



WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – PID #45059755, 411 King Street, Windsor – Land-Use By-law
Amendments

May 26, 2020 6:00 pm

Virtual Meeting – via Zoom

1. Call to Order

The Public Hearing was called to order at 6:17 pm.

Council Present:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

Richard Murphy, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer

Todd Richard, Dir. Public Works

Shelleena Thornton, Administrative
Supervisor

Sara Poirier, Planner

Carlee Rochon, Dir. Financial Services

Rhonda Brown, Municipal Clerk

Madelyn LeMay, Dir. Planning &
Development

Members of the public watched the meeting using Facebook Live.

2. Introduction

Mayor Zebian advised that Public Hearings for amendments to planning documents and development agreements are required by Part 8 of the Municipal Government Act. This virtual public hearing is hosted by Council. The Public Hearing for this application began on April 28th and resumed tonight to allow the Planner to bring forward any comments received from the public.

When the Public Hearing is complete, the Council meeting will resume, and members of Council may then ask questions and make comments. Council members were reminded that in order to be able to vote on this matter, Councillors must have been present at both parts of the hearing April 28th and tonight; the Mayor confirmed all Councillors were present at both parts.

3. Presentation by Planner

Planner Sara Poirier reviewed the presentation (attached) highlighting information and comments received since the April 28, 2020 Public Hearing regarding environmental concerns, providing residents better understanding of the application and where to find information.

The permitted uses in the General Commercial (GC) Zone would be permitted as of right on the property if rezoned.

Staff reports for information are generally available in the "Staff Report" page of the Municipal website; due to a change of the website the specific staff reports indicated were not available. However, the reports were available in the April 1, April 28, and May 26, 2020 Council Packages on the website and upon request.

The lot is within the Community Use designation on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy. The Windsor Municipal Planning Strategy describes Community Use areas as "for the general use of the community". The change of zoning will not change the designation as there is a specific policy which allows Council to consider creating GC Zones in any designation by an amendment to the Land Use By-law and there are no policies in the Windsor Planning documents that prohibit rezoning to commercial uses in the Community Use designation.

Mayor Zebian declared the Public Hearing closed.

The meeting ended at 6:26 pm.

(Refer to the 2020-05-26 Council Meeting minutes for the next step, Second Reading)

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk



Map Amendment:
411 King Street, Windsor PID 45059755
Public Hearing Continuation
May 26, 2020

Questions & Comments

1. Environmental Concerns
2. What does changing to General Commercial mean?
3. Staff Reports on website
4. GFLUM – Community Use Designation

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1. Environmental Concerns

Response from Manager of Operations

- A resident complained to the Director Public Works their property that is within the Tregothic Marsh was not draining like it use to.
- Staff went to 411 King St to look. We followed the route the water would normally take.
- What we discovered was that the ditch behind Sobeys where the culvert and catch basin empty was severely grown over. This ditch empties into Tregothic Creek and goes out to the St Croix River through the aboiteau when the tide is low. At that time the property was owned by the Empire Group.
- Although the Director Public Works felt this was not a matter for the Town but instead a civil issue he did make a call to a person at Empire whom he knew.
- With in a few days Empire Group had a contractor in to clean the ditch with an excavator.

1. Environmental Concerns

Conclusions

- ▶ from recollection, we can confirm that the Town did look into the issue of water drainage in this area and specifically on the property at 411 King Street within the time period specified in the Department of Environment letters;
- ▶ we do not have any documentation of the Town permitting the property owners at 411 King Street to excavate a pond;
- ▶ the reference to the culvert and catch basins in the Dept of Environment letters (2011 and 2013) are private infrastructure and not owned or maintained by the Municipality;
- ▶ the Municipality would deem these concerns as a civil issue as the infrastructure and concerns raised involve private land and privately owned infrastructure and it is between the property owners to resolve.

Questions & Comments

1. Environmental Concerns
2. What does changing to General Commercial mean?
3. Staff Reports on website
4. GFLUM – Community Use Designation

2. Rezoning to General Commercial

- ▶ *“If you are inviting comments on the amendment, it would be helpful to explain to residents the implications of a change from institutional to general commercial. What does this mean? Then residents might be better informed about whether they would like to share comments.”*

General Commercial Zone

List of Permitted Uses

- ▶ Arts and crafts studios including photography
- ▶ Banks and financial institutions
- ▶ Clubs and community organizations
- ▶ Commercial schools
- ▶ Country inns
- ▶ Day care centres, licensed and non-licensed
- ▶ Entertainment, recreation and assembly uses within a wholly enclosed building
- ▶ Garden and nursery sales and supplies
- ▶ Licensed liquor establishments
- ▶ Local shopping centres containing uses permitted in the GC zone
- ▶ Microbrewery, Microdistillery, Winery (Amended WLUB 18-01 Effective January 29, 2019)

General Commercial Zone

List of Permitted Uses Cont.

