

Minutes Of An Amherstburg Municipal Council Special Meeting Held On Tuesday February 23, 2010 At 5:30 P.M. in Council Chambers

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor William (Bill) Wark

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Jackie Hubbs, Manager of Development Services

ABSENT WITH NOTICE:

Councillor Rosa White (Vacation)
Lory Bratt, Planning Coordinator

Meeting regarding the Kingsbridge Subdivision (North of McLellan) - Proposed Plan of Subdivision.

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m.

DISCLOSURE OF PECUNIARY INTEREST REPORTS OF MUNICIPAL OFFICERS

There were no disclosures of pecuniary interest.

Report # 1

A report by Lory Bratt regarding the Kingsbridge Subdivision (North of McLellan) - Proposed Plan of Subdivision was presented by Jackie Hubbs, Manager, Development Services.

Councillor Pillon sought clarification of the agreement entered into with respect to the repayment for the paving of Knobb Hill Drive. Mr. Docherty commented on the development agreement entered into with the Town for repayment of the paving of the road.

Councillor Fryer sought clarification if there would be sidewalks within the new phase once developed. Mr. Docherty advised that there is an overall sidewalk plan for the subdivision and that he would need to refer to that plan. The Mayor asked that Administration bring back this information back to Council.

Councillor Pillon asked if a new sidewalk policy has been established since the draft plan approval, would this plan be grandfathered. Jackie Hubbs, Manager, Development Services advised that she would provide this information for Council.

COMMENTS FROM THE PUBLIC

James Katt, 405 McLellan Avenue, Amherstburg advised that three years ago the subdivision flooded his basement and others. It is currently in litigation. Mr. Katt asked if those issues are being addressed. It was noted that the Manager of Public Works would contact Mr. Katt to provide further information.

Councillor Wark asked for clarification as to when the holding provision would be lifted.

The Mayor asked when Mr. Docherty felt that further development would take place.

Deputy Mayor Bailey moved, Councillor Sutton seconded:

That Council receive the comments made at the public meeting in connection with the draft Plan of Kingsbridge Subdivision:

That the report by Lory Bratt dated February 23, 2010 regarding Kingsbridge Subdivision (North of McLellan) Proposed Plan of Subdivision of draft plan approval be received;

That Administration be directed to advise the approval authority (County of Essex) that Council supports (re-instatement of) draft plan approval for the next phase of Kingsbridge Subdivision File #37-T-1 0001;

That in addition to the conditions from the original decision dated June 13, 2006 Council request one further condition to provide for the enclosure of the drain on the east side of the subdivision commencing on the north side of Welsh Avenue to the north limit of Lot 53;

That the holding (h) provision will not be removed until sewage capacity becomes available;

And further that infrastructive construction will not commence until the removal of the holding (h) provision.

The Mayor put the Motion.

Motion Carried

BY-LAWS

Confirmatory By-Law

Councillor Sutton moved, Councillor Pillon seconded:

That By-Law 2010-22 being a By-Law to confirm all resolutions of the Municipal Council Meeting held on February 23, 2010 at 5:30 PM be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried

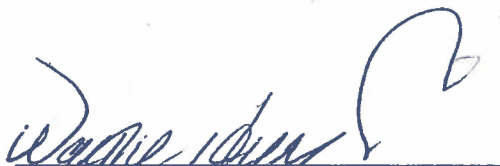
ADJOURNMENT

Councillor Sutton moved, Councillor Fryer seconded:

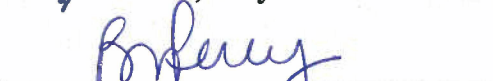
That Council rise and adjourn at 6:02 P.M.

The Mayor put the Motion.

Motion Carried



Wayne Hurst, Mayor



Brenda M. Percy, Clerk



Council Report

Report To: Mayor Wayne Hurst and Members of Council
Date of Meeting: February 23, 2010
Prepared By: Lory Bratt, Planning Coordinator
Submitted By: Jackie Hubbs, Manager of Development Services
Date of Report: February 18, 2010
Subject: **Kingsbridge Subdivision (North of McLellan)
Proposed Plan of Subdivision
Re-instatement of draft plan approval**

RECOMMENDATION:

That the report by Lory Bratt dated February 23, 2010 regarding Kingsbridge Subdivision (North of McLellan) Proposed Plan of Subdivision of draft plan approval be received;

That Administration be directed to advise the approval authority (County of Essex) that Council supports (re-instatement of) draft plan approval for the next phase of Kingsbridge Subdivision File #37-T-10001;

That in addition to the conditions from the original decision dated June 13, 2006 Council request one further condition to provide for the enclosure of the drain on the east side of the subdivision commencing on the north side of Welsh Avenue to the north limit of Lot 53;

That the holding (h) provision will not be removed until sewage capacity becomes available;

And further that infrastructive construction will not commence until the removal of the holding (h) provision.

