



Development & Heritage Standing Committee Meeting

Date: Tuesday, April 2, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

- Ward 1 - Councillor Fred Francis
- Ward 4 - Councillor Mark McKenzie
- Ward 7 - Councillor Angelo Marignani
- Ward 9 - Councillor Kieran McKenzie
- Ward 10 - Councillor Jim Morrison (Chairperson)

Members

- Member Anthony Arbour
- Member Daniel Grenier
- Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

- Jelena Payne, Commissioner, Economic Development
- Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

- Thom Hunt, City Planner
- Wira Vendrasco, Acting City Solicitor
- Greg Atkinson, Deputy City Planner – Development
- Jason Campigotto, Deputy City Planner – Growth
- John Revell, Chief Building Official
- Shawna Boakes, Executive Director Operations / Deputy City Engineer
- Patrick Winters, Manager, Development
- Stefan Fediuk, Landscape Architect / Acting Sr. Urban Designer
- Kevin Alexander, Planner III – Special Projects
- Brian Nagata, Planner II - Development Review
- Anna Ciacelli, Deputy City Clerk

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Delegations—participating via video conference

Item 7.1 – Tracey Pillon-Abbs, RPP, Principal Planner

Delegations—participating in person

Item 7.1 – Maria and Joe Inglesi, area residents

Item 11.1 – David Meikle, Business Owner, Signal Out of Home

Item 11.1 – Nicholas Campney, Director, Leasing and Legislation, Scott Stover, Leasing Representative, and Nathan Jankowski, Pattison Outdoor Advertising

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.1 being “Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG7151], Ward 9,” as his company has hired the planner on this application regarding a minor variance on one of his properties.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held March 4, 2024

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 4, 2024 **BE ADOPTED** as presented.

Carried.

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Report Number: SCM 81/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Item 7.1

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG-7151], Ward 9

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 600**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Woodward Boulevard, between Ledyard Avenue and Moxlay Avenue, described as Part of Lot 19 as in R1119645 and Closed Alley, Plan 1045 as in R1162410, by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

495. EAST SIDE OF WOODWARD BOULEVARD BETWEEN LEDYARD AVENUE AND MOXLAY AVENUE

For the lands comprising of Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.1.5 shall apply;
and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 12; ZNG/7151]

Carried.

Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 18/2024

Clerk's File: Z/14699

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:01 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:01 o'clock p.m.

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11. ADMINISTRATIVE ITEMS

11.1. Windsor Sign By-law Billboard Review and Amendments.

Stefan Fediuk appears before the Development & Heritage Standing Committee regarding the Administrative report entitled “Windsor Sign By-law Billboard Review and Amendments” and provides a brief overview of the report including: Background; Consultation Areas of Concern; Oversaturation and Sign Clutter; New Electronic Change Copy/Digital Sign; Locations and Setbacks from Sensitive Land Uses; Traffic and Aviation Safety Issues; Clarity within the By-law and Permitting – New definitions and General Regulations; By-law and Permitting Clarifications – Sign permits and inspections; Regulation for Billboards – Restrictions, Prohibitions, Restrictions and Permitted Locations; Special Districts; Total of 42 recommended amendments; Future Considerations with upcoming reports; Schedule of Fees and Delegation of Authority.

Councillor Angelo Marignani inquires with respect to the electronic signs and the potential of light pollution becoming a concern, if the signs will only be directed toward the road or if the V-type signs will be applied where the light pollution can spill into neighbourhoods. Mr. Fediuk indicates that the V-shape sign is being implemented by a few of the industry stakeholders in order to direct light away from the residences. By creating the V-shape, the light is emitted away. It would be an appropriate application where there is commercial on one side and residential on the other. In areas where there are residences on both sides, the applicant would need to prove that the light being emitted does not reach or impede the residences. There can be a request made to the applicant that the billboard be turned off between 11:00pm and 7:00am.

