

PUBLIC MEETING

Minutes of a public meeting held Monday, October 23, 2006 at 6:00 p.m. in the Council Chambers to consider two proposed Zoning Bylaw Amendments.

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

Also Present: Frank Pizzuto, CAO
Dave Mailloux, Clerk
Lory Bratt, Planning Coordinator
Stephen Brown, Chief Building Official
Paul Beneteau, Treasurer
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.

DISCLOSURE OF INTEREST

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 two proposed Zoning Bylaw Amendments: Concession 6 South and 7091 Smith Industrial Drive. He explained the process for the meeting and the requirements under the Planning Act and asked the Planning Coordinator and Consultant to summarize the applications.

Planning Coordinator

(1) Concession 6 South

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 Paul Merkur – Gengrowth Renewables Inc. agent on behalf of Robert and Marilyn Paquette.

The lands affected by the proposed amendment are located at the southwest corner of Concession 6 South and South Sideroad and are described as Concession 5, Part Lot 49 in the geographic Township of Malden in the Town of Amherstburg. The subject property is known municipally as 6514 Concession 6 South and has approximately 1063 ft. of frontage on Concession 6 South and an area of approximately 50 acres.

The proposed amendment to the Zoning Bylaw No. 1999-52 would change the zoning of the subject lands noted above from "Agricultural (A) Zone" to "Temporary Special Provision Agricultural (T-A-36) Zone" to permit the establishment of a temporary wind testing tower with a maximum height of 60 metres (197 feet) and subject to a minimum setback equal to the height of the tower to all lot lines and to the dwelling located on the same property, and a minimum setback of 91 metres (300 feet) to any dwelling located on

a separate lot. 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 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 in 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:

- (1) Letter dated October 5, 2006 from the Essex Region Conservation Authority – no objection.
- (2) A verbal communication was also received from Casey Overgaauw, 6490 Concession 6 South (first home on the northwest corner of 6th Concession and South Sideroad) with the following question: Will the tower interfere with satellite reception, satellite internet or regular television aerial? This question was passed on to Paul Merkur who advised that their wind consultant who installs and monitors the wind testing towers said that the tower should not impact the satellite TV or internet of the resident, however, they can ensure that the tower is not installed in the direct line of the satellite dish. If the tower is shown to cause interference problems Mr. Merkur indicated they would work with the owner to deal with the problem i.e. pay for measures to bring service back to original level.

Paul Merker is in attendance on behalf of the application.

Paul Merkur addressed Council advising that the purpose of the tower is to test wind speed. The proposal is to eventually develop a small scale wind generating project. A notice will be placed in local papers notifying the public of the commencement of an Environmental Screening Report for the proposed wind generating facility and upcoming public meetings.

Jean Monteith stated that the bylaw being considered tonight is for a temporary use and a rezoning will be required if a permanent project is developed.

Mayor Hurst inquired as to the time frame for the wind testing facility normally being one year to gather the required data?

Mr. Merkur stated that usually one year to eighteen months was the normal time frame.

Upon questioning from Councillor Renaud, Mr. Merkur confirmed that the tower is for testing not a wind generating facility.

Chairman Leardi then asked for any questions and/or comments from members of the public.

Catherine Botek, 6271 South Side Road

Ms. Botek expressed opposition to a proposed wind generating facility for this area. She expressed possible environmental issues caused from the turbines, noise, etc., and also noted that her residence is in direct line of this tower.

It was again clarified that the bylaw being considered is for a temporary wind testing facility and a rezoning for a permanent facility will be required.

There being no further questions and/or comments from members of the public, Chairman Leardi advised that consideration of this bylaw will take place at the regular Council meeting to commence at 7:00 p.m.

(2) 7091 Smith Industrial 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 John Peris, Agent on behalf of IDOD Ltd.

The property affected by the proposed amendment is located at the easterly end of Smith Industrial Drive extending east to the west side of 8th Concession Road and known municipally as 7091 Smith Industrial Drive. The subject property has approximately 295 ft. of frontage on 8th Concession Road and also has frontage on Smith Industrial Drive. The subject property is approximately 15 acres in area.

