

Minutes of a Public Meeting to consider a proposed Zoning By-Law Amendment held Monday, July 10, 2000 at 6:10 p.m. in the Council Chambers.

Present: Mayor Wayne Hurst
Deputy Mayor Tony DiBartolomeo
Councillor Robert Pillon
Councillor Gerry Theriault
Councillor Robert Anderson
Councillor Tony Tiefenbach

Also present: Bill King
Lory Bratt

Absent: Lynne Fox

A list of those members of the public in attendance is attached hereto and forms part of these minutes.

Mayor Wayne Hurst opened the meeting and welcomed all those in attendance. He explained the purpose of the meeting was to consider a proposed rezoning for Part of Lot 14, Concession 1 located on the north side of County Road 20 and east of Front Road South. The Mayor then asked the Planning Coordinator to summarize the proposal.

The applicants are requesting a rezoning on 4.62 hectares of land described as Part of Lot 14, Concession 1 located on the north side of County Road 20 and east of Front Road South from "Agricultural (A) Zone and Environmental Protection (EP) Zone" to "Residential Third Density (R3) Zone (defined area) and Environmental Protection (EP) Zone". The applicant is proposing a residential development consisting of 44 semi-detached units.

A scoped Environmental Impact report was prepared making certain recommendations with regard to storm water management and buffer areas. The details of these and other servicing issues will be considered when a submission is made for draft plan approval to the Ministry of Municipal Affairs and a development agreement is negotiated with the municipality. This property was included as part of the sanitary sewer project with respect to the sizing of the trunk line, and therefore, will be fully serviced.

The defined area proposed by the applicant will permit the following:

- (i) a reduction of minimum lot frontage from 8.5 m to 8.3 m (each unit)
- (ii) an increase in minimum front yard depth from 6 m to 9.14 m
- (iii) a reduction in minimum interior sideyard width from 1.5 m to 1.22 m
- (iv) a reduction in minimum exterior sideyard width from 6 m to 4.57 m
- (v) an increase in minimum rear yard depth from 7.5 m to 12.19 m
- (vi) an increase in maximum lot coverage from 35% to 40%
- (vii) the applicant also proposes that attached garages be required.

It should be noted that the standards set out in the R3 zone could be complied with by decreasing the development by one lot on each side of Street A thereby reducing the number of units from 88 to 84.

The permitted uses set out in Residential Second Density (R2) zone also permit semi-detached dwellings, however, the zone requirements are somewhat higher with respect to larger lot areas and minimum frontage requirements as follows:

Lot Area (Minimum)

- | | | |
|---|-----------------------------|--------------------|
| - | semi-detached dwelling | 650 m ² |
| - | semi-detached dwelling unit | 310 m ² |

Lot Frontage (Minimum)

- | | | |
|---|-----------------------------|-------|
| - | semi-detached dwelling | 20 m |
| - | semi-detached dwelling unit | 9.5 m |

Council will recall in the former Amherstburg By-Law the minimum lot frontage in the (R2) zone was 22 m for a semi-detached dwelling and did not provide for freehold units. The new by-law decreased the frontage requirements and provided for freehold units.

The development would have to decrease by 4 lots to comply with the R2 zone standards thereby reducing the number of units from 88 to 80.

The following comments were received from the various agencies circulated:

- (i) Letter dated June 26, 2000 from Eugene Reaume.
- (ii) Letter dated June 28, 2000 from the Essex Region Conservation Authority.
- (iii) Letter dated June 29, 2000 from Community Planners Inc. on behalf of the Greater Essex County District School Board.
- (iv) Letter dated July 10, 2000 from the County of Essex.
- (v) Letter dated July 10, 2000 from Terrance H. Hall.
- (vi) Letter dated July 10, 2000 from Dr. David Coates.
- (vii) Letter dated July 10, 2000 from Sherry Palcit.

Based on consultation with the Essex Region Conservation Authority we concur that an Official Plan Amendment is not required with regard to the Natural Environment Designation located at the easterly edge of the property. However, the buffer area for the wetland at the northeast corner of the property should remain in an Environmental Protection (EP) zone.

