PLANNING, HERITAGE & ECONOMIC DEVELOPMENT STANDING COMMITTEE
AGENDA
(available also at www.citywindsor.ca)
Monday, November 14, 2016
4:30 o’clock p.m.
Council Chambers, 3rd Floor, Windsor City Hall

Members:

Chairperson Bill Marra
Ward 4 - Councillor Chris Holt
Ward 7 - Councillor Irek Kusmierczyk
Ward 9 - Councillor Hilary Payne
Ward 5 - Councillor Ed Sleiman

Member Lynn Baker
Member Barb Bjarneson
Member Simon Chamely
Member Michael DiMaio
Member Andrew Foot
Member Anthony Gyemi
Member John Miller
Member Dorian Moore

1. CALL TO ORDER
2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

5. ADOPTION OF THE PLANNING ACT MINUTES
5.1. Adoption of the minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) meeting held October 11, 2016 (SCM 181/2016)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS
7.1. Rezoning - 0 & 0 Northway Ave. (2 lots next north of 3118 Northway Ave.) - Ward 1 (S 190/2016)

8. ADOPTION OF THE MINUTES
8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held October 11 2016 (CMC 23/2016)

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS
    Nil.
11. **ADMINISTRATIVE ITEMS**

11.1. Proposed closure of a one-foot section of Kathleen St. and Harcourt St. along the south limit of Cabana Road E.; File No. SAS/4704; Ward No. 9; Applicant - The Corporation of The City of Windsor (S 154/2016)

11.2. Cost Sharing for Sixth Concession Development Ltd - Phase 3D - Ward 9 (S 188/2016)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**
Subject: Adoption of the minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) meeting held October 11, 2016
Members Present:

Chairperson
Ward 8 – Councillor Marra

Councillors
Ward 4 – Councillor Holt
Ward 5 – Councillor Sleiman
Ward 7 – Councillor Kusmierczyk
Ward 9 – Councillor Payne

Planning Act Citizens
Anthony Gyemi
Dorian Moore
Barb Bjaemson

Members absent:

Delegations
6.1 Raymond Colautti – 1949 Devonshire Court
Cherie & Brian Laughton – 1945 Devonshire Court
Antonio Buttice – 1939 Devonshire Court
Elaine Weeks, Founder of Facebook Group “Save St. George’s Church” – 760 Windermere
Paula Rankin – 1912 Devonshire Court

7.2 Becky Griffiths, Solicitor representing Applicant

7.3 Al Shipley, Applicant

7.4 Daniel Grabish – 3873 Turner Rd.
Mrs. Margarete Bailey – 3975 Turner Rd.
ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor
Thom Hunt, City Planner
Don Wilson, Manager Development Applications
Adam Szymczak, Senior Planner III
Jim Abbs, Senior Planner III
Tom Cadman, Senior Planner III
Justina Nwaesei, Planner II
John Revell, Chief Building Official
Adam Pillon, Manager Right-Of-Way
Patrick Winters, Engineering
Anna Ciacelli, Supervisor of Council Services
Marianne Sladic, Senior Steno Clerk, Planning

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:32 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held September 12, 2016 (Planning Act Matters)

Moved by Councillor Holt
Seconded by Councillor Sleiman
Carried, Unanimously
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

6.1 Z-008/16 [ZNG/4715] – City of Windsor (St. George’s Church & Hall) – 1949 Devonshire Court – Rezoning Ward 4

Mr. Don Wilson presents the application.

The Chair notes correspondence received from some area residents (blue sheets).

Mr. Raymond Colautti (resident) – 1924 Devonshire Court - Makes a presentation against Recommendation 1, listing several reasons. In favour of Part 2 of the recommendation, requesting residential development in harmony with existing homes.

Antonio Buttice (resident) – 1948 Devonshire Court – Makes a presentation noting timelines of events taken place over the last year and a half, referencing several reports (ie. Heritage & Becker reports). Mr. Buttice is opposed to Part 1 of the recommendation, allowing for additional uses. Cites in favour of demolition and rezoning for residential development of single family homes to coincide with neighbourhood, as noted in Part 2 of the recommendation.

Ms. Elaine Weeks (resident) – 760 Windermere – Historian & Founder of Facebook Group “Save St. George’s Church” – Speaks in support of the adaptive reuse of the church and hall. Ms. Weeks makes a presentation in support of the recommendation and gives several examples (ie. Holy Rosary Church) of other churches re-purposed for other use. Ms. Weeks is opposed to Part 2 of the recommendation.

The Chair asks if there’s anyone else in the audience to speak on the item.

Ms. Paula Rankin (resident) – 1912 Devonshire Court – Makes a presentation in support of Part 2 of the recommendation due to what the neighbourhood offers for her family, which is quiet, security and low traffic volume. Ms. Rankin notes having three (3) children who are sight impaired.

Mr. Wilson clarifies the recommendations, considering the possibility of reuse of the existing building, amending the by-law in order to make the site appealing to potential buyers/developers for repurposed use as well as potential for single family dwellings in accordance with the public open house. The recommendation would allow for a maximum of five (5) residential units within the building. Parking would be accessible from the alley. Mr. Wilson notes demolition will open up the area to the Tim Horton’s immediately south of the property, which will also diminish any noise barrier provided by the church.

Regarding Part 2 of the recommendation, consideration was given to the immediate surrounding residential area, lands to the east have lot widths slightly over 12 m, therefore, the recommendation allows for a minimum of 12.0 m width, permitting a total of four (4) lots. The lands on the north side of Devonshire court have wider lot widths (approx. 17.0 m). Requirements are in place for
outside finishes as well as Site Plan Control, which will ensure buildings compliment existing residential dwellings.

Councillor Holt asks Mr. Colautti to approach for questions, in order to clarify what the residents are requesting and the impacts the reuse would have on the neighbourhood. Mr. Colautti clarifies their opposition to business and/or commercial use. Mr. Colautti notes there has been no interest for reuse of the property, referencing the Becker Report which states it is not possible to reuse the building. The building is in extremely poor condition and would cost several million in order to be made viable for use.

Councillor Holt inquires, should someone invest to make the buildings viable, what exactly would the neighbourhood object to? Mr. Colautti advises even when the church hall was in use, the building would be rented out to different groups several times a week. And at those times, there would be traffic jams and cars parked in front of homes due to insufficient parking on site. Any new reuse/development would not be practical and would cause unwanted traffic in the neighbourhood.

Councillor Holt to Administration, inquires whether Part 1 of the recommendation is presented due to interest in the building and why would there be an amendment if demolition is imminent? Mr. Hunt advises the owner of the building did agree to see if there would be any prospective buyers. During the time it was up for sale, they didn’t get a lot of interest due to the zoning of the site. Therefore, the reason for increasing the options of uses permitted was to expand the types of uses permitted in order to encourage prospective buyers and put the building(s) in a position to be reused in the future. Allows to put the buildings on the Heritage Register. The Planning Department was aware of the Becker Report. The older building has several issues. The 1950 building has issues that can be overcome through structural improvement.

Councillor Holt refers to the time schedule for demolition. Mr. Hunt advised the Diocese agreed to halt demolition for a period of 60 days, allowing to complete the rezoning process, in theory. Mr. Hunt suspects the Diocese will be in contact following results of this meeting.

Councillor Holt inquires what can be done to move forward with Part 1 and addressing mitigating factors from residents? Mr. Hunt advises the additional uses considered were thought to be consistent with neighbourhood uses and characteristics. Therefore the business office/studio uses allowed would be those that do not generate a lot of traffic. Mr. Hunt also advises that should one of the lesser buildings be demolished, that space would provide potential additional parking that wasn’t previously available.

Councillor Holt inquires whether the mentioned parking would continue to be accessible through the alley? Mr. Wilson advises there are currently 12 parking spaces available. Access from the alley would continue and could be ensured to remain so through Site Plan Control.

Councillor Holt refers to the setbacks on the property and would they match the other homes in the area. Mr. Wilson advises they are consistent with the surrounding area to the east. The houses to the north are wider but the setbacks are similar. Councillor Holt inquires about increasing lot width to 17.0 m to be consistent with homes across the street. Mr. Wilson confirms 17.0 m width is the
lot width to homes immediately north of the property. The 12.0 m width is consistent with homes to the east and the rest of the neighbourhood.

Councillor Holt inquires whether it can be assured the architectural element remains consistent with that of the neighbourhood? Mr. Wilson advises that all that is included in the requirements, including building finishes and materials, which will be subject through Site Plan Control. Councillor Holt wants to ensure no raised ranches are permitted. Mr. Wilson advises a minimum building height in metres can be added to the recommendation. Staff recommend a minimum building height of 6 or 7 metres.

The Chair inquires with Mr. Woodall of Woodall Construction (in audience) whether there have been any inquires through the Diocese for the site? Mr. Woodall advises they’ve spoken to over a dozen potential purchasers, save one, who are looking for demolition to take place. The “one” is a craft brewery for light manufacturing purposes.

Member Moore seeks clarification on what proposals are on the table. Are there any proposals for building the three (3) residences? Mr. Wilson advises there aren’t any, to his knowledge, but there has been some interest.

Member Moore inquires whether there’s a maximum lot width? Mr. Wilson advises there is no maximum given. Mr. Moore notes concern that someone may choose to build two (2) larger homes that wouldn’t be consistent with the neighbourhood. The wording is somewhat misleading.

Member Moore inquires whether through Part 1, utilizing the existing available parking, can limit the type of reuse/repurposed business that goes into the renovated building? Mr. Wilson advises a proposal would have to be provided in order to see what the requirements would be. Mr. Hunt also notes that any additional new parking area would require a future rezoning of the site in which case the application would return to this Committee for recommendation.

Member Bjarneson notes she is confused and concerned as to why the City is bringing this application forward prior to demolition. Her question, however, is which unit would the repurposed use be permitted under Part 1 of the recommendation? Mr. Wilson advises it’s over both of them. Mr. Hunt clarifies that the buildings are actually connected, therefore regarded as one building. It’s possible that the older portion (hall) could be demolished and the newer (church) could be saved and repurposed. Five units in total is the maximum allowed, if both units were saved. Ms. Bjarneson inquires, if the building(s) were demolished, what would be the maximum allowed. Mr. Wilson advises it would be four (4) single dwelling units. The Chair steps in advising the amendment was to be able to provide some options and alternatives in the event demolition is approved and provides some parameters for what is permitted.

Member Bjarneson clarifies part of the amendment to allow for reuse is to maintain the Heritage aspect. Mr. Wilson confirms. Mr. Hunt advises the Heritage Planner commented regarding demolition of the building, based on information provided to him at the time. Ms. Bjarneson inquires whether there is a Heritage priority? Mr. Hunt advises both are on the Heritage List, but Mr. Calhoun’s (Heritage Planner) report still stands.
Councillor Sleiman inquires who initiated the change for zoning? The Chair advises the City did. Councillor Sleiman asks if that is permitted? The Chair advises it is, however, the Diocese was in support of the change.

Councillor Sleiman inquires, if recommendations approved, what is the timeline for moving forward? The Chair advised it is 60 days.

Councillor Sleiman inquires whether an engineer is required to give opinion on whether demolition is necessary? Mr. Revell advises it’s not required, the existing engineer’s report would be accepted.

Councillor Kusmierczyk inquires whether the committee can specify zoning for adaptive reuse if the building is safe, but if demolished, it reverts back to residential zone? Mr. Hunt advises the recommendations generally list just that. Part 1 refers to the site if repurposed. Part 2 refers to the site following demolition. The Chair adds that the Committee could also narrow what would be permitted under Part 1. The Chair further clarifies that if demolition occurs, the site can only be repurposed for residential or the existing ID1.1.

Councillor Payne inquires why the Becker Engineering report isn’t included with the package? Mr. Hunt advises it was part of the Demolition Report that went before Council and was available online and didn’t want to refute it. However, with the right amount of financing, structural limitations can be overcome. Councillor Payne advised he wasn’t disputing the report, he wants to know why it wasn’t included as a reference? The Chair advises, procedurally, it was because they already had it. Part of the Heritage Committee. In future, perhaps should be added for historical reference.

Councillor Holt would like to see the Diocese repurpose the land but also help mitigate the concerns of the area residents. Is there wording that can be proposed so that it can come back to this Committee so it can be judged on its merits, so that the residents have the opportunity to comment? The Chair advises that unless it has a potential for rezoning, it would not return to this Committee, it would be subject to the by-law amendment and Site Plan Control. But the committee can direct Council for final Site Plan approval as well as notify residents within the 120 m radius as part of the condition of the Site Plan approval process.

