

## **PUBLIC MEETING**

Minutes of a public meeting held Monday, February 3, 2003 at 6:20 p.m. in the Council Chambers to consider a proposed Zoning By-law Amendment.

Present:      Mayor Tony DiBartolomeo  
                  Deputy-Mayor Robert Pillon  
                  Councillor F. Gorham  
                  Councillor L. Fox  
                  Councillor A. Leardi  
                  Councillor R. White

Also present:      Hilary Payne, CAO  
                  Dave Mailloux, Clerk  
                  Lory Bratt, Planning Coordinator

Absent:      Councillor M. Bezaire (with prior notice)

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

Mayor DiBartolomeo 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**

### **McBride Road**

We are in receipt of an application for Zoning By-law Amendment from Norbert Bolger and Jason Laframboise for property described as Lots 95 to 119 and 142 to 169, Registered Plan 1103 located west of Concession 3 South and north of Willow Beach Road. The purpose of the proposed amendment is to rezone the subject lands from "Holding Residential Type 1A (R1A[h]) Zone" to "Residential Type 1B (R1B) Zone". The proposed amendment will permit the development of 29 lots for purposes of single detached dwellings upon receipt of all the necessary planning and servicing approvals.

The proposed amendment to Zoning By-law 1999-52, as amended, under Section 36 of the Planning Act will remove the holding provision from the subject lands. The subject property is designated Lakeshore Residential in Amherstburg's Official Plan and the proposed amendments to the Zoning By-law are in conformity to the policies of the Official Plan.

The following correspondence was received from the various agencies circulated:

- (1) Letter dated January 29, 2003 from the Essex Region Conservation Authority.

In reference to ERCA's comments for an Environmental Impact Assessment in consultation with our Planner it is our opinion that an Environmental Impact Assessment is not required by the Official Plan. The lands are designated Lakeshore Residential and are not adjacent to an area designated Wetland or Natural Environment.

- (2) Letter dated January 29, 2003 from George Dragicevic, Agent for Dragan Dragicevic requesting that Lots 120 to 123 and Lots 130 and 131 be included in this application for rezoning.

With regard to the above request we wish to make Council aware of the following: Section 34(17) of the Planning Act states: "Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12) the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court, irrespective of the extent of the change made in the proposed by-law."

Therefore if Council determines it appropriate to consider this request, a resolution will be required stating that Council has determined that "no further public notice is required and that the requested properties are to be added to the application for consideration".

The proposed development is within the sanitary sewage area and services will be extended and the road brought up to full municipal standards as a condition of any consent agreement.

Mayor DiBartolomeo asked if the sewage plant design included these lands.

The Planning Coordinator confirmed that the lands are within the sewage area.

Mayor DiBartolomeo asked how this development differed from the Wintru Development in terms of adjacent Wetlands.

This property is in the heart of a residential area and is not adjacent to a Provincially Significant Wetland or Natural Environment Designation. A registered plan of subdivision would also take precedence over the adjacent wooded natural feature even if deemed significant.

Deputy-Mayor Pillon asked for clarification of the 16 ft. alleys as set out on the registered plan.

He was advised that there is a swale on the north side of Willow Beach Road that is used for drainage purposes. Servicing drawings for the proposed subdivision have not yet been received and therefore we are not aware that the alleys will be used for the location of any services.

Norbert Bolger advised that they were proposing to hook into the services on Willow Beach Road. At this point it was his opinion the alleys would not be used for service installation.

Deputy-Mayor Pillon asked if there will be a cul-de-sac.

He was advised the road commences at Willow Beach Road and ends at McLeod with no cul-de-sac proposed.

Deputy-Mayor Pillon asked how notification was carried out.

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He was advised that the Notice of Public Hearing was published in the local paper and circulated to all property owners within 400 ft. in accordance with the latest assessment roll information. If the Town does not have correct mailing information please contact the Town so that it can be updated and corrected.

At the Deputy-Mayor's request the Planning Coordinator clarified the request received from George Dragicevic to include additional properties in this application.

Councillor Leardi asked how the three conditions set out in ERCA's letter dated January 29, 2003 regarding stormwater management will be addressed.

