



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING

Monday, July 23, 2018
4:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Bart DiPasquale
Councillor Rick Fryer
Councillor Jason Lavigne
Councillor Leo Meloche
Councillor Diane Pouget

Mark Galvin, Acting CAO
Paula Parker, Municipal Clerk
Tammy Fowkes, Deputy Clerk

ABSENT

Councillor Joan Courtney

CALL TO ORDER

The Mayor called the meeting to order at 4:07 p.m.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

3.1 Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision

The Manager of Planning Services provided Council with an overview of the Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision and answered Council questions.

The Mayor invited comments from the public. The following were heard:

- Eric Griggs - 52 Hilton Court - representing 38 households and 58 names of Hilton Court
- Mario D'Angelo - 50 Hilton Court
- Pam Lombardo - 39 Hilton Court
- Gordon Moore - 46 Hilton Court
- Duane Dawson - 28 Hilton Court
- Craig Werstein – 40 Hilton Court
- Marco Conte - 672 Concession 2
- Jon Proctor - 73 Clubview Drive
- Leo Lange - 31 Hilton Court
- Murray Speers – 47 Hilton Court

The Mayor invited comments from the developer. Jeffery Baker, Developer's Solicitor, addressed Council and answered Council questions.

Comments provided by the public are attached as Appendix 'A' and form part of these minutes.

Councillor Fryer moved the motion with an amendment to defer the approval of the proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision until all the concerns of the residents are addressed at another publicly held meeting with the meeting being advertised similar to how this public meeting was advertised.

Resolution # 20180723-238

Moved By Councillor Fryer

Seconded By Deputy Mayor DiPasquale

That:

1. **The report from the Manager of Planning Services dated July 9, 2018 regarding a Proposed Draft Plan of Subdivision and Zoning By-law**

Amendment for Kingsbridge Subdivision File No. 37-T-18003 BE RECEIVED; and,

2. **The approval of the Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision BE DEFERRED until all the concerns of the residents are addressed at another publicly held meeting and further this meeting be advertised similar to how this public meeting was advertised.**

The Mayor put the Motion.

Motion Carried

3.2 Statutory Public Meeting for a Zoning By-law Amendment at 465 Texas Road

The Manager of Planning Services provided Council with an overview of the Zoning By-law Amendment at 465 Texas Road and answered Council questions.

The Mayor invited comments from the public. There were no comments heard.

Resolution # 20180723-239

**Moved By Councillor Fryer
Seconded By Councillor Lavigne**

That:

1. **The report from the Manager of Planning Services dated July 9, 2018, regarding a Statutory Public Meeting for a Zoning By-law Amendment at 465 Texas Road BE RECEIVED; and,**
2. **Pending Council consideration of written and oral comments received at this public meeting, By-law 2018-75 to Amend Zoning By-law 1999-52 BE CONSIDERED at a future Regular Council Meeting.**

The Mayor put the Motion.

Motion Carried

3.3 Statutory Public Meeting for a Zoning By-law Amendment at 6136 Concession 6 N, Part of Lot 2, Concession 5

The Manager of Planning Services provided Council with an overview of the Zoning By-law Amendment at 6136 Concession 6 North and answered Council questions.

Jackie Lassaline, Applicant's Planner, addressed Council.

The Mayor invited comments from the public. The following were heard:

- Suzana and Tom Siimes - 6108 Concession 6 North

Moved by Councillor Fryer
Seconded by Councillor Lavigne

That Council recess at 5:58 p.m. to allow the Clerk to review information coming forward from Suzana and Tom Siimes.

The Mayor put the Motion.

Motion Carried

Moved by Councillor Fryer
Seconded by Councillor Meloche

That Council resume Special session at 6:19 p.m.

The Mayor put the Motion.

