

PUBLIC MEETING

Minutes of a second public meeting held Monday, May 31, 2004 at 6:00 p.m. in the Council Chambers to consider a proposed Zoning Bylaw Amendment.

Present: Mayor Wayne Hurst
Deputy Mayor Anthony Leardi
Councillor Bob Bailey
Councillor Gord Freeman
Councillor Carl Gibb
Councillor Paul Renaud
Councillor Rosa White

Also Present: Hilary Payne, CAO
Dave Mailloux, Clerk
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
Jean Monteith, Planning Consultant

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

There were no disclosures of interest.

Deputy Mayor Leardi assumed the Chair and opened the meeting welcoming all those in attendance stating the purpose was to consider a proposed Zoning Bylaw Amendment. He explained the process for the meeting and then asked the Planning Coordinator and Planner to summarize the application.

Planning Coordinator

As directed by Council a second public meeting was scheduled to address the questions and concerns raised at the first public meeting regarding the application for Zoning Bylaw Amendment under Section 34 of the Planning Act from Frank and Livia Cerasa.

The subject lands are located on the west side of Howard Avenue (County Road 9) north of Texas Road.

The proposed amendment to the Zoning Bylaw No. 1999-52, under Section 34 of the Planning Act would change the zoning of the lands from the "Agricultural (A) Zone" to a site specific "Recreation (RE-5) Zone" to permit an 18 hole golf course in addition to the existing dwelling on the property. The site specific provisions would require that any buildings or structures associated with the proposed golf course are subject to a minimum setback of 200 metres from the existing Girl Guide Camp to the south and 200 metres from the existing dwelling on the adjacent property to the north.

The Amendment to the Zoning Bylaw is in conformity to the policies of the Official Plan.

As part of this report Council received the following information:

- (1) Report from Frank and Livia Cerasa in response to issues raised at the public meeting on February 9, 2004.
- (2) Memorandum dated April 8, 2004 from Jean Monteith re comments regarding report prepared by Frank and Livia Cerasa.
- (3) Minutes of the public meeting held February 9, 2004.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated May 27, 2004 from the Essex Region Conservation Authority – no objection.
- (ii) Letter dated May 31, 2004 from Terry Hall – objecting to the proposed rezoning.
- (iii) Letter dated May 29, 2004 from Frank Cerasa summarizing the issues to be addressed as part of the site plan agreement with the Town.

Chris Dufour, Agent for the Applicant then addressed Council regarding the proposed rezoning. He referenced Sections 3.7.2, 3.7.3 and 3.2.2 of Amherstburg's Official Plan stating that in their opinion there is no need for an Official Plan Amendment. While recognizing the importance of farming to the community he stated that you cannot stop all development. Mr. Dufour noted that the Town is developing new parks and referenced the 80 acre farm parcel on County Road 18 to be developed.

Mr. Dufour then presented the correspondence dated May 29, 2004:

The Developer has agreed that under a site plan agreement with the Town of Amherstburg to fulfill the following:

- (1) **Drainage**
Provide the Town with a drainage and water retention study by a qualified engineer. The development will be designed to retain any and all water runoff and be directed into the lakes. No wells will be required. The lakes will be excavated to a depth above the existing water table so that there will be no affect on wells or individuals with permits to take water. If the Girl Guide Camp wishes to drain their wooded area, then arrangements can be made with them.
- (2) **Municipal Water**
The developer agrees to pay any and all costs to bring a water line to the development. Abutting landowners will not be charged any cost.
- (3) **Road Improvement**
The developer agrees to make application to the County Roads Department in respect to turning lanes for access and traffic control.
- (4) **Golf Course Layout**
Any holes that are adjacent to neighbouring properties will be designed to flow inward to help keep golfers and golf balls from entering adjacent property.
- (5) **Fencing and Berming**
Appropriate fencing and berming of the course's perimeter will be done to prevent people from going on neighbouring properties.

Mr. Dufour stressed that the proposed development will be oriented to a family atmosphere.

