

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, May 17, 2010

The Public Meeting was held Monday, May 17, 2010 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Mike Broomhead
Councillors: Ross Chaulk
Bob Mason
John Matusinec
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Mark Van Patter

Mayor Broomhead called the meeting to order.

Declaration of Pecuniary Interest:

None

Owner: Lardeb Farms Limited

Applicants: Markham Waterloo Mennonite Conference/Ralph Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 1, Concession 14 and is located in the Hamlet of Conn. The parcel subject to this application is currently farmed and consists of approximately 2.8 ha (7 ac).

THE PURPOSE AND EFFECT of the amendment is to rezone the lands to Institutional to permit a parochial school, church, cemetery and related uses. This was the second public meeting under the Planning Act; an earlier meeting was held on March 8, 2010.

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

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1. Notice for this public meeting was sent to required agencies and property owners within 120 m as well as posted on the property on April 26, 2010.
2. Presentations by:

Mark Van Patter, Senior Planner, reviewed his correspondence dated March 4, 2010.

The subject land is located mainly in the Hamlet of Conn and is currently farmed. The proposal is to sever a flag-pole shaped property of about 7 acres in the Hamlet of Conn for the purpose of developing a school, church and cemetery. The severance application file number is B49/10, which has been considered at the County of Wellington Land Division Committee on April 8. This will result in a retained agricultural parcel to the south of 97.4 acres.

Under the Provincial Policy Statement (PPS) development is generally directed to urban areas, including Hamlet areas. The Wellington County Official Plan Section 7.4.1, Hamlet designation, indicates that *“other uses including local commercial, small scale industrial, institutional ... may also be permitted where compatible and where adequate levels of service can be provided”*.

Mr. Van Patter did not have any concerns with the proposed uses and felt that urban areas are where they should be located.

In regard to the hamlet boundary and Official Plan interpretation, one hundred feet of the southern limit of the proposed area to be rezoned is outside of the Hamlet boundary. Section 14.2 of the Official Plan states that: *“To ensure the public interest and to prevent undue hardship, flexibility may be used to allow minor deviations from the text or map”*. The County is satisfied that flexibility is warranted in this situation and that the southern portion of the area should be interpreted to be within the Hamlet. An official plan amendment is not necessary.

Given the size of the property and the small scale of the uses proposed, Mr. Van Patter had no concerns with compatibility in general. The lands to the west are occupied by a ball diamond. To the north, there are four dwellings, which are the most sensitive neighbours. To the south and east, the land is agricultural.

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Mr. Van Patter had suggested the applicant should provide a site plan showing how the site is going to be developed in terms of parking lot, buildings and cemetery locations, setbacks to neighbours and vegetative buffers. He recommended that the cemetery be situated as far as possible from the existing dwellings and wells (i.e. southeast corner of property). Special setback regulations could be included in the amending by-law in this regard.

Mr. Van Patter previously recommended that the zoning amendment not be approved until the Land Division Committee had dealt with the severance application on April 8. Council was informed that Site Plan Control will be applied to the development.

Correspondence dated May 4, 2010 containing additional information was reviewed. Mr. Van Patter stated that there would be no additional impacts regarding Minimum Distance Separation as the three barns on the west side of Wellington Road 14 and to the south are already impacted by the southwestern corner of the Hamlet designation in the Official Plan.

Mr. Van Patter drew Council's attention to a minor revision of the zoning map. There is a small finger of land on the subject property that goes up to Wood Street, just where Maple Street comes in. Initially this area was not shown as part of the subject property. The developer may sell this land to one or two of the abutting neighbours. This finger is now shown on the zoning map, with it to remain as Residential (R1A).

In his previous comments Mr. Van Patter requested that the applicant provide a detailed site plan to aid in understanding how the site is to be developed in terms of parking lot, buildings and cemetery locations, setbacks to neighbours and vegetative buffers. The draft by-law may need to be revised to include setbacks and buffering regulations. Mr. Van Patter recommended that approval of the by-law not be given until this is done.

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3. Review of Correspondence received by the Township:
 - Pasquale Costanzo, Wellington County Engineering Services
 - No objection
 - Cara Holtby, Environmental Planning Coordinator, Saugeen Valley Conservation Authority
 - No objection
 - Raymond and Julia Goetz
 - Concerns
 - Wellington Federation of Agriculture
 - Support for Application
 - Paul Brophy, Jo-Anne Krusky, Donna Brooks
 - Concerns
4. The by-law will not be considered at the Regular Council Meeting following the Public Meetings. Mayor Broomhead asked those wishing to receive further notices regarding this application to make their request in writing.
5. Mayor Broomhead opened the floor for any questions/comments.

