

PUBLIC MEETING

Minutes of a Public Meeting held Wednesday, August 29, 2007 at 7:00 p.m. at the Verdi Club, 689 Texas Road for consideration of proposed modifications to the Official Plan and proposed Zoning Bylaw Amendment.

Present: Mayor Wayne Hurst
Deputy Mayor Bob Bailey
Councillor Rick Fryer
Councillor Robert Pillon
Councillor John Sutton
Councillor Rosa White

Absent: Councillor Paul Renaud (with prior notice)

Also Present: Frank Pizzuto, CAO
Pam Malott, Clerk
George Balango, Manager, Development Services
Lory Bratt, Planning Coordinator
Gwen Greenaway, Planning Clerk
Lou Zarlenga, Public Works Manager
Ivan Fregonese, Budget Supervisor

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

DISCLOSURE OF INTEREST

Councillor R. Fryer indicated a disclosure of interest regarding the proposed Texas Road Official Plan modification and will refrain from discussion and/or voting on this matter.

Mayor Hurst opened the meeting welcoming all those in attendance and also introduced staff in attendance. He stated the purpose of the meeting was to hear public comments on proposed modifications to the recently adopted Official Plan and a proposed amendment to the Town of Amherstburg Zoning Bylaw 1999-52, as amended. Mayor Hurst indicated that Council will be listening to the presentations and the public will be given opportunity to express their questions and comments. The meeting will be recorded electronically to ensure that the minutes taken are accurate. Mayor Hurst then requested George Balango, Manager of Development Services to summarize the proposed changes.

George Balango

Mr. Balango addressed Council and the public advising that Council recently adopted a new Official Plan on September 11, 2006 which is currently before the County for review and approval. The County has also received comments from other agencies and Ministries. The Town is in receipt of four (4) requests for modifications to the plan and a proposed zoning bylaw amendment associated with Boblo Island.

- (i) South of Texas Road, north of the Open Space designation extending easterly from the Commercial designation to 2nd Concession North to change the designation from Light Industrial to Medium Density Residential. The proponent owns a portion of these lands and is in attendance tonight to present their proposal.
- (ii) At the northwest corner of Victoria Street and Fort Street, described legally as Part of Lot 17, Registered Plan 240 and having a frontage of approximately 105 metres (345 feet) along Victoria Street South and a land area of .503 hectares (1.242 acres) to change the designation from Low Density Residential to Neighbourhood Commercial. The property is currently in a Special Provision Commercial Neighbourhood Zone which permits Commercial Neighbourhood uses within the existing building. There was previously a grocery store on the site for a number of years and there are

currently various uses in the building. The proponent is in attendance tonight to speak to their request.

- (iii) Boblo Island (Bois Blanc Island) having a land area of approximately 101.18 hectares (250 acres) – for those lands identified as Special Policy Area 6 in the Town's newly adopted Official Plan to amend the policy in Section 4.7.3(i)(a) to (1) permit that development within 150 metres of the eastern shoreline of the island shall be limited in height to 6 storeys (The adopted plan allows 5 storeys), and (2) to allow that multi-family development elsewhere on the island shall permit a variation in building height limited to ten (10) storeys. To amend the last sentence in Section 4.7.3 to state that lands identified as Recreational Development Special Policy may also be subject to an Environmental Impact Assessment in accordance with Section 6.9 as determined by Council in consultation with ERCA. The Town is also being requested to consider a proposed zoning bylaw amendment which changes the zoning on Boblo by eliminating the Environmental Protection (EP) Zone introduced around the outer edge of the island with the exception of the southeast part of the Island to conform to the Official Plan policies, to provide for the northerly expansion of the existing marina, to provide for maximum height provisions in accordance with Official Plan modifications and to further define Commercial Recreational Establishment as it relates to Boblo Island.
- (iv) For those lands identified as Special Policy Area 2 in the Town's newly adopted Official Plan (Southeast quadrant of Special Policy Area 2) to amend the policy in Section 3.3.4(2) to allow consideration of a solar energy project on this site subject to applicable studies and also a geo-technical report prepared by qualified experts to the satisfaction of the Town as to site stability.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated August 9, 2007 from Loris Collavino supporting the proposed amendment to Special Policy Area 2, however, questioning the requirement for a geo-technical report.
- (ii) Letter dated August 9, 2007 from Anthony Leardi on behalf of a number of residents on Texas Road opposing the proposed modification for those lands south of Texas Road.
- (iii) E-mail dated August 23, 2007 from E. G. Clough, Superintendent for the Essex Terminal Railway Co. opposing the proposed modification for the properties south of Texas Road.
- (iv) Submission dated August 20, 2007 from Richard McGrath, Solicitor for 1690031 Ontario Ltd. and 1128648 Ontario Limited owners of a portion of the lands south of Texas Road proposed for redesignation.
- (v) Letter dated August 24, 2007 from Brian Chillman, McTague Law Firm, Solicitor for Honeywell ASCa Incorporated opposing the proposed modification for those lands south of Texas Road.
- (vi) Letter dated August 23, 2007 from Aaron Atcheson, Miller Thomson, Solicitor for PricewaterhouseCoopers Inc. (General Chemical properties) expressing their concerns regarding the proposed modification for those lands south of Texas Road.