Councillor Angelo Marignani inquires whether the recommendations put forward today will address the light pollution concerns on a case by case basis or will they cover all billboards. Mr. Fediuk indicates that the recommendations are intended to cover as much as possible, but each application is evaluated on a case by case basis.

Councillor Angelo Marignani inquires whether there is any concern for the need for variances with the development of these signs. Mr. Fediuk indicates that administration is trying to mitigate as many variances as possible and are recommending the potential of a Delegation of Authority (DOA) in the future.

Councillor Angelo Marignani requests that Administration expand further on the DOA and the purpose of that tool for the City. Mr. Fediuk indicates that the Delegation to the Chief Building Officer is intended to reduce costs associated with procedure as it relates to minor changes requested. John Revell, Chief Building Official appears before the Development & Heritage Standing Committee regarding the Administrative report entitled “Windsor Sign By-law Billboard Review and Amendments” and indicates that the Delegation component is not part of this report, but is just to take away very minor issues from having to come to a committee. Bigger picture items would still need to come to a committee process.

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Councillor Angelo Marignani inquires about the process should there be resident concerns. Mr. Fediuk indicates that there have been no resident delegations in response to billboard applications that have come to committee in the past two years. There has been one instance of a residential complaint, and the sign manufacturer was contacted and the situation was resolved within an hour.

Councillor Angelo Marignani inquires about the new digital billboard technology and whether adjustments can be made immediately. Mr. Fediuk responds that the electronic billboards are able to be adjusted almost immediately.

Councillor Kieran McKenzie inquires to what extent the City will be able to address any structural issues or safety concerns related to grandfathered applications. Mr. Fediuk indicates that building inspections will be able to identify if any existing structures do not meet building code. The situation with older signs is that they have permanence. Some municipalities have implemented the removal of the legacy clause from the by-law. With a number of the older billboards in the City, two major billboard companies in the area would bear the brunt of such a change. It would be a very costly imposition to complete engineering reports on each one of them. If an inspection identified any concerns, an independent engineering report would be requested.

Councillor Kieran McKenzie inquires about a report coming forward regarding the cost of Administration of these applications as the current fee schedule exists. Mr. Fediuk provides details related to the current permit fee at \$75 per billboard sign to a maximum of \$80. The average across the region is about \$650 and the highest is \$3000.

Councillor Angelo Marignani inquires whether the by-law speaks to the installation of wall billboards on buildings. Mr. Fediuk indicates that this by-law and the previous by-law covers wall billboards. There is a bit more stringency with those as zoning by-law is also involved.

Councillor Jim Morrison inquires about the regulations around proximity to the EC Row Expressway. Mr. Fediuk indicates that there is a desire for industry stakeholders to put billboards along EC Row Expressway. Mr. Fediuk provides some statistics related to accidents on the EC Row Expressway. Mr. Fediuk indicates that electronic billboard signs can be distracting, especially when changing.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 601**

- I. THAT this report detailing the Windsor Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property, in response to council decision CR103/2023 DHSC 477, **BE RECEIVED**; and,
- II. THAT By-Law 250-2004, being a by-law respecting signs and other advertising devices in the City of Windsor (the "Sign By-law"), **BE AMENDED** as summarized in the chart attached as Appendix 'A'; and,

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III. THAT the City Solicitor **BE DIRECTED** to prepare the by-law to amend the Sign By-law.
Carried.

Report Number: S 116/2023 & AI 4/2024
Clerk's File: SB2024

11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1000506202 Ontario Inc. for 1567 Ouellette Avenue (Ward 3)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 602**

- I. THAT the request made by 1000506202 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Delineation for the property located at 1567 Ouellette Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$25,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Delineation completed in a form acceptable to the City Planner and City Solicitor.
- III. THAT the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner.
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Delineation not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 36/2024
Clerk's File: SPL2024