Member Gyemi commented on the reasoning behind the 5 dwelling unit maximum, based on the neighbourhood and compatibility. Mr. Wilson confirms. A review of the area and commercial area immediately south helped determine the maximum permitted.

Moved by Councillor Holt, seconded by Councillor Sleiman

1. **THAT** Zoning By-law 8600 **BE AMENDED** by adding a new site specific provision to Section 20(1) as follows:

332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, the following shall be additional permitted uses:

1. Business Office
2. Professional Studio
3. Dwelling Units in a Combined Use Building with any one or more of the preceding uses
4. Multiple Dwelling
   For the above uses, the required number of parking spaces, accessible parking spaces, bicycle parking spaces and loading spaces shall be as existing and the maximum number of dwelling units shall be five.

(2) Single Unit Dwelling subject to the following provisions:

1. Minimum Lot Width - 17.0 metres
2. Minimum Lot Area - 500.0 square metres
3. Maximum Lot Coverage - 45% of Lot Area
4. Maximum Building Height - 10.0 metres
5. Minimum Front Yard Depth - 7.50 metres
6. Minimum Rear Yard Depth - 7.50 metres
7. Minimum Side Yard Width - 1.20 metres
8. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
9. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
10. Minimum building height - 7.0 metres

[ZDM 7; ZNG/4715]"

2. THAT notwithstanding By-law 1-2004, any development or redevelopment, including small scale low profile residential development, BE SUBJECT to site plan control to ensure consistency with the policies in Chapter 9 - Heritage Conservation of the Official Plan and compatibility with, and conservation of, heritage resources in the surrounding area; including notification of the surrounding residents and Council approval of site plan applications; and

3. THAT Administration INCLUDE Report No. S 19/2015, including the Becker Engineering Report, which was previously presented at the November 9, 2015 Planning Heritage Economic Development Standing Committee Meeting, when this matter proceeds to City Council.

Councillor Payne speaks on the recommendation, advising he cannot support without seeing the Becker Report or any proposal for adaptive use. If the motion doesn’t pass he would move to defer the item to a later meeting of the committee where the Becker Report is included.

Councillor Holt appreciates his colleague’s comments, however, notes the committee is there to review the rezoning of the site, regardless of proposal or the availability of the Becker Report. It shouldn’t affect the committee’s decision to rezone the property or not. Councillor Holt understands the concerns of the neighbours and notes voting in favour of designation of St.
George’s and feels his amendment to the recommendation will provide residents with a say in the decision at time of approval with Council. Councillor Holt also notes the craft brewery has moved their search to another location.

The Chair advises the Heritage Report and Becker Report will be included in the Council Report when this item goes to Council.

Member Moore again notes his concern over the maximum size the lot can be for residential use.

Councillor Sleiman seconded the motion in order to give the Diocese additional time to market the property, at which time, if not sold it can revert back to residential use. Councillor Sleiman appreciates Councillor Payne’s concern, however, he doesn’t see how the report would affect their decision for rezoning.

Member Bjarneson advises she did not receive the Heritage Report and feels at a slight loss. She cannot support the motion. Looking at some of the definitions under Institutional and she can’t see why that would need to be changed. Also, under dwelling it notes three and now the report is seeking 5, therefore, will vote against the motion.

Member Gyemi supports the motion except would leave the lot widths to 12.0 m given that this site is a transition to Ottawa St., which are in keeping with the lots surrounding.

The Chair expresses his concerns as well and advises he will not be supporting the motion. The Chair notes the Heritage Committee did not endorse designation and does not want to force re-development. Also, there are serious structural problems with this building. This item has received a lot of media attention over the last year or so, and if there hasn’t been any interest in it till now, it’s highly doubtful there will be should the zoning change. Concern over leaving the community and Diocese under dire consequences.

The Chair feels Administration was right in bringing this forward in order to exhaust all opportunities and options within Planning legislation.

The Motion is Put and Lost

Nay votes: Councillors Payne, Marra, Kusmierczyk & Member Bjarneson
Yay votes: Councillors Holt, Sleiman & Members Gyemi & Moore

The Chair inquires whether there’s an alternative Motion.

Moved by Councillor Payne, seconded by Member Bjarneson

1. THAT Zoning By-law 8600 BE AMENDED by adding a new site specific provision to Section 20(1) as follows:

   “332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, the following shall be additional permitted uses:

   (1) Within a building or part of a building existing on insert date by-law is approved:
1. Business Office
2. Professional Studio
3. Dwelling Units in a Combined Use Building with any one or more of the preceding uses
4. Multiple Dwelling
   For the above uses, the required number of parking spaces, accessible parking spaces, bicycle parking spaces and loading spaces shall be as existing and the maximum number of dwelling units shall be five.

(2) Single Unit Dwelling subject to the following provisions:
   1. Minimum Lot Width - 12.0 metres
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   7. Minimum Side Yard Width - 1.20 metres
   8. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
   9. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
   10. Minimum building height - 7.0 metres

[ZDM 7; ZNG/4715]"

2. THAT notwithstanding By-law 1-2004, any development or redevelopment, including small scale low profile residential development, BE SUBJECT to site plan control to ensure consistency with the policies in Chapter 9 - Heritage Conservation of the Official Plan and compatibility with, and conservation of, heritage resources in the surrounding area including notification of the surrounding residents and Council approval of site plan applications; and,

3. THAT Administration INCLUDE Report No. S 19/2015, including the Becker Report, which was previously presented at the November 9, 2015 Planning Heritage Economic Development Standing Committee Meeting, when this matter proceeds to City Council.

Councillor Holt inquires if the motion passes, does that then slate the building for demolition? The Chair advises that if the recommendation passes and Council agrees, then the Diocese can issue a permit for demolition. That is a separate process. It has to go through rezoning first. Mr. Hunt advises, today the site is zoned Institutional. Council will either grant demolition or designate the property. If they designate the property, the zoning of the building would remain Institutional but
would allow for Residential. It would be best for Council to have both the Demolition request and Rezoning at the same meeting. The request for demolition would come first.

Councillor Holt just wanted to make sure everyone understood that whether you support or oppose the motion, they’re essentially approving demolition. The Chair concurs, however, it is Council’s decision. This committee just provides a recommendation.

The Motion is **Put and Lost**

- Nay votes: Councillors Holt, Sleiman and Members Gyemi & Moore
- Yay votes: Councillors Marra, Payne, Kusmierczyk & Member Bjarneson

Moved by Councillor Holt, seconded by Member Bjarneson

Decision Number: **XXX**

**THAT** the report of the City Planning Department, dated September 20, 2016, entitled City of Windsor (St. George’s Church & Hall) – 1949 Devonshire Court – Rezoning – Z-008/16 [ZNG/4715] – Ward 4 **BE REFERRED** to Council for decision.

Motion **CARRIED, UNANIMOUSLY.**

7. **PLANNING ACT MATTERS**

7.2 **CDM-004/16 [CDM/4653] – 1946347 Ontario Inc. – 1400-1410 Ouellette Ave. – Condo Conversion**

Ward 3

Mr. Tom Cadman presents the application. (Councillor’s Holt & Sleiman are absent)

Becky Griffith (agent), representing the applicant, is available for questions. Ms. Griffith speaks on the letter received from McKenzie Lake Lawyers regarding the omission of Recommendation I(F)(1) and reason for eliminating the recommendation as being not warranted, as outlined in paragraph 4 of her letter.

The Chair asks if there’s anyone else in the audience to speak on the item.

Councillor Payne inquires whether the sampling manhole is a Planning requirement or an Engineering requirement? The Chair informs Councillor Payne that Mr. Cadman has advised that recommendation has been requested to be deleted from the report. Mr. Adam Pillon advises it is an Engineering requirement and advises as to why it is required, citing Engineering Practice 1.1.2. Due to the current zoning, uses permitted on the property may cause additional strain on the sewer system.
Councillor Payne inquires whether there is a change in use proposed in future other than what already exists? Mr. Pillon advises there has been no indication given regarding any changes. But under the Sewers By-Law, it is required that a sampling manhole be installed. Councillor Payne is not against requesting the manhole, however, if there’s no change in uses, doesn’t see the point in asking for it now.

The Chair adds that in these instances where a conversion takes place, it allows the Municipality to request items that were not in place and correct some opportunities that weren’t addressed in the past.

Moved by Councillor Kusmierczyk, seconded by Member Bjarneson.

Decision Number: XXX

That the application of 2057458 Ontario Inc. for approval of a draft plan of condominium for a property legally described as Lot 1 to 3 Block 9, Plan 358 and Parts 1 &2, 12R-1342, City of Windsor known municipally as 1400-1410 Ouellette Avenue, to permit the conversion of a 15-storey rental apartment building containing 160 residential dwelling units and 2 commercial units, to condominium tenure, as shown on the attached Map No. CDM-004/16-1, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form to the City Solicitor;

E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Revised Building Condition Assessment report dated July 4, 2016 prepared by Pinchin Environmental Limited, for 2057458 Ontario Inc., with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner; and

2. Building Department’s Order to Repair dated March 31, 2016 as included in Appendix A of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering - Development, Projects & Right-of-Way April 29, 2016.
comments (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:

1. Installation of a sanitary sewer-sampling manhole, if one does not exist, accessible at the property line;

2. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway;

3. Installation of a backwater valve or similar apparatus on any connection to the municipal combined sewer, as a precaution and to mitigate possible damage from surcharge of the sewer.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services’ April 15, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors at ground level and that these doors be kept locked;

2. Removal of all names of residents appearing on the building’s resident directory panel;

3. Installation of a 2 ft. by 2 ft. window in the laundry room door;

4. Repair and maintenance in proper working order, of the door leading from the party room to the rooftop terrace;

5. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles); and

6. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 1.34 (c) of Windsor Property Standards By-law 147-2011, that the parking garage shall be adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux (five foot-candle) at floor level over the entire floor area with a minimum level of 11 lux (one foot-candle) at any location on the floor (this shall include parking garage isles, parking spots, staircases and public corridors/exits).

H. The owner shall agree to submit a photometric plan to the Corporation’s Landscape Architect and the Director of Planning & Physical Resources, Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including
replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are ‘Full Cut-Off’, with the following minimum and maximum illumination levels measured in foot-candles (fc):

a. uncovered parking areas - 0.5 min./4.0 max;
b. walkways - 0.5 min./2.0 max;
c. building entrances - 3.5 min./8.0 max;
d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s April 14, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Submission of a detailed Arborist’s Report, showing the location of all existing trees on the property with a trunk diameter of at least 250 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF) to the satisfaction of the Manager of Forestry and Natural Areas and the City’s Landscape Architect;

2. Any required landscape improvements shall be based on the results of the Arborist’s Report;

3. Pruning of the deciduous trees along Dufferin Place;

4. Provision of additional 70mm caliper deciduous (broad leafed) street trees along Ellis Street at the same spacing as those found on Ellis Street near the corner of Ouellette Avenue to the satisfaction of the Planning Department and Manager of Forestry and Natural Areas. Species selection to be made in consultation with the Manager of Forestry and Natural Areas and the Landscape Architect.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s April 29, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:

1. Provision of a minimum of 2 barrier-free entrances to the building. One of the barrier-free entrances may be a principal entrance to the building or a secondary entrance off of the parking area;
   a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
   b. If a barrier-free entrance incorporates a vestibule, a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
c. If there are steps (or a step up) at a barrier-free entrance, a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.

2. If there are more than 2 entrances then the additional entrances shall have signage that directs individuals to the location of a nearby accessible entrance.

3. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.

K. The owner shall agree to provide 1 Type ‘B’ (2.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to a barrier-free main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards (s. 80.23) under the AODA and a bicycle rack facility accommodating a minimum of 5 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the Diversity and Accessibility Officer and Chief Building Official;

L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official. The owner is advised that they will be entitled to once a week collection from the City and if further collections are needed, there is a fee;

II The owner shall either remove or enter into an Encroachment Agreement with the Corporation, to the satisfaction of the City Engineer, for the following encroachments:

**Ouellette Avenue Right-of-Way:**

1. Property address sign;
2. Unit paver wall (south of existing property address sign);
3. Entrance Canopy;
4. Beach stone landscaping; and
5. Decorative stone landscaping (2 stones adjacent to leadwalk to entrance).

**Ellis Street Right-of-Way:**

1. Wood Planters (2 adjacent to leadwalk to entrance);
2. Entrance Canopy;
3. Beach stone landscaping; and
4. Northeast portion of the building (as indicated on the survey).