The Mayor then called upon the proponents for the proposed modifications south of Texas Road to present their submission.

Richard McGrath, Solicitor for 1690031 Ontario Ltd and 1128648 Ontario Limited owners of Pt. Lot 9, Concession 1, designated as Part 1, Plan 12R-21260 addressed Council referring to his submission dated August 20, 2007 and titled "Planning Basis for a Site Specific Proposal to amend the comprehensive Official Plan" and presenting a power point presentation on this proposal. He reviewed (a) the premise for the proposed development, (b) the practical problems inherent in the subject property, i.e. conflicts between the property's existing zoned and designated uses, Official Plan land use boundary, Priority of Zoning Bylaw, alternative deemed Official Plan Boundary Line, Industrial traffic generation, previous residential development on Texas Road, Lack of road access for any Light Industrial lands south of Texas Road, (c) Conversion permitted

by Provincial Policy Statement 2005, (d) Buffering and Compatibility Requirements, (e) the need for proposed Townhouse development, (f) Provincial Policy Statement and Official Plan Policies, Goals and Objectives, (g) Medium Density Residential Policies for Low Density Designations, (h) Ontario Smart Growth, (i) Compliance with Official Plan Amendment Procedures and (j) Conclusion.

The Mayor then asked if there were any members of the public with questions and/or comments regarding the Texas Road modification.

Anthony Leardi, Solicitor for property owners of 353 Texas Road, 287 Texas Road, 269 Texas Road, 281 Texas Road and 407 Texas Road addressed Council opposing the proposed redesignation of the subject lands for the following reasons:

- (i) Amherstburg's current inventory contains over 20 years of residential land for development. There is no justification for adding more residential development land to Amherstburg's existing inventory.
- (ii) There has been no evidence to suggest that Amherstburg has a surplus of land zoned for light industrial use. Rather, evidence would strongly suggest a lack of serviced land zoned for light industrial use.
- (iii) The subject land serves to act as a buffer between the land zoned for heavy industrial use to the south (General Chemical and Honeywell) and the land used for residential housing to the north. There will no longer be adequate buffering if the light industrial designation is removed. In fact, if residential development is allowed in the area it will be situated too close to heavy industrial land.
- (iv) If the buffer zone is removed then operations on the heavy industrial land to the south will have to move further south so as to not adversely affect the new residential land to the north. Effectively, the owner of the heavy industrial land will lose some of the use of his own land. Mr. Leardi referenced the conflict of uses when Enviro-Tech existed on Fort Street adjacent to residential land uses.
- (v) The heavy industrial land to the south is serviced by heavy gauge rail, a highway and docking facilities. It is some of the best heavy industrial land in southwestern Ontario. It makes little sense to diminish the value and usefulness of this land.
- (vi) This proposal does not differ in any substantial way from the previous proposal that was already made. The proposal was already considered at two public meetings during the Official Plan process. Furthermore, the proposal was already considered, discussed, and voted on by the Amherstburg Town Council. The proponent is now taking another kick at the can. Procedurally speaking, there is no justification for giving the proponent yet another opportunity to have council consider this proposal as it does not differ in any substantial way from the proposal that was made previously.