- ▶ Offices
- ▶ Parking structures
- ▶ Repair and rental establishments
- ▶ Residential uses (not on the ground floor)
- ▶ Restaurants, excluding drive-through restaurants
- ▶ Retail stores
- ▶ Service and personal service shops
- ▶ Taxi, train and bus stations
- ▶ Veterinary clinics and animal hospitals
- ▶ Existing residential uses

3. Staff Reports

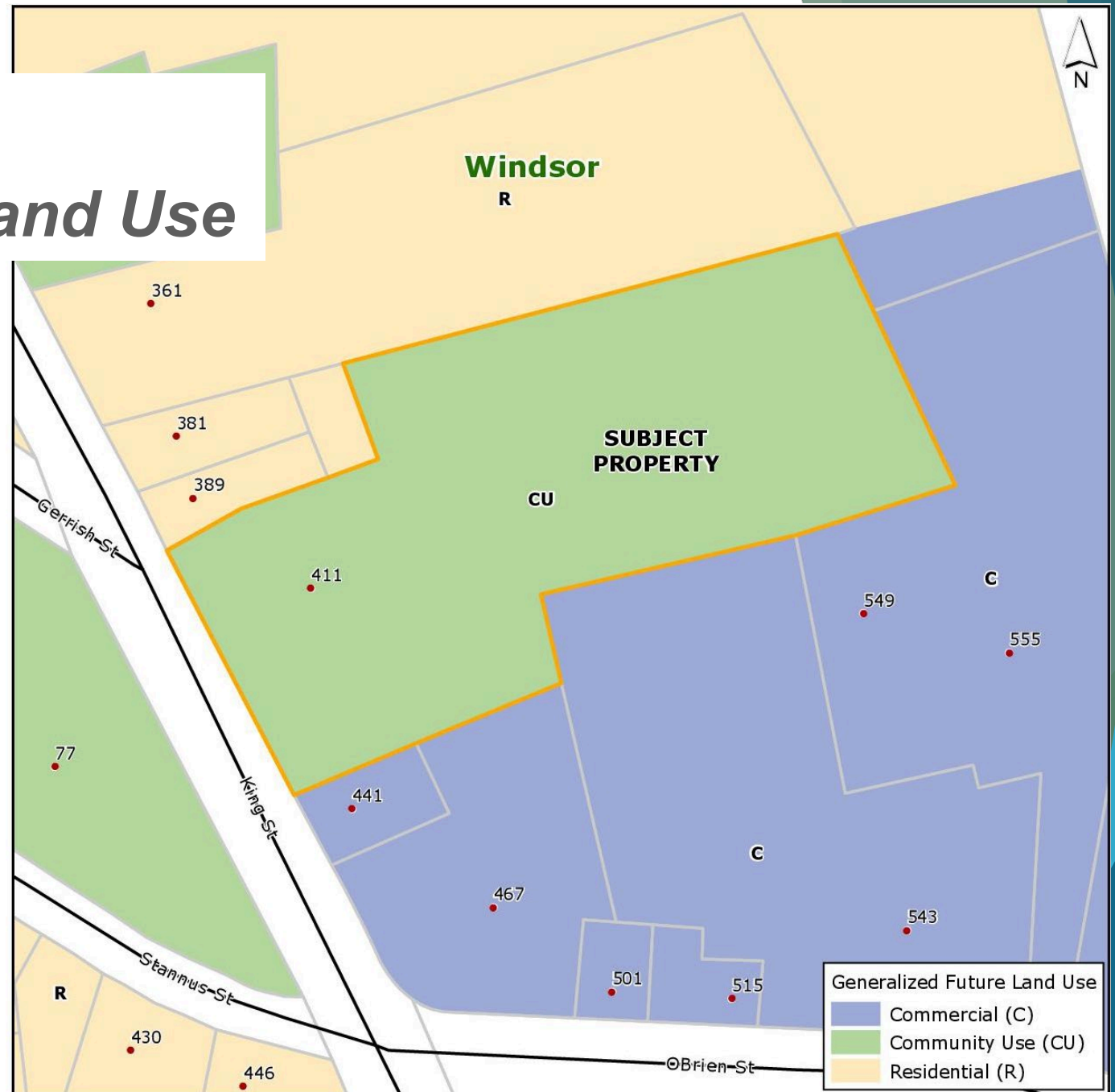
- ▶ *“You direct people to the staff reports for more information (where I was hoping to answer my question above), but it is not clear to me which staff report to read. None from 2020 were “clickable”. None were called 411 King St. How do residents know where to get more information through a staff report?”*

