

## PUBLIC MEETING

Minutes of a public meeting held Monday, September 18, 2006 at 7:00 p.m. in the Council Chambers to consider three proposed Zoning Bylaw Amendments.

Present: Mayor Wayne Hurst  
Councillor Robert Bailey  
Councillor Carl Gibb  
Councillor Paul Renaud  
Councillor Rosa White

Also Present: Dave Mailloux, Clerk  
Lory Bratt, Planning Coordinator  
Steve Wever, Planning Consultant, Monteith, Brown Planning Consultants

Absent: Deputy Mayor Anthony Leardi (with prior notice)  
Councillor Gord Freeman (with prior notice)

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

### DISCLOSURE OF INTEREST

There were no disclosures of interest.

Mayor Hurst opened the meeting welcoming all those in attendance stating the purpose was to consider three proposed Zoning Bylaw Amendments: 89 and 97 Rankin Street, 230 McCurdy and 6<sup>th</sup> Concession North. He explained the process for the meeting and the requirements under the Planning Act and asked the Planning Coordinator to summarize the applications.

#### Planning Coordinator

##### **(1) 89 and 97 Rankin Street – Richmond Terrace Nursing Home Property**

The Town is in receipt of an application for Zoning Bylaw Amendment to Bylaw 1999-52, as amended under Section 34 of the Planning Act from Peter Macaulay, Solicitor on behalf of 1537840 Ontario Ltd.

The properties affected by the proposed amendment are located at the southwest corner of Sandwich Street South and Rankin Street and are known municipally as 89 Rankin Street and 97 Rankin Street. The portion of these properties subject to the amendment has approximately 90 metres (297 ft.) of frontage on Rankin and an area of approximately 3050 sq. metres (32,830 sq. ft.).

The proposed amendment to the Zoning Bylaw would change the zoning of the subject lands from “Residential Third Density (R3) Zone” to “Special Provision Institutional (I-5) Zone” to allow for the creation of additional surface parking for the Richmond Terrace retirement facility. The applicant proposes to demolish the existing church building to allow expansion of the parking area for the retirement facility.

The proposed amendment to the Zoning Bylaw is in conformity with the policies of the Official Plan.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated August 31, 2006 from the Essex Region Conservation Authority – no objection.
- (ii) Letter dated September 13, 2006 from Jeffrey Baker, Solicitor for Norma Sutherland explaining his clients concerns. Mrs. Sutherland is concerned in particular about the location of the access directly across from her residence – i.e. vehicles exiting the parking lot in the evening will be shining their headlights directly at her home, an additional driveway closer to Sandwich may create traffic issues, a vehicle would have to go in and out of both driveways in order to bring a car near the entrance and one to park.

The Planning Coordinator advised Council that Mr. Baker's letter was provided to the applicant. They have reviewed the initial proposal and feel that they will not require the additional access. They are proposing to access the new parking lot internally so that they can utilize the existing driveway.

Peter Macaulay and Bill Priest are in attendance this evening to provide further information on the application.

Mr. Macaulay, Solicitor for the applicants addressed Council advising that after reviewing Mrs. Sutherland's concerns his clients are prepared to use the existing access into the facility and construct an internal driveway between the two parking areas. The internal driveway would be located close to Rankin due to the grade of the property as you go southerly. There is an existing retaining wall which will have to be cut back somewhat to achieve the internal driveway in this location.

Mayor Hurst then asked for any questions and/or comments from Council and the public.

Norma Sutherland – 96 Rankin

Mrs. Sutherland indicated that the proposal put forth by the applicant seems to address her concerns.

Ria Smith

Upon question from Ms. Smith the Planning Coordinator clarified the current and proposed zoning of the subject lands.

Mr. Macaulay also referenced an item in Mr. Baker's letter that suggested the proposed zoning bylaw amendment would restrict the property to one entrance. He indicated that his client was not in agreement with this proposal.

Natalie Ayer – 78 Rankin

Ms. Ayer stated she has lived at 78 Rankin for three years. It was her understanding that the current parking was initially for a service entrance only. She indicated that she did not want to look at additional parking and felt it would negatively impact her property value. She stated that MPAC indicated that her assessment may go down on her property. In her opinion Rankin is a residential street and this will create safety issues due to additional traffic. She inquired as to why Richmond and Sandwich Street had not been considered for additional parking for the site.

