CITY OF WINDSOR MINUTES 05/02/2022

Development & Heritage Standing Committee Meeting

Date: Monday, May 02, 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 Bulmer
Member Foot
Member Fratangeli
Member Gyemi
Member Moore
Member Rondot

Member Regrets
Member Miller

Clerk's Note: Councillors Morrison and Sleiman and Member Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Neil Robertson, Manager of Urban Design / Deputy City Planner
Rob Vani, Manager of Inspections / Deputy Chief Building Official
Patrick Winters, Development Engineer
Brian Nagata, Planner II – Development Review
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Jim Abbs, Planner III – Subdivisions

Greg Atkinson, Planner III – Economic Development
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:

Thom Hunt, City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
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	Karl Tanner, Dillon Consulting
Item 7.1	Rachel Jordan, Area Resident
Item 7.2	Melanie Muir, Dillon Consulting representing 2342046 Ontario Inc.
Item 7.2	Laura Andreozzi-Chorney, Area Resident
Item 7.3	Tracey Pillon-Abbs, representing the Applicant
Item 7.3	Brian Bondy, Area Resident
Item 7.4	Jeffrey Nanson, Solicitor representing Mr. Vito Maggio, Property Owner
Item 7.4	Vito Maggio, Applicant
Item 7.4	Jeremy McLellan, Area Resident
Item 7.4	Lynne Pearlman, Area Resident
Item 11.2	Rahul Rajpura and Amanda Gelman, Medicap
Item 11.3	Mohamed Tabib, Carthage Developments Inc.

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Rondot discloses an interest and abstains from voting on Item 7.4 being the report of the Office of Economic Development & Innovation dated April 12, 2022 entitled "Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, Z-008/22 [ZNG/6670]," as he is the Chair of the Walkerville BIA.

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 April 4, 2022

Moved by: Member Foot
Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held April 4, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 96/2022

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 10.1, 11.2, and 11.3.

10. *HERITAGE ACT* MATTERS

10.1. City of Windsor Heritage Recognition 2022

Kristina Tang, Heritage Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "City of Windsor Heritage Recognition 2022" and provides highlights of the plans for the Heritage Awards and a brief outline of the process involved in the selection process of the awards. Ms. Tang provides a detailed description of each property that is being recognized as well as the owners that are being recognized with a heritage designation plaque.

Councillor Gill inquires about how the nominations of the awards were determined. Ms. Tang indicates that administration reviews the properties and determines the work that was involved in the restoration and members of the Heritage Committee have also been consulted.

Councillor Sleiman inquires whether there is a monetary award. Ms. Tang indicates the program does not come with a monetary award although certain applicants may have applied for and received grants through the many CIP and Heritage Grant programs that are available throughout the City.

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 390**

I. THAT Council **BE INFORMED** of the joint partnership between the City of Windsor Heritage Recognition 2022 with Doors Open Windsor 2022 and that Administration **ASSIST** in cross promotional efforts.

II. THAT the property owners and project team for the recent heritage conservation work at:
- 1008 Drouillard Road
- Hiram Walker Bridge (Peche Island) Restoration
- 1785 Walker Road- Teron Building
- 225 Giles Boulevard W.- William T. Wesgate House
- 3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project

BE RECOGNIZED with the 2022 Built Heritage Awards.

III. THAT the property owners of Neils C. Ortved House, 766 Devonshire Road, and 436 Askin Avenue **BE RECOGNIZED** with a heritage designation plaque.

Carried.

Report Number: S 43/2022
Clerk's File: MBA/2274

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:39 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:41 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act* Matters) held April 4, 2022

Moved by: Councillor Gill
Seconded by: Councillor Holt

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held April 4, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 113/2022

7. *PLANNING ACT* MATTERS

7.1. Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593]- Wonsch Construction Company Limited - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 386**

I THAT the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, City of Windsor; **BE APPROVED** on the following basis:

A That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/21-1, which will facilitate the creation of 4 residential lots.

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

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

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).

2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:

   a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;

3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.

4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;

5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;

6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

7. The Owners will comply with all the following requirements relating to sidewalks:

   Sidewalks will be constructed:
   On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;

8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.

   1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
   2. The study shall be finalized to the satisfaction of the City Engineer.