4. GFLUM – Community Use Designation

- ▶ *“On page 10 of your presentation of April 28th, you show the property in green, as a future community use designation. What does this mean? What was the intent of future community use? Is the amendment proposal affecting this?”*

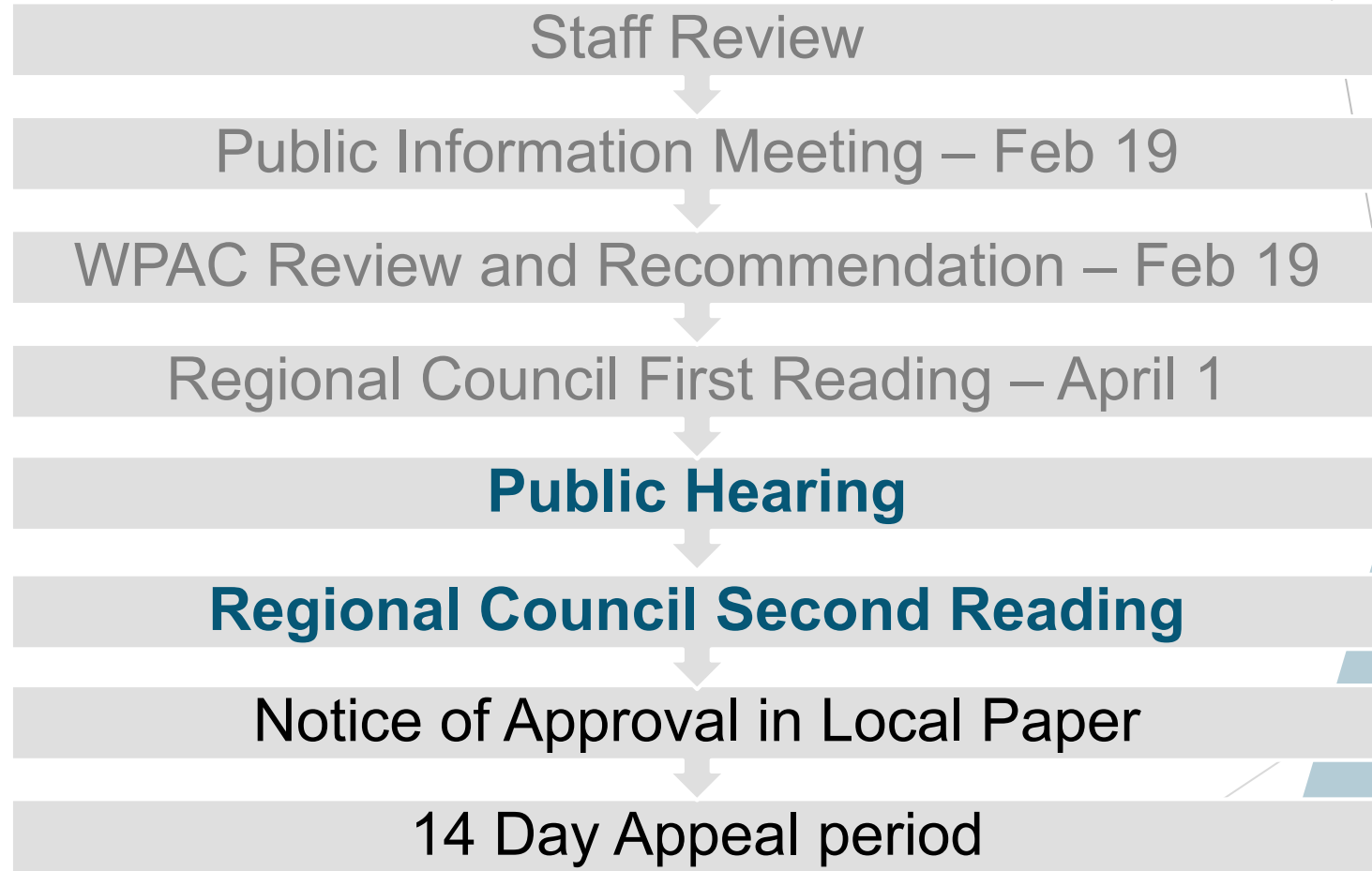
411 King Street

Generalized Future Land Use



Process

All statutory requirements have been met





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Recommendation

- ▶ **that Regional Council give Second Reading to and approves the proposed amendment to the Zoning Map of the Windsor Land Use By-law by re-zoning the lot located at 411 King Street, Windsor, PID 45059755 from the Institutional (I) Zone to the General Commercial (GC) Zone, as shown on the map attached as Figure 3 to the Windsor Planning Advisory Committee report #19-13 dated February 13, 2020.**



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