The Planning Coordinator advised these will be addressed in the provisions of a Consent Agreement.

Susan Dickie expressed concern about the proposed development and in particular opposed the installation of street lights.

She was advised this would be one of the issues addressed as part of a development agreement. With respect to street lights there are a number of options and styles available.

Councillor Fox asked that Administration check on the regulations and safety requirements regarding installation of street lights for consideration at the time an agreement is negotiated.

Jason Laframboise noted the depths of the proposed lots will be 187 ft. which he felt would mitigate the impact of lights to residents on Concession 3.

Mayor DiBartolomeo advised Ms. Dickie that her concerns were noted and will be considered by Council.

Ron Renaud noted that there are many options available with respect to street lights and gave the example of the Heritage type street lights on Gore Street which are a very passive light.

Alan Baldwin asked what are ERCA standards with respect to stormwater and impact on other properties.

He was advised that the development will be subject to appropriate stormwater management measures which requires approval from the Town and ERCA. In addition ERCA will also require minimum elevations.

Norbert Bolger confirmed the development can not detrimentally impact other properties. There must be approved stormwater management.

Mr. Baldwin also asked about the location of an old school house structure on the property.

The Planning Coordinator advised it was up to the applicants to obtain clear title to the lands.

Tony Campigotto asked if the development would be in keeping with the same lot frontages as on the 3rd Concession and Willow Beach Road.

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Mr. Bolger explained that they tried to develop a plan they felt was feasible and in keeping with the lot layout of the area.

Alan Baldwin requested clarification on planning applications that were previously processed on his property.

The Planning Coordinator explained the severance and minor variance requests that were processed on Mr. Baldwin's property.

Mike Colby referenced the cul-de-sac again and also requested clarification on the proposed zoning on the north side of Willow Beach Road.

He was advised that there is no cul-de-sac proposed for this development. The proposed zoning for the north side of Willow Beach Road is also Residential Type 1B (R1B) Zone.

Dr. D. Coates addressed Council referencing his letter dated February 3, 2003 which he distributed to Council. He summarized his correspondence and, in his opinion, stated Council was not considering Big Creek Provincially Significant Wetland. He addressed a number of environmental issues noted in his correspondence and expressed his opposition to the development.

Terry Hall inquired as to the distance of the closest Wetland.

Mr. Hall was advised the subject lands are not adjacent to an area designated Wetland or Natural Environment. The subject lands are designated Lakeshore Residential. This is a pure linking of residential development.

Zoning information was clarified for Alan Baldwin.

Mr. Campigotto asked where construction traffic would be directed during servicing. He expressed safety concerns regarding emergency vehicles and general disruption of the lives of the residents in the area.

Mr. Bolger confirmed that construction traffic can be brought from McLeod to create the least disturbance.

Mr. Campigotto asked if there will be curbing.

He was advised this will be negotiated with the developer at the time of the agreement.

Terry Hall asked how many lots are proposed and if there are any proposed for north of McLeod.

There are 29 lots proposed for this development. The Town currently has no applications for development on the north side of McLeod.

There were no further questions and/or comments from members of the public.

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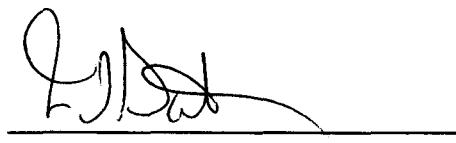
Moved by A. Leardi  
Seconded by R. White

That Administration be authorized to prepare a Zoning By-law Amendment to change the zoning on:

Lots 95 to 123, 130 and 131 and 142 to 167 - Plan 1103 from "Holding Residential Type 1A (R1A[h]) Zone" to "Residential Type 1B (R1B) Zone" and that no further public notice is required for the requested properties that have been added to the application for consideration and further an Environmental Impact Study, if required, is to be addressed as part of the Essex Region Conservation Authority's permit process for those lots on or adjacent to the property being the wooded natural feature.

- carried -

Meeting adjourned - 7:19 p.m.



Mayor

  
Lory Bratt  
Planning Coordinator

## **ATTENDANCE RECORD**

## **PUBLIC MEETING**

M C B R I D E  
ROAD

**DATE:** FEBRUARY 3/03