Mayor Hurst noted that Sandwich Street would be difficult for ingress and egress due to traffic. He stated that when requests are received the Town must consider what is in the best interests of the entire community. Mayor Hurst said that creating additional parking for visitors on site will take cars off of Rankin Street. He stated that consideration of this proposal is not to create financial hardship, however to enhance the nursing home and Rankin Street area.

Ms. Ayer acknowledged that Sandwich may be a problem for ingress/egress, however what about Richmond Street.

Mr. Macaulay explained that the Richmond Street Parking is for employees and service vehicles. There is simply not enough room to accommodate the required parking. He stated that since at least 1985 and perhaps prior to that, the main entrance to the nursing home has been from Rankin Street.

Ria Smith

Ms. Smith felt that the main entrance should be switched to Richmond Street within the Commercial area and the service entrance should be from Rankin.

Councillor Renaud noted that if the service entrance was changed to Rankin, the residents would then be dealing with transport trucks in that area.

Natalie Ayer

Ms. Ayer asked why the proposed zoning included more lands than what was actually being used for the proposed parking area.

Mr. Macaulay explained that the proposed zoning goes to the existing Commercial General Zone at the corner of Rankin and Sandwich. Although there is no intention to expand the parking lot further it provides flexibility if it is required in the future. The standard is 3 parking spaces per bed, which is being provided by this proposal.

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

Mayor Hurst advised that Council will be considering the draft zoning bylaw amendment at the regular Council meeting scheduled for Monday, September 25, 2006 at 7:00 p.m.

**(2) 230 McCurdy Drive**

The Town is in receipt of an application for Zoning Bylaw Amendment to Bylaw 1999-52, as amended under Section 34 of the Planning Act from Jason Laframboise on behalf of 144164 Ontario Limited.

The lands affected by the proposed amendment are located at 230 McCurdy Drive, east of Sandwich Street South and south of Pickering Street. The subject land has approximately 366 metres (120 ft.) of frontage and an area of 1450 square metres (15,600 sq. ft.).

The proposed amendment to the Zoning Bylaw No. 1999-52 would change the zoning of the subject lands from “Commercial Neighbourhood (CN) Zone” to “Commercial General (CG) Zone”. The current CN Zoning of the property permits neighbourhood commercial uses such as a business office, day care, dry cleaner’s distribution station, medical/dental office, personal service shop, professional office, retail store, convenience

store or video rental establishment with a maximum gross floor area of 140 square metres (1,506 sq. ft.) per use. The proposed CG zoning of the property would permit a full range of commercial uses, excluding automotive uses, with no specific restriction on the maximum gross floor area per use. The proposed use of the property is for a restaurant.

The proposed Amendment to the Zoning Bylaw is in conformity with the policies of the Official Plan. The current Town of Amherstburg Official Plan designates this area as “Highway Commercial”. The new Official Plan considered by the Town no longer contains a “Highway Commercial” designation and proposes to designate this area as “General Commercial”.

The following correspondence was received from the various agencies circulated:

- (i) Letter dated August 23, 2006 from the Essex Region Conservation Authority – no objection.

Jason Laframboise is in attendance on behalf of the application.

Mayor Hurst asked if there were any questions and/or comments from members of Council and the public.

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

Mayor Hurst advised that Council will be considering the draft zoning bylaw amendment at the regular Council meeting scheduled for Monday, September 25, 2006 at 7:00 p.m.

### **(3) 6<sup>th</sup> Concession North**

The Town is in receipt of an application for a proposed amendment to Zoning Bylaw 1999-52, as amended under Section 34 and Section 39 of the Planning Act for a Temporary Use from Giancarlo Mardegan, agent on behalf of CDL Investments Inc.

The lands affected by the proposed amendment are located west of 6<sup>th</sup> Concession North and south of North Side Road and are described as Concession 5, Part Lot 9 in the geographic Township of Anderdon now in the Town of Amherstburg. The subject lands have approximately 175 metres (577 ft.) of frontage and an area of 19.2 hectares (47 acres).