**Dufferin Place Right-of-Way:**

1. Parking spaces (north and south side of the driveway approach).

III The owner shall agree to inclusion of a warning clause in the condominium agreement that advises residents that there are a limited number of parking spaces available on-site and that a designated parking space for every dwelling unit may not be available.
IV Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in “Recommendation I, II and III” of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Motion **CARRIED AS AMENDED, UNANIMOUSLY.**

7.3 **Z-011/16 [ZNG/4832] – Al Shipley – 356 Randolph – Rezoning**

Ward 2

Mr. Adam Szymczak presents the application.

Mr. Al Shipley (applicant) is available for questions. Mr. Shipley is in complete agreement with the recommendations.

The Chair notes comments received from ERCA pertaining to the application.

The Chair asks if there’s anyone else in the audience to speak on the item.

Member Gyemi inquires as to the structure of the development (unit in front and one in back with two doors in front). Mr. Shipley advises that was the initial submission. Since then, the design has been slightly amended with the second entrance located at the side. The reason for having units front and back is for ease of control side to side rather than up and down. The footprint of the building remains the same.

Member Gyemi inquires if there’s an attached garage? Mr. Shipley said there is. The driveway will lead as far back as the garage only.

Councillor Sleiman inquires as to why ERCA is involved? Mr. Szymczak advises it is part of a process that ERCA provide comments for any development application within the City of Windsor. They have no objections to the rezoning.

Member Bjarneson inquires what the exterior finish will be to the building. Mr. Shipley advises the first floor will be brick and the second floor will be siding.

Member Bjarneson inquires about the minimum sideyard. Mr. Szymczak advises it remains the existing RD1.3 zoning, which is included in the report as 1.5 m.

Member Moore clarifies that the conceptual site plan provided isn’t exactly what’s going to occur? Mr. Szymczak advises the Site Plan is conceptual to the report. At time of construction, the applicant will submit a request for permit with the Building department and will be required to follow the zoning by-law. Mr. Szymczak advises the committee is not here to approve a site plan. Member Moore notes it aids in the ability to approve the application.
The Chair notes a Memo from Mr. Szymczak regarding an error on the draft amending by-law and there is an amendment given. Councillor Sleiman notes it’s on pages 7 and 8.

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk.

Decision Number: XXX

THAT an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of the north Part of Lot 619 and the south Part of Lot 620, Registered Plan 682, situated on the east side of Randolph Ave between University Ave West and Fanchette Street (known municipally as 356 Randolph Avenue; Roll Number 050-090-09600) by adding a new site specific provision to Section 20(1) as follows:

“334. For the lands comprising the north Part of Lot 619 and the south Part of Lot 620, Registered Plan 682, situated on the east side of Randolph Ave., between University Ave. West and Fanchette Street, a dwelling with a maximum of two dwelling units shall be an additional permitted use. [ZDM 3; ZNG/4832]"

Motion CARRIED AS AMENDED, UNANIMOUSLY.


Mr. Jim Abbs presents the application.

Mr. Jerry Udell (agent) – McTague Law Firm – Is in agreement with the recommendations and is available for questions.

The Chair asks if there’s anyone else in the audience to speak on the item.

Mr. Daniel Grabish (resident) – 3873 Turner Rd. – Notes the danger of walking/driving down Turner Road currently. Concern additional use will increase danger. Mr. Grabish also notes additional activity that shouldn’t be permitted (Tamar).

Mrs. Margarete Bailey (resident) – 3975 Turner Rd. – Ms. Bailey echoes the concerns and activity mentioned by Mr. Grabish.

Member Bjarneson inquires of the agent whether this property will be sold to Tamar? Also, will the greenspace remain greenspace, although it’s not part of the application? Mr. Udell advises the greenspace is not part of the application. As for the first question, there is a purchase of sale. Unfortunately, the grievances noted by the neighbours won’t stop regardless of what this property is zoned. Only through a Site Plan Control agreement could their grievances be articulated, via allowed access points, to the property in question. Clearly, the complaints come from the actions of Tamar. Mr. Udell notes they are not Tamar.
Member Bjarneson inquires what guarantees can be given regarding this property as well noting that Tamar has been through Site Plan and what can be done to enforce their restrictions on Turner? Mr. Abbs responds that he is unaware whether Tamar is following the restrictions listed in their agreement. Regarding the application for the applicant, there is a SPC agreement on file and registered on site. Its primary use was for bus parking on site. The 0.5 m reserve fronting Turner limits access onto Turner Rd. Access is not just limited, it's prohibited across that section. The City owns that 0.5 m portion.

Member Bjarneson inquires whether there's a way to show Council that SPC agreements are being enforced, in respect to the other property? Mr. Abbs advises what she's really asking for is enforcement and that can only be done through the holding of securities, if works haven't been done. However, Mr. Abbs is unable to advise what securities were required in the first place or if any are currently being held. The Chair asks Mr. Udell if there is anything his client could assist with? Mr. Udell informs that the client had planted several trees/bushes along Turner Road and they were all stolen. Mr. Udell advises his client is willing to fully comply with planting trees/bushes and building a fence, whatever is necessary, but cannot stop people from removing them.

Member Bjarneson notes the property is on condition of sale. Would the Site Plan restrictions still apply once the sale occurs? Mr. Abbs advises the Site Plan Agreement goes on title, which follows ownership.

Councillor Payne problem is that he can't view the map. The map isn’t clear, therefore he cannot vote on the item. Why wasn’t a more decent map provided? The Chair notes his concerns.

Member Moore asks for clarification on the overhead map to better describe what parcel/property is being referenced for rezoning. Mr. Abbs clarifies through visual aid on the overhead.

Member Gyemi reconfirms the 0.5 m buffer will remain? Mr. Abbs confirms. Mr. Gyemi inquires for the buffer to be removed, it would have to be requested? Mr. Abbs confirms.

Councillor Holt inquires as to the uses on the western part of the property. Mr. Abbs advised that it was once used as a garage for Chatham Coach Lines, etc. and buses would be parked. That use has now ceased.

Moved by Councillor Kusmierczyk, seconded by Member Gyemi.

Decision Number: XXX

That an amendment to the City of Windsor Official Plan BE APPROVED, changing the Official Plan designation of Lots 1011 to 1017 (inclusive) and Part of Closed Alley, Registered Plan 1126, from Residential to Commercial Corridor.

That an amendment to City of Windsor Zoning By-law 8600 BE APPROVED, changing the zoning of Lots 1011 to 1017 (inclusive) and Part of Closed Alley, Registered Plan 1126, from Residential District (RD) 1.1 to Commercial District (CD) 4.1.
Member Bjarneson is heartened by the fact that there’s Site Plan Control on the property. She empathises with the residents and applicant for some of the transgressions to the south, but this is what sometimes happens to a neighbourhood when you allow this type of commercial creep. Would like to see the City be vigilant in enforcing provisions under Site Plan Control and perhaps look into the other property (Tamar) to see if those provisions are being enforced.

Councillor Payne will not support for reasons he mentioned. Also, Mr. Grabish complained about the situation on Turner, although somewhat improved. But he will not support the motion because the package isn’t clear.

The Chair mentions imposing some of the requirements onto Tamar and were dismissed by the OMB several years ago. There is some history here.

Motion CARRIED.
   In Favour – Councillor Holt, Councillor Sleiman, Councillor Kusmierczyk, Member Bjarneson and Member Gyemi
   Opposed – Councillor Payne, Member Moore

7.1 Z-002/16 [ZNG/4629] – City of Windsor-Housekeeping Amendment 2016-2 –
Rezoning
City Wide

Mr. Adam Szymczak presents the application.

The Chair asks if there’s anyone else in the audience to speak on the item.

Member Gyemi seeks clarification on the term “Supplementary Lot Provision”. Mr. Szymczak advises these are Section 20, site specific provisions.

Councillor Payne asks if Mr. Szymczak is going through a comprehensive review of the by-law? Mr. Szymczak advises it is an ongoing process as part of the comprehensive review while awaiting for the Five Year Review of the Official Plan to be completed and come into effect, he’s been working amending the existing by-laws.

Councillor Payne asks when the Official Plan will come into effect? Mr. Hunt advises a number of amendments are before the Ministry of Housing and Municipal Affairs and awaiting comments.

Member Gyemi inquires under Section 21 shows Wind Energy is exempt? Mr. Szymczak advises anything under the Green Energy Act is exempt from Planning Act approval. For example, solar panels. Residents do not need to seek Planning approval from the municipality.

Moved by Councillor Holt, seconded by Member Moore.

Decision Number: XXX

That Zoning By-law 8600 BE AMENDED on the following basis:
1. That Sections 7, 21, 22 and 23 be deleted.

2. That Section 3, attached as Appendix A, be added to Zoning By-law 8600

3. That Section 5, attached as Appendix B, be added to Zoning By-law 8600

4. That subclause (iii) of Sections 10(1)(b), 10(2)(b), 10(3)(b), 10(4)(b), 10(6)(b), 10(7)(b), 11(1)(b), 11(2)(b), 11(3)(b), 11(4)(b), 11(6)(b), be deleted and replaced with the following:

“(iii) Maximum Total Lot Coverage - 45% of the lot area”

5. That subclause (vi) of Section 10(5)(b) be deleted and replaced with the following:

“(vi) Maximum Total Lot Coverage - 50% of the lot area”

6. That subclause (vi) of Section 20(1)19 be deleted and replaced with the following:

“(vi) Section 5.15.3 relating to location of buildings on corner lots; [ZNG/4629]

7. That subsection 143 of Section 20(1) be deleted and replaced with the following:

“143. For the lands comprising Part of Lot 136, Concession 1, located north of McHugh Avenue and east of the storm water management facility, designated as Blocks 5 and 6 on Schedule ‘A’ to By-law Number 304-2003, the minimum front yard depth shall be 4.57 metres and the minimum lot area for a townhouse shall be 520.0 square metres, plus 173.0 square metres for each additional dwelling unit, and further that Section 5.11.1 shall not apply. [ZDM 14; ZNG/4629]”

8. That subsection 160 of Section 20(1) be deleted and replaced with the following:

“160. For the lands comprising Lots 50 to 59, Registered Plan 12M-211, located on the east side of Gundy Park Crescent, the minimum front yard depth shall be reduced from 6.0 metres to 3.0 metres, however, the requirement for the minimum 6.0 metre setback of the garage shall remain in effect as specified under Section 5.11.1. [ZNG/4629]”

9. That subsection 182 of Section 20(1) be deleted and replaced with the following:

“182. For the lands comprising part of Lots 136 to 138, Concession 1, and being part of Part 1, 12R-21566, designated as the eastern one-half of Block 4 and Block 8, fronting on the west side of the proposed Cypress Avenue/Street ‘E’; the western one-half of Blocks 2 and 10, fronting on the east side of the proposed Clearwater Avenue/Street ‘F’; the eastern one-half of Blocks 2 and 10, fronting on the east side of the proposed Barkley Avenue/Street ‘G’; and shown on Schedule ‘A’ to By-law Number 1-2005, the minimum required front yard depth shall be reduced from 6.0 metres to 4.57 metres and that Section 5.11.1 shall not apply.

Furthermore, for the lands designated as the western one-half of Block 4 and Block 7, fronting on the east side of the proposed Aspenshore Avenue/Street ‘D’ and shown on Schedule ‘A’ to By-law Number 1-2005, the minimum required rear yard shall be reduced from 7.5 metres to 6.07 metres.[ZDM 14; ZNG/4629]”

10. That subclause (iii) of Section 20(1)252 be deleted and replaced with the following:

“(iii) The requirements of Section 5.10.7 shall also apply to the GD1.4 zoning district. [ZNG/4629]”
11. That subclause (i) of paragraph 3 of Section 20(1) be deleted and replaced with the following:

“(i) Section 5.2.10 [ZNG4629]"

12. That subsection 177 of Section 20(1) be deleted and replaced with the following:

“177. For the lands comprising Parts 1 to 8, Plan 12R-20484, located on the east and west side of Buckingham Drive, south of Raymond Avenue, the following additional provisions shall apply:

.1 Minimum lot area shall be 1,600.0 square metres;
.2 Habitable room windows are prohibited along the south wall of any dwelling;
.3 Minimum building setback from the south lot line shall be 9.0 metres.

[ZDM 10; ZNG/4629]”

Motion CARRIED, UNANIMOUSLY.

