



# The Corporation of the Municipality of Leamington

## Meeting of Municipal Council

### Agenda

Monday, December 14, 2015

Commencing at 6:00 PM

In Leamington Council Chambers

---

(A) **Call to Order:**

(B) **National Anthem:**

(C) **Disclosures of Pecuniary Interest:**

(D) **Adoption of Council Minutes:**

1. Minutes of the Council Meeting (including Tax Adjustment and Public Meeting for Drainage, Lundy Drain) held December 7, 2015  
Pages 4 to 20
2. Minutes of the Special Closed Meeting held December 7, 2015  
Pages 21 to 23

(E) **Business Arising Out of the Minutes:**

(F) **Public Meetings/Court of Revision:**

None

(G) **Reports of Staff and Delegations:**

1. Delegation, All Terrain Vehicles on Municipal roads
  - Abe Letkeman, Resident

2. Report REC-19-15 dated November 17, 2015 regarding Henry Camp Youth Committee Termination  
Pages 24 to 26
  - Morgan Price and Don Moore, Henry Camp Youth Committee
  - Karen Linauskas, Park Superintendent, Point Pelee National Park
3. Report PLA-56-15 dated November 16, 2015 regarding Zoning By-law Amendment ZBA #91, Larry Santos Construction Ltd., Phases 2 & 3, Destiny Estates Plan of Subdivision, 37-T-11002 (ARN 390-00100)  
Pages 27 to 34
  - Larry Santos and Jason Santos, Developer
  - Suzanne Balzer, Agent
4. Report PLA-35-15 dated November 24, 2015 regarding Development Control Agreement Amendment, Phase 1, Blocks 47, 48, 49 & 50, Plan 12M-607, Golfwood Lakes Plan of Subdivision  
Pages 35 to 39

(H) **Matters for Approval:**

None

(I) **Other Matters for Consideration:**

None

(J) **Report on Closed Session:**

None

(K) **Consideration of By-laws:**

By-law 523-15 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBH #123, Phase 1, Golfwood Lakes Plan of Subdivision

By-law 527-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held December 14, 2015

(L) **Notices of Motion:**

None

(M) **Open Session:**

(N) **Announcement of Upcoming Meetings/Events:**

**Wednesday, December 16, 2015**

- Union Water Joint Management Board, 9:00 AM, Kingsville Arena
- Essex County Council, 7:00 PM, Essex County Council Chambers

**Monday, December 21, 2015**

- Council Meeting, 6:00 PM, Council Chambers

(O) **Statement of Members:** non-debatable

(P) **Adjournment:**

# **The Corporation of the Municipality of Leamington**

## **Minutes of the Council Meeting**

**Held Monday, December 7, 2015 at 6:06 PM**

**In Leamington Council Chambers**

---

**Members Present:** Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Bill Dunn, John Hammond, John Jacobs,  
Larry Verbeke, Tim Wilkinson

**Staff Present:** Chief Administrative Officer Peter Neufeld  
Director of Legal and Legislative Services Ruth Orton/Deputy Clerk  
Director of Infrastructure Services Rob Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Director of Finance & Business Services Ramona Nordemann  
Development Planner Brian Nagata  
Economic Development Officer Jeanine Lassaline-Berglund  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

**Staff Absent:** Clerk/Manager of Legislative Services Brenda Percy

### **Disclosures of Pecuniary Interest:**

None noted.

### **Adoption of Council Minutes:**

**No. C-342-15**

Moved by: Councillor Hammond  
Seconded by: Councillor Verbeke

That Minutes of the Council Meeting held November 16, 2015 be adopted.

**Carried**

### **Business Arising Out of the Minutes:**

None.

## Public Meetings:

### 1. Tax Adjustment Agenda

- Copy of Minutes attached

#### No. C-343-15

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

That the Council for the Municipality of Leamington confirm the recommendations detailed on the docket from the December 7, 2015 Tax Court of Adjustment.

**Carried**

### 2. Public Meeting for Drainage, new access culvert over the Lundy Drain

- Copy of Minutes attached

#### No. C-344-15

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the report provided by Crozier Baird Engineers dated November 27, 2015, for the new access culvert pursuant to the provisions of Section 78 of the Drainage Act be adopted with the amendment to the maintenance clause to show inclusion of the culvert (pages 4 and 5);

And that Council authorize the project be tendered and should the said tenders be within the engineer's construction estimate of \$24,125 (excluding HST), that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements;

And that By-law 525-15 authorizing the work be presented to Council for 1st and 2nd reading and that the Clerk send by mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 4th day of January, 2015, and that Don Joudrey, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works;

And that all costs be charged to Account #10-7-0680-7680-947000-200090, Lundy Drain-Reid Culvert;

And further, that the Lower Thames Valley Conservation Authority be advised of the proposed improvements (Report DR-23-15).

**Carried**

## **Reports of Staff and Delegations:**

### **1. Delegation, Leamington Rotary Club, in recognition of sponsoring the new TRX equipment in the Fitness Studio at the Leamington Kinsmen Recreation Complex**

Wendy Parsons, President of the Leamington Rotary Club and Diane Samson, Rotary Foundation Chair presented a cheque in the amount \$4,423.61 for the TRX suspension training equipment at the Leamington Kinsmen Recreation Complex (picture of equipment was displayed). Ms. Parsons invited Council to attend the Rotary Club's 80<sup>th</sup> year anniversary celebrations in March of 2016.

Mayor Paterson and the Director of Community & Development Services Tracey Pillon-Abbs accepted the cheque on behalf of Council. Council expressed their appreciation to the Rotary Club for the generous donation.

### **2. Delegation, Leamington Triathlon Weekend, in recognition of sponsoring the new cadence meters in the Indoor Cycling Studio**

David Campbell and Ben Balkwill, Representatives of Leamington Triathlon Weekend presented a cheque in the amount of \$5,000 towards the new cadence meters for the indoor cycling studio at the Leamington Kinsmen Recreation Complex (picture of equipment was displayed).