Therefore the following options were recommended for Council consideration if Council chooses to approve the amendment:

- (i) Approval of the amendment as requested placing the property in a defined area in the Residential Type 3 zone thereby allowing approval of the application as submitted.
- (ii) Approval of the amendment subject to amending the application to comply with the Residential Type 3 (R3) zone.
- (iii) Approval of the amendment subject to amending the application to comply with the Residential Type 2 zone.

Michael Duben, Solicitor for the applicant then addressed Council noting that Mr. Troup has been involved in development around the County and has recently completed a similar 112 unit development. This type of development is geared to empty nesters and young couples due to the size and price of the homes.

Mr. Duben then referred to examples of the types of homes. The requested zoning will require significantly longer rear yards which creates a further buffer from the Big Creek area. The units will be 1000 sq. ft. to 1200 sq. ft. The applicant is requesting a site specific zone to allow a decrease in frontage, an increase in front yard, reduction in minimum interior sideyard, reduction in minimum exterior yard, increase in minimum rear yard, an increase in maximum lot coverage and the requirement for attached garages.

An Environmental Impact Report was prepared and Mr. Duben noted he has no objection to the report being circulated to anyone who requests a copy.

With regard to specific servicing aspects these details are considered at the time of draft plan approval and the preparation of a development agreement.

Mr. Duben then addressed some of the written comments received by the municipality. With regard to letter from Mr. Reaume he did not feel that reference to complaints re noise of guns is a planning issue. Sanitary sewers and storm drainage will not and can not affect Big Creek watershed. With respect to the use of the land this decision was made at the official plan stage.

The ERCA letter is self-explanatory.

With regard to the letter from Community Planners on behalf of the Greater Essex County District School Board Mr. Duben noted that this development should not have a negative impact on the schools. The developer does not feel it is necessary to require a holding (h) zone and if required they do not object to sidewalks.

Mr. Duben explained the recommended buffer area from the wetland area and the fencing at the rear of the property and the northeasterly side of the property.

Mayor Hurst then requested clarification regarding the improvement of water quality to Big Creek area.

Mr. Troup explained that the proposed storm drainage system will be above grade and provides for a natural filtering process.

Councillor Pillon asked about the proposed green space at the front of the property.

Mr. Troup advised the County has requested a grassed berm at the front of the property. The hedgerow is proposed to remain at the rear of the property.

Mayor Hurst then asked for any questions and/or comments from the public.

Steven Meloche addressed Council advising he has just purchased the property located to the east of the proposed development. His family purchased this property to enjoy the rural area. His plans are to plant trees on his property and raise pheasants. He feels this development will have a negative impact on wildlife in the area and the many acres of marshland surrounding the proposed development. He noted there is already water laying at the northeast corner of the property and felt it would only be worse after the development. He also expressed concern that garbage will build up along the fences. Mr. Meloche indicated he strongly disagreed to the proposed development. He did not feel it would benefit the Town.

Neil Mathieson addressed Council advising he has lived in the area for 35 years. Prior to amalgamation Malden was mainly a rural area. People are there because they want to live in a rural area. In the Fall the property across the street becomes a duck hunters paradise. The property is farmed until September and then pheasant and duck hunting starts.

Mr. Mathieson feared that if you approve this development there will be concerns for children living in the area with respect to hunting and this could lead to a petition for no hunting. Hunting has been an institution in the area. Mr. Mathieson also expressed concern regarding location of the entrances. There is a curve in the road from Ducks on the Roof and at this point the speed increases from 70 km/h to 80 km/h. With a variety store across the street and the potential for children crossing the highway, it was Mr. Mathiesons opinion this was an accident waiting to happen.

Randy Cyr addressed Council advising he has been a duck hunter in the area for 30 years. He owns acreage with his father in the Big Creek area and has spent money on the property for conservation practice.

Mr. Cyr then provided information from the Ministry of Natural Resources regarding the importance of Big Creek wetland. He feared that if neighbours complained about duck hunting the hunters will be deprived of this sport.

Eugene Reaume expressed concern regarding the storm drainage facilities and if there will be proper retention facilities.

