

Development & Heritage Standing Committee Meeting

Date: Monday, June 06, 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

Members Absent

Member Miller

Clerk's Note: Councillors Morrison and Members Fratangeli, Gyemi, and 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:

Jelena Payne, Commissioner of Economic Development & Innovation

Debbie Cercone, (Acting) Commissioner of Human & Health Services

Kirk Whittal, Executive Director of Housing & Children Services

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

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Barbara Rusan, Manager of Policy & Regulatory Services / Deputy Chief Building Official
Jeff Hagan, Transportation Planning Senior Engineer
Robert Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Justina Nwaesei, Planner III – Subdivisions
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Adam Szymczak, Planner III – Zoning
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1	Jim Dymont, Municipal Planning Consultants
Item 7.1 & 7.5	Andi Shallvari, CPA
Item 7.2	Jacob Dickie, Agent, Urban in Mind
Item 7.3 & 7.6	Tracey Pillon-Abbs, Principal Planner
Item 7.4	Brian Chillman, Solicitor representing applicant St. Clair-Rhodes Development
Item 7.5	Beau Wansbrough, Agent for Applicant
Item 7.6	Tosin Bello, Applicant; and Chintan Virani, Architect
Item 10.1	James Gibb, Representing the Applicant
Item 10.2	Terry Kennedy, Resident of Ward 2
Item 11.2	David Mady, VP Real Estate, Rosati Group
Item 11.2	Kelly White, Area Resident
Item 11.2	Dr. Lara Doan, Area Resident

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

Councillor Gill discloses an interest and abstains from voting on Item 7.6 being the report of the Office of the Commissioner of Economic Development & Innovation dated May 17, 2022 entitled

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“Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1,” as one of his employees' spouse (his brokerage) is the architect for this application.

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 May 2, 2022

Moved by: Member Baker

Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held May 2, 2022 **BE ADOPTED** as presented.

Carried.

Member Fratangeli was absent from the meeting when the vote was taken on this matter.

Report Number: SCM 125/2022

10. HERITAGE ACT MATTERS

10.1. 1478 Kildare Road, Cunningham Sheet Metal (formerly) - Heritage Permit Request (Ward 4)

James Gibb, representing the Applicant

James Gibb, representing the applicant, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled “1478 Kildare Road, Cunningham Sheet Metal (formerly) - Heritage Permit Request (Ward 4)” and is available for questions.

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Councillor Sleiman inquires whether there are changes from the previous application. Mr. Gibb indicates that there are no changes, there were damages to the structure due to a fire and provides other details related to the improvements being made and the application.

Moved by: Councillor Sleiman

Seconded by: Member Foot

Decision Number: **DHSC 403**

- I. THAT a Heritage Permit at 1478 Kildare Road, Cunningham Sheet Metal (formerly), **BE GRANTED** for removal and replacement of the wood carriage-style shop doors.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the shop doors restoration.

Carried.

Report Number: S 60/2022

Clerk's File: MBA/12747

10.2. Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)

Terry Kennedy, Resident of Ward 2

Terry Kennedy, resident of Ward 2, appears via telephone conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)" and expresses concern related to public consultation, planning policy, designation, removing trees, archaeological digs; and concludes by suggesting that the project should be reviewed before moving forward and provides historical information related to the Sandwich area.

Lynn Baker inquires about the trees to be taken down related to their condition and public consultation related to this. James Chacko, Executive Director of Parks, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)" and indicates that the department received some complaints related to trees that were marked for removal. Mr. Chacko provides clarification that the marking was not done by administration and those trees will not be removed. Mr. Chacko provides details related to one large tree that will be removed due to its condition. Mr. Chacko provides information related to flooding issues and smaller trees being removed due to the damage that was caused by the flooding issues in the park. Mr. Chacko indicates that new trees will be planted to replace the removal of the young trees and the one large tree. This will occur on site or nearby. Mr. Chacko provides details related to the public consultation process that was launched in November 2020, which included on-line notification, mail outs, video announcements, and a survey. Mr. Chacko outlines details related to

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meetings with the Bridging North America Group related to funding with a portion coming from the Community Benefit program for the Sandwich area.

Moved by: Councillor Sleiman

Seconded by: Member Baker

Decision Number: **DHSC 404**

- I. THAT a Heritage Permit at 3036 Sandwich Street, McKee Park, for the alterations and addition of the gazebo, plaza, boardwalk, benches, decorative light standards, changes to address drainage, and playground, **BE APPROVED**, subject to the following condition(s):
 - a. Submission of satisfactory product details and samples (including material and colour selections as necessary) to the City Planner or designate; and further,
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further changes to the heritage alteration permit associated with the current phase of proposed scope for McKee Park including but not limited to the following items:
 - a. Receptacles
 - b. Widened paths

Carried.

Report Number: S 61/2022

Clerk's File: MBA2022

10.3. Request for Partial Demolition of a Heritage Listed Property – 2038 Willistead Crescent, C.E. Platt House (Ward 4)

Councillor Holt requests clarification related to the wording of the recommendation. Kristin Tang, Heritage Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Request for Partial Demolition of a Heritage Listed Property – 2038 Willistead Crescent, C.E. Platt House (Ward 4)" and provides details related to this property and indicates that this report is simply updating Council related to the application and discussions are on-going with the applicant and administration related to designation.

Moved by: Councillor Holt

Seconded by: Member Foot

Decision Number: **DHSC 405**

THAT Council **BE INFORMED** of the proposed removal of the cement and flagstone walkway, front stone porch and front door landing, and stone walls around the house above the collapsing porch, at 2038 Willistead Crescent, C.E. Platt House.

Carried.

Report Number: S 62/2022

Clerk's File: MBA2022

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:48 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:49 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Development and Heritage Standing Committee Minutes (*Planning Act* Matters) from the meeting held May 2, 2022

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held May 2, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 136/2022

5.2. Adoption of the Development & Heritage Standing Committee minutes of its Special Meeting (*Planning Act* Members only) held May 10, 2022

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

THAT the minutes of the Development & Heritage Standing Committee of its Special Meeting (*Planning Act* Members only) held May 10, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 148/2022

7. *PLANNING ACT* MATTERS

7.1. Multi-Residential Interim Control By-law Study - Proposed Official Plan Amendment and Zoning By-law Amendment

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

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Decision Number: **DHSC 397**

1. THAT the reports titled "MRICBL Background Study" prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix A to Report S 64/2022 **BE ACCEPTED**.
2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan ("Official Plan") **BE AMENDED** as follows:
 - 2A) Change the text of the Official Plan as follows:
 - a) "Commercial Corridor" changes to "Mixed Use Corridor"
 - b) "Commercial Centre" changes to "Mixed Use Centre"
 - c) "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

THAT Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

- i. "Commercial Corridor" changes to "Mixed Use Corridor"
- ii. "Commercial Centre" changes to "Mixed Use Centre"
- iii. "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

RESIDENTIAL INTENSIFICATION 6.1.14 To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available

2C) Delete 6.3.1.3 and replace it with the following:

INTENSIFICATION, INFILL & REDEVELOPMENT 6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.