REPORT:

Application has been made for approval of a draft Plan of Subdivision for 84 lots for single detached dwellings in Kingsbridge Subdivision (County of Essex File No. 37-T-10001). The subject lands are located to the north of McLellan Avenue and west of 2nd Concession Road North, and are described as Concession 1, Part of Lots 12 and 13. The lands are designated for residential development in the Town's Official Plan and have been placed in a holding zone (h-R1) in the Town's implementing Zoning By-law

1999-52, as amended. The County of Essex on January 18, 2010 requested as per Section 51(21) of The Planning Act, RSO 1990, c.P. 13 that a public meeting be held to advise the public that the application for approval of the Plan of Subdivision is being processed. This subdivision received draft plan approval under County File No. 37-T-06002, and one phase of the development (22 lots) received final plan approval. The draft approval for the balance of the lands lapsed on June 13, 2009. The developer has now made application to reinstate draft plan approval on the remaining lands. A copy of the draft plan is attached for Council information.

A subdivision agreement is in place for the subject lands which addresses the provision of roads, installation of services, drainage, the dedication and naming of streets, granting of easements, parkland, phasing and other matters.

A copy of the June 13, 2006 County decision with conditions of draft plan approval is attached for Council information. One further condition is being requested in consultation with the Public Works Manager to provide for the enclosure of the drain on the east side of the subdivision commencing on the north side of Welsh Avenue to the north limit of Lot 53. The developer is in agreement with this recommendation.

COMMUNICATIONS:

- (1) Letter dated February 4, 2010 from Union Gas requesting the necessary easements and/or Agreements required by Union Gas.
- (2) Copy of letter dated February 5, 2010 from Process Planning Associates Inc on behalf of the Greater Essex County District School Board requesting sidewalks in accordance with municipal requirements and notice on title that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.

CONCLUSION:

In accordance with the provision of The Planning Act, RSO 1990, c.P. 13 the County of Essex has requested the Town to hold a public meeting and forward a record of the public meeting and comments to their office. This plan has been the subject of a previous public review, is subject to a subdivision agreement and is in conformity with the Town's Official Plan and Zoning Bylaw.

All respectfully submitted for Council consideration.

Lory Bratt
Lory Bratt, AMCT
Planning Coordinator

LB/jm
enclosures

DETOIT R I

DRAFT OF PART OF CONCESSIONS IN THE TOWN OF VERMADEN • ST. JOHN COUNTY

OWNERS CERTIFY I HEREBY AUTHORIZE

DATE:

1 194

SURVEYOR'S CE I CERTIFY THAT THE DIMENSIONS OF THE TO THE ADJACENT LAND

DATE: DECEMBER 24, 2

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	15.00	21.87	18.83	N49°52'00"W
C2	15.00	4.70	4.88	N78°18'30"W
C3	15.00	14.88	14.11	N41°14'40"W
C4	15.00	2.26	2.28	N49°50'30"W
C5	15.00	21.87	18.83	N49°52'00"W

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON CANADIAN GEODETIC DATUM.

DENSITY 10.6 Lots/Hectares

GORE

LOT

LOT

Part 1
Plan 12R - 14132

Part 5,
Plan 12R-14132

Part 2,
Plan 12R-15429

P.L.N. 01545 - 0944

P.L.N. 01545 - 1107

BROWN CRESCENT
01545-1651

WELSH AVENUE - 549 AVENUE

WELSH AVENUE

WELSH AVENUE

WELSH AVENUE

WELSH AVENUE

ZONED: RESIDENTIAL (R1A)

