

Minutes of a Public Meeting to consider proposed Zoning By-law Amendments held in the Council Chambers of the Municipal Building on Monday, May 25, 1998, at 6:00 p.m.

PRESENT: Deputy Mayor T. DiBartolomeo
Councillor R. Anderson
Councillor L. Fox
Councillor R. Pillon
Councillor G. Theriault
Councillor T. Tiefenbach

ABSENT: Mayor W. Hurst - Attended only the latter portion of the meeting due to County business

ALSO PRESENT: Bill King, Chief Administrative Officer
David Mailloux, Clerk
Lory Bratt, Planning Co-ordinator

Gerry Theriault chaired the meeting due to the absence of Mayor Hurst.

DISCLOSURE OF PECUNIARY INTEREST:

There were no disclosures of pecuniary interest.

Item #1

Proposed Zoning By-law amendment for Part Lot 7, Concession 8, McGregor Hamlet (Lavergne).

Lory Bratt reviewed the background of the application. The applicants are requesting a rezoning on .08 hectares of land described as Part of the North Half of Lot 7, Concession 8 located on the west side of Walker Road and north of County Road 10 from Institutional zone (I) to Local Commercial zone (C1). The property was last used as a library in addition to a residence on the second floor. The applicants are proposing an ice cream parlour together with video games on the main floor and an apartment on the second floor. The site is serviced with municipal piped water and sanitary sewers. The subject property is designated Hamlet in the Municipal Official Plan.

Due to the size of the subject parcel, the applicants are unable to meet the parking requirements for the (C1) zone. We are, therefore, recommending that the property be placed in a defined area in the Commercial zone to permit only the ice cream parlour and video games in addition to an apartment on the second floor. However, it is recommended that the owners maximize the use of the lands to create some off street parking. This proposal is consistent with the type of development which has occurred in the Hamlet area.

There were no objections from E.R.C.A. or the Township of Colchester North. The County of Essex Road Department stated that the property is subject to the normal permit required under County Roads By-laws.

The Stoney Point Coop expressed a concern that the property would be using rail road property for parking and that the proposed business may require more parking.

Solicitor Philip McCullough representing the applicant emphasized that the proposal is for a small operation similar to a home occupation. Parking will not be a problem. The video games are a small part of the proposal and may not be installed.

Item #1 cont'd

Moved by T. Tiefenbach, seconded by R. Anderson that on recommendation of the Planning Coordinator, the proposal to rezone the Lavergne Property, Part Lot 7, Concession 8 from Institutional zone to Local Commercial zone be supported subject to the necessary approvals and that the appropriate by-law be prepared and placed on the next Council agenda.

Motion Carried

Item #2

Proposed Zoning By-law amendment for Part Lot 25, Concession 1. Lory Bratt reviewed the application. The applicants are requesting a rezoning on 4.329 acres of land described as Part Lot 25, Concession 1 located on the west side of 2nd Concession between North Sideroad and County Road 10 from Agricultural zone (A1) and (A2) to Residential Type 1 zone (R1). The proposed R1 zoning permits one single unit dwelling on each of the 4 new lots fronting on the west side of 2nd Concession. Each of the lots has a minimum lot area of 1 acre and a minimum frontage of 96.40 ft. The proposed rezoning is a condition of a recent land severance decision which had the effect of severing the property into 4 lots. All development is proposed to be serviced by municipal piped water and private septic facilities. The subject area is designated Residential in the Municipal Official Plan.

Due to the fact that the property also abuts an active railway, it has been requested that the minimum rear yard be 45 metres for a main building and 15 metres for accessory buildings.

We are, therefore, recommending that the property be placed in a defined area in the (R1) zone to provide for the requested rear yard setbacks and that the Town support the subject application to bring the zoning of the subject property into conformity with the Official Plan.

Leonard Beneteau, the applicant, stated that Ms. Bratt had explained the proposal well. When asked if Essex Terminal had any concerns Mr. Beneteau replied that he was in contact with Essex Terminal and no fence at the rear of the lots was required.

The only written comments received was from E.R.C.A. who had no objection.

