

AC/
Windsor, Ontario, August 13, 2012

A meeting of the **Planning Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Councillor Marra (Chair)
Councillor Hatfield
Councillor Gignac
Councillor Halberstadt

Citizens

Merrill Baker
Cheryl Cross-Leal
Barb Bjarneson

Regrets:

Councillor Sleiman

Delegations

Carl Tanner (Item 1)
Mike Clark (Item 3)
Daniel Bornais (Item 2)
Maurice Pomerleau (Item 4)
Giuliana Hinchliffe (Item 4)
Penny Allen (Item 4)
Al Cook (Item 4)

Also present are the following from Administration:

Thom Hunt, City Planner and Executive Director
Don Wilson, Manager of Development Applications
Lee Anne Doyle, Chief Building Official
Wira Vendrasco, Senior Legal Counsel
Adam Szymczak, Planner III
Thomas Cadman, Senior Planner
Tony Ruffolo, Office Technologist
Beau Wansbrough, Planner II
Noushy Tavassoli, Planner III
Marianne Sladic, Steno Clerk Senior (A)
Anna Ciacelli, Council Secretariat

1. **CALL TO ORDER**

The meeting is called to order at 4:30 o'clock p.m.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

Councillor Hatfield discloses an interest and abstains from voting on administrative Report No. 4 as his spouse is an elected trustee for the Greater Essex County District School Board, and they are listed as a delegation.

3. **ADOPTION OF MINUTES**

Moved by Councillor Gignac, seconded by Councillor Hatfield,
That the minutes of the meeting of the Planning Standing Committee (Planning Act Matters) held July 16, 2012 **BE ADOPTED** as presented.
Carried.

Moved by Councillor Gignac, seconded by Councillor Hatfield,
That the minutes of the meeting of the Planning Standing Committee held July 16, 2012 **BE ADOPTED** as amended to indicate Councillor Halberstadt was in attendance.
Carried.

4. **REQUEST FOR DEFERRALS, REFERRALS, OR WITHDRAWALS**

None requested.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

None

7. **PLANNING ACT MATTERS**

Minutes for the Planning Act Matters are attached as Appendix "A".

Item 1 1027458 Ontario Inc., draft approved plan of subdivision, north neighbourhood, East Riverside generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive

Moved by Councillor Gignac, seconded by Ms. Bjarneson,

I. That the Draft Approval Plan of Subdivision, File No. Z-101/97 (1027458 Ontario Incorporated), For lands generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive, as shown on attached Map No. Z-101/97-2 (Revised), as illustrated in Appendix 'A', **BE AMENDED** in accordance with the plan dated August 2012, as illustrated in Appendix 'B' of this report.

II. That Council Resolution CR291/2001, as illustrated in

Appendix 'C' of this report, **BE AMENDED** by deleting Recommendation IV (B) (c) and replacing it with the following wording:

“(c) conveyed Block 22, as identified on Map No. Z-101/97-2 (Revised), as amended and dated August 2012, and made a cash-in-lieu contribution, at a rate of \$100,000.00 per acre for 2.3 acres of parkland, comprised of the remaining 0.7 acres of the 5% parkland requirement for this plan of subdivision and 1.6 acres owing from a previous development by this owner”;

III. That Council Resolution CR291/2001, as presented in Appendix 'C' of this report, **BE AMENDED** by adding to Recommendation V the following condition:

“6. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor”; and

IV. That the City gratuitously convey the 1 foot reserves described as Blocks 112 and 116 on Plan 12M-500 and Part of Block 117 on Plan 12M-500, being Parts 63 and 64 on Plan 12R-21263 to 1027458 Ontario Incorporated and that the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Item 2 Rezoning, 873605 Ontario Inc, 2001 Provincial Road, add site specific provisions allowing a personal service shop and a retail store as additional permitted uses

Moved by Ms. Cross-Leal, seconded by Mr. Baker,

That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the property located on the south side of Provincial Road, west of Walker Road, described as part Farm Lots 13 & 14, Concession 6 (Geographically formerly Sandwich East), being Parts 2, 3, 5 & 6, Plan 12R-19026, and municipally known as 2001 Provincial Road, by adding the following site specific provisions:

- a. That a “Personal Service Shop” and a “Retail Store” shall be additional permitted uses;
- b. That Section 17(1)(a)(viii) shall not apply.

Carried.

8. COMMITTEE MATTERS

None.

9. ADMINISTRATIVE ITEMS

Item 3 Amendment to Sign By-law 250-2004 for Windsor-Essex Children's Aid Society, 1671 Riverside Drive East

Noushy Tavassoli, Planner III, provides background on the report regarding the Windsor-Essex Children's Aid Society's application for the sign by-law amendment.

