

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

The Public Meeting was held Monday, September 10, 2012 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:

Deputy Clerk: Cathy More
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: HFI Services Inc.

Location of the Subject Land

The property subject to the proposed amendment has a municipal address of 350 Dublin St. in Mount Forest. The property is approximately 0.53 ha. (1.31 ac.) 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 for the sale of used vehicles, new and used car parts and accessories and some general retail sales of antiques and memorabilia. The existing structure will be retained for a proposed commercial use.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Two

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 the public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 20, 2012.
2. Application for Zoning By-law Amendment
3. Presentation by:

Linda Redmond, Planner, reviewed her comments dated August 15, 2012.

This zoning by-law amendment would allow for the sale of used vehicles as well as some accessory uses such as the sale of auto parts and memorabilia. The property is currently zoned Industrial and is located within a primarily residential area. 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 current industrial zoning would permit a wide variety of uses that may not be compatible with the surrounding residential area. It is staff's opinion that the proposed site specific commercial zoning would be more compatible with the surrounding area. Additionally, with the C3 zoning category, it is possible that other future uses which are more in keeping with the intentions of the Official Plan designation could be accommodated on the subject lands in the future and would not adversely affect the transition to more compatible uses in the future.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Three

The subject land is legally described as Pt Lot 2 Lot 3 Lot 4 Pt Lot; 2 To Pt Lot 4, municipally described as 350 Dublin Street. The land is approximately 0.53 ha. (1.31 ac.) ha in size and is occupied by an existing industrial building.

The purpose of the amendment is to rezone the subject lands to permit the sale of used cars and parts on an industrial zoned property within a residential area of Mount Forest.

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.

The subject lands are designated RESIDENTIAL. Section 8.3.2 of the Wellington County Official Plan identifies objectives for the RESIDENTIAL areas of urban centres, stating that an effort be undertaken to ensure potential compatibility issues between residential and other land uses are minimized.

Permitted uses within the designated RESIDENTIAL areas of urban centres include residential dwellings, including a variety of housing types. Additionally, “non-residential uses such as schools, churches, clinics, local convenience stores, home occupations, neighbourhood parks and other public facilities may be permitted.”

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”.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Four

The objectives of the Official Plan would ultimately encourage the current industrial use to cease in the future in favour of more compatible uses as described above. Section 8.3.3 - Permitted Uses in the Official Plan does not permit automotive sales in the Residential area, however, we recognize that the subject property did contain a use which was permitted in the M1 zone of the Zoning By-law. With both these considerations in mind, future changes to the property should ideally be in keeping with the Official Plan policy direction and not permit development which would hinder the movement to a more compatible use in the future.

Under the Zoning By-law the subject lands are zoned Industrial (M1). The industrial zone permits a variety of industrial uses which would not be compatible with the surrounding residential uses. The draft by-law places the property into a C3 – Neighbourhood Commercial zone and includes a site specific to allow the sale of used vehicles and uses accessory such as the sale of auto parts, antiques and automotive memorabilia.

4. Review of Correspondence received by the Township:
 - Erik Downing, Environmental Planning Technician
 - No objection
 - Karl Cook, 330 Queen Street West
 - No objection
5. 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.
6. Mayor Tout opened the floor for any questions/comments.

The applicant was available to answer any questions. Mr. Hewson explained that nothing is going to change from what the property is currently being used for. He needs to have the zoning changed to be able to get a licence to sell classic cars. This will be more in line with OMVIC and used car dealer's licence.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Five

7. Comments/questions from Council.

Lynn Keating, 565 Waterloo St., stated that her backyard backs onto the subject property. She and some of the neighbours do not approve of the amendment. They have concerns about outside of the buildings. Access to backyards has been an issue. Are batteries and radiators going to be stored? Will there be storage outside of the building? Currently there are portable toilets stored outside, will they be left there?

Mr. Hewson explained that the portable toilets are left over from his portable toilet business, which has been sold. The portable toilets on the property are for sale and once they are sold he will not be purchasing any more.

Mayor Tout commented that the application states that all storage will be inside the building.

Dave Haggett, 340 Queen St., questioned if the amendment will allow other property owners to do something similar. Although he is sure the business will be run professionally he had concerns regarding increased traffic and test drives. With antique cars there could be exhaust issues. He also had concerns regarding storage in the backyard and asked if tires will be stored.

Mr. Hewson stated that the Ministry of Environment gave the property a clean bill in August 2011. The Ministry asked that the portable toilets be washed inside the building. Nothing will be stored outside. He has approximately 30 antique cars and won't be letting anyone hop into a car and take off speeding. The use will be no different than in the past three years.