Mayor Paterson and Ms. Pillon-Abbs accepted the cheque on behalf of Council. Council thanked the Leamington Triathlon Weekend for the generous donation.

### **3. Delegation, Sun Parlour Folk Music Society, Kingsville Folk Music Festival**

Michele Law, Producer, John Law, Producer, Michelle Fortier, Outgoing Director, and Glen MacNeil, Board Member of the Sun Parlour Folk Music Society made a presentation to Council. A DVD was played highlighting the 2015 Folk Music Festival.

Mr. Law thanked Council and shared the success of the 2<sup>nd</sup> Annual Music Festival. He said the 2016 festival would introduce more ethnically diverse performers to encourage multicultural participation and attendance. Next year's event is scheduled for August 12 to 14, 2016.

Chief Administrative Officer Peter Neufeld encouraged the Sun Parlour Folk Music Society to use the new facilities being constructed at Seacliff Park. Council thanked the Sun Parlour Folk Music Society for the presentation.

### **4. Report CAO-09-15 dated November 30, 2015 regarding Blue Dot Leamington, Request for Declaration**

Chief Administrative Officer Peter Neufeld presented the report noting Policy M01-Proclamations/Support prevents Council from having to make choices regarding support thus preventing potential favouritism.

In response to a question from Council, Mr. Neufeld stated that he was encouraged by the large number of students in the audience interested in environmental issues.

In response to a question from Council, Mr. Neufeld said the Manager of Public Works is gathering information on the use of phosphorus by the Public Works Department.

In response to a question from Council, Ms. Jeffery explained that she had discussion with the organization's founder in regards to the adoption of a resolution and questioned whether guiding principles would be sufficient. In order to become a "Blue Dot" community it is necessary to make a proclamation, declaration or guiding principles. Ms. Jeffery stated that it is the opinion of the founder, that the adoption of guiding principles does not exert as much influence as a proclamation.

Council expressed support of the Municipality's policy regarding proclamations. Ms. Jeffery retorted the Blue Dot group is not political and that Essex County Council and Windsor have adopted the Blue Dot policies.

There was Council discussion regarding Blue Dot Leamington's request for a Council proclamation. Deputy Mayor MacDonald agreed to meet with Blue Dot Leamington to explore further options.

Mayor Paterson applauded the efforts of the Blue Dot organization.

**No. C-345-15**

Moved by: Councillor Wilkinson  
Seconded by: Deputy Mayor MacDonald

That Council deny the request for a declaration by Blue Dot Leamington  
(Report CAO-09-15).

**Carried**

**5. Report PLA-60-15 dated November 20, 2015 re: Removal of Holding (H) Symbol ZBH #124, Phase 2, Destiny Estates Plan of Subdivision 37-T-11002, Larry Santos Construction Ltd. (ARN 390-00100)**

Development Planner, Brian Nagata summarized the report.

**No. C-346-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Verbeke

That Zoning By-law Amendment Application ZBH #124 to amend the zoning for lands known as Phase 2 of the Destiny Estates Plan of Subdivision to remove the Holding (H) Symbol be approved;

And that the Clerk be directed to forward the amending by-law #518-15 to Council for its consideration (Report PLA-60-15).

**Carried**

**6. Report FIN-23-15 dated November 26, 2015 regarding 2016 Fee Schedule**

Director of Finance and Business Services Ramona Nordemann presented the report.

Ms. Pillon-Abbs said the elimination of day use membership fees were to streamline rates and to equate the value of the memberships at the Leamington Kinsmen Recreation Complex.

Ms. Nordemann clarified that comparative increases are based on matching neighbouring rates.

Ms. Pillon-Abbs explained that the elimination of a practice time fee for the Jr. Hockey Club is to streamline rates at the LKRC and improve efficiency.

Council directed Administration to review the ability to charge insurance companies for non-residents. Administration confirmed that it would explore and prepare a report for the 2017 fee schedule.

Ms. Nordemann noted that there is a municipal policy in place regarding exchange rates for American funds.

Mr. Sharon indicated that the fee schedule includes rates for bill-back for certain public works jobs, where necessary.

Ms. Nordemann explained that the Municipality charges when a clients makes an error and the Municipality is required to provide a correction on the client's behalf.

Ms. Orton explained there is a new fee for By-law Enforcement where the property standards officer has to revisit a property. This fee is intended to be a slight incentive for owners to bring their properties into compliance.

**No. C-347-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

That the proposed 2016 Fee Schedule be approved and that the Clerk be directed to bring forward By-law 524-15 to Council for its consideration. (Report FIN-23-15).

**Carried**



**7. Report IS-20-15 dated November 25, 2015 regarding Union Gas Transmission Line Phase 2 Easement**

Director of Infrastructure Services Robert Sharon summarized the report noting the trail would be closed from the spring to the fall of 2016 for installation of the pipeline.

**No. C-348-15**

Moved by: Councillor Jacobs  
Seconded by: Deputy Mayor MacDonald

That the granting of an easement on the former railway lands between County Road 14 and County Road 18 to Union Gas Limited for the purposes of installing a natural gas pipeline be approved;

And that the Municipality execute an agreement with Union Gas in a form consistent with the contents of this report and acceptable to the Municipal Solicitor;

And further, that the proceeds from the agreement be allocated to the Municipal Trail Reserve (Report IS-20-15).

**Carried**

**8. Report IS-17-15 dated November 25, 2015 regarding County Road 20 Multi-Use Trail and County Road 20 Environmental Assessment**

Director of Infrastructure Services Robert Sharon summarized the report.

In response to a question from Council, Mr. Sharon said residents can become involved by completing stakeholder surveys, attending public meetings and Essex County Council meetings.

Mr. Neufeld said County Road 20 is an Essex County road and Administration is frustrated with the process to date for improvements.

Council encouraged residents to express their support of this project to the County of Essex.

