CITY OF WINDSOR MINUTES 03/07/2022

Development & Heritage Standing Committee Meeting

Date: Monday, March 7, 2022
Time: 4:30 o'clock p.m.

Members Present:

Councillors
Ward 3 - Councillor Bortolin (Chairperson)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members
Member Baker
Member Foot
Member Fratangeli
Member Gyemi
Member Moore
Member Rondot

Members Regrets
Member Miller

Clerk's Note: Councillors Holt, Gill, and Morrison and Members Baker, Fratangeli, Gyemi, Moore, and Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Neil Robertson, Manager of Urban Design / Deputy City Planner
Barbara Rusan, Manager of Policy & Regulatory Services
Patrick Winters, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development

Stefan Fediuk, Planner III – Senior Urban Designer
Adam Szymczak, Planner III – Zoning
Kristina Tang, Planner III – Heritage
Rania Toufeili, Policy Analyst
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Michael Cooke, Manager of Planning Policy / Deputy City Planner
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1	Bruno Cacilhas, Owner
Item 7.1, 7.4 & 7.5	Tracey Pillon Abbs, representing the Applicant
Item 7.1 & 7.4	Tony Chau, Senior Project Manager, ADA-Architect
Item 7.2	Chris MacLeod, Applicant
Item 7.3	Karl Tanner, Dillon Consulting
Item 7.4	Aaron Blata, RC Spencer & Associates Inc.
Item 7.4	John Paul Aleo, Aleo Associates Inc.
Item 7.4	Johanna and Nicholas Papador, Area Residents
Item 7.4	David Kassab, Area Resident
Item 7.4	Bushra Hanna, Area Resident
Item 7.4	Roger and Jennifer Bastiaan, Area Residents
Item 7.4	Antonio Buttice, Area Resident
Item 7.4	Paula and Rod Rankin, Area Residents
Item 7.4	Raymond and Charlotte Colautti, Area Residents
Item 7.4	Marianne Rudy-Geleynse, Area Resident
Item 7.4	Andrew Furlong, Area Resident
Item 7.4	Andrew Smith, Realtor
Item 7.4	Patricia McConville, Area Resident
Item 7.4	Annette Trepanier, Area Resident
Item 7.4	Philip Adamson, Area Resident
Item 7.4	Alex Denonville, Area Resident
Item 7.4	Dr. George Grayson, area resident
Item 7.4	Dr. Paula Brook, Area Resident
Item 7.4	Mike Spineti, Area Resident
Item 7.5	Zak Habib, Royalty Homes
Item 10.1	Cameron Adamson, Border Masonic Temple Association Building Committee Chair
Item 11.1	Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:32 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Fratangeli discloses an interest and abstains from voting on Item 10.1 being the report of the Office of Economic Development & Innovation dated February 9, 2022 entitled "986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)," as he is a member of the Masonic Temple.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN_002-21 - Ward #3

Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura

Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN_002-21 - Ward #3" and is available for questions.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: **DHSC 377**
THAT the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a 23.22m^2 pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.**
Carried.

Report Number: S 4/2022
Clerk's File: Z/8955

11.2. Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2)

Moved by: Councillor Holt
Seconded by: Councillor Gill

Decision Number: **DHSC 378**

I. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $5,000 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor; and,

III. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

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

V. THAT the grant funds in the amount of $20,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,

VI. THAT should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

11.3. Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company)

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 379**

I. THAT the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian Road, **BE APPROVED** for the following programs when all work is complete:
   i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (**+/-$3,113** per year); and
   ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (**+/- $11,436.74**);

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

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

IV. THAT funds in the maximum amount of **+/-$11,436.74** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;

V. THAT grants **BE PAID** to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

VI. THAT 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 20/2022
Clerk's File: Z/14306

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items) portion is adjourned at 4:38 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:38 o'clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 6, 2021

Moved by: Councillor Sleiman
Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held December 6, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 392/2021

8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held January 10, 2022

Moved by: Councillor Sleiman
Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held January 10, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 11/2022

8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held February 7, 2022

Moved by: Councillor Sleiman
Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held February 7, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 41/2022

10. *HERITAGE ACT* MATTERS

10.1. 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)

Cameron Adamson, Border Masonic Temple Association Building Committee Chair

Cameron Adamson, Border Masonic Temple Association Building Committee Chair, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)" and is available for questions.