Deputy Mayor Leardi then asked for any question and/or comments from members of the public.

Gary Wellman, Solicitor for Harry and Helen Schmidt (7368 Howard Ave.) addressed Council indicating his clients property is immediately north of the subject site. They are opposed to the development. There is concern about the change in lifestyle if this development occurs. Mr. Wellman did not feel this would be in keeping with the official plan policies. He referred to a letter dated February 6, 2004 together with e-mail from the Ministry of Municipal Affairs and Housing (previously circulated to Council). Mr. Wellman said that the use will be over intensive for the size of the property and includes more than just a golf course i.e. goofy golf etc,.. His clients fear trespassing on their property, privacy issues, noise issues, flying golf balls, lighting, etc,. Mr. Wellman disagrees with the Town Planner that an amendment to the Official Plan is not required. He reviewed the Provincial Policy Statement stating that in his opinion this does not conform to provincial policy. These are prime agricultural lands, there is nothing about this property that makes it suitable for a golf course i.e. no trees, no natural features, flat topography. They are trying to shoehorn this development where it does not fit. It was Mr. Wellman's interpretation of the Provincial Policy Statement that if you are going to use prime agricultural lands you have to look to the natural features of the property. With respect to the need for this type of facility, Mr. Wellman referred to the Golf Dome previously closed in the area and the number of golf courses currently located within the area. He stated that the acreage is too small for the proposed development. Mr. Wellman did not feel the environmental issues have been addressed. His client is concerned about potential drainage problems as a result of the property being elevated. He expressed concern about a letter written to the Town by his client when Mr. Cerasa constructed his home regarding drainage and the subsequent response received from the Chief Building Official. Mr. Wellman indicated that Mr. Cerasa had constructed a gazebo without permission and put a road bed in on the property. He fears this attitude will continue with this development. In summary Mr. Wellman stated the following: 1) the development cannot be constructed to keep golf balls from flying onto adjacent properties 2) the need for an official plan amendment which the Ministry of Municipal Affairs and Housing also questions 3) a more appropriate site could be found 4) there are no amenities or natural features on the site 5) there is a need for both an official plan and zoning bylaw amendment. If Council proceeds with rezoning of this property they will appeal this application to the Ontario Municipal Board. (Mr. Wellman indicated he would fax the letters referred to in his presentation).

Glen Carnahan addressed Council indicating his agreement with Mr. Wellman's presentation. He stated that as a farmer in the community he is not in favour of taking farmland out of production. Mr. Carnahan referenced the Hearn golf course proposal which did not proceed. He asked if the planner had considered the natural habitat that goes along with farming. He said that rezoning for a golf course was just the tip of the iceberg in that he felt that a housing development would follow. Mr. Carnahan feared that the privacy for the Girl Guide Camp would be gone. He felt this rezoning would create further problems for the Town.

Caroline Ngui, Chairperson, Camp Bryerswood, Girl Guides of Canada referenced her earlier correspondence dated February 2, 2004 and reiterated her concerns to Council: - must maintain a safe and secure environment for campers, -no protection on northern boundary from the dangers of flying golf balls, -existing agricultural land gives campers a peaceful and natural environment to enjoy the outdoors, -possible impact on drainage, sensitive ecological areas should be preserved, - object to further loss of farmland and natural areas, - will appeal rezoning if approved. Ms. Ngui indicated the importance of being able to review a site plan for the proposed development.

Julien Papineau, President of the Essex County Federation of Agriculture reiterated their correspondence dated February 4, 2004 in opposition to the proposed development.

Gayle Bogart, Ontario Federation of Agriculture reviewed her letter submitted at the first meeting dated February 9, 2004 supporting the Essex County Federation of Agriculture's position in opposition to the proposed rezoning.