The property owner was not present.

The applicants, members of the Markham Waterloo Mennonite Conference, were present to answer questions regarding the proposed use of the property.

Several people were present to express their concerns and voice their objections to this application.

Julia Goetz, 21 Wood Street, Conn, reviewed correspondence submitted by her husband, Raymond Goetz and herself. Concerns included the lack of tax dollars from this development, setback requirements for the four dwellings most adversely affected and the proposed facilities not being available for use by others in the community. Ms. Goetz asked about outdoor lighting for this development and the time frame for construction of the school.

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Paul Brophy reviewed correspondence submitted by Jo-Anne Krusky, Donna Brooks and himself. They are concerned with loss of privacy, peace and quiet, their peaceful view, and also increased noise, traffic and air pollution affecting their quality of life. The future sale of their property will be affected by this development as the view and peace and quiet is a major selling feature. Potential buyers may be spooked about having a cemetery so close by. They questioned how this development would benefit the community of Conn as none of the residents of Conn will be using these facilities. Mr. Brophy stated that this land is currently being farmed and they don't want to see it built on.

Mr. Van Patter commented that the subject lands are within the hamlet area. The proposed use is appropriate for a hamlet area.

Lisa Hern reviewed correspondence from the Wellington Federation of Agriculture supporting the application.

Raymond Goetz, stated that this development would affect him directly. Mr. Goetz suggested that housing would provide more tax dollars.

Mayor Broomhead informed Mr. Goetz that what is built is up to those who apply. Changing the use requires a public meeting to hear concerns and support. John Jeffery, Treasurer, informed the Committee that the church would not be taxed but the private school would be. Mr. Van Patter stated that this is a land use issue and it doesn't matter what type of church is built. Mennonites are part of the community and they have to go somewhere.

Mr. Van Patter had no issues with the proposal. The OMB would not deal with the type of church. The severance application had been deferred because the Land Division Committee wanted the Township's comments. After the severance application goes through the zoning amendment would take place.

Keith Ryckman, owner of a farm south of Conn, expressed concern regarding a barn not included in the MDS mapping. Mr. Van Patter stated that the barn is already impacted by MDS. Mr. Ryckman's barn is already impacted by the hamlet; but, will not be further affected.

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Ralph Martin, applicant representative, provided information regarding the proposed development. Outdoor lighting would be in the parking area. The facilities will not be used in the evening hours. The school would not be built until it is needed; probably four to six years. The Mennonite community pays taxes for school but they do not send their children to public schools. Mr. Martin presented a diagram showing setbacks for the development. The school and church are to be located on the south part of the property. The cemetery would be in the south east corner and surrounded by cedars or pine. A tree buffer would be planted around the property.

Mr. Van Patter indicated that the cemetery would be very small at .61 acres and would probably take 80 years to fill.

Mr. Brophy inquired if there would be a minimum height for the trees and expressed concern about roots invading into septic systems. Mayor Broomhead commented that this could be included in the site plan agreement and that Gary Williamson, Manager of Public Works, would make recommendations. Mr. Williamson suggested the trees could be planted into a mound to prevent invasion of septic systems.

Mr. Ryckman questioned the possible existence of an old cemetery in the east corner of the property. Iain Gunn, R.R. 3 Mount Forest, stated that there are government rules regarding what happens when bones are found.

Mr. Van Patter advised that setbacks will be put in place for those properties most adversely affected. He suggested that the neighbours get together and decide what they would like to see in the site plan in regards to berming and trees or fences.

6. Comments/questions from Council.

Councillor Matusinec stated that the OMB would probably overturn a decision not to amend the zoning, so they need to find a way to make it good for both the church and neighbours. The site plan should be made available to those concerned to make sure all concerns are addressed.

Councillor Yake commented that the site plan seems to be the biggest issue. The applicant seems more than willing to work with everyone.

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Councillor Chaulk stated that they want to avoid an OMB hearing. Most of the concerns can be addressed as the applicant is willing to work with the surrounding property owners. Councillor Chaulk felt that the affect would not be as great as feared.

Councillor Mason commented that if houses were built on this property the neighbours view would be more affected than with what is being proposed. He suggested this was a better fit than housing.