Moved by: Councillor Holt
Seconded by: Member Baker

Decision Number: **DHSC 376**

I. THAT the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.

II. THAT a total grant of 15% of the cost of conservation work for the facade, to an upset amount of $46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:

a. Submission of professional drawings, 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 and the City Building Official for building code compliance (if required);
c. Owner's submission of paid receipts for work completed;
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;

III. THAT the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;

IV. THAT the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson

on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of $30,000 per property;

V. THAT funds in the amount of up to $30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;

VI. THAT grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;

VII. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;

VIII. THAT administration **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

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

Report Number: S 19/2022
Clerk's File: Z/13002

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 4:40 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act*) held February 7, 2022

Moved by: Member Rondot
Seconded by: Councillor Morrison

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held February 7, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 47/2022

7. *PLANNING ACT* MATTERS

7.1. Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7

Moved by: Councillor Gill
Seconded by: Councillor Holt

Decision Number: **DHSC 371**

I. THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;

II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 PERMITTED USES

Business Office	*Personal Service Shop*
Child Care Centre	*Place of Entertainment and Recreation*
Commercial School	*Place of Worship*
Food Outlet - Take-Out	*Professional Studio*
Hotel	*Public Hall*
Medical Office	*Repair Shop - Light*
Medical Appliance Facility	*Restaurant*
Micro-Brewery	*Retail Store*

9 or more dwelling units in a *Combined Use Building* with any of the above uses
Multiple Dwelling with 9 or more dwelling units
Residential Care Facility
Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

16.10.5 PROVISIONS

.1	Lot Frontage – minimum	18.0 m

.2 Lot Area – minimum
For a *building* containing only non-residential uses 400.0 m^2
For each *dwelling unit* 85.0 m^2
.4 Building Height – maximum 20.0 m
.8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
.15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
.16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
.17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
.20 Building Setback – minimum
a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
. 90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

"438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m^2 minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

a) Section 16.10.5.15 of by-law 8600 shall not apply;
b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;

d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m^2 minimum gross floor area of non-residential use;
e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
[ZDM 15; ZNG/6323]

IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
f) Enbridge Gas minimum separation requirements;
g) Adequate clearance from existing ENWIN's pole lines and power lines; and
h) Canada Post multi-unit policy;
i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Carried.

Report Number: S 2/2022 & AI 4/2022
Clerk's File: ZB/14064 & ZO/14063

7.2. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* – 531 Pelissier Limited - 531 Pelissier Street– CDM 006-20 [CDM-6637]; Ward 3

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 372**
THAT the application of 531 Pelissier Limited for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24,

and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 26/2022
Clerk's File: Z/14297

7.3. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 373**
THAT the application of Farhi Holdings Corporation for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: S 25/2022
Clerk's File: Z/14295

7.4. Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 374**
1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

340. **SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD**

For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

1. For any *dwelling*, the following additional provisions shall apply:
   a) An *access area* or driveway is prohibited in any *front yard* or exterior *side yard*. Access to a *parking space* shall be from an *alley*.

b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

2. For a *single unit dwelling*, the following additional provisions shall apply:
   a) Main Building Height – minimum 7.00 m
   b) Front Yard Depth – minimum 7.50 m

3. For *multiple dwelling*, the following provisions shall apply:
   a) Lot Width – minimum 35.0 m
   b) Lot Area – minimum 2,152.0 m^2
   c) Lot Coverage – maximum 35.0%
   d) Main Building Height – maximum 15.0 m
   e) Building Setback – minimum
      1. From that part of the lot line abutting Kildare Road 2.62 m
      2. From that part of the lot line abutting Devonshire Court 3.39 m
      3. From the midpoint of the 20ft radius of Lot 87 RP 684 1.89 m
      4. From an interior lot line 1.20 m
   f) Landscaped Open Space Yard – minimum 27.5% of *lot area*
   g) Dwelling Units - maximum 23

[ZDM 7; ZNG/4715; ZNG/6571]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
   a) The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
   b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
   c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
   d) The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
   e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
   f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Carried.
Councillor Gill and Members Gyemi and Moore voting nay.

Report Number: S 22/2022
Clerk's File: ZB/14241

7.5. OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9

Moved by: Member Rondot
Seconded by: Councillor Sleiman

Decision Number: **DHSC 375**

1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**

1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

a) Main Building Height – maximum 22.4 m
b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building*, *dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.

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

   A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
   B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
   C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
   D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
   E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

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

   A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
   B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Carried.

Report Number: S 23/2022
Clerk's File: Z/14269 & Z/14268

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 (*Planning Act* Matters) is adjourned at 7:37 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

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

Date: Monday, March 7, 2022
Time: 4:30 pm

MEMBERS PRESENT:

Councillors:

Ward 3 - Councillor Bortolin (Chair)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members:

Member Gyemi
Member Moore
Member Rondot

Clerk's Note: Councillors Holt, Gill, and Morrison and Members Baker, Fratangeli, Gyemi, Moore, and Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Neil Robertson, Manager of Urban Design / Deputy City Planner
Barbara Rusan, Manager of Policy & Regulatory Services
Patrick Winters, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Stefan Fediuk, Planner III – Senior Urban Designer
Adam Szymczak, Planner III – Zoning
Kristina Tang, Planner III – Heritage
Rania Toufeili, Policy Analyst
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Michael Cooke, Manager of Planning Policy / Deputy City Planner
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee (Planning Act Matters) to order at 4:40 pm.

2. DISCLOURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held February 7, 2022.

Moved by: Member Rondot
Seconded by: Councillor Morrison

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held February 7, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 47/2022

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*) via video conference

Item 7.1	Bruno Cacilhas, Owner
Item 7.1, 7.4 & 7.5	Tracey Pillon Abbs, representing the Applicant
Item 7.1 & 7.4	Tony Chau, Senior Project Manager, ADA-Architect
Item 7.2	Chris MacLeod, Applicant
Item 7.3	Karl Tanner, Dillon Consulting
Item 7.4	Aaron Blata, RC Spencer & Associates Inc.
Item 7.4	John Paul Aleo, Aleo Associates Inc.
Item 7.4	Johanna and Nicholas Papador, Area Residents
Item 7.4	David Kassab, Area Resident
Item 7.4	Bushra Hanna, Area Resident
Item 7.4	Roger and Jennifer Bastiaan, Area Residents
Item 7.4	Antonio Buttice, Area Resident
Item 7.4	Paula and Rod Rankin, Area Residents
Item 7.4	Raymond and Charlotte Colautti, Area Residents
Item 7.4	Marianne Rudy-Geleynse, Area Resident
Item 7.4	Andrew Furlong, Area Resident
Item 7.4	Andrew Smith, Realtor
Item 7.4	Patricia McConville, Area Resident
Item 7.4	Annette Trepanier, Area Resident
Item 7.4	Philip Adamson, Area Resident
Item 7.4	Alex Denonville, Area Resident
Item 7.4	Dr. George Grayson, area resident
Item 7.4	Dr. Paula Brook, Area Resident
Item 7.4	Mike Spineti, Area Resident
Item 7.5	Zak Habib, Royalty Homes

7. PLANNING ACT MATTERS

7.1 Z-005/21 [ZNG/6323] & OPA 143 [OPA/6324] – Maple Leaf Homes 11676 Tecumseh Rd E – Rezoning & Official Plan Amendment Ward 7

Justina Nwaesei (author), Planner III – Subdivisions

Michael Cooke provides the presentation on behalf of Justina Nwaesei.

Ms Tracey Pillon-Abbs briefly reviews the proposed development and changes made to make the proposed development compliant with the zoning.

Moved by: Councillor Gill
Seconded by: Councillor Holt

Decision Number: **DHSC 371**

RECOMMENDATIONS

I. THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;

II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 PERMITTED USES

Business Office	*Personal Service Shop*
Child Care Centre	*Place of Entertainment and Recreation*
Commercial School	*Place of Worship*
Food Outlet - Take-Out	*Professional Studio*
Hotel	*Public Hall*
Medical Office	*Repair Shop - Light*
Medical Appliance Facility	*Restaurant*
Micro-Brewery	*Retail Store*

9 or more dwelling units in a *Combined Use Building* with any of the above uses
Multiple Dwelling with 9 or more dwelling units
Residential Care Facility
Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

16.10.5 PROVISIONS

.1	Lot Frontage – minimum	18.0 m
.2	Lot Area – minimum	
	For a *building* containing only non-residential uses	400.0 m^2
	For each *dwelling unit*	85.0 m^2
.4	Building Height – maximum	20.0 m
.8	Landscaped Open Space Yard – minimum	30.0% of *lot area*

.15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.

.16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.

.17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.

.20 Building Setback – minimum

a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a

building height of 10.0 m or less 0.0 m

b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m

c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m

d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m

. 90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

"438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m^2 minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

a) Section 16.10.5.15 of by-law 8600 shall not apply;
b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m^2 minimum gross floor area of non-residential use;
e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way. [ZDM 15; ZNG/6323]

IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
f) Enbridge Gas minimum separation requirements;
g) Adequate clearance from existing ENWIN's pole lines and power lines; and
h) Canada Post multi-unit policy;
i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Motion CARRIED UNANIMOUSLY

Report Number: S 2/2022 & AI 4/2022
Clerk's File: ZB/14064 & ZO/14063

7.2 CDM-006/21 [CDM/6637] – 531 Pelissier Inc 531 Pelissier St – Plan of Condominium Ward 3

Jim Abbs (author), Planner III – Subdivisions

Chris MacLeod (applicant) – available for questions

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 372**

RECOMMENDATIONS

THAT the application of 531 Pelissier Limited for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