2D) Delete 6.3.2.1 and replace it with the following:

PERMITTED USES 6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

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2E) Delete 6.3.2.3 and replace it with the following:

TYPES OF 6.3.2.3 For the purposes of this Plan, Low Profile housing
LOW PROFILE
HOUSING development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units.

2F) Delete 6.3.2.4 and replace it with the following:

LOCATIONAL 6.3.2.4 Residential intensification shall be directed to the Mixed
CRITERIA Use Nodes and areas generally within 200 metres of those Nodes. Within these areas mid-profile buildings, up to 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

2G) Delete 6.3.2.5 (c) and replace it with the following:

- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.
In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

2H) Delete 6.3.2.5 (f) and replace it with the following:

- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council.

2I) Delete 6.3.2.9 and replace it with the following:

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NEIGHBOURHOOD 6.3.2.9
COMMERCIAL
EVALUATION
CRITERIA

Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern;
 - (v) adjacent to heritage resources; and
 - (vi) where market impact is identified as a municipal concern;
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

HERITAGE 6.3.2.17
CONSERVATION

Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

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2K) Delete 6.3.2.29 and replace it with the following:

COMPATIBLE 6.3.2.29 The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

ADDITIONAL
UNITS

2L) Delete 6.5 and replace it with the following:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The following objectives and policies establish the framework for development decisions in all Commercial areas.

2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

RESIDENTIAL 6.5.1.8 To promote residential intensification with medium and high profile buildings to meet the housing needs of the City in appropriate areas where municipal services, transit and employment are in proximity.

INTENSIFICATION

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2N) Delete 6.5.2.2 and replace it with the following:

RESIDENTIAL 6.5.2.2
AND ANCILLARY
USES

Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment.

Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre.

In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that:

- (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and
- (b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.

2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

PERMITTED 6.5.3.1
USES

Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.

Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

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2R) Delete 6.5.3.3 and replace it with the following:

STREET 6.5.3.3 Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

PRESENCE

- (a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and
- (b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;
- (c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

2U) Delete 6.9.2.2

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2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

LOCATIONAL 6.9.2.2 Mixed Use Nodes development shall be located where:

CRITERIA

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

- (j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

RECOGNIZE 9.3.8 Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.
MATURE
NEIGHBOURHOODS
AS
HERITAGE
RESOURCES

3. THAT Zoning By-law 8600 **BE AMENDED** as follows:

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum			9.0 m	9.0 m	9.0 m

3B) Add Section 10.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

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3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3D) Add Section 10.2.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3F) Add Section 10.3.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3H) Add Section 10.4.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

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3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4 Main Building Height - 9.0 m
maximum

3J) Add Section 10.5.5.10 as follows:

.10 Gross Floor Area - maximum 400 m²

3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - 9.0 m maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

11.2.5 PROVISIONS

.1 Duplex Dwelling

.1 Lot Width – minimum	12.0 m
.2 Lot Area – minimum	360.0 m ²
.3 Lot Coverage – maximum	45.0%
.4 Main Building Height – maximum	9.0 m
.5 Front Yard Depth – minimum	6.0 m
.6 Rear Yard Depth – minimum	7.50 m
.7 Side Yard Width – minimum	1.20 m
.10 Gross Floor Area – maximum	400 m ²

.2 Semi-Detached Dwelling

.1 Lot Width – minimum	15.0 m
.2 Lot Area – minimum	450.0 m ²
.3 Lot Coverage – maximum	45.0%
.4 Main Building Height – maximum	9.0 m
.5 Front Yard Depth – minimum	6.0 m
.6 Rear Yard Depth – minimum	7.50 m

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.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3O) Add Section 11.3.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

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					Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building maximum	Height	-	9.0 m	9.0 m	

3Q) Add Section 11.4.5.10 as follows:

					Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum			400 m ²	400 m ²	

3R) Delete Section 5.2.20.1

3. THAT Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.
4. THAT the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Carried.

Report Number: S 64/2022
Clerk's File: Z/14384 & Z/13872

7.2. Zoning By-Law Amendments for 1646 to 1648 Drouillard Road; File Z-004/22 (ZNG/6659) Ward 5

Councillor Bortolin leaves the meeting at 6:27 o'clock p.m. and Councillor Holt assumes the Chair.

Councillor Bortolin returns to the meeting at 6:30 o'clock p.m. and Councillor Holt returns to his seat at the Council table.

Moved by: Councillor Sleiman
Seconded by: Councillor Morrison

Decision Number: **DHSC 398**

THAT Zoning By-law 8600 **BE AMENDED** by adding the following site specific amendment to the existing Commercial District 2.2 (CD2.2) zoning category for the property known municipally as 1646 to 1648 Drouillard Road on Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235), situated on the northeast side of Drouillard Road, by adding the following site specific provision to Section 20(1):

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384. Northeast Side of Drouillard Road

For the lands comprising Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235); a *multiple dwelling* shall be an additional permitted use; and the following provisions shall apply:

- a) Section 15.2.5.9 shall not apply.
- b) Section 15.2.5.15 shall not apply.
- c) The maximum number of *dwelling units* shall be 4.

[ZDM 7; ZNG/6659]; and,

THAT the owner of the property located at 1646 to 1648 Drouillard Road **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Drouillard Road and landscaping is provided when converting the existing commercial units to residential.

Carried.

Report Number: S 46/2022

Clerk's File: Z/14314

7.3. Official Plan and Rezoning Amendments – Tunio Development – 3885 & 0 Sandwich Street - OPA 152 OPA[6504] Z-028/21 ZNG[6503] - Ward 2

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 399**

THAT the City of Windsor Official Plan, Volume II, Part 1-Special Policy Areas **BE AMENDED** by deleting and replacing Specific Policy Area 1.7 as follows:

“1.7 Sandwich Street and Chappell Avenue

- 1.7.1 The property comprising Part of Lot 27, Registered Plan 40S, east side of Sandwich Street and Part of Lot 28, east Side of Sandwich Street, and Lot 28 west side corner of Sandwich Street, Registered Plan 40, located at the northeast corner of Sandwich Street and Chappell Avenue;

Site Specific Policy Direction 1.7.2

Notwithstanding Section **6.4.3.1 Industrial Policies-Permitted Uses** designation of the subject lands on Schedule D: Land Use in Volume I--The Primary Plan, the uses permitted in Section 6.9.2.1 shall be additional permitted uses; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 27, Registered Plan 40S, Lot 28 East Side, Registered Plan 40, and Lot 28 West Side, Registered Plan 40, situated at the northeast corner of Sandwich Street and Chappell Avenue (known municipally as 0 and 3885 Sandwich Street; Roll # 050-170-09700 and 050-170-09800) from Development Reserve District