For these reasons Mr. Leardi requested that Council reject the request for this proposed modification to the Official Plan.

Brian Chillman, Solicitor for Honeywell ASCa Incorporated addressed Council advising that Kevin Keller, Plant Manager also in attendance opposed the proposed redesignation of the lands south of Texas Road for the following reasons:

- (i) Honeywell has always expressed concern regarding potential land use conflicts. They made a presentation one year ago opposing this proposal. He referenced the public meeting held May 15, 2006, wherein an identical proposal was made other than tonight's proposal includes lot reconfiguration. By the second public meeting held July 31, 2007 the Town had decided to leave the lands in the Light Industrial designation. Mr. Chillman indicated that in his opinion that made good planning sense and today, nothing has changed.
- (ii) Honeywell is a hydrofluoric acid manufacturing plant which is a Heavy Industrial Use. Mr. Chillman stated that changing the designation could pose an unacceptable level of risk to a residential area. There should be adequate buffering and land use policies relative to buffering that keeps slow to evacuate type uses, i.e. residential and schools out of this area. Mr. Chillman referenced examples in Windsor of residential uses adjacent to existing

- industrial uses i.e. warehousing which have proven to be incompatible due to noise, lighting, etc,.. which impacts both uses.
- (iii) Honeywell will not have the ability to expand if this residential use is permitted and they will have to consider if this is the proper location for their industry.
 - (iv) Procedurally it will take land out of an Employment area which must be justified under Provincial Policy.

Mr. Chillman concluded by requesting that this proposal not be granted and left photographs showing the proximity of the existing operation to the subject lands.

Edward Clough, Superintendent of Operations for the Essex Terminal Railway Co. addressed Council advising that it is ETR's experience that residential developments close to railway operations produce conflict between residents and the railway operator. In addition to operating our own railway, we are presently the rail operator for Honeywell. To the north of the Honeywell property there are two tracks on the old Canada Southern property that are outside of the Honeywell fenced property. This trackage is used on a regular basis and creates a safety concern from potential trespassers. Railway lands are frequently used, without authorization, by hunters, snowmobilers, ATV's and walking the dog. Fencing alone does not deter trespassing, education does not deter trespassing, enforcement does not deter trespassing. This proposed housing development will potentially increase the number of trespassers on railway lands, which is dangerous for all those involved.

Alex Shinas, Planner, Essex Region Conservation Authority indicated that if there are any opportunities for a greenway link through this area ERCA would be pleased to work with the proponents and property owners regarding this issue.

Rene Keilbasa advised that he has been a resident of Amherstburg for 30 years and he is concerned at losing the ruralness of the area to residential development. He does not feel there is enough green space. He is a birder and naturalist and in his opinion we should look to the future and retain green space for our children.

There were no further questions and/or comments regarding the modification proposed for south of Texas Road.

The Mayor indicated that the comments and concerns have been documented and will form part of Council consideration of this proposal.

The Mayor then called upon the proponents for the proposed modification for those lands on the corner of Victoria and Fort Street to present their submission.

Jeff Baker, Solicitor for Rene Rota addressed Council regarding the property on the northwest corner of Victoria Street and Fort Street. Mr. Baker stated that this request is of a housekeeping nature. Four years ago the grocery store that existed on the site was closed. The structure was in good condition and was converted to rental spaces. There was a zone change to a special provision Commercial Neighbourhood zone at that time to permit the various uses within the existing building. The building had been used as a grocery store for 45 years. The Official Plan has the property designated Low Density Residential. The proposed change will bring the Official Plan into conformity with what has been physically operating on the site for approximately 50 years. Currently, there is a Sears Store, Physio-therapy office and Montesorri school on the site.