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 6:46 o’clock p.m.
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

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<th>REPORT #: S 190/2016</th>
<th>Report Date: 10/20/2016</th>
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<tr>
<td>Author’s Contact:</td>
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<tr>
<td>Planner II – Development Review</td>
<td>Clerk’s File #: ZB/12623</td>
</tr>
<tr>
<td>Phone: 519-255-6543, ext. 6449</td>
<td></td>
</tr>
<tr>
<td>email: <a href="mailto:sjamshidi@citywindsor.ca">sjamshidi@citywindsor.ca</a></td>
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To: Mayor and Members of City Council

Subject: Rezoning - 0 & 0 Northway Ave. (2 lots next north of 3118 Northway Ave.) - Ward 1

1. RECOMMENDATION:

THAT an amendment to Zoning By-Law 8600 BE APPROVED changing the zoning of Lots 110 and 109, Registered Plan 1023 and Part of Closed Alley (PIN 012710570 & PIN 012712851), situated on the east side of Northway Avenue, next north of 3118 Northway Avenue and Norfolk Pines Crescent, from Residential District 1.2 with a holding symbol (HRD1.2) to Residential District 2.4 (RD2.4).
2. APPLICATION INFORMATION:

LOCATION: 0 & 0 Northway Ave., 2 Lots Next North of 3118 Northway Ave.,

Plan 1023, Lots 109 & 110 and Part Closed Alley

ROLL NUMBER: 080 190 08300 0000 & 080 190 08320 0000

PIN 012710570 & PIN 012712851

WARD: 1 PLANNING DISTRICT: SOUTH WINDSOR ZDM: 5

APPLICANT: ROYALTY HOMES AUTHORIZED AGENT: NA

PROPOSAL:

The applicant is requesting an amendment to Zoning By-law 8600 to rezone the 2 vacant lots located next north of 3118 Northway Ave. The request is for the vacant lots to be rezoned from HRD1.2 to RD2.4 to allow construction of a semi-detached dwelling.

The subject lands are designated Residential in the Official Plan, in the South Windsor Planning District, and are zoned Residential District 1.2 with a Hold (HRD1.2) under Zoning By-law 8600. The applicant proposes to change the current zoning which only allows the construction of a new Single Unit Dwelling to a zoning which will allows new construction of either a Semi-Detached Dwelling or a Single Unit Dwelling.

3. SITE INFORMATION:

<table>
<thead>
<tr>
<th>OFFICIAL PLAN</th>
<th>ZONING</th>
<th>CURRENT USE</th>
<th>PREVIOUS USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>HRD1.2</td>
<td>Vacant (manicured grass)</td>
<td>Semi-Detached Dwelling</td>
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</tbody>
</table>

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<tr>
<th>FRONTAGE</th>
<th>DEPTH</th>
<th>AREA</th>
<th>SHAPE</th>
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<tbody>
<tr>
<td>18.29 m total 9.14 m for each lot</td>
<td>Average 32.31 m</td>
<td>590.86 m²</td>
<td>Irregular Rectangle</td>
</tr>
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</table>

All measurements are approximate.
4. REQUESTED ZONING AMENDMENT MAP:
5. NEIGHBOURHOOD MAP:
6. NEIGHBOURHOOD CHARACTERISTICS:

Surrounding Land Uses:

The subject lots are surrounded by low-density residential uses such as single unit dwellings and 4 unit townhomes. Next block southwest of the subject lands is fully occupied by semi-detached homes similar to what is being proposed by the applicant. See Appendix “C” for site photos.

The neighbourhood is south of Grand Marais Drain (South of E. C. ROW), north of Pulford Street, east of Right Honourable Herb Gray Parkway (Provincial Highway) and west of California Avenue. Located to the southeast of subject lands are Monseigneur-Jean-Noël Catholic Elementary School (École Élémentaire Catholique Monseigneur-Jean-Noël) and South Windsor Recreation Complex, and further east, on Norfolk & Liberty Streets are Glenwood Public School (elementary) and Vincent Massey Secondary School, which all serve the residential neighbourhoods surrounding them.

Northway Avenue, Norfolk Pines Crescent and Norfolk Street are municipal roadways classified as a Local Roads with urban cross-sections, which includes existing storm and sanitary sewers and on-street parking. No sidewalks are present on the above roads in the immediate vicinity of the subject lands. The Rt. Hon. Herb Gray Parkway, one block west of subject lands, is a Provincial Highway.

7. CONSULTATION:

Agencies/Departments:

Comments from municipal departments and external agencies are in Appendix A. No objections were received from Taxation & Financial Projects – Property Assessment, Public Works – Engineering, Public Works – Transportation Planning, Public Works – Environmental Services, ENWIN Utilities Hydro & Water Engineering, Union Gas, Windsor Police and Essex Region Conservation Authority (ERCA).

Public Notice:

Public notice as required by the Planning Act is scheduled to be advertised in the Windsor Star newspaper on October 21, 2016. Courtesy notices will be mailed to all property owners and tenants within 120 metres of the subject parcels.
8. **PLANNING ANALYSIS:**

**BACKGROUND:**

The applicant has indicated in the application form that they aim to construct a semi-detached dwelling on the two adjacent lots, instead of two single unit dwelling units as permitted by the current zoning. Currently the two lots are vacant with manicured grass.

**PROVINCIAL POLICY STATEMENT, 2014 (PPS 2014):**

The proposed amendment is consistent with the policy direction of the Provincial Policy Statement 2014 in that it promotes an efficient development and land use pattern, accommodates and appropriate range and mix of residential uses, represents an efficient use of land and resources, and optimizes the long-term availability and use of land and infrastructure.

**OFFICIAL PLAN:**

The subject parcels are designated Residential in Schedule D of the Official Plan (Volume I). The surrounding properties are also designated Residential. The Residential Land Uses provide the main locations for housing in Windsor outside of the City Centre Planning District, in order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities.

Uses permitted in the Residential land use designation include small scale forms consisting of single detached, semi-detached, duplex, townhome and multiple dwellings with up to 8 units.

Relative objectives of Residential land use designation include supporting a complementary range of housing forms and tenures in all neighbourhoods (6.3.1.1), promoting compact neighbourhoods which encourage a balanced transportation system (6.3.1.2), and promoting selective residential redevelopment, infill and intensification initiatives (6.3.1.3).
The application satisfies the evaluation criteria in Section 6.3.2.5, Criteria for a Neighbourhood Development Pattern. No constraints have been identified. There have been no objections brought forward by ERCA as lands to the north (3104 Northway Ave.) and south (3118 Northway Ave.) of the subject lands have been developed. The applicant has been informed that inquiries regarding the applicability of the Endangered Species Act to the property should be made to Aylmer District office of the provincial Ministry of Natural Resources and Forestry (MNRF) via e-mail: ESAScreeningRequest.AylmerDistrict@ontario.ca and via e-mail to Heather.Riddell@ontario.ca for further clarification.

The development is compatible with the surrounding areas in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity area, which can be provided with adequate parking and can be provided with adequate municipal physical and emergency services.

The proposed amendment conforms to the Official Plan.

**ZONING:**

The Residential District 1.2 with a Hold (HRD1.2) under Zoning By-law 8600 (See Appendix ‘D’) is a low-density zoning that permits new construction of a Single Unit Dwellings only. An existing duplex dwelling or existing semi-detached dwelling are also permitted uses. However the existing use is currently “vacant” or “undeveloped”, therefore the new construction of a semi-detached will not be permitted under the current RD1.2 zoning.

The two parcels are 9.14 m wide each. The combined width of the 2 lots is 18.29m, which exceeds the minimum required 15m for a semi-detached dwelling under RD2.4 zoning. The total combined area of the two parcels is 590.86 m², which exceeds the minimum required lot area of 460m² for a semi-detached dwelling under RD2.4 zoning. It is expected that the new development will comply with all other requirements of Zoning By-Law 8600.

The current holding symbol associated with the RD1.2 zoning was put in place to ensure full municipal services such as a paved road, a municipal sanitary sewer and storm sewers are available for servicing the lots. Public Works – Engineering’s comments reflect all such services are available to these lots are the present time, therefore the Hold
symbol is no longer necessary. Appropriate permits must be obtained from Public Works – Engineering as mentioned in their comments attached.

Municipal addresses are required for the new dwellings to ensure that services such as mail delivery, fire protection, ambulance and policing, are properly provided for.

9. ISSUES TO BE RESOLVED:

None

10. ALTERNATIVES FOR CONSIDERATION:

None

11. PLANNER’S OPINION AND CONCLUSIONS:

The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement 2014. The recommended zoning changes are compatible with the physical fabric of the neighbourhood and will be in conformity with the Official Plan. The proposed amendment does constitute good planning.

Sahar Jamshidi, M.U.P., C.E.T.
Planner II – Development Review

I concur with the above comments and opinion of the Registered Professional Planner.

Adam Szymczak, MCIP, RPP
Manager of Development Applications (A)

Thom Hunt, MCIP, RPP
City Planner

I am not a registered Planner and have initialled as a Corporate Team Leader.
SAOC

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Adam Szymczak, MCIP, RPP</td>
<td>Manager of Development Applications (A)</td>
</tr>
<tr>
<td>Thom Hunt, MCIP, RPP</td>
<td>City Planner</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
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<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
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<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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NOTIFICATIONS:

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<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Zak Habib</td>
<td>4521 Southwood Lakes Blvd. Windsor ON N9G 2M6</td>
<td>Email: <a href="mailto:zak@royaltyhomes.ca">zak@royaltyhomes.ca</a></td>
</tr>
<tr>
<td>Royalty Homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councillor Fred Francis</td>
<td>350 City Hall Square West, Suite 203 Windsor ON N9A 6S1</td>
<td>Phone: 519-250-4607 Email: <a href="mailto:ffrancis@citywindsor.ca">ffrancis@citywindsor.ca</a></td>
</tr>
<tr>
<td>All property owners and tenants within 120 m of subject lands</td>
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</tbody>
</table>

CONTACT:

Name: Sahar Jamshidi                      Fax: 519-255-6544
Phone: 519-255-6543 ext. 6449            Email: sjamshidi@citywindsor.ca

APPENDICES:

1 Appendix A - Z 09-16 [ZNG-4738] Comments from Municipal Departments
2 Appendix B - Z 09-16 [ZNG-4738] Applicant's Drawings
3 Appendix C - Z 09-16 [ZNG-4738] Site Visit Photos
4 Appendix D - Z 09-16 [ZNG-4738] Excerpts from Zoning By-law 8600
5 Appendix E - Z 09-16 [ZNG-4738] Draft Amending By-law
Appendix “A”

Comments from Municipal Departments & External Agencies

1. Taxation & Financial Projects – Property Assessment

   No objection to the proposed zoning change and development.

   **Jose Mejalli, A.I.M.A.**
   Assessment Management Officer
   Tel: 519 255-6100 Ext.6225
   E-mail: jmejalli@citywindsor.ca

2. Public Works – Engineering

   No Objections to the proposed Rezoning application, subject to the requirements outline in the memo.

   **Amy Olsen**
   Technologist II (A)
   Phone: 519-255-6257 ext: 6890
   Email: aolsen@citywindsor.ca

3. Public Works – Transportation Planning

   After review of the subject lands pertinent to the subject application, Transportation Planning has the following comments:

   - Northway Avenue is a municipal roadway classified as a Local Road with an existing right-of-way width of 20.1 metres. The Official Plan requires a 20 metre right-of-way therefore a land conveyance is not required.

   **Janelle Bastien, EIT**
   Transportation Planner
   Tel: 519-255-6247 ext. 6256
   Email: jbastian@citywindsor.ca

4. Public Works – Environmental Services

   No concerns from Environmental Services.

   **Anne-Marie Albidone**
   Manager, Environmental Services
   (519)-974-2277 ext.3123
   Email: aalbidone@citywindsor.ca
5. **ENWIN Utilities Hydro & Water Engineering**

*Hydro Engineering* - No Objection to re-zoning

*Water Engineering* - has no objections.

*Cecile Girard*
Technical Services Dispatch ENWIN
Email: cgirard@enwin.com

6. **Union Gas**

Union Gas has no issue with this application.

*Allison Branget*
Union Gas
Email: abranget@uniongas.com

7. **Windsor Police**

The Windsor Police Service has no objections to the proposed amendment to the Zoning By-Law. The redevelopment of the two vacant lots to accommodate the construction of a semi-detached dwelling seems appropriate in this situation. No concerns relating to public safety are anticipated with the application.

*Barry Horrobin, B.A., M.A., CLEP, CMM-III*
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE
Email: bhorrobin@police.windsor.on.ca

8. **Essex Region Conservation Authority (ERCA)**

Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed (see attached letter), we would therefore have no objections to this application.