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1.1 (DRD1.1), Commercial District 2.1 (CD2.1) and Manufacturing District 1.4 (MD1.4) to Commercial District 2.1 (CD2.1) and by adding the following site specific provision:

445. NORTHEAST SIDE OF SANDWICH STREET AND CHAPPELL AVENUE

For the lands comprising Part Lot 27, Registered Plan 40S; Lot 28 East Side on Registered Plan 40; and Lot 28 West Side, Registered Plan 40:

1. The following uses are prohibited:
 - Bakery
 - Food Outlet-Drive-Through
 - Gas Bar
 - Place of Entertainment and Recreation
 - Public Hall
 - Restaurant with Drive-through
2. A *Multiple Dwelling* and *Dwelling Units in a Combined Use Building* shall be additional permitted main uses and shall be subject to the following provisions:
 - a) Main Building Height – maximum 37.0 m
 - b) Amenity Area – Per Dwelling Unit – minimum 5.0 m²
 - c) For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, are located above the non-residential uses
 - d) Exposed flat concrete block walls or exposed flat concrete wall, whether painted or unpainted, are prohibited
 - e) Required Number of Parking Spaces – minimum - 156

[ZDM 4; ZNG/6503]; and,

THAT Part Lot 27 on Registered Plan 40S (PIN 012580193) (Roll # 050-170-09800-0000) known municipally as 0 Sandwich Street and for Lots 28 East Side; & Lot 28 West Side; Corner on Registered Plan 40 (PIN 012580190) (Roll #170-09700-0000) known municipally as 3885 Sandwich Street, situated at the northeast corner of Sandwich Street and Chappell Avenue **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021, in the site plan approval and the site plan agreement; and,

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THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to the surrounding noise sources identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021.

Carried.

Report Number: S 65/2022
Clerk's File: Z/14317

7.4. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – St. Clair Rhodes Development – 233 Watson Avenue – ; Ward 6

Moved by: Member Gyemi
Seconded by: Councillor Morrison

Decision Number: **DHSC 400**

THAT the application of St. Clair Rhodes Development 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, as shown on the attached Map No. CDM-001/22-1 and CDM-001/22-2 on a parcel legally described as; Part of Lot 129, Concession 1, and Part of Closed Alley, Registered Plan 895; more particularly described as Parts 1 to 4, 12R-25008; City of Windsor; located at 233 Watson Avenue **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 55/2022
Clerk's File: Z/14381

7.5. Rezoning – Andi Shallvari - 716 Josephine Ave - Z-011/22 ZNG/6703 - Ward 2

Moved by: Councillor Holt
Seconded by: Member Moore

Decision Number: **DHSC 401**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, (known municipally as 716 Josephine Avenue; Roll No. 050-300-01500) situated on the east side of Josephine Avenue, between Wyandotte Street West and Rooney Street by adding a site specific exception to Section 20(1) as follows:

443. EAST SIDE OF JOSEPHINE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ROONEY STREET

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For the lands comprising of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, a *semi-detached dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *semi-detached dwelling*:

- a) Lot Width – minimum 12.0 m
 - b) Lot Area – minimum 371.0 m²
 - c) Lot Coverage – maximum 48.0%
 - d) Main Building Height – maximum 10.0 m
 - e) Front Yard Depth - minimum 6.0 m
 - f) Rear Yard Depth – minimum 2.70 m
 - g) That the rear *wall* of the *main building* shall extend eastward from Josephine Avenue a maximum of 24.5 m
 - h) Side Yard Width - minimum 1.20 m
- [ZDM 3; ZNG/6703]

Carried.

Report Number: S 56/2022
Clerk's File: Z/14346

7.6. Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 402**

- I. THAT the application of Bellocorp Inc. for Draft Plan of Subdivision approval for Part Lot 306 and Part Lot 307, Concession N Talbot Rd., Sandwich East, Windsor (PIN 01558-0962 LT, PIN 01558-0544 LT and PIN 01558-0964 LT), **BE APPROVED** subject to the following conditions:
 - A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
 - B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-001/21-1, prepared by VERHAEGEN Land Surveyors for Bellocorp Inc., Reference No. 21-47-019-01, dated May 20, 2022, showing 33 Lots for single unit dwellings, 1 block for Stormwater Management Facility (SWM), 1 block for Parkland and 1 block for Reserve, plus proposed road allowances (Streets A, B & C);
 - C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;
 - D. 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 M plan; and

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- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix C, attached) with further amendments as required and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).
 2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street A, Street B and Street C, in accordance with the approved Plan of Subdivision.
 3. The Owner(s) shall, prior to the issuance of a construction permit,
 - (i) Finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (ii) install the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (iii) obtain the necessary development review clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind; and
 - (iv) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner(s) and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.4 (i) & (ii) above;
 4. Servicing Study - Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
 - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the municipal sewer system, and
 - (ii) be finalized in agreement with the City Engineer.
 5. Site Servicing Plans – The Owner(s) shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
 6. Sidewalks -The Owner(s) shall pay to the Corporation

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- (i) the sum of \$33,500.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Talbot Road frontage of the subject lands, prior to the issuance of a Building Permit; and
 - (ii) the sum of \$16,500.00, being the Owner's contribution towards the future construction of a 3.0m wide multi-use trail connection from the Southwood Lakes Multi-use Trail, in Stoneybrook Park, to the proposed cul-de-sac at the western end of the proposed Street 'A', prior to the execution of a Subdivision Agreement,.
 7. Curbs and Gutters – The Owner(s) shall also pay to the Corporation, prior to the issuance of a construction permit, the sum of \$17,750.00 being the Owner's contribution towards the construction of concrete curb and gutter on the North Talbot Road frontage of the subject lands.
 8. Corner Cut-Off - The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of North Talbot Road and Street 'B' as well as North Talbot Road and Street 'C' on Map No. SDN-001/21-1, in accordance with City of Windsor Standard Drawing AS-230.
 9. Cul-De-Sac: The Owner(s) shall, prior to the issuance of construction permit, construct a cul-de-sac with a minimum radius of 9.5m at the west and east limits of Street A.
 10. Stormwater Management Facility: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey Block 34 on Map No. SDN-001/21-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes, to the satisfaction of the City Engineer and City Solicitor.
 11. Berm Requirement - Prior to the issuance of a construction permit, the Owner(s) shall install a berm along the west, south and east limits of the plan of subdivision, as proposed in Appendix A attached to the Stormwater and Functional Servicing Report dated May 14, 2021, prepared by Bill Fuerth of BAIRD AE Inc., to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 12. Fencing Requirement – Prior to the issuance of a construction permit, the Owner(s) shall install a 1.8m (6ft) chain link fence on Block 34, along the mutual boundary line with Lots 9, 10 and 11, to the satisfaction of the City Engineer, the Executive Director of Parks and the Chief of Police.
 13. Video Inspection (Mainline) - The applicant shall, prior to the issuance of a construction permit, conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on North Talbot Road which will be tapped to service the development, all to the satisfaction of the City Engineer.
 14. MTO Corridor Management (MTO Requirement) - The Owner(s) shall, prior to the issuance of a construction permit, contact the Ministry of Transportation (MTO)

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Corridor Management to obtain the necessary permits, clearances and/or approvals in accordance with the *Public Transportation & Highway Improvement Act*.