PETTYPIECE DRIVE

PLAN

PLAN

PLAN

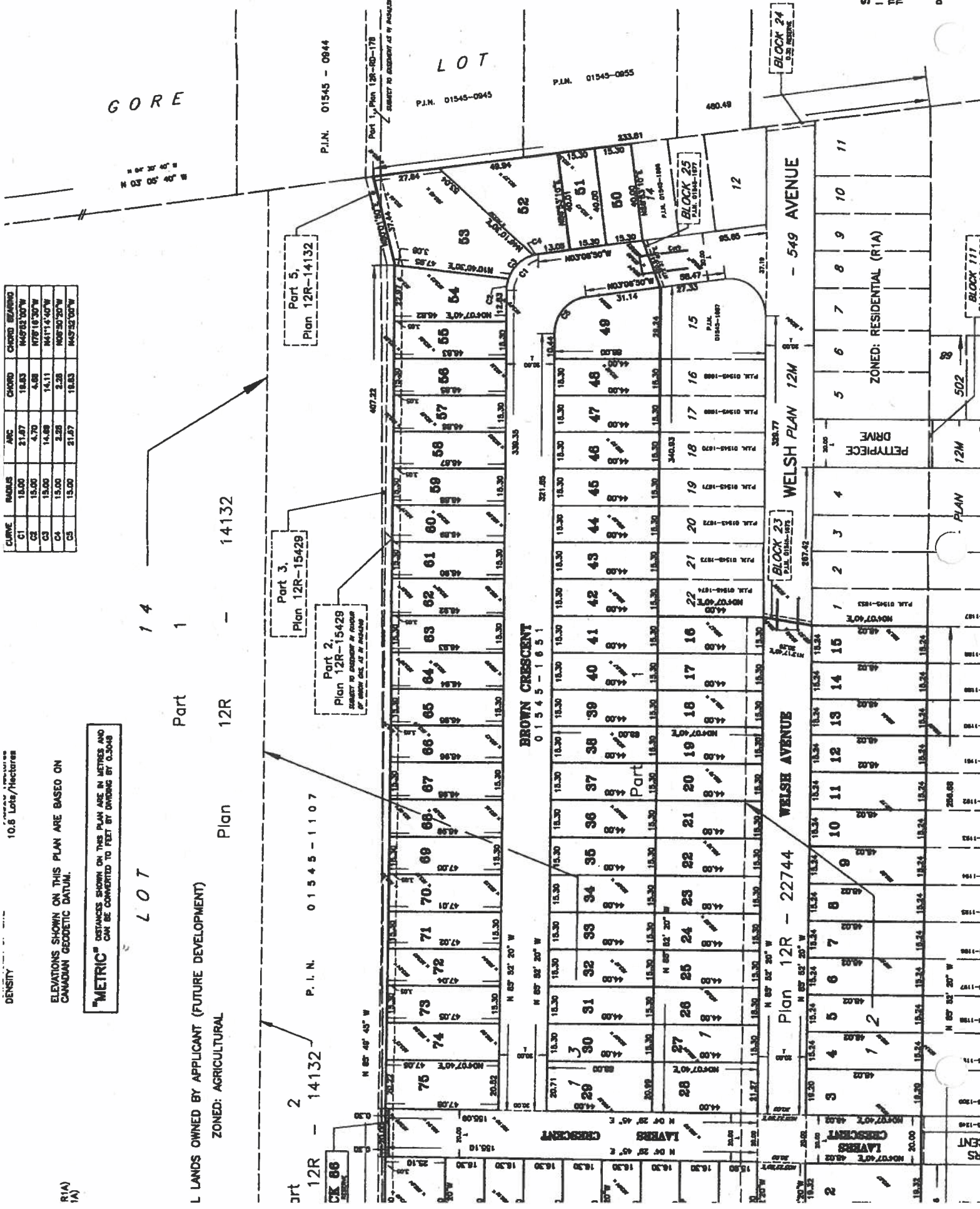
PLAN

PLAN

PLAN

R1A)

L LANDS OWNED BY APPLICANT (FUTURE DEVELOPMENT)
ZONED: AGRICULTURAL



Applicant: 1078217 Ontario Limited
File No.: 37-T-06002
Municipality: Town of Amherstburg
Location: Part of Lots 12 and 13, Concession 1,
Town of Amherstburg (Anderdon)

Date of Decision: June 13, 2006
Date of Notice: June 13, 2006
Last Date of Appeal: July 4, 2006
Lapsing Date: June 13, 2009

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. A copy of the decision is attached.

When and How to File An Appeal

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Essex to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Essex to the Ontario Municipal Board by filing with the County a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of the draft plan of subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Other Related Applications

None.