*Michael Nelson*
Watershed Planner
Essex Region Conservation Authority (ERCA)
Ph. 519-776-5209 x 347
Email: MNelson@erca.org

9. **Windsor Fire**

No concerns

*John Lee*
Chief Fire Prevention Officer
Appendix “C”

Site Visit Photos

View of the subject properties from Northway Avenue – Vacant
View of 3104 Northway Ave., north of subject properties
View of 3118 Northway Ave., north of subject properties

View of vacant subject properties between the single unit dwellings on 3104 Northway Ave. and 3118 Northway Ave.
Northway Ave, standing in front of subject properties and looking south
Appendix “D”

Excerpts from Zoning By-law 8600

Residential District 1.2 (RD1.2)

(a) Permitted Uses

(i) One single-unit dwelling;
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(ii) An existing duplex dwelling or existing semi-detached dwelling;

(iii) Any use accessory to the foregoing uses.

(b) Regulations

(i) Minimum lot width - 12 metres

(ii) Minimum lot area - 370 square metres

(iii) Maximum lot coverage
   One storey main building - 35% of the lot area
   Two storey main building - 30% of the lot area
   All Accessory Buildings - 10% of the lot area
   For the purpose of this clause, lot coverage shall not include bonus rooms above a garage forming part of the main building.
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(iv) Maximum building height
   Main Building - 2 storeys
   (DELETED by B/L 11093, July 20/92 And AMENDED by B/L 10358, July 16/90)

(v) Minimum front yard depth - 6 metres

(vi) Minimum rear yard depth - 7.5 metres
(vii) Minimum side yard width - 1.2 metres on one side and 2.5 metres on the other side; provided, however, that, where there is an attached garage or carport or where there is an exterior side yard, the minimum side yard width on each side shall be 1.2 metres.

(viii) Notwithstanding the provisions of sub-paragraphs (i) to (vii) inclusive, of this paragraph, any additions to an existing duplex, dwelling or an existing semi-detached dwelling shall be in accordance with the provisions of paragraph (b) of subsection (l), of Section 11, RD2.1 District, of this by-law, applicable thereto.

(ix) (ADDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233; DELETED by B/L 114-2016, Sept. 19, 2016)

(x) Supplementary Regulations:
- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations

(Amended by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)
RESIDENTIAL DISTRICT 2.4 (RD2.4)

(ADDED by B/L 12651 Approved by OMB Order R 960323, Feb. 25, 1997 AND
AMENDED By B/L 11093, July 20, 1992; By B/L 10358, July 16, 1990; B/L 10358, July 16, 1990 AND AMENDED
by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(a) **Permitted Uses:**

(i) One single-unit dwelling;

(ii) One semi-detached dwelling;

(iii) Any use accessory to the foregoing uses.

(b) **Regulations:**

(i) Minimum lot width

<table>
<thead>
<tr>
<th></th>
<th>AMENDED by B/L 363-2002, Dec. 31, 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Unit Dwelling</td>
<td>- 12 metres</td>
</tr>
<tr>
<td>Semi-Detached Dwelling</td>
<td>- 15 metres</td>
</tr>
</tbody>
</table>

(AMENDED by B/L 142-2006, Aug. 24, 2006)

(ii) Minimum lot area

<p>| | |</p>
<table>
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</thead>
<tbody>
<tr>
<td>Single-Unit Dwelling</td>
<td>- 370 square metres</td>
</tr>
<tr>
<td>Semi-Detached Dwelling</td>
<td>- 460 square metres</td>
</tr>
</tbody>
</table>

(AMENDED by B/L 142-2006, Aug. 24, 2006)

(iii) Maximum lot coverage

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>One storey main building</td>
<td>- 35% of the lot area</td>
</tr>
<tr>
<td>Two storey main building</td>
<td>- 30% of the lot area</td>
</tr>
<tr>
<td>All accessory buildings</td>
<td>- 10% of the lot area</td>
</tr>
</tbody>
</table>

For the purpose of this clause, lot coverage shall not include bonus rooms above a garage forming part of the main building.

(iv) Minimum front yard depth - 6 metres

(v) Minimum rear yard depth - 7.5 metres


(vi) Minimum side yard width

<p>| | |</p>
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<tr>
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<tbody>
<tr>
<td>Single-Unit Dwelling</td>
<td>- 1.2 metres on one side and 2.5 metres on the other side; provided, however, that where there is an attached garage or carport or where there is an exterior side yard, the minimum side yard width on each side shall be 1.2 metres.</td>
</tr>
</tbody>
</table>
Semi-detached Dwelling - 2.5 metres on each side; provided, however, that where there is an attached garage or carport or where there is an exterior side yard, the minimum side yard width shall be 1.2 metres on that side.

(vii) Maximum building height

Main Building - 2 storeys

(viii) (DELETED by B/L 114-2016, Sept. 19, 2016)

(ix) Supplementary Regulations:

- See Section

  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
**Appendix “E”**

**Draft Amending By-law**

*BY-LAW NUMBER -2016*

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2016.

**WHEREAS** it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

**THEREFORE** the Council of The Corporation of the City of Windsor enacts as follows:

1. By-law Number 8600 is further amended by changing the District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Zoning Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>Lots 110 and 109, Registered Plan 1023 and Part of Closed Alley (PIN 012710570 &amp; PIN 012712851), on Northway Avenue</td>
<td>- -</td>
<td>HRD 1.2</td>
</tr>
</tbody>
</table>
DREW DILKENS, MAYOR

CLERK

First Reading    -    , 2016
Second Reading   -    , 2016
Third Reading    -    , 2016
1. By-law _______ has the following purpose and effect:
   
   To amend the zoning of the Lots 109 and 110, Registered Plan 1023 and Part of Closed Alley (PIN 012710570 & PIN 012712851), on Northway Avenue from HRD1.2 to RD2.4.

2. Key map showing the location of the lands to which By-law _______ applies.
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held October 11 2016
Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Tuesday, October 11, 2016
4:30 o’clock p.m.

Members Present:

Councillors
Ward 8 – Councillor Marra (Chairperson)
Ward 4 - Councillor Holt
Ward 7 - Councillor Kusmierczyk
Ward 9 - Councillor Payne
Ward 5 - Councillor Sleiman

Planning Act Citizens
Member Moore
Member Gyemi
Member Bjarneson

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Wira Vendrasco, Deputy City Solicitor
John Revell, Chief Building Official
Patrick Winters, Development Engineer
Thomas Cadman, Planner III Subdivisions
Adam Pillon, Right of Way Supervisor
Jim Abbs, Planner III—Subdivisions
Adam Szymczak, Planner III—Zoning
Justina Nwaesiei, Planner II—Development Review
Marianne Sladic, Clerk Steno Senior
Anna Ciacelli, Supervisor of Council Services

Delegations
Raymond Colautti – 1949 Devonshire Court (Item 6.1)
Cherie & Brian Laughton – 1945 Devonshire Court (Item 6.1)
Antonio Buttice – 1939 Devonshire Court (Item 6.1)
Elaine Weeks, Founder of Facebook Group “Save St. George’s Church” – 760 Windermere (Item 6.1)
Paula Rankin – 1912 Devonshire Court (Item 6.1)
Becky Griffiths, Solicitor representing Applicant (Item 7.2)
Al Shipley, Applicant (Item 7.3)
1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:32 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Planning Act Minutes of the meeting held September 12, 2016

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

That the Minutes of the Planning, Heritage and Economic Development Standing Committee (Planning Act Minutes) meeting held September 12, 2016 BE ADOPTED as presented. Carried.

Report Number: SCM 164/2016

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

6.1. City of Windsor (St. Georges Church & Hall) - 1949 Devonshire Court - Rezoning - Z-008/16 ZNG/4715 - Ward 4
Moved by: Councillor Holt
Seconded by: Councillor Sleiman

1. THAT Zoning By-law 8600 **BE AMENDED** by adding a new site specific provision to Section 20(1) as follows:

"332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, the following shall be additional permitted uses:

(1) Within a building or part of a building existing on **insert date by-law is approved**:
   1. Business Office
   2. Professional Studio
   3. Dwelling Units in a Combined Use Building with any one or more of the preceding uses
   4. Multiple Dwelling

   For the above uses, the required number of parking spaces, accessible parking spaces, bicycle parking spaces and loading spaces shall be as existing and the maximum number of dwelling units shall be five.

(2) Single Unit Dwelling subject to the following provisions:
   1. Minimum Lot Width - 17.0 metres
   2. Minimum Lot Area - 500.0 square metres
   3. Maximum Lot Coverage - 45% of Lot Area
   4. Maximum Building Height - 10.0 metres
   5. Minimum Front Yard Depth - 7.50 metres
   6. Minimum Rear Yard Depth - 7.50 metres
   7. Minimum Side Yard Width - 1.20 metres
   8. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
   9. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof. [ZDM 7; ZNG/4715]"

10. Minimum building height - 7.0 metres

2. THAT notwithstanding By-law 1-2004, any development or redevelopment, including small scale low profile residential development, **BE SUBJECT** to site plan control to ensure consistency with the policies in Chapter 9 - Heritage Conservation of the Official Plan and compatibility with, and conservation of, heritage resources in the surrounding area, and the site plan be considered by Council and notice of 120 m be given to the surrounding residents; and,
3. THAT administration INCLUDE Report No. S 19/2015, including the Becker Engineering report, which was previously presented at the November 9, 2015 Planning, Heritage and Economic Development Standing Committee Meeting, when this matter proceeds to City Council.

The motion is put and lost

Nay votes: Councillors Payne, Marra, Kusmierczyk & Member Bjarneson
Yay votes: Councillors Holt, Sleiman & Members Gyemi & Moore

Moved by: Councillor Payne
Seconded by: Member Bjarneson

1. THAT Zoning By-law 8600 BE AMENDED by adding a new site specific provision to Section 20(1) as follows:

"332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, the following shall be additional permitted uses:

(2) Single Unit Dwelling subject to the following provisions:

1. Minimum Lot Width - 12.0 metres
2. Minimum Lot Area - 500.0 square metres
3. Maximum Lot Coverage - 45% of Lot Area
4. Maximum Building Height - 10.0 metres
5. Minimum Front Yard Depth - 7.50 metres
6. Minimum Rear Yard Depth - 7.50 metres
7. Minimum Side Yard Width - 1.20 metres
8. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
9. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof. [ZDM 7; ZNG/4715]"
10. Minimum building height - 7.0 metres

2. THAT notwithstanding By-law 1-2004, any development or redevelopment, including small scale low profile residential development, BE SUBJECT to site plan control to ensure consistency with the policies in Chapter 9 - Heritage Conservation of the Official Plan and compatibility with, and conservation of, heritage resources in the surrounding area and that the site plan be considered by Council and notice of 120 m be given to the surrounding residents; and,

3. THAT administration INCLUDE Report No. S 19/2015, including the Becker Engineering report, which was previously presented at the November 9, 2015 Planning, Heritage and Economic Development Standing Committee Meeting, when this matter proceeds to City Council.
The motion is **put** and **lost**
Nay votes: Councillors Holt, Sleiman and Members Gyemi & Moore
Yay votes: Councillors Marra, Payne, Kusmierczyk & Member Bjarneson

Moved by: Councillor Holt
Seconded by: Member Bjarneson

**Decision Number: PHED 402**
THAT the report of the City Planner, dated September 20, 2016, entitled City of Windsor (St. Georges Church & Hall) – 1949 Devonshire Court – Rezoning – Z-008/16 ZNG/4715 –Ward 4 **BE REFERRED** to Council for decision; and,

THAT administration **INCLUDE** Report No. S 19/2015, including the Becker Engineering report, which was previously presented at the November 9, 2015 Planning, Heritage and Economic Development Standing Committee Meeting, when this matter proceeds to City Council. Carried.