15. Noise Control Measures for Lots 4, 5 & 6 (inclusive): The Owner(s) shall at its entire expense
 - i) install a noise barrier fence along North Talbot Road as recommended in the Acoustical Report, prepared by Shurjeel Tunio of Baird AE Inc. (Baird AE Acoustical Report) dated March 16, 2021; and
 - ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots (Lots 4, 5 & 6), to the satisfaction of the Chief Building Official.

16. Noise Control Measures for all Lots on Map No. SDN-001/21-1: The Owner(s) shall at its entire expense
 - i) ensure that all windows and doors leading to sensitive living areas have a minimum sound transmission class (STC) to meet the Ministry of Environment and Climate Change (MOECC) indoor noise level criteria, as specified in the March 16, 2021 Baird AE Acoustical Report;
 - ii) engage an acoustical consultant for review of the sound transmission class (STC) for walls, windows and doors, after being installed, to ensure they conform to the recommendations outlined in the March 16, 2021 BAIRD AE Acoustical Report.

17. Warning Clause(s) for Lots 4, 5 & 6 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreements of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within Lots 4, 5 & 6 on Map No. SDN-001/21-1:
 - i) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
 - ii) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment."

18. Species at Risk/Habitat Protection: The Owner(s) shall comply with, and implement, mitigation measures for construction adjacent to habitat for SARS Reptiles (which include awareness training, strategic vegetation clearing, wildlife exclusion and erosion control fencing, equipment inspection, proper site maintenance and management, and implementation of encounter and reporting protocols) as detailed in Appendix B attached to the report (Preliminary Screening For Species at Risk) by MTE Consultants Inc., dated April 29, 2021, for the subject development.

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19. Additional *Endangered Species Act* measures: To reduce the potential for impacts to maternity roosting habitat for Protected Species of bats, the Owner(s) shall
 - i) ensure that vegetation removal will occur between October 1 and March 31, outside of the active season for bats; and
 - ii) install replacement bat roosting habitat (two rocket boxes) under the direction of a qualified professional, prior to the issuance of a construction permit.

 20. Parkland Conveyance - The Owner(s) shall, prior to the issuance of any construction permit, convey to the Corporation Block 35 on Map No. SDN-001/21-1 which represents 2.7% Parkland conveyance and the 2.3% remaining balance of the Parkland conveyance in the form of cash payment.

 21. Tree Preservation –
 - i) Prior to the final Subdivision Plan approval, the Owner(s) shall provide a Landscape and Tree Preservation Plan identifying the proposed locations of all existing trees removed from the development and those to be retained in Block 35, to the satisfaction of the Executive Director of Parks and the City Planner/Executive Director of Planning and Development Services.
 - ii) Prior to the issuance of the construction permit the Owner(s) shall pay to the Corporation the sum of \$130,000.00 which represents replacement tree compensation, at a rate of one (1) street tree for every 70mm caliper (dbh) of desirable trees removed. Costs for the replacement trees is in accordance with the Corporation's Fees and Charges By-law 392-2002.

 22. Performance Security - for preservation of the existing desirable trees in Block 35:
 - i) Prior to issuance of the construction permit, the Owner(s) shall provide a Performance Security in the amount of \$25,000.00, in the form of cash or a certified cheque, to the Corporation to ensure that the nine (9) desirable trees located on Block 35 are preserved during the construction process;
 - ii) Prior to release of the Performance Security, the Owner(s) shall request inspection by the Corporation's City Forester to ensure that the proposed tree protection and appropriate method of protection has been completed to the satisfaction of the Executive Director of Parks;
 - iii) Where trees proposed to be preserved have been removed, at the time of inspection by the Corporation's City Forester, replacement tree compensation will be deducted from the Performance Security at a rate of one tree for every 70mm of tree caliper (dbh) or portion thereof missing. Costs for the replacement trees will be in accordance with the Corporation's Fees and Charges By-law 392-2002.

 23. Climate Change Considerations:
 - i) Replacement trees will be planted at locations deemed appropriate by the Corporation's City Forester within and near the subject development, including the parkland allowance (Block 35), the Stormwater facility (Block 34), Stoneybrook Park and nearby Public Park(s), to compensate for the removal of existing trees on the subject lands.

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- ii) The Corporation's City Forester shall incorporate shade trees, among the new trees, to minimize the urban heat island impacts, and incorporate native, drought resistant plants to limit watering requirements.
24. Bell Canada - The Owner(s) shall, prior to the issuance of a construction permit,
- i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;
 - ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development;
 - iii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the subject development, and, where the required infrastructure is unavailable, the Owner(s) shall agree to pay for the connection to and/or extension of such network infrastructure.
25. Schools - The Owner(s) shall place the following warnings in all Offers to Purchase, Agreements of Purchase and Sale or lease between the Owner(s) and all prospective home buyers, and in the title:
- i) "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."
26. Archaeological Warning Clause(s) - The Owner(s) agrees to insert, the following warning clauses in all construction documents concerning the subject lands:
1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
 2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

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NOTES TO DRAFT APPROVAL (File # SDN-001/21)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner 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. *Required agreements with the Municipality will be prepared by the City Solicitor.*
 4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
 5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
 6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*
 7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*
- 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*.
- III. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner/Executive Director of Planning and Development Services shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V. 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.
- VI. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 34 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.5 for the purposes of a stormwater management facility, and Block 35

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on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.1 for Parkland.

Carried.

Councillor Gill discloses an interest and abstains from voting on this matter.

Report Number: S 59/2022

Clerk's File: Z/14278

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:21 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:21 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide

Councillor Holt inquires about the financial penalties related to the timelines regarding Bill 109 and how this will affect operations in the Planning Department. Neil Robertson, Manager of Urban Design / Deputy City Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide" and does not anticipate this to cause any problems related to site plan control daily operations.

Thom Hunt, City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide" and indicates that changes will be forthcoming in the new year related to zoning amendments, and official plan amendments, which may be problematic. Mr. Hunt indicates that discussions will be taking place with the AMO related to this as well. Mr. Hunt indicates that the capacity and timelines related to these changes can be a concern and administration will provide updates as necessary moving forward.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 406**

- I. THAT Council **REPEAL** Bylaw Number 11275: A by-law to delegate authority to the City Planner or designate, to approve plans and drawings and to impose conditions of the approval.