**No. C-349-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Dunn

That the Municipality of Leamington support the decision of the County of Essex to complete the Environmental Assessment and Preliminary Design of County Road 20 from Kratz Sideroad in the Town of Kingsville to Sherk Street in the Municipality of Leamington;

And that the Municipality of Leamington encourage the County of Essex to expedite the process and improve the safety of County Road 20 for all users (IS-17-15).

**Carried**

**9. Report IS-01-15 dated December 1, 2015 regarding Request for Direction Regarding East Marsh Dyke Reconstruction and the Future Land Uses of Southeast Leamington**

Director of Infrastructure Services Robert Sharon presented the report.

Mayor Paterson invited the delegates to address Council.

John Landschoot, resident, expressed his concern with proposed costs for Phase 1 and requested the Municipality make a decision regarding this issue. He stated the Municipality has done nothing over the last 10 years except pay for engineer's reports.

Mike Walsh, resident, understood this issue had been resolved in 2010. He reiterated the comments made by Mr. Landschoot. He expressed there has not been any lost shoreline where armour stone has been placed. Mr. Walsh noted Hillman Marsh and Point Pelee National Park have not taken any protective shoreline action.

Tom Dick, resident, stated he could not afford the proposed charges for the dyke reconstruction. Mr. Dick said he is not worried about the condition of the dyke. In response to a question from Mr. Dick, Mayor Paterson replied a legal opinion was solicited in regards to municipal responsibility if the dyke breaks and floods the area.

There was discussion on the direction to take.

Mr. Landschoot stated that if the dyke failed and the area flooded the Federal government would provide assistance to save Point Pelee National Park.

Mr. Walsh said Option #2 from the report would take the concerns of the residents out of the equation.

**No. C-350-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Jacobs

That part of resolution C-279-14 to adopt the report provided by Dillon Consulting dated June 17th, 2013, for the preparation of a report together with the necessary plans and profile for the repairs and improvements to the East Marsh Dyke pursuant to the provisions of Section 78 of the Drainage Act be rescinded;

And that the first and second reading of By-law 410-14 authorizing the work be rescinded;

And that the report provided by Dillon Consulting dated January 17th, 2013, for the preparation of a report together with the necessary plans and profile for the repairs and improvements to the East Marsh Dyke pursuant to the provisions of Section 78 of the Drainage Act be received;

And that Council acknowledge that the existing land use policies for the South East Leamington Study Area as contained in Leamington's Official Plan are unsustainable due to the magnitude of costs to renew the infrastructure and the ability to pay;

And that Administration be directed to examine short and long term strategies to amend the existing land uses of Southeast Leamington all as in Report IS-01-15.

**Carried**

**10. Report LLS-36-15 dated November 17, 2015 regarding Appointment of an Integrity Commissioner**

Director of Legal and Legislative Services Ruth Orton presented the report noting there is no retainer fee charged.

In response to a question from Council, Ms. Orton said complaints would be made directly to the Integrity Commissioner. Ms. Orton noted the charge would be nominal as Mr. Swayze will accept and investigate each complaint, however Mr. Swayze can also determine if the complaint is frivolous. Ms. Orton advised that Council should create as few barriers as possible in order to appear transparent.

Council discussed the option of charging a refundable fee for submission of each complaint.

Council gave direction to Administration to prepare a report detailing the Integrity Commission activity after a period of one (1) year.

**No. C-351-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Hammond

That Robert Swayze be appointed as the Integrity Commissioner for The Corporation of the Municipality of Leamington (Municipality) for the purpose of:

- a) investigating complaints related to the Policy C00 - Code of Conduct for Council, as enacted on June 9, 2008, and as may be amended or replaced from time to time; and
- b) if requested, providing advice to Council respecting the application of the Code of Conduct and any other procedure, rule or policy of the municipality governing the ethical behavior of members of Council,

at an hourly rate of \$280.00 for services performed, plus disbursements;

And further, that the Mayor and the Clerk be authorized to execute a Retainer Agreement between the Municipality and Robert Swayze for a term of two year (LLS-36-15).

Councillor Verbeke requested a recorded vote:

In Favour: Councillor Wilkinson, Councillor Jacobs, Mayor Paterson,  
Deputy Mayor MacDonald, Councillor Hammond and  
Councillor Dunn  
Opposed: Councillor Verbeke

**Carried**

**Matters for Approval:**

**No. C-352-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Dunn

That the Minutes of the Leamington Accessibility Committee held November 4, 2015 be approved.

**Carried**

**Other Matters for Consideration:**

None.

## **Report on Closed Session:**

Director of Legal and Legislative Services Ruth Orton reported that a closed meeting was held at 5:35 PM prior to the regular Council meeting pursuant to Subsection 239 (2)(c) (d) and (f) of the Municipal Act, 2001 to consider Confidential correspondence dated November 19, 2015 from Courey Law Professional Corporation regarding East Marsh Dyke Drain, Confidential Report LLS-38-15 dated November 26 2015 regarding Potential Purchase of Lands and a verbal Report from the Chief Administrative Officer regarding current labour negotiations. Proper notice was given. There was procedural motions passed. The meeting adjourned at 6:04 PM.

## **Consideration of By-laws:**

### **No. C-353-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

That the following by-law be read a third time and finally enacted:

By-law 369-14 being a by-law to provide for the abandonment of the Dick Pumping Station, in Part Lot 9, Broken Front Concession in the Municipality of Leamington, in the County of Essex

**Carried**

### **No. C-354-15**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Dunn

That the following by-laws be read a first, second and third time and finally enacted:

By-law 518-15 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBH #124, Phase 2 Destiny Estates Plan of Subdivision; and

By-law 524-15 being a by-law to provide for a tariff of fees to be charged in 2016 by the Municipality of Leamington

**Carried**

### **No. C-355-15**

Moved by: Councillor Dunn  
Seconded by: Councillor Verbeke

That the following by-law be read a first, and second time:

By-law 525-15 being a by-law for the construction of a Bridge over the Lundy Drain in Part Lot 12, Concession 9, in the Municipality of Leamington, in the County of Essex

**Carried**

**No. C-356-15**

Moved by: Councillor Hammond  
Seconded by: Deputy Mayor MacDonald

That the following by-law be read a first, second and third time and finally enacted:

By-law 526-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held December 7, 2015

**Carried**

**Notices of Motion:**

As introduced at the November 9, 2015 Council Meeting, Deputy Mayor MacDonald's Notice of Motion dated November 4, 2015 requested a peer review of the traffic engineer's report on the Seacliff Drive and Bevel Line intersection.