**Report Number: S 175/2016**
**Clerk’s File: ZB/12611**

7. **PLANNING ACT MATTERS**

7.1. **Rezoning - City of Windsor - Housekeeping Amendment 2016-2 - Z-002/16 ZNG/4629 - City Wide**

Moved by: Councillor Chris Holt
Seconded by: Member Moore

**Decision Number: PHED 403**
THAT Zoning By-law 8600 **BE AMENDED** on the following basis:

1. That Sections 7, 21, 22 and 23 be deleted.

2. That Section 3, attached as Appendix A, be added to Zoning By-law 8600

3. That Section 5, attached as Appendix B, be added to Zoning By-law 8600

4. That subclause (iii) of Sections 10(1)(b), 10(2)(b), 10(3)(b), 10(4)(b), 10(6)(b), 10(7)(b), 11(1)(b), 11(2)(b), 11(3)(b), 11(4)(b), 11(6)(b), be deleted and replaced with the following:

   “(iii) Maximum Total Lot Coverage - 45% of the lot area”

5. That subclause (vi) of Section 10(5)(b) be deleted and replaced with the following:

   “(vi) Maximum Total Lot Coverage - 50% of the lot area”
6. That subclause (vi) of Section 20(1) be deleted and replaced with the following:

“(vi) Section 5.15.3 relating to location of buildings on corner lots; [ZNG/4629]

7. That subsection 143 of Section 20(1) be deleted and replaced with the following:

“143. For the lands comprising Part of Lot 136, Concession 1, located north of McHugh Avenue and east of the storm water management facility, designated as Blocks 5 and 6 on Schedule ‘A’ to By-law Number 304-2003, the minimum front yard depth shall be 4.57 metres and the minimum lot area for a townhouse shall be 520.0 square metres, plus 173.0 square metres for each additional dwelling unit, and further that Section 5.11.1 shall not apply. [ZDM 14; ZNG/4629]”

8. That subsection 160 of Section 20(1) be deleted and replaced with the following:

“160. For the lands comprising Lots 50 to 59, Registered Plan 12M-211, located on the east side of Gundy Park Crescent, the minimum front yard depth shall be reduced from 6.0 metres to 3.0 metres, however, the requirement for the minimum 6.0 metre setback of the garage shall remain in effect as specified under Section 5.11.1. [ZNG/4629]”

9. That subsection 182 of Section 20(1) be deleted and replaced with the following:

“182. For the lands comprising part of Lots 136 to 138, Concession 1, and being part of Part 1, 12R-21566, designated as the eastern one-half of Block 4 and Block 8, fronting on the west side of the proposed Cypress Avenue/Street ‘E’; the western one-half of Blocks 2 and 10, fronting on the east side of the proposed Clearwater Avenue/Street ‘F’; the eastern one-half of Blocks 2 and 10, fronting on the east side of the proposed Barkley Avenue/Street ‘G’; and shown on Schedule ‘A’ to By-law Number 1-2005, the minimum required front yard depth shall be reduced from 6.0 metres to 4.57 metres and that Section 5.11.1 shall not apply.

Furthermore, for the lands designated as the western one-half of Block 4 and Block 7, fronting on the east side of the proposed Aspenshore Avenue/Street ‘D’ and shown on Schedule ‘A’ to By-law Number 1-2005, the minimum required rear yard shall be reduced from 7.5 metres to 6.07 metres.[ZDM 14; ZNG/4629]”

10. That subclause (iii) of Section 20(1) be deleted and replaced with the following:

“(iii) The requirements of Section 5.10.7 shall also apply to the GD1.4 zoning district. [ZNG/4629]”

11. That subclause (i) of paragraph 3 of Section 20(1) be deleted and replaced with the following:

“(i) Section 5.2.10 [ZNG4629]”
12. That subsection 177 of Section 20(1) be deleted and replaced with the following:

“177. For the lands comprising Parts 1 to 8, Plan 12R-20484, located on the east and west side of Buckingham Drive, south of Raymond Avenue, the following additional provisions shall apply:

.1 Minimum lot area shall be 1,600.0 square metres;
.2 Habitable room windows are prohibited along the south wall of any dwelling;
.3 Minimum building setback from the south lot line shall be 9.0 metres.

[ZDM 10; ZNG/4629]”

Carried.

Report Number: S 173/2016
Clerk’s File: ZB/12452

7.2. Application for Approval of the Conversion of a Rental Property to Plan of Condominium – 2057458 Ontario Incorporated, 1400-1410 Ouellette Avenue - CDM-004/16 [CDM/4653]; Ward 3

Moved by: Councillor Kusmierczyk
Seconded by: Member Bjarneson

Decision Number: PHED 404

I. THAT the application of 2057458 Ontario Inc. for approval of a draft plan of condominium for a property legally described as Lot 1 to 3 Block 9, Plan 358 and Parts 1 & 2, 12R-1342, City of Windsor known municipally as 1400-1410 Ouellette Avenue, to permit the conversion of a 15-storey rental apartment building containing 160 residential dwelling units and 2 commercial units, to condominium tenure, as shown on the attached Map No. CDM-004/16-1,

BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form to the City Solicitor;

E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
1. Revised Building Condition Assessment report dated July 4, 2016 prepared for 2057458 Ontario Inc., with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner; and

2. Building Department’s Order to Repair dated March 31, 2016 as included in Appendix A of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering - Development, Projects & Right-of-Way April 29, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:

1. Installation of a sanitary sewer-sampling manhole, if one does not exist, accessible at the property line;

2. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway;

3. Installation of a backwater valve or similar apparatus on any connection to the municipal combined sewer, as a precaution and to mitigate possible damage from surcharge of the sewer.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services' April 15, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors at ground level and that these doors be kept locked;

2. Removal of all names of residents appearing on the building’s resident directory panel;

3. Installation of a 2 ft. by 2 ft. window in the laundry room door;

4. Repair and maintenance in proper working order, of the door leading from the party room to the rooftop terrace;

5. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles); and

6. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 1.34 (c) of Windsor Property Standards By-law 147-2011, that the parking garage shall be adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at
least 54 lux (five foot-candle) at floor level over the entire floor area with a minimum level of 11 lux (one foot-candle) at any location on the floor (this shall include parking garage isles, parking spots, staircases and public corridors/exits).

H. The owner shall agree to submit a photometric plan to the Corporation’s Landscape Architect and the Director of Planning & Physical Resources, Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are “Full Cut-Off”, with the following minimum and maximum illumination levels measured in foot-candles (fc):

a. uncovered parking areas - 0.5 min./4.0 max;
b. walkways - 0.5 min./2.0 max;
c. building entrances - 3.5 min./8.0 max;
d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s April 14, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Submission of a detailed Arborist’s Report, showing the location of all existing trees on the property with a trunk diameter of at least 250 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF) to the satisfaction of the Manager of Forestry and Natural Areas and the City’s Landscape Architect;

2. Any required landscape improvements shall be based on the results of the Arborist’s Report;

3. Pruning of the deciduous trees along Dufferin Place;

4. Provision of additional 70mm caliper deciduous (broad leafed) street trees along Ellis Street at the same spacing as those found on Ellis Street near the corner of Ouellette Avenue to the satisfaction of the Planning Department and Manager of Forestry and Natural Areas. Species selection to be made in consultation with the Manager of Forestry and Natural Areas and the Landscape Architect.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s April 29, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:
1. Provision of a minimum of 2 barrier-free entrances to the building. One of the barrier-free entrances may be a principal entrance to the building or a secondary entrance off of the parking area;
   a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
   b. If a barrier-free entrance incorporates a vestibule, a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
   c. If there are steps (or a step up) at a barrier-free entrance, a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.

2. If there are more than 2 entrances then the additional entrances shall have signage that directs individuals to the location of a nearby accessible entrance.

3. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.

K. The owner shall agree to provide 1 Type ‘B’ (2.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to a barrier-free main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards (s. 80.23) under the AODA and a bicycle rack facility accommodating a minimum of 5 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the Diversity and Accessibility Officer and Chief Building Official;

L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official. The owner is advised that they will be entitled to once a week collection from the City and if further collections are needed, there is a fee;

II The owner shall either remove or enter into an Encroachment Agreement with the Corporation, to the satisfaction of the City Engineer, for the following encroachments:

_Ouellette Avenue Right-of-Way:_
1. Property address sign;
2. Unit paver wall (south of existing property address sign);
3. Entrance Canopy;
4. Beach stone landscaping; and
5. Decorative stone landscaping (2 stones adjacent to leadwalk to entrance).

_Ellis Street Right-of-Way:_
1. Wood Planters (2 adjacent to leadwalk to entrance);
2. Entrance Canopy;
3. Beach stone landscaping; and
4. Northeast portion of the building (as indicated on the survey).

_Dufferin Place Right-of-Way:_

1. Parking spaces (north and south side of the driveway approach).

**III** The owner shall agree to inclusion of a warning clause in the condominium agreement that advises residents that there are a limited number of parking spaces available on-site and that a designated parking space for every dwelling unit may not be available.

**IV** Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in “Recommendation I, II and III” of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Carried.

Councillors Holt and Sleiman were absent when the vote was taken on this matter.

Report Number: S 171/2016
Clerk’s File: ZP/12484

### 7.3. Al Shipley - 356 Randolph - Rezoning Z-011/16 ZNG/4832 - Ward 2

Moved by: Councillor Sleiman
Seconded by: Councillor Kusmierczyk

Decision Number: **PHED 405**

THAT an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of the north Part of Lot 619 and the south Part of Lot 620, Registered Plan 682, situated on the east side of Randolph Ave between University Ave West and Fanchette Street (known municipally as 356 Randolph Avenue; Roll Number 050-090-09600) by adding a new site specific provision to Section 20(1) as follows:

“334. For the lands comprising the north Part of Lot 619 and the south Part of Lot 620, Registered Plan 682, situated on the east side of Randolph Ave between University Ave West and Fanchette Street, a dwelling with a maximum of two dwelling units shall be an additional permitted use. [ZDM 3; ZNG/4832]”

Carried.

Report Number: S 172/2016
Clerk’s File: ZB/12656

### 7.4. Official Plan and Zoning By-law– 3942 Turner Road & Easterly part of 3951 Walker Road - Ward 9

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Holt
Decision Number: **PHED 406**

THAT an amendment to the City of Windsor Official Plan **BE APPROVED**, changing the Official Plan designation of Lots 1011 to 1017 (inclusive) and Part of Closed Alley, Registered Plan 1126, from Residential to Commercial Corridor; and,

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lots 1011 to 1017 (inclusive) and Part of Closed Alley, Registered Plan 1126, from Residential District (RD) 1.1 to Commercial District (CD) 4.1.

Carried.
Councillor Payne and Member Moore voting nay.

Report Number: S 176/2016
Clerk’s File: ZB/12624 ZO/12625

The meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) portion is adjourned at 6:46 o’clock p.m.

The chair calls the Administrative items portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 6:48 o’clock p.m. as there are no Heritage Items listed on the Agenda.

8. **ADOPTION OF THE MINUTES**

8.1. **Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held September 12, 2016**

To be adopted at a future meeting.

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)**

See Planning Act Items 6.1, 7.2, 7.3, and 7.4.

10. **HERITAGE ACT MATTERS**

None presented.

11. **ADMINISTRATIVE ITEMS**
11.1. Closure of parts of Chappus Street, McKee Street, Sandwich Street and all of Water Street (AKA River Street), all located in the area around the 4000 block of Sandwich Street, north of Broadway St.; File No. SAS/4740; Ward No. 1; Applicant: The Corporation of The City of Windsor –Legal Department, Real Estate Services

Justina Nwaesei, Planner II – Development Review appears before the Planning, Heritage & Economic Development Standing Committee and provides a brief outline and history regarding the administrative report Closure of parts of Chappus Street and Sandwich Street, and all of McKee Street and Water Street (AKA River Street), all located in the area around the 4000 block of Sandwich Street, north of Broadway St. –Applicant: The Corporation of the City of Windsor—Legal Department, Real Estate Services and concludes by indicating no objections to the application were received.

Moved by: Councillor Payne
Seconded by: Councillor Kusmierczyk

Decision Number: PHED 407

I. That McKee Street right-of-way located on the west side of Sandwich Street; described as all of PIN 01533-0376, and shown as PART 2 on the Drawing No. CC-1700 attached hereto as Appendix “A” BE ASSUMED for subsequent closure;

II. That the portion of Chappus Street right-of-way located on the east side of Sandwich Street, between Sandwich Street and Reed Street; described as all of PIN 01570-0174, and shown as PART 3 on the Drawing No. CC-1700 attached hereto as Appendix “A” BE ASSUMED for subsequent closure;

III. That the portion of Chappus Street right-of-way located on the west side of Sandwich Street and described as Part 2, Part 3 & Part 4 on 12R-25762 and Part 1 & Part 2 on 12R-19984, and also described as all of PIN 01553-0387, all of PIN 01553-0389 and all of PIN 01553-0390, and shown as PART 4 on the Drawing No. CC-1700 attached hereto as Appendix “A” BE ASSUMED for subsequent closure;

IV. That all of Water Street (AKA River Street) right-of-way located west of Sandwich Street, south of Chappus Street; described as Part 5 on 12R-25762, and also described as all of PIN 01590-0005, and shown as PART 5 on the Drawing No. CC-1700 attached hereto as Appendix “A” BE ASSUMED for subsequent closure;

V. That roadways described in Recommendations I, II, III, & IV above, shown as PART 2, PART 3, PART 4 & PART 5 on the Drawing No. CC-1700 attached hereto as Appendix “A” BE CLOSED AND CONVEYED to Her Majesty the Queen (Federal Government) for Gordie Howie International Bridge Project;

VI. That the portion of Sandwich Street right-of-way located on the north side of Broadway Street, going to the south limit of the property municipally known as 4280 Sandwich Street,
and described as PART of PIN 01553-0378, all of PIN 01553-0356, all of PIN 01270-0245, PART of PIN 01590-0008, all of PIN 01270-0359, all of PIN 01270-0362, all of PIN 01270-0360 and PART of PIN 01590-0242, and shown as PART 1 on the Drawing No. CC-1700 **attached** hereto as Appendix “A” BE CLOSED AND CONVEYED to Her Majesty the Queen (Federal Government) for Gordie Howie International Bridge Project;

VII. THAT Conveyance Cost **BE SET** at $1.00 since the consideration for these lands has already been paid by the federal government in accordance with the 2009 Agreement of Purchase and Sale between The Corporation of the City of Windsor and her Majesty the Queen;

VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description(s), in accordance with Drawing Number. CC-1700, **attached** hereto as Appendix “A”.