11.3. Sandwich Town CIP Application, 3573 Peter Street; Owner: Sarin Ty and Soknao Tieng (Ward 2)

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 603**

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- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a Demolition Permit to Sarin Ty and Soknao Tieng (the "Owners"), the registered owners of 3573 Peter Street (the "Property"), to demolish a Semi-Detached Dwelling located at the Property (see Appendix 'A'), to construct a Multiple Dwelling with (4) units (See Appendix 'B').
- II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit.
- III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - i. The redevelopment of the Property identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
 - ii. If the redevelopment of the Property, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk will enter the sum of Forty Thousand Dollars (\$40,000) on the collectors roll of the Property and prepare a certificate for registration.
- IV. THAT the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the Property.
- V. THAT the request for incentives under the Sandwich Incentive Program made by the Owners **BE APPROVED** for the following programs:
 - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of \$20,000;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (estimated at \$3,527 per year).
- VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to form, and the City Treasurer as to financial matters.
- VII. THAT funds to a maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed.
- VIII. THAT grants **BE PAID** to the Owners upon completion of the Multiple Dwelling with (4) units at the Property from the *Sandwich Community Development Plan Fund* to the satisfaction of the City Planner and Chief Building Official.

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- IX. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions may be granted at the discretion of the City Planner.

Carried.

Report Number: S 34/2024

Clerk's File: SPL2024

12. COMMITTEE MATTERS

12.1. Minutes of the Property Standards Committee of its meeting held February 12, 2024

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 604**

THAT the minutes of the Property Standards Committee meeting held February 12, 2024 **BE RECEIVED** as presented.

Carried.

Report Number: SCM 57/2024

Clerk's File: MB2024

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 5:35 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, May 6, 2024.

Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services



CITY OF WINDSOR MINUTES 04/02/2024

Development & Heritage Standing Committee Meeting

Date: Tuesday, April 2, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour
Member Daniel Grenier
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development
Sandra Gebauer, Council Assistant

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Wira Vendrasco, Acting City Solicitor
Greg Atkinson, Deputy City Planner – Development
Jason Campigotto, Deputy City Planner – Growth
John Revell, Chief Building Official
Shawna Boakes, Executive Director Operations / Deputy City Engineer
Patrick Winters, Manager, Development
Stefan Fediuk, Landscape Architect / Acting Sr. Urban Designer
Kevin Alexander, Planner III – Special Projects
Brian Nagata, Planner II - Development Review
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1 – Tracey Pillon-Abbs, RPP, Principal Planner

Delegations—participating in person

Item 7.1 – Maria and Joe Inglesi, area residents

Item 11.1 – David Meikle, Business Owner, Signal Out of Home

Item 11.1 – Nicholas Campney, Director, Leasing and Legislation, Scott Stover, Leasing Representative, and Nathan Jankowski, Pattison Outdoor Advertising

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.1 being “Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG7151], Ward 9,” as his company has hired the planner on this application regarding a minor variance on one of his properties.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held March 4, 2024

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 4, 2024 **BE ADOPTED** as presented.
Carried.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See Item 7.1

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for 3842 Woodward Boulevard, Z-030/23 [ZNG-7151], Ward 9

Brian Nagata (author), Planner II – Development Review – presents application.

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

Councillor Kieran McKenzie asks about the extent to which this development will exacerbate existing drainage problems, and residents would like to know the status of the drainage study for the Dawson Drain and when the report will be completed. Mr. Winters states that a draft report has been received by Administration from the consultant and administration has provided comments back on the initial draft. Mr. Winters adds that provided Administration's comments are addressed with the following resubmission, Administration would like to present that report to Council to recommend adoption. Administration expects a finalized report before the end of the Spring.

Councillor Kieran McKenzie asks Mr. Winters to comment on any concerns with this development regarding storm water management, and drainage issues. Mr. Winters states that the development, through the building permit process, will have to show that storm water will be contained to the site and discharged through a rear yard drain and natural drainage to the road side ditch, as a standard requirement of the City.