Council discussion ensued on costs and options.

In response to a question from Council, Ms. Orton replied, depending on the facts of the case there is a potential increase for risk as Council did not follow the recommendation presented in the engineer's report.

In response to a question from Council, Ms. Orton listed the available options to Council.

**No. C-357-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Verbeke

Whereas the Council of The Corporation of the Municipality of Leamington, at its meeting held Monday, December 8, 2014 defeated the following resolution:

**No. C-402-14**

That the Clerk be authorized to prepare the appropriate By-law for Council's consideration to modify the "Stop Signs" Section (Schedule "I") of the Comprehensive Traffic By-law (4284-95) as follows;

Delete:

Column 1	Column 2	Column 3
Highway	Intersecting Highway	Facing Traffic
Seacliff Drive East	Bevel Line	Westbound

And that the cost of the project be charged to account 10-7-0620-8060-300001-600020-7630. (ENG 27-14).

**Motion defeated**

Whereas the Council of The Corporation of the Municipality of Leamington, at its meeting held Monday, December 8, 2014 enacted the following resolution:

**No. C-403-14**

That Report ENG 27/14 dated November 4, 2014 regarding Seacliff Drive East and Bevel Line Change of Stop Control be received;

And whereas it is now requested that a peer review of the traffic engineer's report on the Seacliff Drive and Bevel Line intersection be undertaken;

And that all costs associated with this review be charged to account 10-7-0620-8060-300001-600020-7630.

**Carried**

**Open Session** of Council and Administration:

Councillor Verbeke thanked Administration for the repair of the bus bench on Erie Street South.

Councillor Jacobs asked Administration about painted turn signal lane markings. Mr. Sharon advised that he would look into his concern and report back to Council.

Councillor Hammond thanked and congratulated Wendy Parsons and the Chamber of Commerce staff for this year's Santa Claus Parade. He also commended Public Works staff for their work on the Santa Claus float.

**Statement of Members:** non-debatable

None noted.

**Adjournment:**

**No. C-358-15**

Moved by: Councillor Dunn

Seconded by: Councillor Hammond

That the meeting adjourn at 9:32 PM.

**Carried**

John Paterson, Mayor

Ruth Orton, Deputy Clerk

Minutes approved at Council Meeting held  
December 14, 2015, Resolution C-XXX-15,  
Confirmation By-law XXX-15



# The Corporation of the Municipality of Leamington

## Minutes of Tax Adjustment

Monday, December 7, 2015 at 6:07 PM  
In the Council Chambers

---

Members Present: Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Bill Dunn, John Hammond, John Jacobs,  
Larry Verbeke, Tim Wilkinson

Staff Present: Chief Administrative Officer Peter Neufeld  
Director of Legal and Legislative Services Ruth Orton/Deputy Clerk  
Director of Infrastructure Services Rob Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Director of Finance & Business Services Ramona Nordemann  
Development Planner Brian Nagata  
Economic Development Officer Jeanine Lassaline-Berglund  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

Staff Absent: Clerk/Manager of Legislative Services Brenda Percy

### Disclosures of Pecuniary Interest:

None noted

Director of Finance and Business Services Ramona Nordemann explained that the meeting was with regards to the cancellation, reduction and refund of taxes. She noted all amounts have been approved by the Municipal Property Assessment Corporation (MPAC) and that property owners have the option to dispute the reduction amount.

In response to an inquiry from Council, Ms. Nordemann explained the reduction for Item No. 10 on the Tax Adjustment Docket.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting. No one responded.

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

That the Council for the Municipality of Leamington confirm the recommendations detailed on the docket from the December 7, 2015 Tax Court of Adjustment.

**Carried**

Meeting adjourned at 6:08 PM.

John Paterson, Mayor

Ruth Orton, Deputy Clerk

Minutes approved at Council Meeting held  
December 14, 2015, Resolution C-XXX-15,  
Confirmation By-law XXX-15

# The Corporation of the Municipality of Leamington

## Public Meeting Minutes, Drainage

Monday, December 7, 2015, 2015 at 6:09 PM

In Leamington Council Chambers

---

Members Present: Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Bill Dunn, John Hammond, John Jacobs,  
Larry Verbeke, Tim Wilkinson

Staff Present: Chief Administrative Officer Peter Neufeld  
Director of Legal and Legislative Services Ruth Orton/Deputy Clerk  
Director of Infrastructure Services Rob Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Director of Finance & Business Services Ramona Nordemann  
Development Planner Brian Nagata  
Economic Development Officer Jeanine Lassaline-Berglund  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

Staff Absent: Clerk/Manager of Legislative Services Brenda Percy

### 1. New Access Culvert over the Lundy Drain

Also in Attendance: David Basilious, Engineer from CrozierBaird

Drainage Superintendent, Lu-Ann Barreto, provided background information on the report and introduced the Engineer, David Basilious.

Ms. Barreto said staff is exploring grant opportunities on behalf of the property owner. She stated there was an amendment to the engineer's report. The construction and maintenance section on page 4 and 5 of the report was revised to include the cost of the culvert.

In response to a question from Council, Ms. Barreto affirmed staff is attempting to meet the construction deadline of March 2016 in order to avoid the fish spawning season.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding the public meeting. No one responded.