Mayor Broomhead stated that legislation has changed the way municipalities deal with development. Council is in favour of the project. Mayor Broomhead suggested staff assist with preparation of a more detailed site plan. The cemetery needs to be attractive with a proper entrance and berming. Neighbours should be given the opportunity to see the site plan before the development moves ahead. The school and lighting will be addressed in the site plan agreement. The parking area is fairly well laid out but consideration will be given to drainage. This development won't interfere with Mr. Ryckman's farming operation.

Owner/Applicant: ECL General Partner Limited

THE LOCATION OF THE SUBJECT LANDS are described as Part of Lots 32 and 33, Concession 1 and are municipally known as 515, 503 and 437 Main Street North, Mount Forest.

THE PURPOSE AND EFFECT of the amendment is to rezone the entire site to an appropriate commercial zone in order to permit a consolidation of commercial retail uses. The property is currently comprised of three separate parcels which are zoned C4 (shopping centre) and C2 (highway commercial) and the applicants are proposing to redevelop the three parcels as one comprehensive site. The proposal includes a 31,000 sq. ft. expansion to the existing vacant Foodland building for a retail, sporting goods, automotive use and garden centre. The current C4 zoning on this parcel limits the maximum allowable floor area to 22,389 sq. ft. Additionally, two new commercial buildings are also proposed which will total approximately 15,000 sq. ft. in floor area. Relief is also being sought to allow a reduction in the required loading spaces. Additional variances may also be considered once a formal review is completed.

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Please note – Section 34 (12) of the Planning Act.

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7. Notice for this public meeting was sent to required agencies and property owners within 120 m as well as posted on the property on April 26th, 2010.
8. Presentations by:

Mark Van Patter, Senior Planner, reviewed correspondence provided by Linda Redmond, Planner, dated May 12, 2010.

The proposal is for the redevelopment of the former Foodland site and the adjacent properties. The proposal includes a 31,000 sq. ft. expansion to the existing vacant Foodland building for a retail, sporting goods, automotive use and garden centre. The current C4 zoning on this parcel limits the maximum allowable floor area to 22,389 sq. ft. Additionally, two new commercial buildings are also proposed which will total approximately 15,000 sq. ft. in floor area.

The subject lands are all owned by the same organization but are under three separate titles. The lands are proposed to be developed as one comprehensive site which includes the interconnection of parking, services and buildings. As such the adopting by-law should include provisions to restrict the type of development should the parcels be developed independent of one another, or alternatively the properties could merge in title prior to adoption of a by-law.

The three properties have a combined area of approximately 2.93 ha. (7.24 ac.) and has 209 m (686 ft.) of frontage on Main Street, North. The lands are currently occupied by two vacant buildings and the Beer Store.

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The proposal is to rezone the entire site to an appropriate commercial zone in order to permit a consolidation of commercial retail uses. The property is currently comprised of three separate parcels which are zoned C4 (shopping centre) and C2 (highway commercial) and the applicants are proposing to redevelop the three parcels as one comprehensive site. The proposal includes a 31,000 sq. ft. expansion to the existing vacant Foodland building for a retail, sporting goods, automotive use and garden centre. The current C4 zoning on this parcel limits the maximum allowable floor area to 22,389 sq. ft. Additionally, two new commercial buildings are also proposed which will total approximately 15,000 sq. ft. in floor area. Relief is also being sought to allow a reduction in the required loading spaces. Additional variances may also be considered once a formal review is completed.

The property is designated Highway Commercial in the Official Plan. According to Policy 8.6.1 of the County Official Plan the predominant use of land in those areas designated Highway Commercial shall be for commercial uses serving the travelling public or uses not considered compatible within the downtown of the urban centre.

Section 4.6.1 outlines a number of studies that may be required in order to assess the merit of planning applications. These studies may propose ways of reducing or eliminating any negative impacts that may result from the development. Planning impact and traffic impact studies may be of benefit for Councils consideration.

The subject properties are zoned Commercial C4 and C2. The application is to place the three properties into one zone. A draft by-law has not been prepared.

This proposal will be subject to Site Plan Approval.

At this time the subject lands are all owned by the same organization but are under three separate titles. The lands are proposed to be developed as one comprehensive site which includes the interconnection of parking, services and buildings. As such the adopting by-law should include provisions to restrict the type of development should the parcels be developed independent of one another or alternatively the properties could merge in title prior to adoption of a by-law. It should be noted that should the titles remain separate the site will be subject to a number of reciprocal easements in order to address interconnections such as parking and services.