Tim Stratichuk (6660 Texas Road) expressed opposition to the proposed rezoning. He is concerned about the impact of pesticide use, flying golf balls, impact on water table and his irrigation ponds on his farm, drainage impact, the site is not suitable for a golf course and the current maintenance of the property with respect to weeds, erosion, and the removal of trees along the fence line. He felt that the 200 metre setback should apply to his property. (Mr. Stratichuk previously submitted a letter dated February 2, 2004.)

Jean Monteith, Planning Consultant indicated that as the author of the Official Plan it is her opinion that an amendment to the Zoning Bylaw is all that is technically required. With regard to the Provincial Policy Statement it does not state that you have to consider the characteristics of the site. With respect to finding lower capability lands, because Essex County is primarily Class 1 farmland, you would then need to look to natural environment or wetland areas. Ms. Monteith indicated that the 200 metre setback applied to the Girl Guide Camp would also be applicable to any adjacent house.

The Planning Coordinator advised that the correspondence referred to in the various presentations was previously circulated to Council as referenced in the minutes of public meeting dated February 9, 2004.

Deputy Mayor Leardi asked that a complete package of correspondence and reports be available at the counter for council and public perusal.

There being no further questions and/or comments this meeting adjourned at 6:48 p.m.

Chairman


Planning Coordinator

PUBLIC MEETING

Date: May 31, 2004 @ 6:00pm
 Cerasa Golf Course
Attendance Record

| NAME | ADDRESS | SIGNATURE |
|---------------------------|---|-------------------------|
| Chris Dufour | 107 Lowes Side Rd. | |
| Henry Schmidt | 7348 HOWARD | |
| HENRY SCHMIDT | 7368 HOWARD | |
| GARY WELLMAN | 8 LAIRD AVES A'BURG | |
| RUTH WASS | 165 PURPLE Plum Kingsville N9Y3P5 | |
| Caroline Ngui | 9570. Kerby Rd. Windsor | N8RIK2 Caroline A. Ngui |
| Barbara Wells | 1822 Suzanne St. LaSalle ^{N9H1R5} | |
| IRIS COCKEY | 151 Benefean RR3 A'Burg | |
| MARGARET KENTWISTLE | 1254 LAUREL BAY CRT. WINDSOR | |
| RONNIE YACIUK | 132 DIVISION N. KINGSVILLE ^{N9Y1E4} | |
| MARILYN YOUNG | 3051 STILLMEADOW RD. WINDSOR ^{N8R1N2} | |
| CONNIE CARNAHAN | 4010 TEXAS RD A'BURG ^{N9V1A9} | |
| R. GLEN CARNAHAN | 4010 TEXAS RD A'BURG ^{N9V1A9} | |
| RICHARD SINASAC | 6253 6 th CONC RD. N. A'BURG ^{N9V2Y9} | |
| JUDY SINASAC | 6253 6TH CON RD N A'BURG ^{N9V2Y9} | |
| JERRY A. FASAN | 7090 TEXAS ROAD MCGREGOR ^{N0R1J0} | |
| Gayle Bogart | RR#1 Southwold, ON N0L2G0 | |
| TIM & SAMANTHA STRATICHUK | 6660 TEXAS ROAD Rd. MCGREGOR N0R1J0 | |
| KIP STRATICHUK | 4000 ALMA ST AMHERSTBURG N9V2Y9 | |
| JOHN MITCHELL | 7347 HOWARD | |
| MARISA CERASA | 2734 LOMBARDY CRESC | |
| NATHAN CURR | 1821 PROVINCIAL RD. | |
| WHIT TUCKER | 7465 HOWARD RR#1 | |
| AL ROY | 1060 2nd CONC Rd N RR3 | |
| ARNIE CHARLTON | 169 POINTE WEST DR A'BURG ^{N9U3P2} | |
| JANET PARMENTER ECFA | RR#1 WOODSIDE ON N0R2U0 | |
| WAYNE F GREENON | Project H-M-S Nelson | |
| JE BENCISIK | 5829 Stone RD RR#1 Amherstburg | |
| JOAN KLINCK | 820 N. Talbot Rd Windsor ^{N9G1M7} | |
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