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the report provided by Crozier Baird Engineers dated November 27, 2015, for the new access culvert pursuant to the provisions of Section 78 of the Drainage Act be adopted with the amendment to the maintenance clause to show inclusion of the culvert (pages 4 and 5);

And that Council authorize the project be tendered and should the said tenders be within the engineer's construction estimate of \$24,125 (excluding HST), that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements;

And that By-law 525-15 authorizing the work be presented to Council for 1st and 2nd reading and that the Clerk send by mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 4th day of January, 2015, and that Don Joudrey, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works;

And that all costs be charged to Account #10-7-0680-7680-947000-200090, Lundy Drain-Reid Culvert;

And further, that the Lower Thames Valley Conservation Authority be advised of the proposed improvements (Report DR-23-15).

**Carried**

The meeting adjourned at 6:12 PM.

John Paterson, Mayor

Ruth Orton, Deputy Clerk

Minutes approved at Council Meeting held  
December 14, 2015, Resolution C-XXX-15,  
Confirmation By-law XXX-15

# **The Corporation of the Municipality of Leamington**

## **Special Closed Meeting Minutes**

**Monday, December 7, 2015 at 5:30 PM**

**Leamington Ante Room**

---

**Members Present:** Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Bill Dunn (arrived at 5:40 PM), John Hammond,  
John Jacobs, Larry Verbeke, Tim Wilkinson

**Staff Present:** Chief Administrative Officer Peter Neufeld  
Director of Legal and Legislative Services Ruth Orton/Deputy Clerk  
Director of Infrastructure Services Robert Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Director of Finance & Business Services Ramona Nordemann

**Staff Absent:** Clerk/Manager of Legislative Services Brenda Percy

### **Disclosures of Pecuniary Interest:**

None noted.

### **Moving into Closed Session:**

#### **No. S-114-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That Council move into closed session at 5:35 PM pursuant to Subsection 239(2)(c) (d) and (f) of the Municipal Act, 2001 to consider Confidential correspondence dated November 19, 2015 from Courey Law Professional Corporation regarding East Marsh Dyke Drain, Confidential Report LLS-38-15 dated November 26 2015 regarding Potential Purchase of Lands and a verbal Report from the Chief Administrative Officer regarding current labour negotiations.

**Carried**

**Matters for Consideration:**

1. **Confidential correspondence dated November 19, 2015 from Courey Law Professional Corporation regarding East Marsh Dyke Drain**

**No. S-115-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

Council receive correspondence dated November 19, 2015 from Courey Law Professional Corporation regarding East Marsh Dyke Drain.

**Carried**

2. **Confidential Report LLS-38-15 dated November 26 2015 regarding Potential Purchase of Lands**

Director of Legal and Legislative Services Ruth Orton presented the report.

**No. S-116-15**

Moved by: Councillor Hammond  
Seconded by: Councillor Wilkinson

That Administration be directed to take the suggested action contained in Confidential Report LLS-38-15.

**Carried**

3. **Verbal Report from the Chief Administrative Officer regarding current labour negotiations**

Chief Administrative Officer Peter Neufeld received direction.

**Moving into Public Session:**

**No. S-117-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Dunn

That Council move into public session at 6:04 PM.

**Carried**

**Adjournment:**

**No. S-118-15**

Moved by: Councillor Dunn  
Seconded by: Deputy Mayor MacDonald

That the meeting adjourn at 6:04 PM.

**Carried**

John Paterson, Mayor

Ruth Orton, Deputy Clerk

Minutes approved at Council Meeting held  
December 14, 2015, Resolution C-XXX-15,  
Confirmation By-law XXX-15

## Report

**To:** Mayor and Members of Council  
**From:** Amanda Smith, Manager of Recreation, Tourism & Culture  
**Date:** November 17, 2015  
**Re:** Henry Camp Youth Committee Termination

---

### Aim:

To inform Council of the decision made by Henry Camp Youth Committee to cease involvement and to receive the termination notice of the lease agreement with Parks Canada (Point Pelee National Park) for the operation of Camp Henry.

### Background:

REC 41-99 outlines the roles and responsibilities of the Municipality, known as the “Sponsor” and the Henry Camp Youth Committee (HCYC), known as the “Operating Committee”. Since 1999, the Municipality has had a formal agreement with Parks Canada as it relates to operating Henry Camp. The Operating Committee has been composed entirely of volunteers and was an informal committee, not registered as a not-for-profit organization. The Operating Committee ensured that organizations, such as schools, Scouts, Girl Guides, other community groups would have access to the Henry Camp located within Point Pelee National Park. They provided volunteers to check-in/check-out the groups, general maintenance and followed health and safety requirements as they pertained to the Camp.

REC 09-04 and REC 20-09 further confirmed the 5-year agreements between the Municipality as the sponsor, the HCYC as the operating committee and Parks Canada. The most current licence was scheduled to expire on December 31, 2014 (as per council resolution C-272-09).

Administration met with the HCYC on an annual basis to review the operations, review the health and safety documentation and to address any concerns. It was during the AGM on November 27, 2013 that the committee discussed the possibility of disbanding and no longer being responsible as the Operating Committee. They cited concerns such as volunteer burn out, lack of volunteers and inability to carry on the maintenance tasks. On November 27, 2013, during the AGM, the following recommendation was carried:

“Be it resolved that effective December 31, 2013, due to the inability of the Henry Camp Youth Committee to carry on its duties and responsibilities at the Camp, that we hereby notify the Town of Leamington of our intention to cease our participation



as volunteers at the HCYC and to assist and advise any groups taking over and help finance said group to carry on”.

A Transition Subcommittee was established to meet with Administration and Parks Canada. During the course of several meetings in 2013, it was determined that Parks Canada would continue with the operations commencing January 2014 and that a business case would be developed to continue with operations. In 2014, there were several meetings that followed with all parties involved to ensure a sustainable plan for operations. It was not recommended that the Municipality assume programming for an overnight camp facility, mainly for concerns related to staff resources.

### **Comments:**

As per the terms of the Agreements, “Article 19.0 Mutual Termination”, the licence may be terminated at any time by either Party giving 60 day written notice. Council at the time was provided with an update of the status of the Henry Camp; however, no direction was given.