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Attention: William King, Manager, Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Tel: (519) 776-6441, Ext. 329
Fax: (519) 776-1253

Applicant:	1078217 Ontario Limited	Date of Decision:	June 13, 2006
File No.:	37-T-06002	Date of Notice:	June 13, 2006
Municipality:	Town of Amherstburg	Last Date of Appeal:	July 4, 2006
Location:	Part of Lots 12 and 13, Concession 1, Town of Amherstburg (Anderdon)	Lapsing Date:	June 13, 2009

The County of Essex's conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

No. Conditions

1. That this approval applies to the draft plan subdivision, prepared by Verhaegen, Stubberfield, Hartley, Brewer, Bezaire, Incorporated dated January 31, 2006, certified by Andrew S. Mantha, OLS, which shows a total of one hundred and six (106) lots for single detached residential dwellings, and three (3) blocks for 0.3 metre reserves.
2. That the Owner enters into a subdivision agreement with the Town of Amherstburg wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges, provisions of roads, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997.
4. That the subdivision agreement between the Owner and the Municipality, where required, contain a provision prepared to the satisfaction of the Municipality, regarding the phasing or timing of the development.
5. That the subdivision agreement between the Owner and the Municipality be registered against the lands to which it applies prior to the registration of the plan of subdivision.
6. That the road allowances included in this draft plan shall be shown and dedicated as public highways.
7. All terminating streets will contain a 0.3 metre reserve, to be illustrated on the final plan of subdivision, that will be conveyed to the Municipality
8. That the streets shall be named to the satisfaction of the Town of Amherstburg.

Applicant:	1078217 Ontario Limited	Date of Decision:	June 13, 2006	2
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9. That the Owner convey up to 5% of the land included in the plan to the Municipality for park purposes. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance, or may accept a land dedication that is outside of the proposed draft plan boundary but within the adjacent property held by the Owner and designated for future phases of development.
10. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that this proposed subdivision conforms to the zoning by-law in effect.
11. That the Owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility.
12. That prior to final approval, the Municipality shall confirm that sewage treatment conveyance capacity and water supply capacity is available for all lots in the proposed development.
13. That prior to final approval, the Owner shall submit for the review and approval of the Municipality and the Essex Region Conservation Authority, a final stormwater management plan.
14. That the subdivision agreement between the Owner and the Municipality shall contain a provision requiring the Owner to undertake an engineering analysis to determine the affect of increased runoff due to the development of the site, and to identify stormwater management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
15. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority.
16. That any environmental protection measures recommended in the stormwater management plan required by Condition (13) above, that are not capable of being addressed under the Ontario Water Resources Act, be implemented through the subdivision agreement.
17. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, requiring sidewalks along main roads or a hard surface pad to facilitate bus stops at a location acceptable to the Municipality and the Greater Essex County District School Board.

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File No.:	37-T-06002	Date of Notice:	June 13, 2006	
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18. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Windsor-Essex Catholic District School Board, requiring a provision to notify purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bussed to a distant school with available capacity.
19. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Essex Terminal Railway, requiring the notice on title for purchasers of lots to acknowledge the presence of an operating railway with its attendant noise, vibration and safety concerns.
20. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality, a draft of the final 12M plan.
21. That prior to final approval by the County of Essex, the County is advised in writing by the Town of Amherstburg how Conditions 1 to 14 inclusive, and Conditions 16 to 20 inclusive have been satisfied.
22. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 13, 14, and 15 have been satisfied.
23. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 17 and 18 have been satisfied.
24. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor-Essex Catholic District School Board how Condition 18 has been satisfied.
25. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Terminal Railway how Condition 19 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "37-T-06002".

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File No.:	37-T-06002	Date of Notice:	June 13, 2006	
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2. It is suggest that the owner make themselves aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that s located only in a registry division cannot be registered under the Registry Act unless that title of the owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities which are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) are to be respected.
8. The developer should contact the local Hydro One Networks Inc. Services office to verify if any low voltage distribution lines may be affected by this proposal.
9. Should the owner or the municipality require underground Bell Canada facilities to serve this subdivision, the owner must confirm with the with the municipality that

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satisfactory arrangements have been made with Bell Canada for underground services. The owner is also advised that, should any conflicts with the existing Bell Canada facilities or easements arise, the owner shall be responsible for rearrangements or relocation. Further, the owner is to provide easements as required to service this subdivision.

10. Clearances are required from the following agencies:

Ms. Lory Bratt
Planning Coordinator
Town of Amherstburg
P.O. Box 159
271 Sandwich Street South
Amherstburg, ON N9V 2Z3

Ms. Rebecca Belanger
Essex Region Conservation Authority
360 Fairview Avenue West
Essex, ON N8M 1Y6

Mr. Peter Neice
Community Planners Inc. (for GECDSD)
2109 Ottawa Street,
PO Box 24002
Windsor, ON N8Y 4Y9

Mr. Peter Marchini
Superintendent of Business
Windsor-Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6

Mr. Brian McKeown
Essex Terminal Railway
1601 Lincoln Road
P.O. Box 24025
Windsor, ON N8Y 4Y9

Applicant:	1078217 Ontario Limited	Date of Decision:	June 13, 2006	6
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If the agency condition concerns (a) condition(s) in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.