Dan Laing stated that he thought after amalgamation there would be better planning in that residential development would be more centrally located. He felt this subdivision would have a detrimental impact on farmers and hunters.

Terry Hall referenced his correspondence dated July 10, 2000 and reviewed his environmental and agricultural concerns relative to the proposed development. He felt that it was unusual to amend the zoning from Agriculture to Residential Type 3. He felt it was contrary to the official plan.

Mayor Hurst then noted the additional correspondence received just prior to the meeting and felt any recommendation by Council should be held in abeyance so that Council can have regard to the additional information.

Michael Duben noted that when the designation of the property was changed to Residential it was done during the official plan process which is a public process. In addition to the public being involved the municipal planner and council participated in the process. The official plan is a blue print for the future planning of the municipality.

Dr. Spellman indicated his support for the whole range of statements made regarding hunting, agriculture, etc. He then referenced official plan policies and sections of the Provincial Policy Statement that, in his opinion, rendered the application in contravention of those documents. He advised that the residents will be forming a citizens committee and they would like an opportunity to review the Environmental Impact Report and other pertinent information. He advised that if the zoning application is approved tonight it will be appealed.

Mr. Duben responded that his client would prefer that the application be deferred rather than turned down at this time. Although the property is near Big Creek the subject property is not part of a Provincially Significant Site.

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The property is currently being used for agricultural purposes and it is not marshlands. Mr. Duben noted that if someone wanted a more intensive agricultural use it could certainly be done on the property, i.e. green house operation, etc. He also noted that when someone purchases a home there are benefits and detriments. Mr. Duben suggested that if required cautionary language could be placed in the offers of purchase and sale with respect to hunting areas.

Mayor Hurst suggested that the subject warrants further discussion and review.

Mary Meloche requested that it be noted for the record that she opposes the development.

Dr. Spellman requested that the matter be deferred.

Mr. Duben suggested that a reasonable time frame be established as Mr. Troup is the purchaser and time lines are involved.

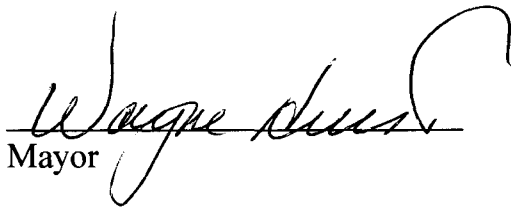
Moved by R. Pillon

Seconded by T. Tiefenbach

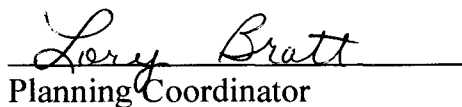
That the application for Zoning By-Law Amendment from Murray Troup (Wintru Development) be deferred for further information.

- carried -

ADJOURNMENT - 7:30 p.m.



Mayor



Planning Coordinator

ATTENDANCE RECORD - PUBLIC MEETING
 JULY 10, 2000 AT 6:00 P.M.
 WINTRU DEVELOPMENT

NAME	ADDRESS
STEVEN MELOCHE	9503 WALKER RD MCGREGOR ONT
LAURA DAMOLIN	1327 HARVEST BEND LASALLE
MARY MELOCHE	9503 WALKER RD MCGREGOR ONT
Leonard Meloché	9503 WALKER RD. Mcgregor
Dan Haing	1267 Front Rd. S Lot 12
RANDY CYR	1265 TANGLEWOOD G LASALLE N9J2K3
Larry Pajot	8920 Canard Drive RR #3 Windsor ONT N9A6Z6
GENE REAUME	1247 Front RDS ABURG N9U-2M5
J. W. SPELLMAN	RR 2- 5873 5 TH Con. (Malden) AMHERSTBURG N9V 2Y8
TERRY HALL	801-421 DALHOUSIE ST AMHERSTBURG ONT N9U3L2
J Murray Thour	1004-100 QUELLETTE AVE WINDSOR, ONT N9A6T3 252-1017
Shirley Miers	79 Rankin Ave. A'burg
BOB SUTHERLAND	96 RANKIN AVE A'BURG.
Neil Matheson	2761 Kings Hwy. A'burg.
M. Duff	2745 Bridgeway, LaSalle. 972500#