On August 11, 2014 a letter was sent from the Municipality of Leamington to Parks Canada giving notice that the licence shall be terminated on October 15, 2014. A response was received in writing on November 14, 2015 agreeing to the termination of the licence. Since November 2014, the Henry Camp has been fully operated by Parks Canada and the former Operating Committee is no longer involved.

Parks Canada (Point Pelee National Park) staff have assumed the continuation and sustainability of Camp Henry to provide opportunities for daily and overnight accommodations. They have recently received infrastructure funds and will be rehabilitating the site and accommodation structures to meet the needs of visitors and new opportunities for participation. Community groups wishing to attend Camp Henry are now asked to contact Point Pelee National Park directly.

Administration wishes to recognize the Transition Subcommittee comprised of Morgan Price, Don Moore, Tom Miehl and Walter Meixner, who assisted the Municipality and Point Pelee during the transition in 2014. The HCYC had a small amount of funds remaining at the end of the 2014 season camp and they have since been dispersed to the following organizations to support their camp outings: Point Pelee National Park, COPS Camp for Charity, Boy Scouts, Kinsmen Club of Leamington and Sunshine Point Kiwanis Camp.

### **Financial Impact:**

There is no financial impact related to terminating the licensing agreement.

### **Recommendation:**

That the Municipality of Leamington receives the termination notice from Parks Canada, dated November 14, 2014 in accordance of Article 19.0 of the Licence originally dated January 18, 2010.

Respectfully submitted,

Amanda Smith,  
Manager of Recreation  
Tourism & Culture

Digitally signed by Amanda  
Smith, Manager of Recreation  
Tourism & Culture  
Date: 2015.11.30 11:51:55 -05'00'

Amanda Smith  
Manager, Recreation  
& Culture Department

Tracey Pillon-Abbs,  
Director of Community &  
Development Services

Digitally signed by  
Tracey Pillon-Abbs,  
Director of Community &  
Development Services  
Date: 2015.11.30  
15:52:59 -05'00'

Tracey Pillon-Abbs  
Director, Community & Development  
Services

Peter  
Neufeld, CAO

Digitally signed by Peter Neufeld, CAO  
DN: cn=Peter Neufeld, CAO, o, ou,  
email=pneufeld@learnington.ca, c=CA  
Date: 2015.12.10 14:06:00 -05'00'

## Report

**To:** Mayor and Members of Council  
**From:** Brian Nagata, Development Planner  
**Date:** November 16, 2015  
**Re:** Zoning By-law Amendment ZBA #91  
Larry Santos Construction Ltd.  
Phases 2 & 3 - Destiny Estates Plan of Subdivision  
37-T-11002 (ARN 390-00100)

---

### Aim:

To provide Council and the public with information regarding an application to amend Zoning By-law #890-09 to establish site specific Residential Zone (R3) provisions for lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision which will:

- Permit an increase in the maximum lot coverage from 40% to 50%;
- Permit a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.);
- Permit a reduction in the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.).

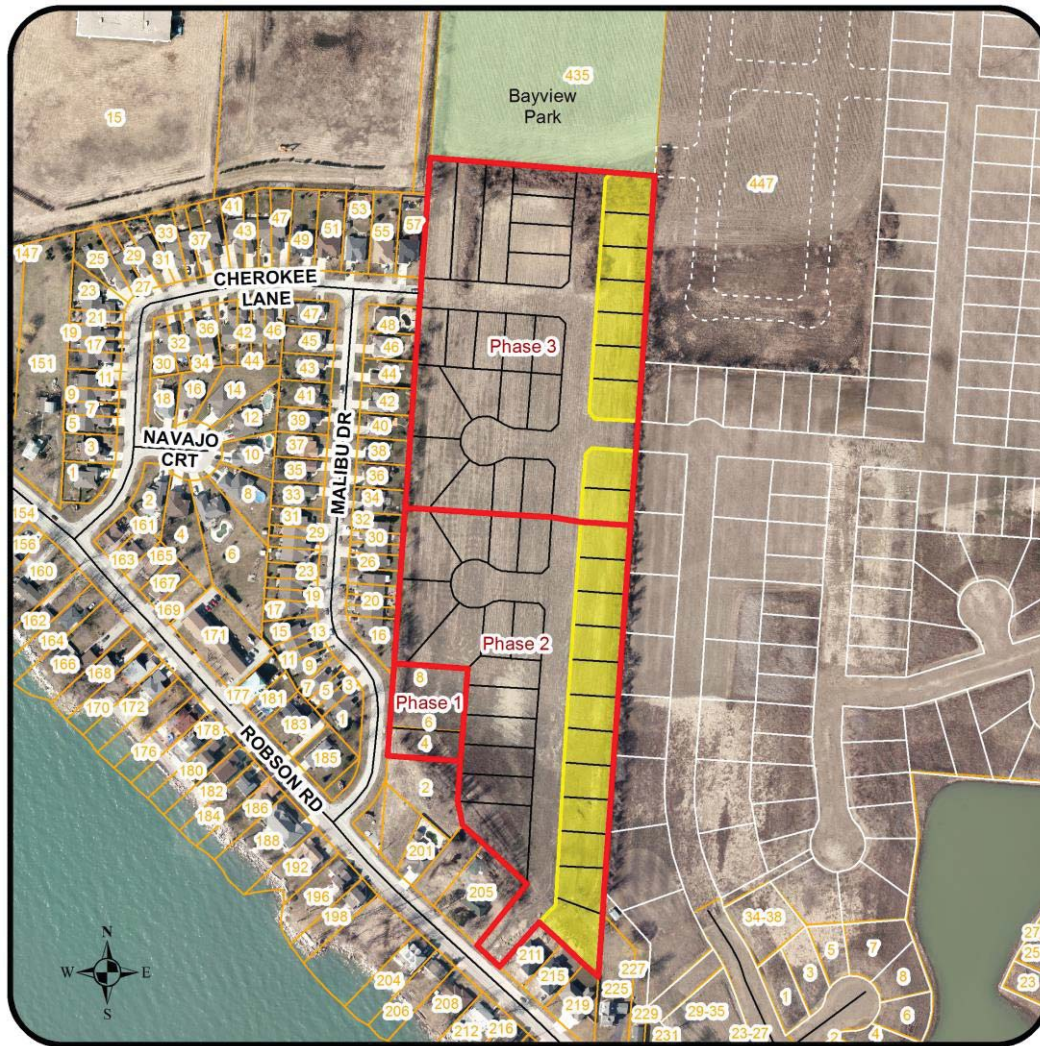
### Background:

Administration has received a request to amend the zoning for the semi-detached dwelling lots on the east side of Destiny Drive, located in Phases 2 and 3 of the Destiny Estates Plan of Subdivision (see inserted key map).