Mike Clark, Manager of Public Relations and Fund Development, Windsor-Essex Children's Aid Society, appears before the committee and provides a brief history about the Society and details regarding the request and the need for an updated sign. Mr. Clark indicates the Windsor-Essex Children's Aid Society has been protecting children/youth in the area since 1899. The new sign will allow the Society to better educate the community of the work the CAS does in the area. It also allows for the Children's Aid Society Foundation to promote the great work they do, in addition to upcoming fundraising events. Mr. Clark also reinforces the fact that the updated sign will not be a hindrance to traffic along Riverside Drive, and would not show videos.

Councillor Hatfield inquires as to the impact of allowing this exemption to go forward and whether it would have an impact on future applications for the scenic area.

N. Tavassoli indicates the Planning Department along with the Building Department will take a proactive approach. The sign was already approved previously by Council with only the screen changing which will enhance the existing sign. Each application in the area would be considered individually according to the by-law.

Thom Hunt, City Planner and Executive Director, indicates that the Planning Department is currently looking at new technological advances in the industry and the best practices that will be put into place by the department to deal with future advancements. Each new application is being treated on a case by case basis. Administration would recommend denying any future applications for a new sign on this scenic route.

Lee Anne Doyle, Chief Building Official, states that all applications that are received are dealt with on a case by case basis. If the application doesn't conform to the current by-law, it is referred to the Planning Department for review, with final approval resting with the planning committee and with City Council.

Councillor Gignac inquires as to the impact that the wall sign will have in the scenic area, and whether it can be changed without prior approval.

N. Tavassoli indicates the approved wall sign will stay up for 2 years. Only the approved drawing will be permitted, and can't be altered unless another application to the building/planning departments is made and approval from the planning committee and City Council is provided.

Councillor Gignac inquires as to the details of the animated LED sign, and whether it will be a screen playing a video.

Mr. Clark indicates the sign will be similar to a power point display, visual images and or pictures changing at the appropriate interval, not a video playing.

Moved by Councillor Halberstadt, seconded by Councillor Gignac,
That the application of Windsor-Essex Children's Aid Society for
an amendment to the Windsor Sign By-law 250-2004 **BE APPROVED** as follows:

- a) Update the existing ground sign and replace the existing electronic changing copy LED board with a new animated

- LED board; and
- b) Install a wall sign on the north building facade as depicted by the Appendices.
- Carried.

Item 4 Municipal Support for Solar Rooftop Panels under the Feed in Tariff (FIT) Program

Beau Wansbrough, Planner II, provides background information on the report regarding support for solar rooftop panels under the Feed in Tariff (FIT) program with the Ontario Power Authority awarding points for applications with municipal approval.

Maurice Pomerleau, Sigtario Inc., appears before the committee in support of the recommendation and would like to see “business park” added to the ‘blanket’ support motion in the report. Mr. Pomerleau would like to be considered by Council as industrial as indicated on his tax bill so that his business would qualify for this blanket exemption.

Giuliana Hinchliffe, Coordinator of Engineering, Greater Essex County District School Board, appears before the committee in support of the recommendation. Salient points of discussion include:

- The Ontario Power Authority implementing changes to rules governing renewal energy projects
- Specific application periods were put into place
- Rules for small project applications begin October 1, 2012 and end November 30, 2012
- Past/current involvement of the Greater Essex County District School Board in the program include projects at Dr. David Suzuki school, Sandwich Secondary School, and Tecumseh Vista Academy as well as many others
- Installing these projects provides a large revenue source to the Board
- The School Board currently has 30 applications registered with the Ontario Power Authority
- Upfront costs are not incurred as a partnership for monitoring and maintaining the panels has been reached with Johnson Controls

Councillor Gignac inquires whether caps exist to municipalities in terms of approval from the Ontario Power Authority.

Ms. Hinchliffe indicates there currently aren't any caps.

Councillor Halberstadt inquires whether there is an existing policy on solar panel installation and whether it is still in place.

T. Hunt indicates that this report refers to a blanket approval in the land use areas sited in the application, if the lands are not in these specific areas the planning department would review the application for land use compatibility in a timely manner. He also indicates that currently a policy on solar panels doesn't exist, it may have been a part of the previous official plan amendment which would not provide direction under this program and to this request.

Don Wilson, Manager of Development Applications clarifies that there was an existing policy but it had to do with wind energy, which was part of the 2005 official plan review process.