IX. THAT The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice.

X. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

XI. 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.

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

Carried.

Report Number: S 168/2016
Clerk’s File: SAA2016

11.2. **Azar Holdings LTD. - Eastlawn Subdivision - Oversizing/Cost Sharing**

Ward 6

Patrick Winters, Development Engineer, appears before the Planning, Heritage & Economic Development Standing Committee and provides a brief outline of the administrative report Azar Holdings Ltd., Eastlawn subdivision-Oversizing/cost sharing and the purpose of the report being to provide the general provisions, cost sharing and recommendations to Council.

Councillor Payne inquires as to when the other side of the development will commence. Mr. Winters indicates that the building permits will be available at same time as the others in the area will be and all lots will be serviced, it would then be up to owners, if and when they build.

The maintenance period is discussed and details are provided regarding if any issues arise and when they would be identified. The maintenance period would last 1 year.

Councillor Sleiman inquires about the ownership of the lots and whether they are owned privately. It is noted that both the developer and individuals own the lots in the area.
Moved by: Councillor Kusmierczyk  
Seconded by: Councillor Sleiman  

Decision Number: PHED 408

I. THAT Council APPROVE an Oversizing/Servicing Cost payment to Azar Holdings LTD. in the amount of $82,500, based on estimated costs (final payment to be based on actual construction costs following public tender), as the City’s share towards the construction of a new storm sewer on existing Eastlawn Avenue [Edgar Street south to the cul-de-sac] from the New Infrastructure Development Account (Project Number 7035119);

II. THAT Council APPROVE a payment to Azar Holdings LTD. in the amount of $434,969 plus accrued interest of $39,148 (using a rate of interest of 3%) for a total upset payment of $474,117, based on estimated costs (final payment to be based on actual construction costs following public tender), three (3) years following substantial performance of the construction of infrastructure to service lots on the west side on the Eastlawn Avenue extension (Lots 59 to 81 Registered Plan 835, Part Lots 51 to 54 Registered Plan 1211 [Part 2 - 12R9965]), less any payments made by the Eastlawn Avenue Property Owners prior to the expiry of the three year period, from the New Infrastructure Development Account (Project Number 7035119);

III. That CR84/2016 BE AMENDED by deleting item 4 and substituting the following therefore:

4. a) THAT 0.3m on the WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 to 81, Registered Plan 835 and 0.3m on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 to 54, Registered Plan 1211, BE CLOSED by by-law for the purpose of creating a 0.3 metre reserve, until such time as the individual owners of Lots 59 to 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 have paid their proportionate share of costs for construction of infrastructure associated with the extension of Eastlawn Avenue. When a proportionate share of said infrastructure costs are paid, the appropriate portion of the 0.3m reserve BE DECLARED a public highway.

b) THAT in the event that not all of the Eastlawn Avenue Property Owners have developed their lots and made the payments referred to in subsection (a) herein, then the Corporation agrees to pay to the Owner the Owner’s servicing costs for the lands on the west side of the Eastlawn extension (Lots 59 to 81 Registered Plan 835, Part Lots 51 to 54 Registered Plan 1211 [Part 2 - 12R9965]) less any payments collected from the Eastlawn Property Owners The Corporation will pay these costs three (3)
years following the substantial performance of this agreement, marked by the commencement of the maintenance period.

c) THAT simple interest at a rate of 0.25% monthly [3% annually] shall continue to accrue on the payments to be made by the Eastlawn Avenue Property Owners. The calculation of interest shall commence on the date that the services constructed under Phase 2 are accepted onto maintenance by the Corporation and continue until such time as an Eastlawn Property Owner obtains a construction permit for their individual lot.

IV. THAT the CAO and Clerk BE AUTHORIZED to sign an amended servicing agreement based on the updated conditions, satisfactory in technical content to the City Engineer and in Form to the City Solicitor.

Carried.
Councillor Payne voting nay.

Report Number: S 174/2016
Clerk’s File: ZB12328

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None requested.

14. ADJOURNMENT

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 7:02 o’clock p.m.

Ward 8—Councillor Marra
(Chairperson)  Supervisor of Council
Services
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 154/2016
Report Date: 8/9/2016
Author’s Contact:
Justina Nwaesei, MCIP, RPP
Planner II- Development Review
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Date to Council: 11/14/2016

Clerk’s File #: SW2016

To: Mayor and Members of City Council

Subject: Proposed closure of a one-foot section of Kathleen St. and Harcourt St. along the south limit of Cabana Road E.; File No. SAS/4704; Ward No. 9; Applicant - The Corporation of The City of Windsor;

RECOMMENDATION:

I. That a one-foot wide portion of the Harcourt Street right-of-way along the south limit of Cabana Road East right-of-way and shown on the Drawing No. CC-1696 attached hereto as Appendix A BE CLOSED AND RETAINED for municipal purposes

II. That a one-foot wide portion of the Kathleen Street right-of-way along the south limit of Cabana Road East right-of-way and shown on the Drawing No. CC-1696 attached hereto as Appendix A BE CLOSED AND RETAINED for municipal purposes subject to the following:

i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to Union Gas Ltd. and EnWin Utilities Ltd.

III. THAT Conveyance Cost BE SET as zero dollars ($0) because land is being closed for municipal purposes.

IV. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1696, attached hereto as Appendix A.

V. THAT The City Planner, or designate, BE AUTHORIZED to publish the required legal notice.
VI. THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).

VII. THAT The City Engineer BE REQUESTED to provide pedestrian linkage by installing a sidewalk on the west side of Karen Street from the south limit of Cabana Road East right-of-way to the north limit of Lynn Street right-of-way, as part of Cabana Road Improvements Project - Phase 1, in accordance with Report # CM-24/2016 dated August 29, 2016.

VIII. 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.

IX. THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:

The Corporation of The City of Windsor, applied to close a one-foot wide portion of the Harcourt Street and Kathleen Street rights-of-way located on the south limit of Cabana Road East right-of-way and shown on the Drawing No. CC-1696 attached hereto as Appendix A, and also shown on the aerial photo attached hereto as Appendix B for the reason noted below:

The requested street closures are part of the Approved Cabana Road East Environmental Assessment (EA) Report.

Appendix C attached shows the preferred design in the approved EA, which contains closure of two streets (Harcourt and Kathleen Streets) on the south side of Cabana Road East, with Karen Street being open.

City council, after significant public consultation and a thorough consideration of the options (closure of all three streets or closure of only Kathleen and Harcourt streets), rejected the closure of all three streets (Harcourt, Kathleen, and Karen Streets) at the Council meeting of October 3, 2016, by way of Council Resolution (CR626/2016), attached to this report as Appendix D.

DISCUSSION:

The requested street closures involve closure of a one-foot portion of each of the selected streets (Harcourt and Kathleen) along the south limit of Cabana Road East right-of-way. A cul-de-sac will be constructed at the locations where the road terminates following the one-foot closures.
The approved EA had public involvement. The preferred design emerged from technical analysis of the road network in the immediate area and public preferences gathered from Public Information Centres.

**RISK ANALYSIS:**

No obvious risk with the recommended closures.

**FINANCIAL MATTERS:**

The recommended closures are for municipal purposes, so there is no cost for the lands.

**CONSULTATIONS:**

Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information found in attached Appendix E.

There were no objections from most of the municipal departments. The Engineering Division has noted that the driveway approach on Harcourt Street for 710 Lounsborough Street is not permitted.

Union Gas has requested easement at Kathleen Street and Cabana Road East and has provided a map showing their facilities in the subject location.

EnWin (Hydro) requires an easement for their line crossing the 1 ft strip.

**CONCLUSION:**

The Planning Department recommends closure of the subject street (Harcourt and Kathleen Streets) as shown in the preferred design for the approved Cabana Road East Environmental Assessment, and as was received by CR 626/2016.

**APPROVALS:**

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
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<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director Planning &amp; Building</td>
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<tr>
<td>Denise Wright</td>
<td>Real Estate Coordinator</td>
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<tr>
<td>Shelby Askin-Hagar</td>
<td>City Solicitor</td>
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NOTIFICATIONS:

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
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<tbody>
<tr>
<td>Councillor Hilary Payne</td>
<td>350 City Hall Square; Room 203; Windsor, ON N9A 6S1</td>
<td><a href="mailto:hpayne@citywindsor.ca">hpayne@citywindsor.ca</a></td>
</tr>
<tr>
<td>The Corporation of The City of Windsor [Applicant] c/o Michael Cappucci</td>
<td></td>
<td><a href="mailto:mcappucci@citywindsor.ca">mcappucci@citywindsor.ca</a></td>
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<td>All Abutting/Affected Property Owners</td>
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APPENDICES:

1. Appendix A: Drawing No. CC-1696, Kathleen St. & Harcourt St. closure
2. Appendix B: EIS Drawing, 2015 Aerial Photo
3. Appendix C: Preferred design in the Cabana Rd East Approved EA
5. Appendix E: Consultations with Municipal Departments and Utility Companies
6. Appendix F: Site Photos (taken on July 28, 2016)
   Additional information from resident
REQUESTED RIGHT OF WAY CLOSURES

AREA = 12.5 sq.m. (135 sq.ft.)

APPLICANT:
CITY OF WINDSOR

THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

REQUESTED RIGHT OF WAY CLOSURE OF KATHLEEN STREET AND HAR COURT STREET AT CABANA ROAD EAST FROM CABANA ROAD'S SOUTH PROPERTY LINE TO 0.3M SOUTH

Marian Drouillard, Manager of Geomatics

Scale: 1:1000  Date: AUG. 2016  Revised: ---
DWN By: DJD  CHKD By: PJU / AP  Revision No.: 0

DWG. NO.
CC-1696
STREET AND ALLEY CLOSING
APPENDIX 'B'

APPLICANT: City of Windsor - Engineering.

SCALE: 1:500

DATE: May, 2016
FILE NO: SAS/4704

PHED Standing Committee - Nov. 14, 2016
Page 74 of 92
City Council Decision
Monday, October 03, 2016

Moved by: Councillor Payne
Seconded by: Councillor Borrelli

That all three streets, Kathleen, Karen and Harcourt exiting onto Cabana Road referred to in the report of the City Engineer dated August 29, 2016 BE CLOSED.

The motion is put and is lost.
Aye Votes: Councillors Payne, Borrelli and Marra
Nay Votes: Councillors Elliott, Bortolin, Francis, Gignac, Holt, Kusmierczyk and Sleiman.

Decision Number: CR626/2016
That the report of the City Engineer dated August 29, 2016 entitled CQ38-2016 Response to the Request to Close Kathleen, Karen and Harcourt Three Streets BE RECEIVED for information.
Carried.
Councillors Marra, Payne and Borrelli voting nay.