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- II. THAT Council **AMEND** Bylaw 139-2013 to delegate site plan control approval authority to the City Planner, allow the City Planner to determine the completeness of site plan control applications before accepting an application, terminate redundant site plan control agreements and remove all references to the Manager of Development Applications in accordance with the requirements of Bill 109, *More Homes for Everyone Act, 2022*.

Carried.

Report Number: S 57/2022

Clerk's File: Z2022

11.2. Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 4

Michael Cooke, Manager of Planning Policy / Deputy City Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and provides details related to the application.

David Mady, VP Real Estate, Rosati Group

David Mady, VP Real Estate, Rosati Group, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and is available for questions.

Kelly White, Area Resident

Kelly White, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and resides close to the location of the alley closure request and expresses concern related to the increased noise, foot and car traffic, which would result from this potential closure. Ms. White indicates that changes to the type of business could be problematic related to closing times and will result in a negative impact to her property value.

Dr. Lara Doan, Area Resident

Dr. Lara Doan, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and indicates that she is a resident of the local area. Dr. Doan expresses concerns related to increased foot traffic, litter, noise pollution, and increased vandalism, which may result if this application is approved. Dr. Doan adds that there is a great deal of vandalism in the area currently and notes that the condition of the alley is quite poor and concludes by suggesting that waste receptacles, lighting improvements, and vandalism in the area should be addressed.

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Councillor Holt requests clarification as to what the space will be used for. Mr. Mady indicates that they envision a small patio with a walk-up to go area, small seasonal events, and a sit-down patio, area for the Twisted Apron. Mr. Mady adds that they will be making improvements to and cleaning up the area. Councillor Holt inquires as to whether pedestrian walk-through access will be permitted. Mr. Mady indicates that it would be blocked off to general public traffic access would enter and exit from the Wyandotte access point.

Councillor Morrison inquires about the alley ownership. Administration indicates that the adjacent owners are in agreement with the closure.

Councillor Holt inquires about the licensing piece and concerns related to amplified music and lighting. Mr. Hunt indicates that the patio would be subject to regular business licensing practice and processed as per the normal process with Licence Commission involved. The business will have to comply with the approval process.

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 407**

- I. THAT the 23.0 metre portion of the 6.1 metre wide north/south alley located on the north side of Wyandotte Street East, between the properties known municipally as 1900-1942 and 1958-1998 Wyandotte Street East, and shown on Drawing No. CC-1807 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 23.0 metre portion of the 6.1 metre wide north/south alley located on the north side of Wyandotte Street East, between the properties known municipally as 1900-1942 and 1958-1998 Wyandotte Street East, and shown on Drawing No. CC-1807 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owner at 1958-1998 Wyandotte Street East and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a) Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - Bell Canada to accommodate existing infrastructure;
 - EnWin to accommodate existing 120/240 volt and 120/208 volt hydro distribution pole line with guy wires;
 - MNSi. to accommodate aerial plant on existing utility poles;
 - Owner of the property known municipally as 1900-1942 Wyandotte Street East (legally described as Lots 7 & 9, Part of Lot 5 & Block F, Plan 211; PIN No. 01134-0118) to accommodate existing street level pedestrian entrance/exit from the easterly vacant mercantile unit (1942 Wyandotte Street East) in the commercial building "Imperial Building" onsite, and shown on Ground Floor Plan *attached* hereto as Appendix "F", to the satisfaction of the Chief Building Official; and,

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- The Corporation of the City of Windsor to accommodate existing circa 1905, 200.0 millimetre vitrified clay combined sewer and catch basin, to the satisfaction of the City Engineer.
- III. THAT the Applicant/Owner **OBTAIN** a Driveway Permit to remove the redundant curb cut on Wyandotte Street East and reinstate the curb and sidewalk to City of Windsor standards.
- III. THAT The City Planner **BE REQUESTED** to include, as part of the Site Plan Agreement for Site Plan Control file SPC-002/22, a Special Provision requiring the Applicant/Owner to grant an easement in favour of The Corporation of the City of Windsor, to allow its garbage collection vehicles unobstructed passage over the parking aisle on the property known municipally as 1958-1998 Wyandotte Street East.
- IV. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley abutting lands zoned CD2.1: \$10.00 per square foot, plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1807, attached hereto as Appendix "A".
- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-Law Number 366-2003.
- IX. THAT Administration **BE REQUESTED** to provide additional information related to the approval process for a business license related to a patio; and that this information **BE BROUGHT FORWARD** at the same time the report moves forward to Council for consideration.

Carried.

Report Number: S 58/2022
Clerk's File: SAA2022

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

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14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:44 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, June 6, 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: Councillor Morrison and Members Gyemi and 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:

Jelena Payne, Commissioner of Economic Development & Innovation
Debbie Cercone, (Acting) Commissioner of Human & Health Services
Kirk Whittal, Executive Director of Housing & Children Services
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Michael Cooke, Manager of Planning Policy / Deputy City Planner
Neil Robertson, Manager of Urban Design / Deputy City Planner
Barbara Rusan, Manager of Policy & Regulatory Services / Deputy Chief Building Official
Jeff Hagan, Transportation Planning Senior Engineer
Robert Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Justina Nwaesei, Planner III – Subdivisions
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Adam Szymczak, Planner III – Zoning

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Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, 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 4:49 pm.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Gill discloses an interest and abstains from voting on Item 7.6 being the report of the Office of the Commissioner of Economic Development & Innovation dated May 17, 2022 entitled "Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1," as one of his employees' spouse (his brokerage) is the architect for this application.

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 May 2, 2022.

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

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Development & Heritage Standing Committee

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THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held May 2, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 136/2022

5.2. Adoption of the Development & Heritage Standing Committee minutes of its Special Meeting (*Planning Act Members only*) held May 10, 2022

Moved by: Councillor Sleiman

Seconded by: Member Gyemi

THAT the minutes of the Development & Heritage Standing Committee of its Special Meeting (*Planning Act Members only*) held May 10, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 148/2022

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

Item 7.1	Jim Dymont, Municipal Planning Consultants
Item 7.1 & 7.5	Andi Shallvari, CPA
Item 7.2	Jacob Dickie, Agent, Urban in Mind
Item 7.3 & 7.6	Tracey Pillon-Abbs, Principal Planner
Item 7.4	Brian Chillman, Solicitor representing applicant St. Clair-Rhodes Development
Item 7.5	Beau Wansbrough, Agent for Applicant
Item 7.6	Tosin Bello, Applicant; and Chintan Virani, Architect

7. PLANNING ACT MATTERS

7.1 Z-019/22 [ZNG/6756] & OPA 159 [OPA/6757] – City of Windsor City Wide – Rezoning & Official Plan Amendment

Laura Strahl (author), Planner III – Special Projects

Ms Strahl gives a presentation on the changes and updates to the by-law with Jim Dymont of Municipal Planning Consultants providing additional information.