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Christine Yee, Manager, Real Estate Planning with ECL Developments Ltd. stated that the application has to do with the Foodland building. A retailer is interested in the property but wants to expand the building. The property ownership issue has been discussed. Sobey's has acquired ownership of ECL Properties. The proposed retail business is hoping to open in the fall of 2011. There are no plans to develop the rear portion of the properties.

9. Review of Correspondence received by the Township:

Cara Holtby, Environmental Planning Coordinator, Saugeen Conservation Authority

- No objection

10. The by-law will not be considered at the Regular Council Meeting following the Public Meetings. Mayor Broomhead asked those wishing to receive further notices regarding this application to make their request in writing.

11. Mayor Broomhead opened the floor for any questions/comments.

The applicant was present to answer questions regarding the proposed use of the property.

Iain Gunn, McFarlane Drive expressed concerns regarding traffic congestion in the area with the Beer Store, No Frills, A & W and the lights at Sligo Road. Traffic leaving the store is often held up. Mr. Gunn stated that Mount Forest is a really pretty area and anything that is built needs to maintain that. Green Space is needed. He suggested that a street off the back would be very good for transport trucks to unload. Mr. Gunn further questioned the issue of snow removal from the property. Ms. Yee suggested that it could be part of the site plan agreement.

Mayor Broomhead explained that the right of way off of Industrial Drive was owned by the municipality prior to amalgamation to control entrances. The houses on the south west side may require a different type of berming. Property owners may want to have a say in what will be done.

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Annabelle Corley, 470 Main St. N, commented that you have to live there to know what the traffic is like. Traffic coming from the north and south in the turning lane often results in people having to back up to allow someone to turn first.

Campbell Cork, 145 Sligo Road, owns property that abuts onto the subject property. Mr. Cork was concerned with the property being built up and deep berms that would hold up water. Other issues of concern are lighting, garbage containment, people walking through properties to get to the store and location of exhaust from the restaurant. His biggest concern is with what will happen behind the building. Mr. Cork asked if neighbours would be able to view the site plan.

Mayor Broomhead suggested that berming may help deter people from walking through private properties. Lighting and garbage will be addressed. A traffic engineer will look at the traffic concerns. A Storm Water Management Plan will deal with drainage issues. Council may consider using the Township land behind the property as a driveway. Garbage bins will be addressed through the site plan. Neighbouring property owners would be given an opportunity to see the site plan.

Patrick Torpay, owner of A & W, asked about improvements being made to the Beer Store to make buildings look similar. Ms. Yee informed Mr. Torpay that there have been no discussions for such improvements.

Crystal Ferguson, 140 Sligo Road, expressed her concerns with traffic issues, including in parking lots. She likes to walk to the stores and often finds the parking areas to be dangerous. She questioned if there was a way to make it safer.

Dwight Benson, owner of property on Industrial Drive next to the subject lands, commented that progress is good. The plans show a future entrance to Industrial Drive and he is concerned that other property owners should have a right to purchase that land. Using this land as a driveway would increase traffic on Industrial Drive. The three properties should be owned by one owner. Mr. Benson stated that the property has sat idle for a long time. There have been many proposals in the past and he urged Council not to rezone the property unless the development is going to happen and that it be done right.

Lori Heinbuch, CAO/Clerk, stated that the land owned by the Township would have to be declared surplus, appraised and would then be offered for sale.

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Gary Williamson, Manager of Public Works, informed Mr. Benson and Council that the Township retained ownership of the driveway as an access for Wellington North Power for servicing poles and also for development of this property. Industrial Drive was designed to go to Coral Lee Drive; however the drainage cannot be built because Coral Lee Drive is in the Municipality of West Grey.

Mr. Van Patter stated that the zoning amendment can include more than one property. The different titles would require authorization from all owners on the application.

Ms. Yee acknowledged that three ownerships does create problems and that they will try to address this issue. Two properties may be merged.

12. Comments/questions from Council.

Mayor Broomhead noted that issues of parking, traffic, ownership, the driveway owned by the Township, waste management and drainage will be addressed. He is looking forward to this project moving ahead and felt the developer would try their best to satisfy the concerns raised.

Councillor Chauk expressed concerns with traffic. People want parking and easy access. The possibility of a back entrance may help with safety issues.

Councillor Yake acknowledged concerns raised and agreed that these issues need to be addressed and the development needs to be done right.

Councillor Matusinec was in agreement with Councillor Yake.

Councillor Mason commented that it is good to see development happening on this property.

13. Adjournment

C.A.O./CLERK

MAYOR