The Mayor then asked if there were any questions and/or comments from those members of the public in attendance.

Tony Tiefenbach expressed opposition to the proposed change which he felt would impact the value of his property due to noise and traffic concerns.

There were no further questions and/or comments regarding the Victoria Street/Fort Street modification.

The Mayor then called upon the proponents for Boblo Island to present their submission regarding the proposed modifications and zoning bylaw amendment for the Island.

Cindy Prince, Planner for Boblo Developments Inc. addressed Council advising that Boblo has a number of requests before Council and agreed with Mr. Balango's outline regarding same.

- (i) She stated that the proposed modifications includes that development within 150 metres of the eastern shoreline of the island shall be limited in height to six storeys and multi-family development elsewhere on the island shall permit a variation in building height limited to ten storeys. The purpose of this request is to keep the building footprint smaller to maintain green space. Water supply is no longer an issue since the watermain has been constructed to the Island.
- (ii) Regarding the requirement for an Environmental Impact Assessment the request is to change the wording from "shall" to "may" as determined by the Council in consultation with ERCA. Ms. Prince advised that the developer has completed significant Environmental Studies for the Island and further studies will not be required for much of the remaining development.
- (iii) The proposed Zoning Bylaw Amendment will remove the Environmental Protection Zone from the perimeter of the Island which is currently underwater. It is not normal practice to zone water. The Developer has restrictive covenants in place which restricts development on water lots and the first 10 feet of shoreline. Private docks have been constructed by homeowners and the Developer is working with ERCA to have the docks removed. The EP Zone permits the development of docks and is misleading to new purchasers.
- (iv) The Zoning Bylaw introduces a new area of Environmental Protection Zone at the southeast portion of the Island to conform to Official Plan policies.
- (v) The Zoning Bylaw Amendment also introduces a housekeeping issue by way of the definition for Commercial Recreational establishment. The proponent has requested that the definition from the former Malden Zoning Bylaw be put back in place.
- (vi) The Zoning Bylaw Amendment will allow the existing marina to be expanded to accommodate 250 boat slips.

Ms. Prince noted that these proposed changes will provide good economic opportunity for Amherstburg and has the support of Town Administration. They respectfully request Council's support regarding the proposed modifications and zoning bylaw amendment.

The Mayor then asked for any questions and/or comments from those members of the public in attendance.

Dan Pearson, resident of Boblo Island expressed opposition to the removal of the Environmental Protection Zone. In his opinion the EP Zone assured regulatory review by ERCA. He was concerned about docks and structures being built along the water. Mr. Pearson provided photographs to Council for their review. He was also opposed to allowing the 6 and 10 storey buildings. Mr. Pearson felt this would tower over his property.

Paul Morneau expressed concern that Boblo development may adversely affect his taxes. He feared that Boblo will be a gated community with no access to the public, however ratepayers will be paying for services. Mr. Morneau does not object to Island development, however, wants to ensure it does not increase his taxes.

Alex Shinas, Planner, Essex Region Conservation Authority indicated that with respect to the proposed expansion to the marina, ERCA has no objection, however the developer will be subject to a permit process. ERCA also supports the EP expansion at the southeast portion of the Island. ERCA does have concerns, however, with removing the remaining EP zone from the perimeter of the Island and is currently assessing the impacts it may have along the shoreline. They will work with the Town and proponent regarding these comments.

Cindy Prince, Planner for Boblo Developments Inc. wanted to clarify that the EP Zone permits boat docks and the developer does not want this type of development.

Dan Pearson feared that the Developer will not regulate this aspect, however, ERCA will.

There were no further questions and/or comments from those members of the public in attendance regarding the proposed modifications or zoning bylaw amendment for Boblo Island.

The Mayor then called upon the proponent for those lands located on the southeast corner of Concession 2 and North Sideroad to discuss the proposed modifications for Solar Energy.

Loris Collavino addressed Council advising that he has been approached by a Corporation who has expressed interest in a solar power farm as an alternative energy source. Mr. Collavino requested Council consideration in adding this to the permitted uses for the southeast quadrant of this area.