Motion Carried

The following were heard:

- Tracey Pillon-Abbs - Planning Consultant for Suzana and Tom Siimes
- Aladdin Khalifa – Applicant
- Nick Soulliere – Applicant’s Solicitor
- Rosina Isabella, Solicitor for Suzana and Tom Siimes
- Ken Blanchette – 6146 Concession 6 North
- Chun Ngan Lariviere - 6091 Concession 6 North
- Craig Drury - 6204 Concession 6 North

Resolution # 20180723-240

Moved By Councillor Meloche
Seconded By Councillor Lavigne

That:

1. **The report from the Manager of Planning Services dated July 9, 2018, regarding the Statutory Public Meeting for a Zoning By-law Amendment at 6136 Concession 6 N, Part of Lot 2, Concession 5 BE RECEIVED.**

The Mayor put the Motion.

Motion Carried

3.4 Statutory Public Meeting for a Zoning By-law Amendment at 7981 Howard Avenue

This item was stricken from the agenda at the request of the applicant.

ADJOURNMENT

Moved By Councillor Lavigne
Seconded By Deputy Mayor DiPasquale

That Council rise and adjourn at 7:32 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



MUNICIPAL CLERK – PAULA PARKER

Statutory Public Meeting – July 23, 2018

Item # 3.1 - Kingsbridge Subdivision Zoning By-law Amendment and Draft Plan Approval

Public Comments

Eric Griggs (52 Hilton Court)

- Eric Griggs was appointed as the spokesperson for the majority of homeowners on Hilton Court
- Mr. Griggs brought a signed petition that many homeowners signed opposing the proposed extension of Hilton Court which represents 30 households and 58 names. He also brought a June 24, 2010 Master Plan to be put into the record.
- Mr. Griggs stated that he and other homeowners on Hilton are not trying to stop development, they are just not in support of the extension of Hilton Court. When the homeowners purchased their houses they were either given the 2007 or the 2010 master plans of Kingsbridge, neither of which show the full extension of Hilton. Mr. Griggs stated that a street meant to support a small neighbourhood will support over 100 homes. He believes that the street is too narrow and the lack of sidewalks could be dangerous. He stated that master plans should only be changed as a last resort, especially because residents only bought the lots and built their homes because of the master plans they were presented with at the time. He stated that residents paid a premium to have their lots on less busy streets. The change in the plans will add 54 homes to the street that is not wide enough to support the traffic associated with the additional homes.
- Mr. Griggs stated that Whelan is a wider road and more appropriate for a large number of houses. The busy street would be a safety concern for children in the neighbourhood. Mr. Griggs states that planning should not just be about maximizing homes and that the developer has a choice to disregard the residents or respect them and design something that makes everyone happy. He stated that he is open to positive and sustainable development.

Mario D'Angelo (50 Hilton Court)

- Mr. D'Angelo stated that he agreed with everything Mr. Griggs stated
- Mr. D'Angelo stated that the developer should run Lavers Street around as a 'U' and that Hilton Court already has two exits and does not need more.

Pam Lombardo (39 Hilton Court)

- Ms. Lombardo stated that she was unaware of the original plan for the area (where the court ends near where it currently ends). She stated she is concerned about the exits from the subdivision as it gets very congested and there should be a plan to exit the subdivision at the 2nd Concession. She stated that she drives through the whole subdivision every day to get in and out of the subdivision. She

questioned the snake protection fences. She stated that there should be an exit through the conservation lands and that the subdivision is badly designed as every house has four cars and there is too much congestion with the cars parked on the street.

Gordon Moore (46 Hilton Court)

