

## PUBLIC MEETING

Minutes of a public meeting held Monday, May 5, 2003 at 5:00 p.m. in the Council Chambers to consider a proposed Zoning By-law Amendment.

Present: Mayor Tony DiBartolomeo  
Deputy-Mayor Robert Pillon  
Councillor Mickey Bezaire  
Councillor Rosa White  
Councillor Frank Gorham  
Councillor Anthony Leardi

Also present: Dave Mailloux, Clerk  
Lory Bratt, Planning Coordinator

Absent: Councillor Lynne Fox  
(with prior notice)

A record of those members of the public in attendance is attached as a schedule and forms part of these minutes.

Chairman Mickey Bezaire opened the meeting welcoming all those in attendance stating the purpose was to consider a proposed zoning by-law amendment. He then requested the Planning Coordinator to summarize the application.

### Planning Coordinator

We are in receipt of an application for Zoning By-law Amendment from Crumbles Muffins Inc. for property described as Pt. Lots 34 and 35, Concession 1 located on the east side of County Road 20 between North Sideroad and North Townline. The purpose of the proposed amendment is to rezone 2.83 hectares of land from "Residential Multiple First Density (RM1) Zone" to "Residential Type 1A (R1A) Zone". The proposed R1A Zone permits the full range of uses in the "Residential Type 1A (R1A) Zone". The applicant is proposing to develop seven residential building lots on the site. The lands were the subject of consent applications B/19/02 to B/25/02 inclusive approved by the Amherstburg Committee of Adjustment, however, have been appealed to the Ontario Municipal Board. It should be noted that, among other conditions, a consent (development) agreement is a condition of the consents.

The subject property is designated Low Density Residential in Amherstburg's Official Plan with special policies attached which permits that the property may be developed for medium density residential uses with accessory boat docking facilities and provides for a maximum density of 22 units per hectare under Section 3.3.4(1)(a)(i). The proposed amendment to the Zoning By-law is in conformity to the Official Plan.

The following correspondence was received from the various agencies circulated:

1. Letter dated April 24, 2003 from the Essex Region Conservation Authority.

Copy of memorandum dated April 24, 2003 from Dan Lebedyk, Conservation Biologist re Environmental Impact Assessment (IA) Review.

Revised Scoped Environmental Impact Assessment dated March 19, 2003 prepared by Gerry Waldron.

2. Letter dated May 2, 2003 from the County of Essex – setback and access requirements of the former MTO policies and guidelines will apply. Individual access permits will not be permitted – access must come from an internal road system with a maximum of two entrances. The minimum setback for any structures must be 25 feet from the east limit of the ROW of County Road No. 20 for residential buildings. The Developer must address roadside drainage to the satisfaction of the County. The County requests the opportunity to provide comment on any proposed subdivision agreements with regard to possible roadways, accesses, signage, drainage, illumination, etc. Applications must be filed with the County to obtain the necessary permits for any changes to existing entrances and structures, or the construction of new entrances or structures.

The requirements of the Environmental Impact Assessment will form part of the Consent (Development) Agreement.

Mayor Tony DiBartolomeo asked if the property were to be developed for a use in the Residential Multiple First Density (RM1) Zone, would there be an appeal process available to the public.

No, not for purposes of a site plan agreement.

The Chairman asked how the property was being serviced for sanitary sewage.

He was advised that the lot will be serviced with private septic systems.

Marianna Arpino, Solicitor for the Applicant addressed Council advising that they support Administration's report on this development. She indicated there is a long history on this property which was previously before the Ontario Municipal Board and requested their Planner, Cindy Prince to summarize that information.

Mrs. Prince addressed Council advising that the property was previously redesignated and rezoned in Anderdon's Official Plan and Zoning By-law in the late 80's or early 90's for a residential development (68 units) which was approved by the Ontario Municipal Board. Over the last two years Mr. Sheridan has been working with the Essex Region Conservation Authority on this development which would see the wetlands being conveyed to public ownership. He is requesting that the property be down zoned and concurs with the recommendations of Gerry Waldron in the Environmental Impact Assessment. Mrs. Prince noted that development permits for the previous proposal had been issued but have since expired. She also explained that because there is an appeal on the consents, if the by-law is passed they may have to appeal the by-law so that both items are heard by the Ontario Municipal Board, and if the consents are lost they will retain the RM1 zoning on the property.

On a question from Deputy-Mayor Pillon, Mrs. Prince clarified the location of the Wetlands on the maps provided and confirmed that the lots are outside the Provincially Significant Wetlands.

Mrs. Prince then clarified for Councillor Leardi the reasons that they may have to appeal the proposed by-law. The applicant wishes to create seven lots, however, they do not wish to reduce their development rights should they not be successful at the OMB.

page 3 - May 5, 2003

It was also noted that the seven lots were arrived at in conjunction with the Environmental Assessment Study and the Essex Region Conservation Authority. This is the area that can be developed in this configuration.

