

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, March 4, 2013

The Public Meeting was held Monday, March 4, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Grech Outdoors Inc.

Location of the Subject Land

The property subject to the proposed amendment has a municipal address of 115 Fergus Street South in Mount Forest. The property is approximately 966.8 sq.m (0.4ac.) in size.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to permit a site specific zoning to allow a gunsmithing repair shop and accessory retail sales. The proposed use is currently located at 153 Main Street South, Mount Forest (Grech Outdoors Inc.) and is relocating to the proposed location to accommodate growth in the business. The use will be located within the existing industrial building.

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

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.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on February 11, 2013.

2. Presentation by:

Linda Redmond, Planner, reviewed her comments dated February 27, 2013.

This zoning by-law amendment would allow for a gunsmith operation including repair, custom assembly, cleaning and warranty service of firearms. Additional limited retail sales of new and used firearms, ammunition, firearm and hunting accessories would be permitted as accessory to the gunsmith operation.

The property is currently zoned Mixed Use (MU1) and is located within an area of mixed residential, commercial and some industrial. The County Official Plan has provisions which recognize legally established uses which do not conform with the policies of an Official Plan but may be recognized as a permitted use in the local Zoning By-law. It further provides direction that a Council may consider zoning the property to allow a similar or more compatible use. In this instance the historical use of the property has been more industrial in nature. The proposed use, although not directly permitted, would meet the intent of the service or repair shop definition, which is permitted within a MU1 area. Staff have no concerns with the proposal.

The property subject to the proposed amendment has a municipal address of 115 Fergus Street South in Mount Forest. The property is approximately 966.8 sq.m (0.4ac.) in size and is occupied by an existing industrial building.

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The purpose of the amendment is to rezone the subject lands to permit a gunsmithing repair shop and accessory retail sales on the subject lands. The proposed use is currently located at 153 Main Street South, Mount Forest (Grech Outdoors Inc.) and is relocating to the proposed location to accommodate growth in the business. The use will be located within the existing industrial building

The subject property is considered to be within the settlement area of Mount Forest. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

Under the Wellington County Official Plan the subject lands are designated RESIDENTIAL TRANSITION (RT). This area is identified as an area to provide an opportunity for non-retail commercial uses as well as other community services. Permitted uses within the RT areas of urban centres include those uses permitted in the RESIDENTIAL designation including a variety of residential housing types and some commercial. The RT designation also allows a wide variety of “non-retail uses and service functions, including ancillary retail uses secondary to the main service function.

Section 8.5.2 of the Official Plan identifies objectives for the RESIDENTIAL TRANSITION areas of urban centres, stating that an effort be undertaken to ensure potential compatibility issues between residential and other land uses are minimized.

Section 13.8.2 of the plan deals with Status Zoning and states “A legally established use which does not conform with the policies of an Official Plan may be recognized as a permitted use in the Zoning By-law in accordance with its current use and performance standards. A Council may also consider zoning the property to allow a similar or more compatible use or to provide for a limited expansion of the current use”. In this regard the property has been used historically for more industrial type uses such as electrical and building contractor’s yards.

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Under the Zoning By-law the subject lands are zoned Mixed Use (MU1). This zone permits a variety of residential and service commercial uses. The applicants are proposing to relocate their existing gunsmith business to this location. The proposal is as follows:

- Primary use, 2000 sq.ft. - repair, custom assembly, cleaning and warranty service of firearms.
- Accessory/ancillary use, 400 sq.ft. - retail sales of new and used firearms, ammunition and firearm and hunting accessories.

Under the MU1 zone the proposed use as described is not directly permitted as described although would fit most closely with the service or repair shop category. The zoning by-law defines a service or repair shop as follows:

Service or Repair Shop, means a building or part thereof for the repair or service of household articles including radio, television and electronic equipment, and small household appliances, and may include small engine repair, but does not include an industrial use or automotive body repair shop or automotive service station.

The draft by-law attached places a site specific exemption on the property to allow the gunsmith operation as well as limited accessory retail sales.

To address neighbours concerns the following has been added to restrict a firing range:

“Subject to all the above uses being located within the building and no outside sales permitted and further that a firing or gun range is not permitted.”

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3. Review of Correspondence received by the Township:
 - Cherielyn Leslie, Environmental Planning Coordinator, SVCA
 - No objection
4. The by-law will be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
5. Mayor Tout opened the floor for any questions/comments.

The Applicants, John Grech and Ellen McGaghey were present to answer any questions.

