (4325-4445 Cabana Road East; Roll No. 090-010-04950) from M1 to M1-17.
4. THAT, when Site Plan Control is applicable:
- A. The following additional materials **BE SUBMITTED** with an application for site plan approval, and **BE SUBJECT** to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer:
- 1) A noise study.

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- 2) A copy of the confirmation email from Transport Canada that an Aeronautical Assessment Form (AAF) has been submitted to Transport Canada.
- 3) Confirmation of submission of a Land Use Form to the NAV CANADA Land Use Web Submission Portal.

B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following into an approved site plan and an executed and registered site plan agreement:

- 1) Any noise mitigation measures identified in a Noise Study, subject to the approval of the Site Plan Approval Officer.
- 2) Provision of Transport Canada's determination regarding the proposed Power Generation Facility to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
- 3) Provision of NAV CANADA's assessment of the proposed Power Generation Facility to the satisfaction of the City Planner, Deputy City Planner, or Site Plan Approval Officer.

Carried.

Report Number: S 109/2025
Clerk's File: Z/15030

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:59 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services