Steve Vlachodimos
Deputy City Clerk/Senior Manager of Council Services
October 28, 2016

Department Distribution

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<tr>
<th>Name</th>
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<tr>
<td>Jane Z He</td>
<td>Engineer III</td>
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<td>Mike Dennis</td>
<td>Financial Planning Administrator</td>
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<td>Victor Ferranti</td>
<td>Manager, Capital Budget &amp; Reserves</td>
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<td>Alex Vucinic</td>
<td>Purchasing Manager</td>
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<td>Wes Hicks</td>
<td>Senior Manager of Infrastructure &amp; Geomatics/Deputy City Engineer</td>
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<td>Mark Winterton</td>
<td>City Engineer</td>
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<td>Wira Vendrasco</td>
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<td>Shelby Askin Hager</td>
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<td>Joe Mancina</td>
<td>City Treasurer</td>
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<td>Barry Horrobin</td>
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<td>Don Wilson</td>
<td>Manager of Development Applications</td>
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<td>Sandra Gebauer</td>
<td>Council Secretariat</td>
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<td>William Foot</td>
<td>Council Secretariat</td>
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<td>John Tofflemire</td>
<td>RC Spencer Associates</td>
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<td>Chris Grant</td>
<td>Essex Windsor EMS</td>
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<td>Cathy Lynd, Greater Essex County District School Board</td>
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<td>Barry Ashby</td>
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<td>John Tominson</td>
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<td>Tony Mancinone</td>
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<td>Richard &amp; Shirley Watson</td>
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<td>Agency</td>
<td>Comments</td>
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<td>Fire and Rescue Services</td>
<td>The Windsor Police Service fully supports the two proposed closures at Cabana Road East (Harcourt and Kathleen) These closures form part of the measures being taken to implement the Cabana Road Environmental Assessment project and represent acceptable methods for improving roadway safety while still maintaining an appropriate level of emergency vehicle response capability. Extensive consultation to date with all emergency service responders (Police, Fire, EMS) has resulted in consensus agreement to these two road closures. We therefore have no concerns or objections with the application.</td>
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<td>Windsor Police Services</td>
<td><strong>Planning – Landscape Architect</strong></td>
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<td><strong>Parks &amp; Facilities</strong></td>
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<td>There are no issues with closing 1 foot reserves for cul-de-sacs at Kathleen St. and Harcourt St. There are no poles, overhead wires, manholes, sewers or guywires. There are catch basins at the corners of both streets. Cul-de-sacs to be constructed as per AS-545-A. Existing driveways to be completed as per city standards (AS-221 and AS-222). It is noted that the second approach at 710 Lounsborough St. is not permitted on Harcourt Street. The Public Works Department has no objections to the closure. <em>Revised August 18, 2016</em></td>
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<td><strong>Public Works – Engineering</strong></td>
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<td>Public Works – Environmental</td>
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<td>Cogeco Cable Systems Inc.</td>
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<td>EnWin Utilities – Hydro</td>
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<td>Final comment: “We do need an easement for our line crossing the 1 ft strip. I can advise further about the pole on private property after I have had the opportunity to speak to Stacey.” August 18, 2016 email from Steve Bastounas</td>
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<td>Updated comment: “Don’t feel Enwin’s poles and overhead lines are impacted by the closures and don’t see any need for additional easements.” June 27, 2016: email from Steve Jacobson</td>
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<td>Original comment received from EnWin: Hydro Engineering has no objections. However, we have existing poles on both sides of Kathleen off Cabana that may require an easement upon closing.</td>
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<td><strong>Windsor Utilities – Water</strong></td>
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<td>No concerns.</td>
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<td>Union Gas</td>
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<td>Union Gas does not have any issues with the change to Harcourt Street becoming a cul-de-sac. Easement is required for Kathleen Street cul-de-sac.</td>
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<td>Legal Department</td>
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<td>Being closed for municipal purposes. No cost for land. Casualty / Cordon needing signed agreement on 8.06.04 Street. Need to check if the work can be done as temporary closure.</td>
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</table>

PHED Standing Committee - Nov. 14, 2016
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KATHLEEN/CABANA looking south from north side of Cabana RD E.

KATHLEEN/CABANA looking north from Kathleen St. (seeing fenced Roseland School pkg lot)
SITE PHOTOS taken by Justina Nwaesei on July 28, 2016

HARCOURT/ CABANA looking south from North side of Cabana

HARCOURT/ CABANA looking north from Harcourt/Lounsborough junction
SITE PHOTOS taken by Justina Nwaesei on July 28, 2016

KAREN/CABANA looking south from north side of Cabana

KAREN/CABANA looking north from Karen St.
From: Richard & Shirley Watson [mailto:]
Sent: Monday, August 08, 2016 9:21 PM
To: fulvio_valentinis@wecdsb.on.ca; barbara_holland@wecdsb.on.ca; Payne, Hilary; Holt, Chris; Marra, Bill; Sleiman, Ed; Kusmierczyk, Irek; clerks; meg.roberts@cbc.ca
Subject: Karen St. update for the Planning, Heritage & Economic Development
Standing Committee Members, GECDSB & WECDSB

Sent on behalf of the residents in the Kathleen, Karen, Harcourt and Lynn area who support the closing of all 3 streets to continue promoting a Safe, Walk-able, Environmentally friendly neighbourhood.

Perhaps one might examine the ‘planning’ or lack of planning that would destroy the integrity of the Roseland area, with an attempt by the city to have traffic sent down Karen St., which only goes one block, off Cabana to Lynn. The entrance to the street is to be widened, to allow for speeding cars to take short-cuts to avoid a new light at Holburn.

After a consultants session at Roseland PS, where the decision to close 2 streets including Karen, and leave one open, was changed, i.e. Karen (with 6 houses) was ‘chosen’ to be left open.

Of course, there was no way to deal with this change in ‘plans’, as the consultants have moved on. ‘The committee meeting’ where the residents might try to change the city thinking has not been scheduled. We ‘assume’ sometime in the Fall we might be invited to make our case. We would be given 5 min.

What has to be told, is that Karen is the crosswalk, poorly marked, for the Roseland day care, public school students, and high school students, as well as those walking in the neighbourhood, biking, jogging, and riding their trikes. The opening of Karen will result in serious injuries, as speeders will not be deterred by Stop signs at Lynn and Harcourt, and Lynn and Kathleen.

This is a quiet, residential neighbourhood, with young families, and many children, who attend both the public and separate schools, with busing from the separate board which uses these streets for pickup and drop off points.

There has been no risk assessment. No mention of safety was made, in the CBC broadcast, by the designated city official. If a traffic problem should occur, the city, at some point, might take another look at the decision, we are told.

Only when Meg Roberts, a new (CBC) reporter, pursued the city official, was there any comment. Same old.
So far, we have heard about traffic... but, nothing about safety.
Advocacy for the neighbourhood has been left to the residents, who have formed a
group which has produced lawn signs, set up an informative Facebook page –
KeepKarenSafe, and twitter communication.

As a grassroots movement, it has been quite successful. A public, community, meeting
at the United Church on Howard is being organized.

There are many professionals, including a former city senior public works administrator,
who have taken a leadership positions. Two homes on Karen have been upgraded,
recently, with each owner spending more than $100,000 to improve there homes which
were part of the original building project for Roseland. This is a desirable
neighbourhood.

This story must be told, and the ‘planners’ need to rethink their arbitrary decision.
Surely, the EMS and fire dept. could hardly be pleased with using a street going one
block.

LaSalle has another solution, which could be an alternative. If only Windsor could take
a look at how real planning works.

We would await a fire truck landing in the front room of a home on Lynn, as it makes a
turn. In addition, there is little room to backup a fire truck, an action necessary in any
real planning.

The EMS has been notified that residents wish to meet with the person in charge of this
‘file’. Thus far, Deputy Chief/Operations Lemay has been the contact.

Neil Robertson speaks about making neighbourhoods more livable. Windsor’s urban
design manager is welcome to visit Karen St., for an example of bad planning, and poor
consultation with residents.

We are in South Windsor, near Howard and Cabana. Just across from Roseland Public
School. Easy to find.

“‘The little things really do matter.” So do the big ones.

Best,
John Tomlinson
corner, Karen and Cabana

Sign Pic -
Already a traffic calmed neighborhood with signs on Karen and Kathleen and now the plan is to drive at a minimum 300% more traffic down half a block. That's not calming, it's alarming.

Road Pic West Map - Greater distance for Emergency Services and more homes to cover
Shows - Dominion, Longfellow, Morris (closed), Academy (closed), Dandurand (closed), Virginia Park (closed), Rockwell (closed) and Granada 5 streets closed in total with approx 120 + homes in the blocked area.

Road Pic East Map - Less Distance for Emergency Services including the closure of Karen.
Shows - Howard, Kathleen, Karen, Harcourt and Holburn.

Article from CBC
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

RECOMMENDATION:

I. That Council APPROVE $219,482.08 to be paid to Sixth Concession Development Ltd. as the oversizing cost for Sixth Concession Development Phase 3D, to be funded from the New Infrastructure Development account (Project ID#7035119).

EXECUTIVE SUMMARY: N/A

BACKGROUND:

The Sixth Concession Subdivision was initially approved by City Council in 1996 by CR416/96. This resolution included a general condition for oversizing of services.

The North Roseland Planning area required the construction of a sanitary trunk sewer in order to service the lands shown on the attached plan (C-2868). The sewer was to be constructed over various phases.

Sixth Concession Development Ltd. (Developer) constructed Phase 3A&C in 2005. In 2007 Council approved the payment of $301,215.55 to Sixth Concession Development Ltd. (Developer) for the respective phase of the sanitary sewer trunk sewer oversizing (Phase 3A).

This past year, the Developer completed the construction of the subsequent section of the truck sanitary sewer (Phase 3D) as shown on the attached plan (C-2868). The purpose of this report is to request the funds for Phase 3D oversizing payment.
It should be noted that the final phase of the trunk sewer (final connection and removal of temporary measures for Phases 1&2) will form part of future phases of development.

**DISCUSSION:**

The percentage of the sanitary sewer capacity agreed to for cost sharing is: City 50.72% and Developer 49.28%.

The Developer has requested the amount owing in Phase 3D to be paid directly instead of a development charge credit at the time of building permit, as the lands have been sold.

The Developer publicly tendered the work and received bids from seven contractors. Tenders closed on January 14, 2016 and were publicly opened. The lowest tendered price was submitted by Shearock Construction Group Inc.

The cost sharing for Phase 3D was based on the low tender and is summarized as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Sanitary Sewer Tender</td>
<td>$332,999.46</td>
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<tr>
<td>Engineering</td>
<td>$49,949.92</td>
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<tr>
<td>HST</td>
<td>$49,783.42</td>
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<tr>
<td>Total</td>
<td>$432,732.80</td>
</tr>
<tr>
<td>City Share 50.72%</td>
<td>$219,482.08</td>
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</tbody>
</table>

Therefore, the total City Share is $219,482.08 based on actual costs.

**RISK ANALYSIS:**

No significant or critical risks to the Corporation are identified resulting from the required oversizing payment. Payment to the Sixth Concession Development for the oversizing of the sewers is consistent with past practice, as well as the terms of the subdivision agreement.

**FINANCIAL MATTERS:**
The New Infrastructure Development account (Project ID#7035119) is designed as a placeholder for new development oversizing and infrastructure. The payment to Sixth Concession Development for Phase 3D has been identified as a current year commitment from this account. The charge, net of recoverable taxes, will total $197,650.41. There are sufficient funds to cover the required amounts.

CONSULTATIONS:

Financial Planning Administrator – Michael Dennis
Deputy City Solicitor-Legal, Real Estate, Risk Management – Wira Vendrasco
Right-of-Way Supervisor – Adam Pillon

CONCLUSION:

Administration recommends a lump sum payment in the amount of $219,482.08, representative as the City’s share of oversizing on behalf of adjoining land owners for the construction of the Phase 3D portion of the sanitary trunk sewer. The lump sum payment is consistent with the development agreement for the work completed. The City’s net cost for this payment, net of recoverable HST, is $197,650.41.

PLANNING ACT MATTERS: N/A

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Perissinotti</td>
<td>Engineer II</td>
</tr>
<tr>
<td>France Isabelle-Tunks</td>
<td>Senior Manager of Development, Projects And Right of Way/Deputy City Engineer</td>
</tr>
<tr>
<td>Michael Dennis</td>
<td>Financial Planning Administrator, Engineering &amp; Pollution Control</td>
</tr>
<tr>
<td>Victor Ferranti</td>
<td>Manager, Capital Budget &amp; Reserves</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor and Corporate Leader</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer/City Treasurer</td>
</tr>
<tr>
<td>Mark Winterton</td>
<td>City Engineer and Corporate Leader</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Financial Officer</td>
</tr>
</tbody>
</table>

**NOTIFICATIONS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meo &amp; Associates Inc.</td>
<td>Suite 200-7200 Disputed Rd. Windsor, ON</td>
<td><a href="mailto:rmeo@meoassociated.com">rmeo@meoassociated.com</a></td>
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<td>Fazio &amp; Associates Law</td>
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<td></td>
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<tr>
<td>Firm</td>
<td>N9A 3H4</td>
<td></td>
</tr>
<tr>
<td>Attn: Frank Fazio</td>
<td></td>
<td></td>
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</tbody>
</table>

**APPENDICES:**