Mayor DiBartolomeo asked if they came back with a proposal for the sixty-eight (68) units where would the building sit on the property.

Mrs. Prince advised that the building would be within the RM1 zone.

Marianna Arpino then clarified the land proposed for public conveyance.

Mrs. Prince also noted that their client already has purchased sewage capacity for 68 units.

Tim Byrne advised that ERCA completed their review of the EIS as per the comments received by the municipality and recommends full implementation of the report. ERCA had reviewed the previous development as well for the multiple units and dockage facilities, however, the Crown would not permit a lease for dockage on Crown lands. Mr. Byrne stated that the Conservation Authority has no issue with the current proposal and the references within the EIS will be addressed through the ERCA permit process.

Terry Hall asked if the Environmental Impact Assessment had been circulated.

He was advised that the revised EIS was circulated to the Town April 29, 2003 and no, the EIS was not circulated to everyone who received Notice of the Public Hearing. It is not a requirement of the Planning Act.

Terry Hall asked the location of the Crown Land as referred to by Mr. Byrne.

Mr. Byrne noted the location of the Crown Land on the map, however, stated that he was not representing the Federal Government at this meeting.

Terry Hall asked who the lands would be donated to as referred to earlier.

Marianna Arpino advised it would be conveyed to the Essex Region Conservation Authority.

Terry Hall asked why the property was being rezoned to Residential Type 1A (R1A) Zone.

He was advised to permit single unit dwellings on the lots.

Mayor DiBartolomeo asked Mr. Hall after listening to the discussion tonight, if he would still be appealing the development.

Mr. Hall responded in the affirmative. He noted that he would prefer not to see any development on the site.

Mayor DiBartolomeo expressed his concern with Mr. Hall stating that he felt by example of the Parks/Valente zoning by-law amendment that these types of issues had advanced to the point of being able to be discussed and worked out to everyone's satisfaction.

Dr. John Spellman stated that with respect to his involvement with the Parks/Valente Development that Council should not think that the development is beyond appeal. He then stated that the EIS on the proposal must be looked at. Dr. Spellman suggested a deferral of any consideration of this development. He then referenced the other files that he is involved in that may be appealed.

He expressed other concerns regarding the process and consideration of the Wetland area.

The Planning Coordinator noted that neither the Committee of Adjustment nor Council has ignored the Environmental issues relative to this application, and in accordance with the provisions of the Official Plan, an Environmental Impact Assessment was completed and forms part of the Town's consideration of the subject applications. With respect to availability of the EIS, members of the public can make a request to the Town, ERCA or the applicant if they would like a copy of the report. The Town would be pleased to provide such copies. The Planning Coordinator also stated that a by-law will not be passed tonight. If directed by Council, Administration will prepare a by-law for consideration at the May 12, 2003 meeting.

Dr. Spellman stated he wanted to ensure none of the area proposed for development is within the Wetland.

Chairman Bezaire noted that in accordance with the Environmental Impact Assessment the development is not within the Wetland area.

Dr. Spellman stated that the determination should be made by Ministry of Natural Resources not ERCA.

Mr. Byrne noted that Dr. Spellman is right in that the Wetland mapping is provided by the Ministry of Natural Resources. ERCA then provides comments on the Environmental Impact Assessment based on the information provided by MNR.

Mayor Tony DiBartolomeo suggested that the parties get together prior to the May 12, 2003 meeting to discuss any concern.

Marianna Arpino stated that this process (Planning Applications, EIS, etc.) was started eight months ago and based on the findings of the EIS they are satisfied that the proposed lots are not within the Provincially Significant Wetlands. Ms. Arpino advised that a letter was dictated to Mr. Hall under today's date which includes a copy of the EIS. She stated that they are prepared to take this development to the Ontario Municipal Board level. She noted that one of Mr. Hall's comments is that he does not wish to see any development at the site, however, if there is any hope of settling the issues her client is prepared to meet.

Chairman Bezaire noted that it should be recognized that such a meeting is outside the required process.

page 5 - May 5, 2003

Moved by R. Pillon  
Seconded by F. Gorham

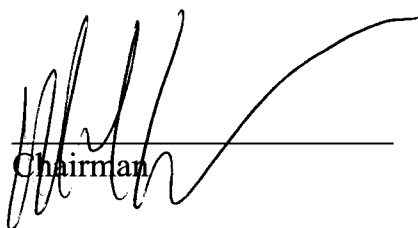
That Administration be authorized to prepare a Zoning By-law Amendment to change the zoning on Part of Lots 34 and 35, Concession 1 from "Residential Multiple First Density (RM1) Zone" to "Residential Type 1A (R1A) Zone", and further, the requirements of the Environmental Impact Assessment will form part of the Consent Agreement.

- carried -

Moved by F. Gorham  
Seconded by R. Pillon

That there being no further business this meeting adjourn at 5:50 p.m.

- carried -

  
Chairman

\_\_\_\_\_  
Planning Coordinator