Motion CARRIED UNANIMOUSLY

Report Number: S 26/2022
Clerk's File: Z/14297

7.3 CDM-005/21 [CDM/6636] – Farhi Holding Corp 1600 Lauzon Rd – Plan of Condominium Ward 6

Jim Abbs (author), Planner III – Subdivisions

Karl Tanner – Dillon Consulting (agent) – available for questions

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 373**

RECOMMENDATIONS

THAT the application of Farhi Holdings Corporation for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

Motion CARRIED UNANIMOUSLY

Report Number: S 25/2022
Clerk's File: Z/14295

7.4 Z-034/21 [ZNG/6571] – 2811035 Ontario Inc 1913, 1925 & 1949 Devonshire Court – Rezoning Ward 4

Adam Szymczak (author), Planner III – Zoning

Mr Szymczak provides a presentation of the application

Tony Chau – ADA Architect (senior architect) – available for questions
Aaron Blata - RC Spencer & Associates Inc – available for questions
John Paul Aleo – Aleo Associates Inc – available for questions
Tracey Pillon-Abbs (agent) – lists key points of the site in question

Written submissions were made available to members of the Committee and the Applicant prior to the meeting.

Oral submissions were made by delegations regarding the proposed development.

Those delegations opposed to the proposed amendment noted the following::

- The footprint of the proposed multiple dwelling is too large for the property and there are too many dwelling units
- The proposed development disregards the design, character and heritage of the neighbourhood
- The proposed setbacks are not consistent with existing building setbacks
- Changing the building form and type from one end of the spectrum to the other – from three homes to multi-unit building - is not acceptable
- Concern for reduction of value in homes surrounding the new development
- Lack of available parking – the proposed development would make it worse
- Traffic from the proposed development would conflict with traffic fom the nearby Tim Horton's and with pedestrians
- Intrusion of privacy due to height of the proposed building
- Noise pollution from traffic
- Complete disregard for the previously approved rezoning in 2016 – no justification or explanation was given as to why the Applicant could not comply with the 2016 zoning amendment.
- The proposed development represents a large a change from the existing character and zoning in the area
- The proposed multiple dwelling is not appropriate density for the neighbourhood

Other delegations speak in support of the proposed development stating the need for more housing. Describe the redevelopment around Toronto and surrounding area, promoting more family sized apartments and townhomes. The market today makes it difficult for young families to purchase a single detached home. The proposed multiple dwelling will provide an alternative for young people looking for a home.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 374**

RECOMMENDATIONS

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

340. **SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD**

For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

1. For any *dwelling*, the following additional provisions shall apply:
   a) An *access area* or driveway is prohibited in any *front yard* or exterior *side yard*. Access to a *parking space* shall be from an *alley*.
   b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

2. For a *single unit dwelling*, the following additional provisions shall apply:
   a) Main Building Height – minimum 7.00 m
   b) Front Yard Depth – minimum 7.50 m

3. For *multiple dwelling*, the following provisions shall apply:
   a) Lot Width – minimum 35.0 m
   b) Lot Area – minimum 2,152.0 m^2
   c) Lot Coverage – maximum 35.0%
   d) Main Building Height – maximum 15.0 m
   e) Building Setback – minimum
      1. From that part of the lot line abutting Kildare Road 2.62 m
      2. From that part of the lot line abutting Devonshire Court 3.39 m
      3. From the midpoint of the 20ft radius of Lot 87 RP 684 1.89 m
      4. From an interior lot line 1.20 m
   f) Landscaped Open Space Yard – minimum 27.5% of *lot area*
   g) Dwelling Units - maximum 23

[ZDM 7; ZNG/4715; ZNG/6571]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
   a) The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
   b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
   c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
   d) The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.

e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Motion CARRIED
Councillor Gill and Members Gyemi and Moore voting nay

Report Number: S 22/2022
Clerk's File: ZB/14241

7.5 Z-040/21 [ZNG/6591] & OPA 155 [OPA/6592] – 1741078 Ontario Inc, 115664 Ontario Inc & Abdul Karim Habib 4845 Walker Rd – Rezoning & Official Plan Amendment Ward 9

Adam Szymczak (author), Planner III – Zoning

Zak Habib (applicant) and Tracey Pillon-Abbs (agent) available for questions

Moved by: Member Rondot
Seconded by: Councillor Sleiman

Decision Number: **DHSC 375**

RECOMMENDATIONS

1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**

1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy

Areas, “dwelling units located at grade and/or above commercial uses in a combined use building” and “multiple dwelling” shall be additional permitted uses.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

a) Main Building Height – maximum 22.4 m
b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building*, *dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
   A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.

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

   A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
   B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
   C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
   D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
   E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

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

   A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
   B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Motion CARRIED UNANIMOUSLY

Report Number: S 23/2022
Clerk's File: Z/14269 & Z/14268

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee (Planning Act Matters) is adjourned at 7:37 p.m.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)