Councillor Kieran McKenzie asks Mrs. Pillon-Abbs what the assessment value of the current home is on the property. Mrs. Pillon-Abbs states that she doesn't know that information. Councillor Kieran McKenzie asks whether the new buildings constructed would be assessed at a higher value than the existing building on the property. Mrs. Pillon-Abbs states that she would not have any experience on how MPAC assesses the buildings, but the City's Tax department would be able to provide this information later.

Councillor Marignani asks for clarification of the City's recommendation of six units in total for this development. Mr. Nagata states that the total of six units includes both semi-detached dwellings, with each having one accessory Additional Dwelling Unit (ADU). Councillor Marignani asks if the proposal would remove the possibility of an ADU being placed in a rear accessory building. Mr. Nagata states that the ADU provisions of Zoning By-law 8600 indicate that each semi-detached dwelling unit is considered to be on its own parcel of urban residential land if it can be severed without a Minor Variance. Mr. Nagata emphasizes that the provisions do not require the semi-detached dwelling units to be severed. Mr. Nagata adds that the recommendation limits

each semi-detached dwelling to one ADU, but does not preclude it from being located in an accessory building. Mr. Nagata also indicates that the proponent has not identified ADUs within their application.

Councillor Marignani asks if future owners can make the decision to add an ADU, which we are trying to prevent at this time. Mr. Nagata states that future owners can have one ADU per lot if the recommendation to remove the ADU provision that does not require the semi-detached dwelling unit to be severed for it to be considered on its own parcel of urban residential land is approved. , Mr. Nagata adds that if the recommendation is not approved, each semi-detached dwelling can have up to four ADUs, for a total of 12 dwelling units if the semi-detached dwelling units are deemed to be severable.

Councillor Marignani asks if the owner would then have to reapply for a severance. Mr. Nagata states that should the current or future owner(s) wish to establish further ADUs a Consent granted by the Committee of Adjustment or a by-law passed by Council granting an Exemption from Part Lot Control must be approved, which would establish each semi-detached dwelling unit its own parcel of urban residential land.

Councillor Marignani asks about concerns brought up by residents via email regarding no sidewalks on the street and whether that was a concern. Mr. Nagata states that he has responded to the resident stating that sidewalks can be addressed through a local improvement petition, and in respect to the development for this proposal there is no concern.

Councillor Marignani asks whether four parking spaces per unit will present a challenge for the community or residents nearby, as chances are some units may have two cars, and inquires whether there is on-street parking. Mr. Nagata states that he has been informed by a resident that there is no on-street parking and defers the question to the Transportation Department. Ms. Boakes states that the street does not have curb and gutters, and therefore as per the parking by-law there is no on-street parking permitted within that block. The only option for on-street parking is the next block north on Ledyard Avenue.

Joe and Maria Inglesi (area residents) at 3822 Woodward Boulevard has concerns with the size of the development, the number of dwellings proposed and parking concerns for dwellings with four units. Councillor Morrison states that provincially legislated changes have occurred that have allowed semi-detached dwellings to have three units on each lot. Mr. Nagata states that the current zoning only allows single unit dwellings, and the proponent has applied for rezoning to allow for two semi-detached dwellings. Mrs. Inglesi asks for clarification for the number of units. Mr. Nagata states that the proponent has proposed four units. Councillor Morrison states that the residents can call 311 for more information.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 600**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Woodward Boulevard, between Ledyard Avenue and Moxlay Avenue, described as Part of Lot 19 as in R1119645 and Closed Alley, Plan 1045 as in R1162410, by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

495. EAST SIDE OF WOODWARD BOULEVARD BETWEEN LEDYARD AVENUE AND MOXLAY AVENUE

For the lands comprising of Part of Lot 19 & Closed Alley, Plan 1045, PIN No. 01349-0395 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.1.5 shall apply; and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 12; ZNG/7151]

Carried.

Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 18/2024

Clerk's File: Z/14699

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 5:05 o'clock p.m.

Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services