- Mr. Moore stated that he moved to Amherstburg 8 years ago and used to live on White Crescent in South Kingsbridge. When he moved to the property on Hilton he was given a master plan from 2010.
- Mr. Moore questioned the possibility of a subdivision exit onto Concession 2 N due to the current and future congestion in the subdivision. He was under the belief that either Brown Crescent or Whelan Road were originally proposed to extend to Concession 2 N, as the 2010 master plan has the words 'future road' near the end of Brown Crescent and Whelan Road. The current plan does not have the words 'future road' on either of the streets. He stated that there is now no opportunity for a road allowance out to Concession 2 N and that there is no opportunity for access to Texas Road. The developers would have to purchase land to put an access through. He states that the developers do not say how traffic is going to be addressed and that the density is going to be too high resulting in congestion. There is a stub road that is dead-ended at White Avenue but there is no opportunity to put the road through to Texas Road. Although traffic studies have been performed, people still have difficulties getting out of the subdivision during rush hour, and an increased number of homes will exacerbate the problem.
- Mr. Moore summarized the size of some of the streets currently coming off Whelan Ave and indicated that many of them are short courts. Mr. Moore stated that Hilton Court was originally supposed to follow the pattern of other streets but was extended in 2007 to where it currently ends and the separate crescent (Wilson) was removed from the plan. At the time of the extension many residents objected to Hilton Court being extended. The developer was told to make arrangements with the residents and Mr. Moore believes that there was accommodation that included compensation between the residents and the developer. At this time, residents agreed to the extension of Hilton Court but were told it would not extend any further. When Mr. Moore purchased his property he was told that the street currently dead ended but could be completed as shown in the 2010 master plan where it would extend a couple houses and attach to Whelan. Mr. Moore is of the opinion that the developer should finish the court as described in 2007/2010 and create another court beside Hilton.

Dwaine Dawson (28 Hilton Court)

- Mr. Dawson stated that he was involved in the 2007 extension and was originally very opposed to the first extension. He stated that he purchased the property because he wanted low traffic and an isolated area for the kids to play. At the time he only agreed to extend Hilton because traffic was to be routed to Whelan.

It was understood at the time that the extension was to be the end of Hilton and that it would not be further extended. He stated that the road is already twice as long as it was originally proposed and should be closed into a court now, especially since it is not as wide as Whelan and it would not be safe for children on the street to have increased traffic.

Craig Werstein (40 Hilton Court)

- Mr. Werstein requested clarification on what is a county decision versus a Council decision. Mark Galvin responded that the County is the approval authority for draft plan and that they asked us to hold the public meeting and that all comments would be passed on to the County, Council would either endorse or deny the application, and the County will take Council's opinion into consideration they would be the final decision makers. Rebecca Belanger stated that the Zoning By-law Amendment was also being considered and the approval of the Zoning By-law Amendment was Council's decision, not the County's.
- Mr. Werstein stated that he expects Council to 'not endorse' the proposed draft plan of subdivision.
- Mr. Galvin clarified that the current meeting was just to gather public comments that would be brought back to Council and Council would either endorse or not endorse the draft plan of subdivision at a subsequent meeting. The meeting is designed to be an open forum.

Marc Conte (672 Concession 2 N)

- Mr. Conte stated that he owns land to the west of the ETR. He stated that a portion of his land was part of the draft plan of subdivision and that he wanted the land removed from the Master Plan.
- Rebecca Belanger stated that Mr. Conte's land was not included in the Zoning By-law Amendment map and that the inclusion of the land in the master plan was a mistake that would be remedied. Ms. Belanger stated that the developer is aware that he does not own Mr. Conte's land that that it will not be rezoned or developed.

Jon Procter (173 Clubview Drive)

- Mr. Procter stated that he believes the subdivision should be designed to minimize traffic. He also stated that he is opposed to the zoning by-law amendment due to the extensive amount of natural habitat in the area. He stated that there are many trees, hawks, osprey and natural habitat in the surrounding area that should not be rezoned for the subdivision.

Leo Lange (31 Hilton Court)

- Mr. Lange stated that he moved to Kingsbridge 4 years ago and has noticed drainage issues. He stated that a number of his neighbours have two sump pumps, one as a backup, and that the outlet flows through the storm system.
- He stated that he walked across the subdivision to Knobb Hill Drive and noted many drainage concerns. He arranged a meeting with the Town's drainage engineer and all of his concerns except one were met. He found that the storm sewer outfalls on Hilton were often fully submerged requiring sump pumps to work too hard. The development will cause heavier inflows into storm systems. Mr. Lange suggested re-investigating the elevation and sizing of outlets on Knobb Hill Drive.