9. The Owners(s) will:

   a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream

watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11 The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

> "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

NOTES TO DRAFT APPROVAL (File: SDN-002/21)

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

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

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

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

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

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

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

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

Carried.

Report Number: S 45/2022
Clerk's File: Z/14266

7.2. Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]-2342046 Ontario Inc. - Ward 9

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: **DHSC 387**

I THAT the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

A That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.

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

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

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-

Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).

2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

   a) 20m right of way for Street A;

3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer.

4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.

5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;

6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.

7. The Owners will comply with all the following requirements relating to sidewalks:

   Sidewalks will be constructed:
   On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;

8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.

   1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
   2. The study shall be finalized to the satisfaction of the City Engineer.

9. The Owners(s) will:
    a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
    b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
    c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

    "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

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

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

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

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

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

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

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

IV THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

V. THAT a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:

a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.

VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,

VII. THAT the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,

VIII. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,

IX. 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,

X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,

XI. THAT the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.
Carried.

7.3. Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7

Moved by: Councillor Gill
Seconded by: Councillor Holt

Decision Number: **DHSC 388**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

a) Lot Area – per *dwelling unit* - minimum 130.0 m^2
b) That the required *front yard depth*, required *rear yard depth*, and *required side yard* width shall not apply.
c) Building Setback – minimum
   from the lot line adjacent to Wyandotte Street East (including the corner cut-off) 1.20 m
   from the lot line adjacent to Elinor Street 2.50 m
   from an *interior lot line* 2.50 m
d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m
e) Notwithstanding Section 24.40, a *loading space* is not required.
f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to:
a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S 41/2022.

Carried.

7.4. Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670]

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 389**
THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 3, Plan 502 (642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), located on the east side of Windermere Road, south of Wyandotte Street East, by adding a site specific provision to Section 20(1) as follows:

438. EAST SIDE OF WINDERMERE ROAD, SOUTH OF WYANDOTTE STREET EAST

For the lands comprising of Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), situated on the east side of Windermere Road, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN No. 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

a) Fence with a height of 1.0 metre shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
d) Notwithstanding Table 24.20.5.1 herein and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces shall be required for the existing legal non-conforming *Business Office* use at 642 Windermere Road.

THAT Administration **BE DIRECTED** to provide additional information related to the ability of licensing to address concerns specifically related to: lighting, noise, operating hours, safety in alleys, and vehicular movement; and recommended measures; including the implementation of traffic calming measures, reducing the hours of operation to 11:00 p.m., and prohibition of amplified music; and that this information **BE PROVIDED** when this matter proceeds to Council.
Carried.
Member Rondot discloses an interest and abstains from voting on this matter.

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:07 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:08 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3)

Councillor Bortolin provides information related to an updated corrected map that is provided to the members, attached to the consolidated agenda.

Moved by: Councillor Holt
Seconded by: Councillor Gill

Decision Number: **DHSC 391**

I. THAT the request made by Albert and Maria Folino 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 660 University Avenue East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. THAT the grant funds in the amount of $8,550 **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,

III. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $8,550 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,

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

V. THAT the request made by Albert and Maria Folino to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 660 University Avenue East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

VI. THAT Administration **BE DIRECTED** to prepare an agreement between Albert and Maria Folino, the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

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

VIII. THAT the City Planner **BE AUTHORIZED** to sign an Assignment Agreements, if required, satisfactory in form and content to the City Solicitor, in technical content to the City Planner and in financial content to the City Treasurer; and further,

IX. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 40/2022
Clerk's File: Z/14362

11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9

Rahul Rajpura and Amanda Gelman, Medicap

Rahul Rajpura and Amanda Gelman, Medicap, appear via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9" and are available for questions.

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 392**

I. THAT the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3190 Devon Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,

II. THAT Administration **BE DIRECTED** to prepare an agreement between the City, Bijoy Foods Inc., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications; and,

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and further,

IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 48/2022
Clerk's File: Z/14364

11.3. Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc.

Mohamed Tabib, Carthage Developments Inc.

Mohamed Tabib, Carthage Developments Inc., appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc." and is available for questions.