Moved by Councillor Halberstadt, seconded by Councillor Gignac,

1. That Council **SUPPORT** the construction and operation of rooftop solar generation projects in the Province's 'Feed in Tariff' (FIT) Program with a **'blanket' support motion for those projects on lands designated and zoned Industrial or Waterfront Port;**

2. That Council **SUPPORT** the construction and operation of rooftop solar generation projects in the Province's FIT Program **and delegate the decision to support applications in other land use categories to the City Planner based on staff review of land use compatibility.** The land uses that would be subject to review include Open Space, Natural Heritage, Windsor Airport, Business Park, Commercial, Major Institutional and Residential; applications in these designations would be subject to review for land use compatibility.

3. That Council **CONFIRM** that this resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

As there is no applicable fee for review the applications that would be evaluated in 2012 would be monitored and reviewed for fees in 2013, if necessary.

Carried.

Councillor Hatfield discloses an interest and abstains from voting on this matter

10. **QUESTION PERIOD**

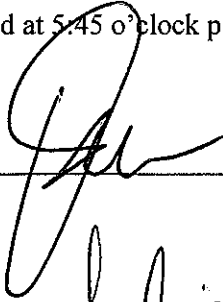
None.

11. **DATE OF NEXT MEETING**

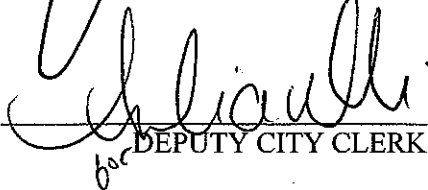
The next meeting of the Planning Standing Committee will be held on September 10, 2012 at 4:30 o'clock p.m. in Council Chambers.

12. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 5:45 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

**MINUTES OF THE CITY OF WINDSOR PLANNING STANDING COMMITTEE
(Planning Act Matters)**

August 13, 2012

A meeting of the Windsor Planning Standing Committee was held this day at 4:30 p.m. in the Council Chambers, Third Floor, City Hall, there being present:

Chair Councillor B. Marra, Councillor J. Gignac, Councillor A. Halberstadt, Councillor P. Hatfield, Ms. C. Cross-Leal, Ms. B. Bjarneson and Mr. M. Baker.

Regrets: Councillor E. Sleiman

Also present are:

Mr. Don Wilson – Manager of Development Applications, Mr. Thom Hunt – City Planner, Mr. Adam Szymczak – Planner III, Mr. Tom Cadman – Planner III, Ms. Noushy Tavassoli – Planner III, Mr. Beau Wansbrough – Planner II and Ms. Marianne Sladic – Senior Clerk, Planning Department; Ms. Anna Ciacelli – Council Services; Mr. Tony Ruffolo – Manager, Engineering & Corporate Projects Department; Ms. Lee Anne Doyle – Executive Director/Chief Building Official, Building Department; and Ms. Wira Vendrasco – Deputy City Solicitor/Manager of Legal Services & Real Estate, Legal Department.

GENERAL BUSINESS:

The Chair explains the rules of procedure of the Planning Standing Committee and that this is the required public meeting in accordance with the Planning Act. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting. The Chair indicates those interested in making submissions to Council must list to speak as a delegation with Council Services.

Councillor Hatfield declares a conflict of interest with item 4 of the agenda under Administrative Items. The Essex County School Board intends to make a presentation. His wife is a trustee.

ADOPTION OF THE MINUTES

Councillor Halberstadt notes his name does not appear under Non-Planning Act Matters as being in attendance.

Moved by Councillor Gignac, seconded by Councillor Hatfield.

That the minutes of the Planning Standing Committee (Planning Act Matters) meeting of July 16, 2012 **BE ADOPTED.**

Motion **CARRIED UNANIMOUSLY.**

The Chair introduces the first item on the agenda.

Item 1 – 1027458 ONTARIO INC. – RIVERSIDE DR. E., LITTLE RIVER RD., LITTLE RIVER AND WEST BELLAGIO RD.

On March 19, 2001, City Council approved an application for a plan of subdivision made by 1027458 Ontario Incorporated (J. Coco, principal) for an 87 ha parcel of land in East Riverside Planning Area (File: Z-101/97). As a result of negotiations between the City and 1027458 Ontario Inc. since the date of Council's approval, the circumstances regarding parkland conveyance for this plan of subdivision changed. Therefore, an amendment to the Conditions of Approval and the Draft Approved Plan of Subdivision is required in order to reflect the current situation.

The lands are generally located within the boundary of Little River Blvd., Florence Ave., Wyandotte St. E. and Chateau Ave. [Tom Cadman – Planner III]

Recommendation is for approval.