Moved by: Councillor/Member

Seconded by: Councillor/Member

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Decision Number: **DHSC 397**

RECOMMENDATIONS

1. THAT the reports titled “MRICBL Background Study” prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix A to Report S64/2022 **BE ACCEPTED**.
2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan (“Official Plan”) **BE AMENDED** as follows:
 - 2A) Change the text of the Official Plan as follows:
 - a) “Commercial Corridor” changes to “Mixed Use Corridor”
 - b) “Commercial Centre” changes to “Mixed Use Centre”
 - c) “Mixed Use” changes to “Mixed Use Node”; and

THAT Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

THAT Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

- i. “Commercial Corridor” changes to “Mixed Use Corridor”
- ii. “Commercial Centre” changes to “Mixed Use Centre”
- iii. “Mixed Use” changes to “Mixed Use Node”; and

THAT Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

<i>RESIDENTIAL INTENSIFICATION</i>	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available
--	--------	--

2C) Delete 6.3.1.3 and replace it with the following:

<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.
--	---------	--

2D) Delete 6.3.2.1 and replace it with the following:

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PERMITTED USES 6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.

High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

2E) Delete 6.3.2.3 and replace it with the following:

TYPES OF LOW PROFILE HOUSING 6.3.2.3 For the purposes of this Plan, Low Profile housing development is further classified as follows:

(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units.

2F) Delete 6.3.2.4 and replace it with the following:

LOCATIONAL CRITERIA 6.3.2.4 Residential intensification shall be directed to the Mixed Use Nodes and areas generally within 200 metres of those Nodes. Within these areas mid-profile buildings, up to 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

2G) Delete 6.3.2.5 (c) and replace it with the following:

- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

2H) Delete 6.3.2.5 (f) and replace it with the following:

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- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council.

2I) Delete 6.3.2.9 and replace it with the following:

NEIGHBOURHOOD
COMMERCIAL
EVALUATION
CRITERIA

6.3.2.9

Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern;
 - (v) adjacent to heritage resources; and
 - (vi) where market impact is identified as a municipal concern;
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

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*HERITAGE
CONSERVATION*

6.3.2.17

Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

2K) Delete 6.3.2.29 and replace it with the following:

*COMPATIBLE
ADDITIONAL
UNITS*

6.3.2.29

The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

2L) Delete 6.5 and replace it with the following:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The following objectives and policies establish the framework for development decisions in all Commercial areas.

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2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

*RESIDENTIAL
INTENSIFICATION* 6.5.1.8 To promote residential intensification with medium and high profile buildings to meet the housing needs of the City in appropriate areas where municipal services, transit and employment are in proximity.

2N) Delete 6.5.2.2 and replace it with the following:

*RESIDENTIAL
AND ANCILLARY
USES* 6.5.2.2 Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment.

Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre.

In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that:

- (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and
- (b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.
- (ii)

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2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

PERMITTED USES 6.5.3.1 Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.

Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

2R) Delete 6.5.3.3 and replace it with the following:

STREET PRESENCE 6.5.3.3 Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

- (a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and

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- (b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;

(c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure
- (ii)

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

2U) Delete 6.9.2.2

2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

*LOCATIONAL
CRITERIA*

6.9.2.2

Mixed Use Nodes development shall be located where:

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and

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- (d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

- (j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

*RECOGNIZE
MATURE
NEIGHBOURHOODS
AS HERITAGE
RESOURCE*

9.3.8

Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.

3. THAT Zoning By-law 8600 **BE AMENDED** as follows:

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
3B) Add Section 10.1.5.10 as follows:	.4			
		9.0 m	9.0 m	9.0 m
	.10			
		400 m ²	400 m ²	400 m ²

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3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3D) Add Section 10.2.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3F) Add Section 10.3.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
3H) Add Section 10.4.5.10 as follows:			
.4 Main Building Height - maximum	9.0 m	9.0 m	9.0 m

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

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3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4	Main Building Height - maximum	9.0 m
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3J) Add Section 10.5.5.10 as follows:

.10	Gross Floor Area - maximum	400 m ²
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3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling	
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling	
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

11.2.5 PROVISIONS

.1 Duplex Dwelling

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²

.2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%

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.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.10	Gross Floor Area – maximum	400 m ²
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m
.10	Gross Floor Area – maximum	400 m ²

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
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.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m
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3O) Add Section 11.3.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m

3Q) Add Section 11.4.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²

3R) Delete Section 5.2.20.1

4. THAT Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.
5. THAT the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Motion CARRIED unanimously

Report Number: S 64/2022
Clerk's File: Z/14384 & Z/13872

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7.2 Z-004/22 [ZNG/6659] – Lee J Doucette 1646-1648 Drouillard Rd – Rezoning Ward 5

Kevin Alexander (author) – Planner III – Special Projects

Mr Alexander gives a presentation of the application.

Jacob Dickie – Urban in Mind Planners (agent) – agrees with the recommendations, gives a brief explanation of the application and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Morrison

Decision Number: **DHSC 398**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by adding the following site specific amendment to the existing Commercial District 2.2 (CD2.2) zoning category for the property known municipally as 1646 to 1648 Drouillard Road on Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235), situated on the northeast side of Drouillard Road, by adding the following site specific provision to Section 20(1):

384. **Northeast Side of Drouillard Road**

For the lands comprising Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235); a *multiple dwelling* shall be an additional permitted use; and the following provisions shall apply:

- a) Section 15.2.5.9 shall not apply.
- b) Section 15.2.5.15 shall not apply.
- c) The maximum number of *dwelling units* shall be 4.

[ZDM 7; ZNG/6659]; and,

THAT the owner of the property located at 1646 to 1648 Drouillard Road **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Drouillard Road and landscaping is provided when converting the existing commercial units to residential.

Motion CARRIED unanimously

Report Number: S 46/2022
Clerk's File: Z/14314

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7.3 Z-028/21 [ZNG/6503] & OPA 152 [OPA/6504] – Tunio Development 0 & 3885 Sandwich St – Rezoning & Official Plan Amendment Ward 2

Kevin Alexander (author), Planner III – Special Projects

Mr Alexander gives a presentation of the application.