Councillor Morrison inquires about the intersection, opening up Malden, and what would happen with the intersection of Daytona and Malden. Patrick Winters, Development Engineer, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc." and indicates that the intent would be to remove the existing emergency access and install a proper curb return out to Daytona. Mr. Winters adds that it will be the extension of the road and there will be no change to the intersection with a standard 28 ft. wide pavement to Northway.

Councillor Morrison inquires as to the right-of-way as being an issue for that area and whether there will be a four-way stop or other controls at this intersection. Mr. Winters indicates that there will be a review with Transportation Planning for an analysis to occur to determine what is warranted for that intersection.

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 393**

I. THAT Council **APPROVE** a Cost Sharing payment to Carthage Developments Incorporated estimated at $313,069, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Northway Avenue Development, to be funded from the New Infrastructure Development Project (Project ID# 7035119).

II. THAT the CAO and City Clerk **BE AUTHORIZED** to execute a Servicing Agreement with Carthage Developments Inc. for the installation of full municipal services on Northway Avenue from Malden Road to Manitoba Street, satisfactory in form to the Commissioner of Legal & Legislative Services and in content to the Commissioner of Infrastructure Services in accordance with the following terms:

a. The general servicing requirements as detailed by CR233/98.

b. Cost Sharing - The Corporation agrees to pay to the Owner **THREE HUNDRED THIRTEEN THOUSAND SIXTY NINE DOLLARS ($313,069)** excluding HST, based on estimated construction costs, final payment to be based on actual progress certificate payments, representing the Corporation's share of costs associated with the following:

i. The extension of Malden Road from Daytona Avenue east to Northway Avenue [The City is responsible for 70% of the construction costs];
ii. Curb and base asphalt repairs, as well as the installation of surface asphalt on Northway Avenue, north of Malden Road [The City is responsible for 100% of the construction costs]; and
iii. The installation of storm and sanitary private drain connections, as well as water and hydro connections needed to service two new building lots fronting Daytona Avenue and Northway Avenue.

Carried.

Report Number: S 27/2022
Clerk's File: SW/14365

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held February 2, 2022

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 394**
THAT the minutes of the International Relations Committee of its meeting held February 2, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 82/2022
Clerk's File: MB2022

12.2. Minutes of the International Relations Committee of its meeting held March 31, 2022

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 395**
THAT the minutes of the International Relations Committee of its meeting held March 31, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 95/2022
Clerk's File: MB2022

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:15 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, May 2, 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 Morrison and Sleiman and Member Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Neil Robertson, Manager of Urban Design / Deputy City Planner
Rob Vani, Manager of Inspections / Deputy Chief Building Official
Patrick Winters, Development Engineer
Brian Nagata, Planner II – Development Review
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Jim Abbs, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
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:

Thom Hunt, City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
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

Member Rondot discloses an interest and abstains from voting on Item 7.4 being the report of the Office of Economic Development & Innovation dated April 12, 2022 entitled "Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, Z-008/22 [ZNG/6670]," as he is the Chair of the Walkerville BIA.

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 April 4, 2022.

Moved by: Councillor Gill
Seconded by: Councillor Holt

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held April 4, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

Item 7.1 Karl Tanner, Dillon Consulting
Item 7.1 Rachel Jordan, Area Resident
Item 7.2 Melanie Muir, Dillon Consulting representing 2342046 Ontario Inc.
Item 7.2 Laura Andreozzi-Chorney, Area Resident
Item 7.3 Tracey Pillon-Abbs, representing the Applicant
Item 7.3 Brian Bondy, Area Resident
Item 7.4 Jeffrey Nanson, Solicitor representing Mr. Vito Maggio, Property Owner
Item 7.4 Vito Maggio, Applicant
Item 7.4 Jeremy McLellan, Area Resident
Item 7.4 Lynne Pearlman, Area Resident

7. PLANNING ACT MATTERS

7.1 SDN-002/21 [SDN/6593] – Wonsch Construction 3550 Howard Ave – Plan of Subdivision Ward 9

Jim Abbs (author), Planner III – Subdivisions

Karl Tanner – Dillon Consulting (agent) is in agreement with Administration's recommendations and is available for questions.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 386**

RECOMMENDATIONS

I **THAT** the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, City of Windsor; **BE APPROVED** on the following basis:

A That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/21-1, which will facilitate the creation of 4 residential lots.