Ms. McGaghey explained that the gunsmithing side of the business has grown while the retail business has stayed the same. The business opened in August, 2006 at 183 Main Street South and then relocated to 152 Mains Street South in July, 2009 to accommodate growth of the gunsmithing business. The move to 115 Fergus Street South will accommodate further growth of the gunsmithing business. There are not a lot of buildings available for this type of business. There is external security lighting on this building that they intend to use. The Chief Licensing Officer of the Chief Firearms Office has okayed the building. By locating off the Main Street they hope to minimize the curiosity foot traffic and focus on the core gunsmithing business with retail operations remaining the same or being reduced. They do not intend to have a firing range. That would require Chief Firearms Office approval and is usually limited to locations in an industrial area.

6. Comments/questions from Council.

Councillor Yake felt that this was a good fit for the building, which has sat idle for a number of years.

Councillor Burke commented that she had been approached by a couple of residents with concerns; but, those concerns have now been addressed.

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Councillor Lennox stressed that security is probably important to this business as there is not the same travel on this street as there is on Main Street.

Ms. Redmond explained that the applicant can speak to security for the building. The zoning by-law addresses lighting for this type of property.

Adjourn 7:14 p.m.

7:15 p.m. - Owner/Applicant: The Corporation of the Township of Wellington North

DEFERRED FROM DECEMBER 17TH, 2012 AND JANUARY 28TH, 2013.

- Public Meeting Minutes, December 17th, 2012
- Second Public Meeting Minutes, January 28th, 2013

This third public meeting is to consider a zoning amendment for “housekeeping” revisions.

Re: The changes are of a general nature and apply throughout the Township of Wellington North.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to provide for Township initiated “housekeeping” amendments to the Comprehensive Zoning By-law as itemized below:

- i) General typographical and mapping corrections.
- ii) Clarification of text for regulations such as non-complying uses, buffer areas, common amenity area, hobby barns, yard encroachments.
- iii) Amend provisions for accessory uses, including clarifying number, size and location of structures.
- iv) Provide regulations for accessory residential uses in a Highway Commercial zone.
- v) Add new provisions to restrict dog kennels unless a site specific zoning amendment is obtained.
- vi) Add and update definitions,
- vii) Modify parking requirements related to street townhouse uses.

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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.

7. Notice for the original public meeting was sent to the required agencies and published in the Mount Forest Confederate and the Arthur Enterprise on November 21st, 2012 and in the Wellington Advertiser on November 23rd, 2012. Notice for the second public meeting was sent to those requesting notice in writing on January 16th, 2013. Notice for this public meeting was sent to those requesting notice in writing on February 20th, 2013.

8. Presentations by:

Linda Redmond, Planner, reviewed her comments dated February 27, 2013

The following changes have been made to the proposed housekeeping by-law as a result of the public meeting held at the January 28, 2013 Public meeting:

Restricted Uses

The changes proposed regarding the use of shipping containers or trailers for storage purposes has been removed from the amending housekeeping by-law. As per Council direction a comprehensive review is underway to address this issue more broadly and will come back to Council at a later date for discussion. The following sections have been removed:

Section 5 Definitions

“OUTDOOR STORAGE, means the use of land for outdoor storage of equipment, goods or materials in the open air. It does not include storage in transport truck trailers”.

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Section 6.35.2, Restricted Uses

“The locating or storing on any land for any purpose whatsoever any disused railroad car, street car body, truck body, shipping container, or a trailer without wheels, whether or not the same is situated on a foundation;”

9. Review of Correspondence received by the Township:
 - None
10. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
11. Mayor opens floor for any questions/comments.

Phil Green spoke on behalf of Roxanne Caughill, owner of Roxanne's. Mr. Green thanked Council for slowing down their decision regarding storage trailers. However, they have concerns with zoning that does not permit them to place items or displays outside in front of the store. If they were selling items other than antiques or collectables they would be able to place items in the front yard. People come from many areas to shop there. When she placed tables and chairs out for people to sit at and tents for children to play in Darren Jones, CBO, brought a letter telling her to clear the front yard or face a \$27,000. fine. The Fire Prevention Officer shows up weekly with a pink slip to try and close her down. These visits are based on anonymous complaints received about her store. Lots of stores are allowed to have cardboard boxes and also keep accelerants. She has been told she can't have cardboard boxes on site. Ms. Caughill is an ambassador for the area, often telling customers about other shops and events in the area. Ms. Caugill feels she is being harassed and now feels sick everyday with the thought of going to the store. How far do we carry out the clean up part of this? Clean up might stop charity yard sales too.

Mayor Tout explained that the issues Mr. Green spoke to are not part of the issue being dealt with at this meeting.

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12. Comments/questions from Council.

None.

13. Adjournment 7:29 p.m.

C.A.O./CLERK

MAYOR