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – is in support of the recommendations and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 399**

RECOMMENDATIONS

THAT the City of Windsor Official Plan, Volume II, Part 1-Special Policy Areas **BE AMENDED** by deleting and replacing Specific Policy Area 1.7 as follows:

“1. 7 **Sandwich Street and Chappell Avenue**

1.7.1 The property comprising Part of Lot 27, Registered Plan 40S, east side of Sandwich Street and Part of Lot 28, east Side of Sandwich Street, and Lot 28 west side corner of Sandwich Street, Registered Plan 40, located at the northeast corner of Sandwich Street and Chappell Avenue;

Site Specific Policy Direction 1.7.2

Notwithstanding Section **6.4.3.1 Industrial Policies-Permitted Uses** designation of the subject lands on Schedule D: Land Use in Volume I--The Primary Plan, the uses permitted in Section 6.9.2.1 shall be additional permitted uses; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 27, Registered Plan 40S, Lot 28 East Side, Registered Plan 40, and Lot 28 West Side, Registered Plan 40, situated at the northeast corner of Sandwich Street and Chappell Avenue (known municipally as 0 and 3885 Sandwich Street; Roll # 050-170-09700 and 050-170-09800) from Development Reserve District 1.1 (DRD1.1), Commercial District 2.1 (CD2.1) and Manufacturing District 1.4 (MD1.4) to Commercial District 2.1 (CD2.1) and by adding the following site specific provision:

445. **NORTHEAST SIDE OF SANDWICH STREET AND CHAPPELL AVENUE**

For the lands comprising Part Lot 27, Registered Plan 40S; Lot 28 East Side on Registered Plan 40; and Lot 28 West Side, Registered Plan 40:

1. The following uses are prohibited:
Bakery
Food Outlet-Drive-Through

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Gas Bar
Place of Entertainment and Recreation
Public Hall
Restaurant with Drive-through

2. A *Multiple Dwelling* and *Dwelling Units in a Combined Use Building* shall be additional permitted main uses and shall be subject to the following provisions:

- a) Main Building Height – maximum 37.0 m
- b) Amenity Area – Per Dwelling Unit – minimum 5.0 m²
- c) For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, are located above the non-residential uses
- d) Exposed flat concrete block walls or exposed flat concrete wall, whether painted or unpainted, are prohibited
- e) Required Number of Parking Spaces – minimum - 156
[ZDM 4; ZNG/6503]; and,

THAT Part Lot 27 on Registered Plan 40S (PIN 012580193) (Roll # 050-170-09800-0000) known municipally as 0 Sandwich Street and for Lots 28 East Side; & Lot 28 West Side; Corner on Registered Plan 40 (PIN 012580190) (Roll #170-09700-0000) known municipally as 3885 Sandwich Street, situated at the northeast corner of Sandwich Street and Chappell Avenue **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021, in the site plan approval and the site plan agreement; and,

THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to the surrounding noise sources identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021.

Motion CARRIED unanimously

Report Number: S 65/2022
Clerk's File: Z/14317

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7.4 CDM-001/22 [CDM/6735] – St Clair Rhodes Development Corp 233 Watson Ave – Plan of Condominium Ward 6

Jim Abbs (author), Planner III – Subdivisions

Brian Chillman – McTague Law Firm (agent) – is available for questions

Moved by: Member Gyemi
Seconded by: Councillor Morrison

Decision Number: **DHSC 400**

RECOMMENDATIONS

THAT the application of St. Clair Rhodes Development 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, as shown on the attached Map No. CDM-001/22-1 and CDM-001/22-2 on a parcel legally described as; Part of Lot 129, Concession 1, and Part of Closed Alley, Registered Plan 895; more particularly described as Parts 1 to 4, 12R-25008; City of Windsor; located at 233 Watson Avenue **BE APPROVED** for a period of three (3) years.

Motion CARRIED unanimously

Report Number: S 55/2022
Clerk's File: Z/14381

7.5 Z-011/22 [ZNG/6703] – Andi Shallvari 716 Josephine – Rezoning Ward 2

Adam Szymczak (author), Planner III – Zoning

Andi Shallvari (applicant) and Beau Wansborough (agent) are available for questions.

Moved by: Councillor Holt
Seconded by: Member Moore

Decision Number: **DHSC 401**

RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, (known municipally as 716 Josephine Avenue; Roll No. 050-300-01500) situated on the east side of Josephine Avenue, between Wyandotte Street West and Rooney Street by adding a site specific exception to Section 20(1) as follows:

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443. EAST SIDE OF JOSEPHINE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ROONEY STREET

For the lands comprising of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, a *semi-detached dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *semi-detached dwelling*:

- a) Lot Width – minimum 12.0 m
 - b) Lot Area – minimum 371.0 m²
 - c) Lot Coverage – maximum 48.0%
 - d) Main Building Height – maximum 10.0 m
 - e) Front Yard Depth - minimum 6.0 m
 - f) Rear Yard Depth – minimum 2.70 m
 - g) That the rear *wall* of the *main building* shall extend eastward from Josephine Avenue a maximum of 24.5 m
 - h) Side Yard Width - minimum 1.20 m
- [ZDM 3; ZNG/6703]

Motion CARRIED unanimously

Report Number: S 56/2022
Clerk's File: Z/14346

7.6 SDN-001/21 [SDN/6575] – BelloCorp Inc 0, 1095 & 1185 North Talbot Rd – Plan of Subdivision Ward 1

Justina Nwaesei (author), Planner III – Subdivisions

Ms Nwaesei gives a presentation of the application and notes correction from Commissioner of Police to Chief of Police in Recommendation I.E.12.

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – speaks on behalf of the applicant stating support for the recommendations and also provides a response to the written comment from local resident (Scott Dube).

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 402**

RECOMMENDATIONS

- I THAT the application of Bellocorp Inc. for Draft Plan of Subdivision approval for Part Lot 306 and Part Lot 307, Concession N Talbot Rd., Sandwich East, Windsor (PIN 01558-0962 LT,

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PIN 01558-0544 LT and PIN 01558-0964 LT), **BE APPROVED** subject to the following conditions:

- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
- B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-001/21-1, prepared by VERHAEGEN Land Surveyors for Bellocorp Inc., Reference No. 21-47-019-01, dated May 20, 2022, showing 33 Lots for single unit dwellings, 1 block for Stormwater Management Facility (SWM), 1 block for Parkland and 1 block for Reserve, plus proposed road allowances (Streets A, B & C);
- C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;
- D. 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 M plan; and
- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
 1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix C, attached) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street A, Street B and Street C, in accordance with the approved Plan of Subdivision.
 3. The Owner(s) shall, prior to the issuance of a construction permit,
 - (i) Finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (ii) install the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (iii) obtain the necessary development review clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind; and

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- (iv) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner(s) and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.4 (i) & (ii) above;
4. Servicing Study - Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
 - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the municipal sewer system, and
 - (ii) be finalized in agreement with the City Engineer.
 5. Site Servicing Plans – The Owner(s) shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
 6. Sidewalks -The Owner(s) shall pay to the Corporation
 - (i) the sum of \$33,500.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Talbot Road frontage of the subject lands, prior to the issuance of a Building Permit; and
 - (ii) the sum of \$16,500.00, being the Owner's contribution towards the future construction of a 3.0m wide multi-use trail connection from the Southwood Lakes Multi-use Trail, in Stoneybrook Park, to the proposed cul-de-sac at the western end of the proposed Street 'A', prior to the execution of a Subdivision Agreement,.
 7. Curbs and Gutters – The Owner(s) shall also pay to the Corporation, prior to the issuance of a construction permit, the sum of \$17,750.00 being the Owner's contribution towards the construction of concrete curb and gutter on the North Talbot Road frontage of the subject lands.
 8. Corner Cut-Off - The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of North Talbot Road and Street 'B' as well as North Talbot Road and Street 'C' on Map No. SDN-001/21-1, in accordance with City of Windsor Standard Drawing AS-230.
 9. Cul-De-Sac: The Owner(s) shall, prior to the issuance of construction permit, construct a cul-de-sac with a minimum radius of 9.5m at the west and east limits of Street A.
 10. Stormwater Management Facility: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey Block 34 on Map No. SDN-001/21-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes, to the satisfaction of the City Engineer and City Solicitor