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

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

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:
   a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;
3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.
4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;
5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;
6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.
7. The Owners will comply with all the following requirements relating to sidewalks:

   Sidewalks will be constructed:

   On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;
8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
   1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
   2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
   a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the Planning Act and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11 The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

"Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

NOTES TO DRAFT APPROVAL (File: SDN-002/21)

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

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

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

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

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

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

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

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

Motion CARRIED UNANIMOUSLY

Report Number: S 45/2022
Clerk's File: Z/14266

7.2 SDN-003/21 [SDN/6630] – 2342046 Ontario Inc 0 Liberty St – Plan of Subdivision Ward 9

Jim Abbs (author), Planner III – Subdivisions

Melanie Muir – Dillon Consulting (agent) – available for questions.

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: **DHSC 387**

RECOMMENDATIONS

I **THAT** the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

A That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.

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

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

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
   b) 20m right of way for Street A;
3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer
4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.
5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;
6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;

8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
   3. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
   4. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
   d) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
   e) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

f) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the Planning Act and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11 The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

13. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

"Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

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

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

IV **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

V. **THAT** a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:

a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.

VI. **THAT** the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,

VII. **THAT** the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,

VIII. **THAT** the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,

IX. **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,

X. **THAT** the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,

XI. **THAT** the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.

Motion CARRIED UNANIMOUSLY

Report Number: S 47/2022
Clerk's File: Z/14316

7.3 Z-002/22 [ZNG/6657] – 1933923 Ontario Ltd 0 & 817 Elinor and 0 Wyandotte St E – Rezoning Ward 7

Adam Szymczak (author), Planner III – Zoning

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

Moved by: Councillor Gill
Seconded by: Councillor Holt

Decision Number: **DHSC 388**

RECOMMENDATIONS

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

a) Lot Area – per *dwelling unit* - minimum 130.0 m^2

b) That the required *front yard depth*, required *rear yard depth*, and *required side yard* width shall not apply.

c) Building Setback – minimum from the lot line adjacent to Wyandotte Street East (including the corner cut-off) 1.20 m

from the lot line adjacent to Elinor Street 2.50 m

from an *interior lot line* 2.50 m

d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m

e) Notwithstanding Section 24.40, a *loading space* is not required.

f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to:

a) Circulate any application to the Essex Region Conservation Authority for their review and comment;

b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S /2022.

Motion CARRIED UNANIMOUSLY

Report Number: S 41/2022
Clerk's File: Z/14296

7.4 Z-008/22 [ZNG/6670] – Vito Maggio Holdings Inc 642 Windermere Rd – Rezoning Ward 4

Brian Nagata (author), Planner II – Development Review

Jeffrey Nanson (agent) and Vito Maggio (applicant) are available for questions. Mr. Nanson gave a brief presentation, referring to the last two years in which a temporary zoning change permitted the use of the alley as a patio.

Area residents opposed to the rezoning noted the following concerns:
- Lighting
- Alley speed and safety
- Parking
- Operating hours, and
- Noise

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 389**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 3, Plan 502 (642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), located on the east side of Windermere Road, south of Wyandotte Street East, by adding a site specific provision to Section 20(1) as follows:

438. EAST SIDE OF WINDERMERE ROAD, SOUTH OF WYANDOTTE STREET EAST

For the lands comprising of Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), situated on the east side of Windermere Road, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN No. 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

a) Fence with a height of 1.0 metre shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.

b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.

c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.

d) Notwithstanding Table 24.20.5.1 herein and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces shall be required for the existing legal non-conforming *Business Office* use at 642 Windermere Road.

THAT Administration **BE DIRECTED** to provide additional information related to the ability of licensing to address concerns specifically related to: lighting, noise, operating hours, safety in alleys, and vehicular movement; and recommended measures; including the implementation of traffic calming measures, reducing the hours of operation to 11:00 p.m., and prohibition of amplified music; and that this information **BE PROVIDED** when this matter proceeds to Council.

Motion CARRIED
Member Rondot discloses an interest and abstains from voting on this matter.

Report Number: S 49/2022
Clerk's File: Z/14315

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:07 p.m.

Ward 3 – Councillor Bortolin (Chairperson)	Thom Hunt (Secretary)