Karl Tanner (Dillon Consulting) – 3200 Deziel Dr., Suite 608, Windsor, ON N8W 5K8 – Is in attendance as a representative for the applicant should there be any questions/concerns.

Councillor Hatfield requests clarification as to why the right-of-way was initially reduced on Clover? Mr. Cadman advises the Fanelli Plan had developed sooner and had a narrower road allowance. When Coco registered their plans, the width given was incorrect. Therefore, a reduction is now being advised in order for the roadways to match between the two developments.

Councillor Hatfield refers to the block held for the school site and asks if both school boards still have five (5) years to register whether they'll be using the right-of-way on that portion? Mr. Cadman advises he is under the impression that Coco plans to register this fall in order to facilitate the registration of one or more of the school boards. The five years period starts with the registration of the subdivision.

Councillor Hatfield confirms there would be sidewalks on both sides of Clover? Mr. Cadman confirms that would be in the agreement.

Councillor Hatfield inquires of Mr. Tanner the likelihood of Clover opening up to Wyandotte prior to the five (5) years? Mr. Tanner advises there two factors: 1) market conditions, and 2) that block abuts the future school site, which may play a factor in development. Councillor Hatfield asks Mr. Tanner to forward anxiety and concerns from residents about the increased traffic to the east roads due to a lack of through access on Clover to his client – Coco Group.

Ms. Bjarneson questions the number of times the subdivision has gotten extensions. Mr. Tanner advises that although the plan is to complete a street or two per year, the housing market has

been in a lull for the last few years, which has slowed down the development. Mr. Tanner also notes the bald eagle that has nested to the east, which impedes further development. Anticipate the development to the west be complete, or close to, within the next five (5) years.

Ms. Cross-Leal seeks clarification in the difference between the draft plan of sub-division and the amended plan of sub-division. Mr. Cadman notes the only difference is the word "park" on Block 22 and on Block 21 the word "park" has been removed.

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

Moved by Councillor Gignac, seconded by Ms. Bjarneson.

- I That the Draft Approval Plan of Subdivision, File No. Z-101/97 (1027458 Ontario Incorporated), For lands generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive, as shown on attached Map No. Z-101/97-2 (Revised), as illustrated in Appendix 'A', **BE AMENDED** in accordance with the plan dated August 2012, as illustrated in Appendix 'B' of this report.
- II That Council Resolution CR291/2001, as illustrated in Appendix 'C' of this report, **BE AMENDED** by deleting Recommendation **IV** (B) (c) and replacing it with the following wording:
 - "(c) conveyed Block 22, as identified on Map No. Z-101/97-2 (Revised), as amended and dated August 2012, and made a cash-in-lieu contribution, at a rate of 100,000.00 per acre for 2.3 acres of parkland, comprised of the remaining 0.7 acres of the 5% parkland requirement for this plan of subdivision and 1.6 acres owing from a previous development by this owner";
- III That Council Resolution CR291/2001, as presented in Appendix 'C' of this report, **BE AMENDED** by adding to Recommendation **V** the following condition:
 - "6. That the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor"; and
- IV That the City gratuitously convey the 1 foot reserves described as Blocks 112 and 116 on Plan 12M-500 and Part of Block 117 on Plan 12M-500, being Parts 63 and 64 on Plan 12R-21263 to 1027458 Ontario Incorporated and that the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Councillor Hatfield hopes the Coco Group will seek a way to extend Clover Ave. from Beverly Glen to Wyandotte as soon as possible, for reasons already stated. Councillor Hatfield notes when the application originally came to Council, Councillors Francis, Halberstadt, Zuck and Valentinis voted against it with Councillor Masse declaring a conflict. Finds that very interesting.

Motion **CARRIED, UNANIMOUSLY.**

Item 2 – 873605 ONTARIO INC. – 2001 PROVINCIAL RD.

The applicant is requesting an amendment to Zoning By-law 8600 to allow a "Personal Service Shop" and a "Retail Store" as additional permitted uses on the land located on the south side of Provincial Road, west of Walker Road. The subject property is described as Part Farm Lots 13 & 14, Concession 6 (Geographically formerly Sandwich East), being Parts 2, 3, 5, & 6, Plan 12R-19026, and municipally known as 2001 Provincial Road (Roll No. 070-160-01206). There is an existing Commercial Plaza on the subject property, and to maintain the commercial character of the property and facilitate occupancy, the applicant is requesting to further amend Zoning By-law 8600 by deleting clause (viii) from subparagraph (a) – Permitted Uses of subsection 1, Section 17, By-Law 8600.