Mayor Tout clarified that this business is for retail sales, it is not a repair shop for the general public. The amendment to zoning will move the use in a direction that conforms in a residential area.

Ms. Redmond explained that the amendment will narrow the uses that could go there, which will limit future uses.

Linda McDonald, 545 Waterloo St., asked what type of memorabilia will be on site.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Six

Mr. Hewson stated that memorabilia will include items such as pop machines, signs, gas pumps and barber's chair; but, mostly automotive items.

Councillor Burke commented that this business is typically antique cars and will be trying to attract collectors of those types of memorabilia.

Mr. Hewson stated that he is not looking to be a car dealer like Arthur Chrysler. Right now he can buy all the cars he wants but he cannot sell them legally because they must be sold from a commercially zoned property.

Councillor Yake commented that he was concerned when he first read the proposal as he pictured a line up of used cars; but, if the cars are inside he does not have any concerns with the business proposed. The idea is unique and may attract people to the community. The test drives of classic cars would be different than at a new car dealer.

Mr. Hewson commented that this business is sort of man cave thing as the customers tend to be older men who are looking for classic cars or street rods. He has been in business in this area for almost 25 years and has tried to be a good corporate neighbour.

Mayor Tout stated that it is a comfort to the neighbours that everything will be inside the building.

Mr. Hewson raised a concern regarding a right of way across residential property that gives access to neighbouring backyards. Mrs. Keating has concerns with this access as well. Mr. Hewson believes there is a right of way to the lumber yard across his property and that the right of way to the backyards is actually on municipal property.

Mayor Tout questioned if this is part of the application. This concern is not about the subject property and will have to be dealt with at another time. Mayor Tout suggested setting up a meeting with Ms. Redmond, himself and those affected by the right of way.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Seven

Owner/Applicant: Antonietta Malfara

Declaration of Pecuniary Interest:

None declared.

Location of the Subject Land

The property being rezoned is in Part of Lot 31, Divisions 3 & 4, with a civic address of 8684 Highway 6. The subject property is 36.53 ha (90.25 acres) in size with an existing agricultural and residential use

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed (1930 sq.ft.) on the residential portion of the subject lands. This rezoning is a condition of severance application B23/12, that was granted provisional approval by the Wellington County Land Division Committee in May 2012. The consent will sever the existing parcel with a farm dwelling and accessory building (0.73 ha (1.8 acres)) from the remainder of the agricultural parcel (35.8 ha (88.45 acres)). The property is currently zoned Agricultural (A) and Natural Environment (NE).

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.

8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 20, 2012.

9. Application for Zoning By-law Amendment

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Eight

10. Presentation by:

Linda Redmond, Planner, reviewed her comments dated August 31, 2012.

The zoning amendment is required as a condition of provisional consent (B23/12) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additionally, the applicants have requested zoning relief for the existing 1930 ft² accessory structure on the severed parcel.

The subject land is legally described as Part of Lot 31, Divisions 3 & 4, geographic Township of Arthur, and has a civic address of 8684 Highway 6. The land is approximately 36.53 ha. (90.25 ac.) in size and is occupied by a dwelling and accessory structure.

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B23/12. The consent will sever the existing farm dwelling and oversized accessory building on 0.73 ha. (1.8 ac.) from the remainder of the agricultural parcel totaling 35.8 ha. (88.45 ac.). Additionally, as part of this application site specific zoning relief is requested for the severed property in order to permit the existing 1930 ft² accessory structure.

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Nine

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE, and CORE GREENLAND. The Core Greenland features include agricultural drains, a creek and forested area to the rear of the property. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the Provincial Policy Statement and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states: “A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.”

Under the Zoning By-law the subject lands are zoned Agricultural (A) and Natural Environment (NE). The attached draft by-law places a site specific exception to prohibit a dwelling on the 35.8 ha. (88.45 ac.) agricultural parcel. An additional site specific exception would allow for the 1930 ft² shed, on the severed parcel 0.72 ha (1.8 ac.). The existing Natural Environment zone occurring on the property will remain unchanged.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, September 10, 2012

Page Ten

11. Review of Correspondence received by the Township:

Liz Yerex, Resource Planner, Grand River Conservation Authority

- No objection

Ministry of Transportation

- No Objection to the amendment but no new entrances will be allowed on the highway. Any new entrances to the property must be on Sideroad 10 West.

12. 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.

13. Mayor opens floor for any questions/comments.

The applicant was present. Applicant's agent, Derek Graham, was present to answer

14. Comments/questions from Council.

None.

15. Adjournment 7:34 p.m.

C.A.O./CLERK

MAYOR