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11. Berm Requirement - Prior to the issuance of a construction permit, the Owner(s) shall install a berm along the west, south and east limits of the plan of subdivision, as proposed in Appendix A attached to the Stormwater and Functional Servicing Report dated May 14, 2021, prepared by Bill Fuerth of BAIRD AE Inc., to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
12. Fencing Requirement – Prior to the issuance of a construction permit, the Owner(s) shall install a 1.8m (6ft) chain link fence on Block 34, along the mutual boundary line with Lots 9, 10 and 11, to the satisfaction of the City Engineer, the Executive Director of Parks and the Commissioner of Police.
13. Video Inspection (Mainline) - The applicant shall, prior to the issuance of a construction permit, conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on North Talbot Road which will be tapped to service the development, all to the satisfaction of the City Engineer.
14. MTO Corridor Management (MTO Requirement) - The Owner(s) shall, prior to the issuance of a construction permit, contact the Ministry of Transportation (MTO) Corridor Management to obtain the necessary permits, clearances and/or approvals in accordance with the Public Transportation & Highway Improvement Act.
15. Noise Control Measures for Lots 4, 5 & 6 (inclusive): The Owner(s) shall at its entire expense
 - i) install a noise barrier fence along North Talbot Road as recommended in the Acoustical Report, prepared by Shurjeel Tunio of Baird AE Inc. (Baird AE Acoustical Report) dated March 16, 2021; and
 - ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots (Lots 4, 5 & 6), to the satisfaction of the Chief Building Official.
16. Noise Control Measures for all Lots on Map No. SDN-001/21-1: The Owner(s) shall at its entire expense
 - i) ensure that all windows and doors leading to sensitive living areas have a minimum sound transmission class (STC) to meet the Ministry of Environment and Climate Change (MOECC) indoor noise level criteria, as specified in the March 16, 2021 Baird AE Acoustical Report;
 - ii) engage an acoustical consultant for review of the sound transmission class (STC) for walls, windows and doors, after being installed, to ensure they conform to the recommendations outlined in the March 16, 2021 BAIRD AE Acoustical Report.
17. Warning Clause(s) for Lots 4, 5 & 6 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreements of Purchase or Sale or

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lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within Lots 4, 5 & 6 on Map No. SDN-001/21-1:

- i) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
 - ii) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment."
18. Species at Risk/ Habitat Protection: The Owner(s) shall comply with, and implement, mitigation measures for construction adjacent to habitat for SARS Reptiles (which include awareness training, strategic vegetation clearing, wildlife exclusion and erosion control fencing, equipment inspection, proper site maintenance and management, and implementation of encounter and reporting protocols) as detailed in Appendix B attached to the report (Preliminary Screening For Species at Risk) by MTE Consultants Inc., dated April 29, 2021, for the subject development.
19. Additional Endangered Species Act measures: To reduce the potential for impacts to maternity roosting habitat for Protected Species of bats, the Owner(s) shall
- i) ensure that vegetation removal will occur between October 1 and March 31, outside of the active season for bats; and
 - ii) install replacement bat roosting habitat (two rocket boxes) under the direction of a qualified professional, prior to the issuance of a construction permit.
20. Parkland Conveyance - The Owner(s) shall, prior to the issuance of any construction permit, convey to the Corporation Block 35 on Map No. SDN-001/21-1 which represents 2.7% Parkland conveyance and the 2.3% remaining balance of the Parkland conveyance in the form of cash payment.
21. Tree Preservation –
- i) Prior to the final Subdivision Plan approval, the Owner(s) shall provide a Landscape and Tree Preservation Plan identifying the proposed locations of all existing trees removed from the development and those to be retained in Block 35, to the satisfaction of the Executive Director of Parks and the City Planner/Executive Director of Planning and Development Services.
 - ii) Prior to the issuance of the construction permit the Owner(s) shall pay to the Corporation the sum of \$130,000.00 which represents replacement tree compensation, at a rate of one (1) street tree for every 70mm caliper (dbh) of

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desirable trees removed. Costs for the replacement trees is in accordance with the Corporation's Fees and Charges By-law 392-2002.

22. Performance Security - for preservation of the existing desirable trees in Block 35:
 - i) Prior to issuance of the construction permit, the Owner(s) shall provide a Performance Security in the amount of \$25,000.00, in the form of cash or a certified cheque, to the Corporation to ensure that the nine (9) desirable trees located on Block 35 are preserved during the construction process;
 - ii) Prior to release of the Performance Security, the Owner(s) shall request inspection by the Corporation's City Forester to ensure that the proposed tree protection and appropriate method of protection has been completed to the satisfaction of the Executive Director of Parks;
 - iii) Where trees proposed to be preserved have been removed, at the time of inspection by the Corporation's City Forester, replacement tree compensation will be deducted from the Performance Security at a rate of one tree for every 70mm of tree caliper (dbh) or portion thereof missing. Costs for the replacement trees will be in accordance with the Corporation's Fees and Charges By-law 392-2002.

23. Climate Change Considerations:
 - i) Replacement trees will be planted at locations deemed appropriate by the Corporation's City Forester within and near the subject development, including the parkland allowance (Block 35), the Stormwater facility (Block 34), Stoneybrook Park and nearby Public Park(s), to compensate for the removal of existing trees on the subject lands.
 - ii) The Corporation's City Forester shall incorporate shade trees, among the new trees, to minimize the urban heat island impacts, and incorporate native, drought resistant plants to limit watering requirements.

24. Bell Canada - The Owner(s) shall, prior to the issuance of a construction permit,
 - i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;
 - ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development;
 - iii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the subject development, and, where the required infrastructure is unavailable, the Owner(s) shall agree to pay for the connection to and/or extension of such network infrastructure.

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

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- i) "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."

26. Archaeological Warning Clause(s) - The Owner(s) agrees to insert, the following warning clauses in all construction documents concerning the subject lands:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

NOTES TO DRAFT APPROVAL (File # SDN-001/21)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner 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. *Required agreements with the Municipality will be prepared by the City Solicitor.*
4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*

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7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

- 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.
- III THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner/Executive Director of Planning and Development Services shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V 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.
- VI THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 34 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.5 for the purposes of a stormwater management facility, and Block 35 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.1 for Parkland.

Motion CARRIED

Report Number: S 59/2022

Clerk's File: Z/14278

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 7:21 p.m.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)