Moved by R. Pillon, seconded by L. Fox that we concur with the recommendation of the Planning Coordinator that the subject property (Pt. Lot 25, Conc. 1, Beneteau), be placed in a defined area in the (R1) zone to provide for the requested rear yard setbacks and that the necessary bylaw be prepared and placed on the next Council agenda.

Motion Carried

Item #3

Fox-Glen Subdivision, 944775 Ontario Ltd.

Lory Bratt reviewed the proposal. The applicants are requesting to re-zone 9.86 hectares of land described as Lots 1 to 33 on Plan

Item #3 Cont'd

12M-358 known as Fox-Glen Subdivision located on the north side of County Road 10 and east of County Road 9 from Residential Type 1 zone (R1) to Residential Type 3 zone (R3). The original plan of subdivision provided for 33 lots. The proposed R3 zoning will permit the development of 53 lots. There are 52 additional single unit dwellings proposed in addition to the one currently constructed on site. All development is proposed to be serviced by municipal piped water and a communal sanitary sewage collection and treatment system. The subject area is designated Residential in the Municipal Official Plan.

Present regarding this proposal were Armando DeLuca, Solicitor for the applicant, Mike Dunn, Joe Sbrocca, Joan & Jim O'Neil, Steve Mojsa and Mr. Barrette. Mr. DeLuca explained that he had been engaged by the applicant some time ago prior to amalgamation.

E.R.C.A. Written Comments - Proposal is subject to fill and construction regulations. Stormwater management to accommodate 53 rather than 33 lots.

County of Essex - Falls under County bylaws with regard to entrance and building adjacent to County Roads.

Mr. O'Neil - the only present resident of Fox-Glen Estates explained that he had purchased his lot because of the size and number of lots in the subdivision. He feels that the proposal is unrealistic. He had bought the lot in good faith and that the proposal would cause approximately a 65% increase in traffic, people, noise, etc. Perhaps a smaller number of lots would be more appropriate.

Joe Sbrocca explained the reasoning for the proposal. The subdivision had been approved for septic tanks (old style) but before the houses were built the province changed the rules and required a much more expensive system. This led to the proposal to increase the number of lots and construct a communal system.

Armando DeLuca explained that planning principles support the proposal and urged Council to make a decision on sound planning principles as opposed to one of the lots out of the thirty three.

Joe Sbrocca explained that the owner of the other lot that has been sold has situated his home to one side of the lot to accommodate the new proposal. Mr. Sbrocca also explained that the lots adjacent to the O'Neil's lot have actually been enlarged.

Mr. Barrette who owns 27 acres on the east side of this proposal questioned if dust produced when his farmland is being worked would be more of a problem with the increase in the number of homes.

A discussion on the proposed sewage system revealed that the proposed system is underground and will all be subject to M.O.E.E. approval.

Council indicated that they would expect to see some sort of negotiation and settlement of the differences between the developer and Mr. & Mrs. O'Neil.

Item #3 Cont'd

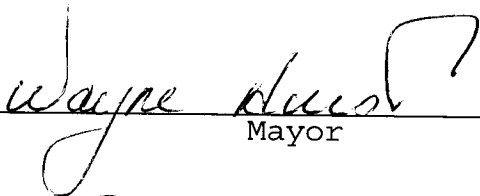
Moved by T. Tiefenbach, seconded by R. Anderson that we accept the recommendation of the Planning Coordinator and support the proposal from 944775 Ontario Ltd. to rezone the property known as Fox-Glen Subdivision from Residential Type 1 (R1) to Residential Type 3 zone (R3) to allow for an increase from 33 to 53 lots serviced by a communal sanitary sewage collection and treatment system, subject to E.R.C.A. and the County of Essex approvals being received, and that the appropriate bylaw be prepared for the next Council meeting.

Motion Carried

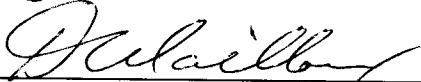
ADJOURNMENT:

Moved by T. Tiefenbach, seconded by R. Anderson that there being no further business, the meeting adjourn.

Motion Carried



Mayor



Clerk