The proposed amendment to the Zoning Bylaw No. 1999-52 would change the zoning of the subject lands from “Agricultural (A) Zone” to “Special Provision Agricultural Temporary (TA-35) Zone” to permit the establishment of a temporary wind testing tower with a maximum height of 50 metres, a minimum setback to the northerly, easterly and westerly lot lines equal to the height of the tower, and a minimum setback to the southerly lot line of 3 metres (10 ft.). This temporary use provision for a wind testing facility would expire a maximum of 3 years after the date of passing of the amendment to the Zoning Bylaw, at which time a further application may be made requesting an extension of the temporary provision for up to an additional 3 years. If no extension is requested or granted the tower must be removed upon expiry of the temporary use provision of the Zoning Bylaw.

The proposed amendment to the Zoning Bylaw is in conformity with the policies of the Official Plan.

The following correspondence was received from the various agencies circulated:

- (i) Letters dated September 6 and 13, 2006 from the Essex Region Conservation Authority – property is subject to ERCA Regulations and upon review of the site plan provided, the proposed setback of 988 ft. from the Environmentally Significant Area, the applicant should not be required to undertake an Environmental Impact Assessment in order to obtain approval of this Planning Act application.

The Planning Coordinator advised that there is an environmentally significant area to the north of the subject property. ERCA's initial correspondence indicated that an Environmental Impact Assessment may be required, however, upon review of the site plan, with the proposed setback of 988 ft. and EIA should not be required. However, this will be reviewed upon final submission for construction of the tower.

Giancarlo Mardegan is in attendance on behalf of the application.

Steve Wever, Planning Consultant

Steve Wever explained that although operating under Section 39 of the Planning Act, integrating the Temporary Use into the Zoning Bylaw is a common approach throughout the Province. It makes users of the document aware of the provisions and the expiry date for the temporary use. He explained the time frames and the provisions for Council to consider an extension, if requested.

Giancarlo Mardegan

Mr. Mardegan addressed Council advising that they are proposing the construction of a temporary wind testing facility for purposes of measuring wind. It is solar powered, there is no concrete base and the land is returned to its original state when the tower is removed. The tower is not a generator. There will be one testing tower. The applicant has applied for three years for the temporary use, although normally the testing can be achieved in 1 year. Mr. Mardegan circulated photographs of a wind testing facility.

Mayor Hurst asked if it can be determined in one year if wind generation would be possible on the site.

Mr. Mardegan stated that normally one year would provide enough time to complete due diligence.

Mayor Hurst then asked for any questions and/or comments from members of Council and the public.

Jonathan Buller

Mr. Buller advised that he owns the property immediately to the north. He stated that his home is set back approximately 750 ft. on this land and requested clarification on the location of the subject tower. He also inquired that if after the one year a project were to proceed what process would be followed.

Mr. Mardegan clarified the location of the proposed wind testing tower. He also advised that if after the one year a project were to proceed there is a full public process that would have to be followed.

The Planning Coordinator also advised that a rezoning would be required with any required studies being completed at that time.

Mayor Hurst advised that the proposed Zoning Bylaw Amendment will be considered at the September 25, 2006 regular Council meeting.

Moved by Councillor Gibb

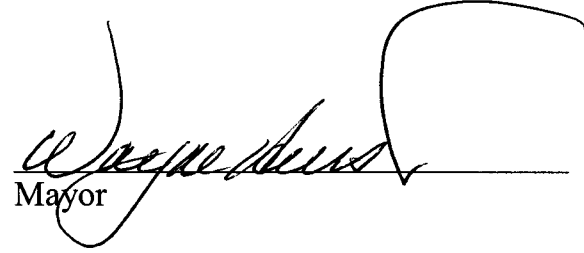
Seconded by Councillor Renaud

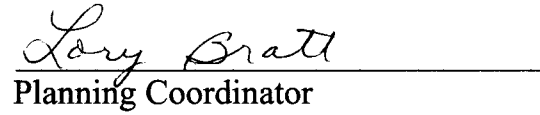
That the proposed zoning bylaw amendments for 89 and 97 Rankin, 230 McCurdy and 6<sup>th</sup> Concession North be placed on the next Council agenda scheduled for September 25, 2006 for Council consideration.

-carried-

ADJOURNMENT

There being no further business the meeting adjourned at 7:40 p.m.

  
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Mayor

  
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Planning Coordinator