Jeffery Baker (Legal representation of Michael Dunn)

- Mr. Baker stated that there have been different versions of the master plan for the subdivision. The one from 2004 showed 3 courts off Whelan, however the decision was made to extend Hilton to make individual lots larger and to decrease the number of small courts, as small courts make sewage flow more difficult. He stated that all the concept plans since 2007 have been concept plans with no official approval. The 2010 concept master plan showed Hilton as an extended court with Wilson Court located to the east of Hilton. The 2011 master plan showed Hilton Court going to the eastern limit of the property and looping back to Whelan. Mr. Baker stated that in this scenario Hilton could still be considered a 'court' and not considered a through-street. Mr. Baker offered the question of 'how long is too long for a court'? There are no accepted standards. He stated that the road will meet all standards for traffic engineering.
- Mr. Baker questioned the assurances that were given to residents that Hilton would not extend any further. He stated that the developer did not give these assurances to people. All master plans since 2011 have shown Hilton as the extended street and the design of multiple courts have been obsolete since 2011. Mr. Baker stated that anyone who purchased after 2011 was given incorrect information from the sellers. He stated that when the developers applied for permission to develop from the MNR in 2013, the Town sent in the 2011 master plan that showed the extended Hilton Court.
- Mr. Baker stated that the traffic from additional cars will not be an issue since most will not take Hilton to get to their homes and only those who live on Hilton will drive there. He stated that it is likely that residents will use Whelan or other larger streets to get to their house if it is located further down Hilton. He stated that the plan will not create any increase in the traffic on the existing portion of Hilton.
- Mr. Baker stated that there a variety of other streets in the community that are as long as the proposed Hilton. A total of 99 households would front onto Hilton. Mr. Baker stated that 80 households must currently use McCurdy Drive (including captive insets), 83 households use Mediterranean, 89 households use Illinois (including captive insets), 97 households must use Golfview, 98 households and

the Sobeys entrance use Fort Street, 98 houses will use Meadowview to exit the subdivision, Welsh Ave when fully built will have 102 households, McClellan has 190 houses that use the street to exit the subdivision – with some congestion. Mr. Baker stated that when put in context what is being proposed is not an overbuilding of Hilton Court. He also stated that the developer is not opposed to putting sidewalks in on Hilton, however some residents have stated that they are opposed to sidewalks.

- Mr. Baker stated that the Hilton extension would have proceeded in 2013 but for the fact that the Town did not have the sewage capacity at that time. Additionally the revised Endangered Species Act lead to delays and significant changes to the design of the subdivision as the MNR required land to be set aside. Mr. Baker also stated that a street exiting onto Concession 2 N was never part of the plans for the subdivision. Any streets on the master plan that looked as though they could extend to Concession 2 were accommodation made for access to railway lands and were never intended to imply connection to 2nd Concession.
- Mr. Baker stated that the drains will be reconstructed at larger capacities as part of the new development in order to remedy any stormwater management issues.
- Mr. Baker stated that the developer is not willing to make small courts in the subdivision because of economics. Smaller courts have higher costs and fewer lots. The subdivision has changed quite a bit since 2004, the developer lost 240 lots out of the overall Kingsbridge plan due to the MNR required lands and is spending nearly a million dollars on pumping sewage. It is important to the viability of the developer to maximize the number of lots.

Councillor Pouget

- C. Pouget stated that she has no objection to future development but that the Town must make sure that people on Hilton Court are safe and that fire trucks, ambulances, etc. can get down the busy street. The residents built their houses on what they believed was going to be a court. C. Pouget stated that she thinks that the number of houses on other streets is irrelevant and does not factor into the decision to be made about the proposed extension of Hilton Court. She also stated that there should not be parking on both sides of the street. C. Pouget asked about the concept plans that were prepared after 2007 and asked why they were never brought before Council
- Mr. Baker responded that the various concept plans that were prepared after 2007 did not come before Council because they did not require approval at the time. The changes in 2007 were approved by Council that eliminated Wilson Court. The various concept plans were all concepts of what 'might' be done at later stages.
- C. Pouget asked how residents would get plans that weren't approved by Council.
- Mr. Baker stated that Hilton will still be a court as it will loop around and there will be no through connection. He questioned how many households would cause the court to no longer be a court. He stated that the number of households is not what defines it as a court.