The plan of subdivision is located in an area that is on full municipal services. The surrounding area consists predominately of existing low density residential uses, farmland pending development as subdivisions and the golf course.

The semi-detached dwelling lots are designated Residential in the Official Plan (OP) on Schedule A-6E and zoned Residential Holding Zone (R3(h)) under Zoning By-law #890-09, as shown on Map 61.

Council recently approved concurrent requests from the applicant to remove the Holding (H) Symbol applied to the residential zoning of the lots in Phase 2 and to make a minor amendment to the lot line between Lots 38 and 39 in Phase 2 (PLA-56-15).



Key Map of Semi-Detached Dwelling Lots - Destiny Estates Plan of Subdivision

## Proposal:

The proposed zoning amendment application seeks to obtain an increase in the maximum lot coverage provision of Residential Zone (R3) from 40% to 50%, obtain relief from the minimum front yard setback provision of Residential Zone (R3) from 6 m (19.68 ft.) to 5.49 m (18 ft.), and obtain relief from the minimum exterior side yard setback provision of Residential Zone (R3) from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.) for the semi-detached dwelling lots on the east side of Destiny Drive.

A Site Plan illustrating the layout of the semi-detached dwelling unit based on the requested zone provisions has been attached.

The increase in the maximum lot coverage, reduction in minimum front yard setback and minimum exterior side yard setback has been requested by the owner to permit larger semi-detached dwellings on smaller lots.

## **Comments:**

### Provincial Policy Statement

The subject property is located within an identified settlement area as shown in the planning documents for the County of Essex and the Municipality of Leamington. The proposed amendment will allow for the efficient use of lands in a manner that provides for an appropriate mix of land uses which can be adequately serviced. The application does not seek to enlarge the settlement area, is not removing lands from the agricultural area and does not impact a natural environment resource.

The proposed zoning amendment is consistent with the direction of the Provincial Policy Statement, including Section 1.4.1 regarding the provision of an appropriate range and mix of housing types and densities.

### County Official Plan

The subject lands are within the Primary Settlement Area on Schedule “A2” of the County Official Plan. The land use goals of the County Official Plan support and promote healthy, diverse and vibrant settlement areas. The policies of the plan also encourage compact, mixed-use, pedestrian oriented development within the Primary Settlement Area.

The proposed amendment conforms to the land use policies within the Primary Settlement Area, as contained within the County of Essex Official Plan.

### Leamington Official Plan

The proposed zoning amendment maintains the general intent and purpose of the Official Plan for lands designated Residential, being a residential use on lots within a draft approved plan of subdivision.

### Zoning By-law #890-09

The proposed zoning by-law amendment meets the general intent and purpose of the Residential Zone (R3) provisions of the Zoning By-law with respect to maximum lot coverage, minimum front yard setbacks, and exterior side yard setbacks.

### Increase to Maximum Lot Coverage

The applicant is requesting an increase in the maximum lot coverage provision of Residential Zone (R3) from 40% to 50%, to allow the construction of larger semi-detached dwellings on smaller lots. The requested increase will allow for more of the lot area to be covered, resulting in the increased floor area for the dwelling.

The purpose of lot coverage is to:

- Ensure that overcrowding of buildings and structures on a property is avoided;
- Building massing remains consistent with or is complimentary to buildings in the surrounding area; and
- Adequate landscaped open space is provided for the respective use and to manage and retain stormwater in an efficient manner.



Administration is of the opinion that the requested increase meets the general intent and purpose of the Zoning By-law in respect to lot coverage. The following points represent Administration's planning opinion:

- The requested increase will not result in the overcrowding of buildings and structures on the property.
  - The requested increase is not seeking a reduction to the minimum interior side yard setback or rear yard setback, meaning that the buildings will not be coming any closer to the side yard or rear yard property lines which would result in overcrowding.
  - It should also be noted that decks and accessory structures such as sheds are included in the lot coverage calculation. Based on the proposed floor plan provided, decks and sheds would not be permitted on any of the lots where it would result in the maximum lot coverage to be exceeded, preventing overcrowding within the rear yard.
- The requested increase is consistent with a new building trend to provide larger one storey semi-detached and townhouse dwellings with covered porches on smaller lots resulting in less landscaped open space to maintain.
  - The massing of the semi-detached dwellings will be complimentary to that of the single detached dwellings and townhomes proposed within the surrounding area.
- The requested increase will continue to provide adequate landscaped open space for the residential uses.
  - The provision of landscaped open space in the rear yard will remain unchanged.
  - The provision of landscaped open space in the front yard will be decreasing marginally to account for the requested increase in lot coverage and a reduction in the minimum front yard setback, however the space will still remain functional for the residential use and maintain an appropriate balance between the areas that are driveway.
  - The Site Plan illustrates interior side yard setbacks greater than the minimum required, providing more landscaped open space and greater separation between the proposed semi-detached dwellings.

Engineering comments will address any stormwater management issues resulting from the requested increase to the maximum lot coverage.

The resulting impact of the requested increase is a development with more building on a lot, resulting in a slightly smaller front yard. The type of semi-detached dwelling being proposed is typically built to the rear and side yard setbacks, meaning that with or without the requested increase there would be no change to the size of the rear yard or side yards. These semi-detached dwellings are often built to the maximum lot coverage as well, which prohibits the construction of accessory structures and decks within the rear and side yards, keeping the spaces clear and unobstructed.