The subject land is designated Commercial Corridor on Schedule "D" of the Official Plan, and is zoned Commercial District 4.1 (CD4.1) by By-law 8600. The land was successfully rezoned in 2009 to add a Site Specific Zoning Provision [Section 20 (1)244] allowing a "Professional Studio" as an additional permitted use on the site. [Justina Nwaesei – Planner II] presented by Adam Szymczak.

Recommendation is for approval.

Daniel L. Bornais (Istl & Bornais) – agent – 3063 Walker Rd., Suite 202, Windsor, ON N8W 3R4. Mr. Bornais is present to answer any questions and ask the Committee to consider an abatement of the application fee given that the process, as it is, was largely moved due to a parallel exercise of a Housekeeping By-Law Amendment, which has not yet culminated, but was heard before Council just last week. Mr. Bornais notes his discontent at the lack of information brought to his attention regarding this matter until only hours earlier. Therefore, any abatement of fees, in full or in part, would be appreciated.

Councillor Halberstadt inquires the specific uses being added to the property and what cost is he looking to be refunded? Mr. Bornais informs they are looking to add a personal services shop (nail salon). The refund is for a minor zoning amendment application fee of approximately \$3000 dollars.

Councillor Halberstadt goes through the list of permitted uses and confirms the intended use wasn't covered? Mr. Bornais advised the tenant applied for a permit/business license and was advised it was not zoned as a permitted use on the site. Councillor Halberstadt asks for clarification regarding the retail use. Mr. Bornais clarifies it is a permitted existing use which they'd like to be changed to a permitted use. Mr. Halberstadt reconfirms the retail is within a permitted area within the property and the applicant wishes to expand that? Mr. Bornais confirms.

Councillor Halberstadt inquires about the application fee to Administration given the fact that most of the changes would be dealt with through the Housekeeping Amendment. The Chair advises that this Committee does not have the authority to waive fees, but suggests that

Administration be directed to prepare a report for Council concurrent with the recommended recommendations of the Planning Standing Committee, then Council will make a decision on the issue of the fee. Councillor Halberstadt then asks of Administration, fee or no fee, would this have been covered by the Housekeeping Amendment? Mr. Wilson advises there was some discussion between the Planner and the Applicant before the application was submitted and accepted as complete. However, there is the potential for objections to the general Housekeeping By-Law. To expedite this, an application specific to this site be suggested and recommended versus going through the Housekeeping process as well as other factors that may be involved. Mr. Halberstadt inquires if an objection could cause a delay of months or even years? Mr. Wilson notes there could be if there is an appeal to the Municipal Board.

Ms. Bjarneson seeks confirmation that what is currently on site is in conformity with the legal use according to the current by-law and that the building footprint is not being extended? Mr. Bornais advises that is correct. The new tenant is planning on going into one of the two (2) empty units. There are five (5) units total on the property.

Ms. Bjarneson requests further explanation concerning the retail aspect of Administration. Mr. Szymczak advises the current CD4.1 zoning allows an existing retail store as a permitted use. With the proposed change, any retail store, existing or future, would be permitted in the future.

Councillor Gignac inquires about any requirement for sidewalk along Provincial Rd.? Mr. Ruffolo advises that an Environmental Assessment was done for Provincial Rd., and when it is fully developed, a sidewalk will be required. At this time, there are ditches along the road that do not facilitate for a sidewalk. If there was need for a sidewalk for this site, the developer would be instructed to add the sidewalk. Mr. Wilson adds there was a Site Plan Control application on this property and a gratuitous conveyance was given by the Applicant for future improvements at this site.

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

Moved as **AMENDED** by Ms. C. Cross-Leal, seconded by Mr. M. Baker.

- I** That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the property located on the south side of Provincial Road, west of Walker Road, described as Part Farm Lots 13 & 14, Concession 6 (Geographically formerly Sandwich East), being Parts 2, 3, 5, & 6, Plan 12R-19026, and municipally known as 2001 Provincial Road, by adding the following site specific provisions:
- a. That a "Personal Service Shop" and a "Retail Store" shall be additional permitted uses;
 - b. That Section 17(1)(a)(viii) shall not apply.

Councillor Hatfield reconfirms a report will also be coming to Council regarding the refund of fees. The Chair suggests a report be included in the motion. Ms. Cross-Leal is in agreement to add the request to the Motion.

Mr. Bornais advises to facilitate the application they withdraw the request for consideration on the reimbursement of the zoning amendment application fee.

Motion **CARRIED, UNANIMOUSLY.**

Meeting adjourned: 4:55 pm

Councillor Bill Mara, Chair

Mr. Don Wilson, Secretary

/ms