The Mayor then asked if there were any questions and/or comments from members of the public in attendance.

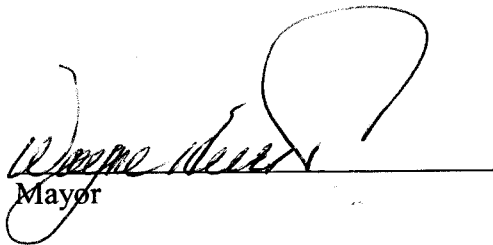
Liz Morneau indicated she lives in close proximity to this area and asked about height, land mass and negative impacts for migratory birds? She referenced wind turbines for this site.

George Balango clarified that this modification is dealing with solar panels and appropriate studies and agreements would be required prior to any development proceeding.

There were no further questions and/or comments from members of the public on this proposed modification regarding solar energy.

Mayor Hurst thanked everyone for their attendance and indicated that this meeting provided Council with the opportunity to listen to comments and questions regarding the proposed Official Plan modifications and Zoning Bylaw amendment. Council will review the summary of issues and make a decision at a future Council meeting. The members of the public who signed the attendance sheet will be notified when Council intends to make a recommendation on these changes.

There being no further business the meeting adjourned at 8:25 p.m.



Mayor



Clerk

PUBLIC MEETING ATTENDANCE RECORD

Date: August 29, 2007, 7:00 p.m.

**PROPOSED OFFICIAL PLAN MODIFICATIONS
& ZONING BY-LAW AMENDMENT**

NAME (please print clearly)	ADDRESS (please print clearly)	SIGNATURE
Paul & Liz Motneau	3834 3RD CON. Rd. N. RR#4 Aburg	Liz Motneau
DAN MURPHY	re DUFFY'S -	D Murphy
ED CLOUGH	1601 Lincoln WINDSOR E.T.R.	E Clough
Jeff Baker	41 Sandwich St. S, Aburg, WV 257	J Baker
E. Francescutti	940 Wallace Ave	E Francescutti
LORIS COLLAUARD	5946 5TH CONC.	Loris
BRIAN CHILLMAN	442 + 455 PELISSIER ST. WINDSOR	Brian
BEN EVOZA	1571 2ND CON. N RR#3	Ben
Gene Melan	727 Front Rd N.	Gene
R. Jekelan	727 Front R. N.	R. Jekelan
R. Kosta	450 DALHOUSIE	R. Kosta
KEVIN KELLER	HONEYWELL	Kevin Keller
WILF FORTONSKY	1404 FRONT RD N.	W. Fortonsky
Cindy Prince	2155 Faser Drive Oldcastle	Cindy Prince
RON GIOFU	238 Dalhouse St.	Ron Giofu
Fabian Copalchi	353 Texas Rd	Fabian
Alektino Salrati	257 TEXAS P. D.	Alektino
ANTHONY LEARDI	601 SANDWICH SOUTH NAV 327	Anthony
Tom Moor	89 Texas Rd. NAV 298	Tom Moor
P. Bower	566 Conc #2 NAV 383	P. Bower
L. Zarlenga	TOWN OF AMHERSTBURG	L. Zarlenga
Tom Zarlenga	3 Victoria St. Aburg	Tom Zarlenga
Carlo Pacitti	754 Conc 2	Carlo Pacitti
OWEN HAMEL	1577 2ND CON. NORTH	O. Hamel
DAYLE HAMEL	1577 2ND CON. NORTH	Dayle Hamel
Giovanni D. Carl		
Chris Di Nardo		
Elias Traige	448 Oak St E-	Elias
W. M. Smith	341 Sandwich Rd	W. M. Smith
Betty Federico	12 Texas Rd Aburg	Betty
JEFF DUCWAY	287 TEXAS RD ABURG	Jeff Ducway
KARL VANIER	407 TEXAS RD	Karl Vanier
IVAN FREBONSE	Recco elemente	Ivan

A Texas Rd.