11. All measurements in subdivision and condominium final plans must be presented in metric units.
12. The approval of the draft plan will lapse on June 13, 2009. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Amherstburg.

**uniongas**

A Spectra Energy Company

LANDS DEPARTMENT

Fax (519) 436-5292

SENT BY FACSIMILE 519-736-9859

February 4, 2010

The Corporation of the Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario N9V 2A5

Attention: Brenda Percy, Clerk

Dear Ms. Percy:

Re: Application for Approval of Plan of Subdivision
Kingsbridge Subdivision
North of McLellan Ave and west of 2nd Concession Road N
Amherstburg
File No. 37-T-10001/37-T-06002

Thank you for your correspondence dated February 3, 2010 with regards to Plan of Subdivision approval for the above noted project.

It is Union Gas Limited's request that as a condition of final approval that the owner/developer provide to union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

Can you please advise if it is possible to automatically include Union Gas requirements for easements in the conditions for final approval of plans for condominiums and subdivisions.

Should you require any further information please contact the undersigned.

Yours truly

Shirley Brundritt
Agent Support Clerk
Lands Department
1-800-265-5230 Ext. 2760
sbrundri@uniongas.com

732 Clearwater Lake Road
Port Sydney, ON P0B 1L0

.....
Process Planning Associates Inc.

05 February, 2010

Mr. William J. King, AMCT, MCIP, RPP
Manager, Planning Services
Corporation of the County of Essex
360 Fairview Avenue West, Suite 302
Essex, ON N8M 1Y6

Dear Sir:

**Re: Plan of Subdivision Draft Approval
Amherstburg TN File No. 37-T-10001 (Previously 06002)
Applicant: 1078217 Ontario Limited (Kingsbridge Subdivision)
North of McLellan Avenue, East of Knob Hill Drive
84 single detached residential units**

Our firm is writing as agent for the **Greater Essex County District School Board** with respect to this matter.

This development proposal is located within the **Anderdon Public School Attendance District**. This JK to Grade 8 School is currently operating at 104.1% of permanent capacity with no portables on site. The proposal could yield up to 9 elementary and 6 secondary students.

The School Board has determined that projected students can be accommodated within Anderdon School for the 2009-10 school year. The Board undertook a detailed accommodation study and review of Amherstburg Area schools in the spring of 2008 involving local community input and determined to continue to maximize utilization of existing school space without adversely affecting programming. However, it is necessary to advise the municipality that as further residential development occurs in this area the Board may have to make further boundary changes, place further portables and consider additions at the most appropriate site to accommodate all the students that will be generated.

On behalf of the Board we would request the previous conditions applied be revised and included as follows:

- 1. That the subdivision agreement requires sidewalks along all streets in the plan in accordance with municipal requirements.**
 - 2. That a condition be included in the subdivision agreement requiring notice on title for purchasers of lots to be aware that students may not be able to attend the closest neighbourhood**
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February 5, 2010
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school and could be bused to a distant school with available capacity.

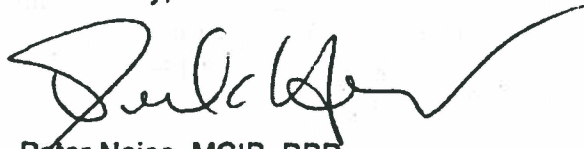
Pursuant to Section 51(37) of the Planning Act we request written notice of any further action or decision on this application.

We would also request that the Notes of Draft Approval, Item 10 Clearances from Agencies be updated to read:

Attention: Mr. Peter Neice
c/o Greater Essex County District School Board
451 Park Street West
P.O. Box 210
Windsor, ON N9A 6K1

Please direct any questions to the writer at 705-385-9514.

Yours truly,



Peter Neice, MCIP, RPP
President
Process Planning Associates Inc.

Copy to: P. Allen, Superintendent of Business
W. Kennedy, Director of Education
T. Lyons, Superintendent for Accommodation Planning
S. Pyke, Superintendent of Education
D. Beck, Principal, Anderdon Public School
M. Edwards, Principal, General Amherst High School

L. Bratt, Planning Coordinator, Town of Amherstburg