The proposed amendment to the Zoning Bylaw 1999-52 would change the zoning of the subject lands noted above from “Light Industrial (LI) Zone” to “Special Provision Light Industrial (LI-7) Zone” to permit the establishment of a transport terminal and vehicle repair shop intended for the parking and repair of trucks and trailers in addition to all other uses permitted in the LI Zone. A minimum setback of 91 metres (300 feet) to the easterly lot line at 8th Concession Road would be required within this area to be maintained as landscaped open space.

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:

- (1) Letter dated October 5, 2006 from the Essex Region Conservation Authority – no objection and request opportunity to review stormwater management issues at the time of Site Plan approval.
- (2) Letter dated October 22, 2006 from Mr. and Mrs. Nevio Barbarossa expressing opposition to the proposed rezoning. (submitted October 23, 2006)

John Peris is in attendance on behalf of the application.

Jean Monteith also noted that the area has been designated for Industrial development in the last two Official Plans.

Chairman Leardi then asked for any questions and/or comments from members of the public.

Councillor Renaud asked if there will be any access from the 8th Concession for the proposed development.

He was advised that access to the site will be from Howard Avenue through Smith Industrial Subdivision.

Councillor Renaud also asked if the homes along 8th Concession existed prior to the Industrial designation.

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He was advised that residences existed prior to the 1999 Official Plan.

Councillor Renaud asked if Smith Industrial Subdivision was at its limit.

He was advised of the status of Smith Industrial Subdivision as well as being informed of the concept plans prepared for the industrial area between Howard Avenue and 8th Concession between North Sideroad and North Townline.

Nevio Barbarossa (8865 and 8885 8th Concession) addressed Council referencing his correspondence dated October 22, 2006. He indicated that they are currently investing a large amount of money into the construction of a new home on the east side of 8th Concession. They do not feel that a transport terminal is in the best interest of the neighbourhood noting the potential for dirt and noise and that it will impact the residences along the 8th Concession.

He also requested information on the history of the zoning of the subject area pre-amalgamation.

The Planning Coordinator will forward this information from the former Anderdon Zoning Bylaw.

Jean Monteith also clarified the area currently designated Industrial in the Official Plan which consists of approximately 800 acres and was set out in the last Official Plan. She also stated that this bylaw provides for a setback of 300 ft from the 8th Concession.

Bernice Holler asked if the trucks would be permitted to access from 8th Concession.

She was advised that access from the 8th Concession would not be permitted.

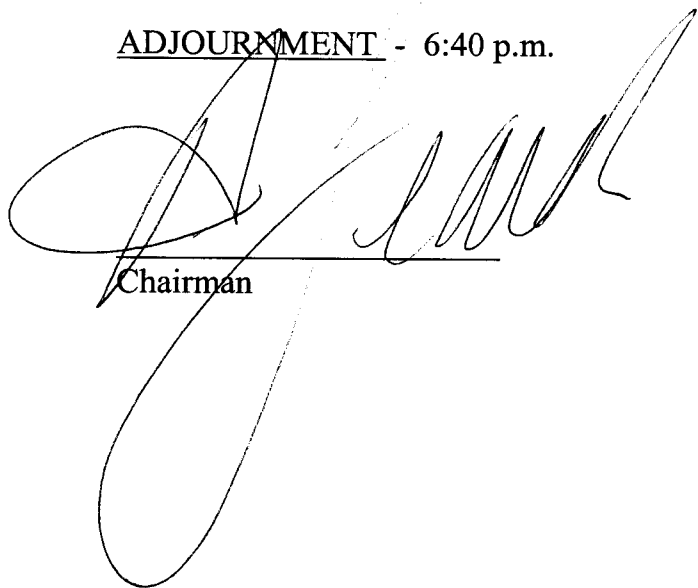
Catherine Botek noted the amount of bus traffic on Howard Avenue and felt that tractor trailer traffic would be detrimental to the area.

Chris Davidson advised that he owns the property to the north of the subject lands and expressed concern with respect to dust control, diesel fumes, hours of operation, etc.,.

Ms. Monteith stated that the site plan control agreement will address issues such as fencing, landscaping, buffering, dust control and screening activity.

There being no further questions and/or comments from members of the public, Chairman Leardi advised that consideration of this bylaw will take place at the regular Council meeting to commence at 7:00 p.m.

ADJOURNMENT - 6:40 p.m.



Chairman



Lory Bratt
Planning Coordinator