Councillor Lavigne

- C. Lavigne stated that the Town should be looking at putting in more houses but not at the expense of those currently living on Hilton. The plan was conceptual until it was brought before Council, and therefore cannot be considered conceptual anymore. Residents build on a court specifically not to have through traffic. The original development agreement was from 2007. Many of the lots on the street are bigger lots which attract a certain market, and the layout of the street is now being changed. He stated that the Town is going to try to satisfy the MNR by purchasing other land.
- C. Lavigne stated a preference to have another public forum so that Council can understand how the residents' concerns have been addressed.
- Rebecca Belanger stated that Council can identify the preference to have another public meeting. She stated that Mr. Dunn has gone through all the required approvals with the MNR and ERCA.
- C. Lavigne stated that the 2010 master plan looks completely different from the proposed development. He questioned why a developer would propose an original plan and then change it. He stated that at one point Hilton Court wrapping back to Whelan was considered the extension. He questioned why the developer would pay for the process to get a survey done if they were not going to use the plan. Mr. Baker stated that the older proposal was the original consideration but plans change after meeting with administration. He stated that this new plan is the culmination of years of planning and meeting with the MNR and the Town engineer. He said he is unsure how people got their hands on the 2010 master plan as the 2011 master plan made the 2010 version obsolete. He also stated that the Town had the 2011 version and was using it for applications on behalf of the developer.
- C. Lavigne stated that individuals got a copy when they bought their homes and that MNR issues are beside the fact. He stated that the residents purchased their lots in good faith assuming that the master plan was set. He also question Todd Hewitt about sewage and courts. Mr. Hewitt stated that the longer a street is the more flow you get to the sewage and the better the system operates.
- C. Lavigne questioned which street gets the most by-law complaints. McClellan gets the most complaints because it is so long. He stated that the town just pushed through a multi-million dollar force main. He also stated that Meadowview was forced to put in a large stormwater pond which made them lose a lot of lots. He stated that McClellan and Whelan are both very long streets and have many traffic issues. He also stated that that the developer has to expect that everyone will drive down Hilton instead of taking other streets to get to their home on Hilton.

Mike Dunn

- Mr. Dunn stated that the Town has worked very hard to keep his development afloat. He stated that they will go back and re-work the land and come back to Council with a plan and come back for another public meeting.

Murray Speers (47 Hilton Court)

- Mr. Speers stated that the extra lots will come in some fashion, whether it is with a long court or two shorter ones. He is concerned that there is only one artery that connects north and south Kingsbridge and people typically walk to Pat Thrasher park.
- He questioned whether there is any plan to widen the road and put in sidewalks or barriers. He stated that Knobb Hill Drive is unsafe and that many additional homes will increase the foot traffic on the street.
- Mr. Dunn stated that he is waiting for the MNR to finalize the plans for that portion of the subdivision so that he knows how to complete Knobb Hill Drive with MNR compliances, and he will put a large sidewalk along it. His intention is to complete the road and sidewalk within the next two years.
- C. Fryer questioned about lights on the road as it is currently too dark. Mr. Dunn stated that there will be lights all the way through to Whelan.
- C. Pouget addressed the concern that Council does not have a final say in a draft plan of subdivision. She stated that the County typically supports a municipality's recommendation and that the County is interested in Council's opinion.

Recommendations:

- Public Works should prepare a drainage report to accompany any new plans that Mr. Dunn presents
- The safety concerns regarding the parking on the street should be addressed
- Deferral of approval until the concerns of residents and Council are met