#### Decrease to Minimum Front Yard Setback

The applicant is requesting a reduction in the minimum front yard setback provision of Residential Zone (R3) from 6 m (19.68 ft.) to 5.49 m (18 ft.). The requested reduction will

allow the semi-detached dwellings to come closer to the extent of the right-of-way.

The purpose of the front yard setback is to:

- Ensure that a consistent built line is maintained;
- Views of neighbouring property owners, pedestrians and vehicular operators are not obstructed;
- Where driveways are provided, there is sufficient space to accommodate a vehicle without blocking the sidewalk or pathway; and
- Overcrowding of buildings and structures on a property is avoided.

Administration is of the opinion that the requested reduction meets the general intent and purpose of the Zoning By-law in respect to front yard setback. The following points represent Administration's planning opinion:

- The Site Plan illustrates front yard setbacks which will provide a consistent built line along Destiny Drive.
- The proposed reduction in front yard setback provides sufficient space to safely park a vehicle without blocking any proposed sidewalks or pathways, obstructing the views of vehicular operators or pedestrians, and encroaching on the Destiny Drive right-of-way.
  - The requested reduction is the maximum that can be considered before the above noted factors start to become an issue.
  - The width of the proposed semi-detached dwelling unit lots can accommodate a two-car driveway to provide the required number of parking spaces.
- The proposed reduction in front yard setback will not result in the overcrowding of buildings within the front yard setback.
  - The lots on the west side of Destiny Drive are approved for single detached dwellings, representing a less compact form of residential development providing separation between each dwelling. This avoids the creation of a tunnel like affect, established when two compact developments are constructed along either side of a right-of-way creating an uninviting space bordered by a near contiguous wall of buildings.

The resulting impact of the requested reduction is a development where buildings are allowed to come closer to the extent of a public right-of-way than the standard 6 m (19.68 ft.), front yard setback established for low density residential development in the Residential zones of the Zoning By-law. This results in a smaller, however still adequate and functional front yard.

#### Decrease to Minimum Exterior Side Yard Setback

The applicant is requesting a reduction in the minimum exterior side yard setback provision of Residential Zone (R3) from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.). The requested reduction will allow the semi-detached dwellings to come closer to the extent of the right-of-way.

The purpose of the exterior side yard setback is to:

- Ensure that a consistent built line is maintained;
- Overcrowding of buildings and structures on a property is avoided; and
- Views of neighbouring property owners, pedestrians and vehicular operators are not obstructed.

Administration is of the opinion that the requested reduction meets the general intent and purpose of the Zoning By-law in respect to exterior side yard setback. The following points represent Administration's planning opinion:

- The proposed reduction in exterior side yard setback will not result in the overcrowding of buildings within the exterior side yard setback;
  - Adequate space is still provided on either side of the Inverness Drive right-of-way, avoiding the creation of a tunnel like affect.
  - Additionally, Administration has determined that the minimum exterior side yard setback for low density residential development within the Residential zones of the Zoning By-law is more than sufficient and will be considering its reduction in the upcoming comprehensive review of the Zoning By-law.
- The proposed reduction in exterior side yard setback will not restrict the views of abutting property owners, pedestrians, and vehicular operators (especially pedestrians and vehicular operators entering the proposed intersection of Destiny Drive and Inverness Drive).

The resulting impact of the requested reduction is a development where buildings are allowed to come closer to the extent of a public right-of-way than the standard 4.5 m (14.79 ft.) exterior side yard setback established for low density development in the Residential zones of the Zoning By-law. This results in a smaller, however still adequate and functional exterior side yard.

## **Conclusion:**

The overall impact of the requested zoning by-law amendment is a development consisting of more building, less front and exterior side yard, and a higher ratio of lot coverage to landscaped open space. The zoning by-law amendment also represents a change in residential development standards for the area.

The change in development standards reflects a new building trend common in the area, involving the construction of one storey semi-detached dwellings with covered porches, resulting in less landscaped open space to be maintained and additional gross floor area on the ground floor.

Development standards are the rules established by the Municipality for promoting and facilitating orderly development within the municipality. The Municipality's development standards are conveyed through the Zoning By-law in the form of provisions that control the use of land, where buildings and structures can be located, the types of buildings that are permitted and how they may be used, lot sizes and dimensions, parking requirements, and building heights and setbacks.



The provisions of the Zoning By-law are amended from time to time to reflect new building trends, planning policies, and site specific conditions where it is demonstrated that it is appropriate, necessary, and represents good planning.

Administration notes that the owner did not provide any professional planning justification in support of the requested zoning by-law amendment, however is of the opinion that it is appropriate, its impact will not negatively effect the orderly development of the area, and it meets the general intent and purpose of the Residential Zone (R3) provisions of the Zoning By-law.

Notice of the public meeting will be circulated to commenting agencies, municipal departments, all abutting landowners within 120 m (400 ft.) of the subject property and published in the local newspaper. All information pertaining to the application will be made available to the public and commenting agencies for review prior to the public meeting. It is anticipated a public meeting can be scheduled for Monday, January 4, 2016 at 6:00 pm.

Administration will prepare a further report subsequent to the public meeting to be presented to Council, identifying any concerns raised at the public meeting and providing a recommendation for the requested zoning amendments.

### **Financial Impact:**

There are no financial impacts to the Municipality as a result of the proposed amendment.

### **Recommendation:**

That Zoning By-law Amendment Application ZBA #91 to establish site specific Residential Zone (R3) provisions for lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision to permit an increase in maximum lot coverage from 40% to 50%, a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.), and the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.) was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act*,

And that Administration be directed to schedule the required Public Meeting.

(Report PLA-56-15)

Respectfully submitted,

**Brian Nagata**  
Digitally signed by Brian Nagata  
DN: cn=Brian Nagata, o=Municipality of  
Leamington, ou=Development Planner,  
email=bnagata@leamington.ca, c=CA  
Date: 2015.12.03 08:56:08 -05'00'

Brian Nagata  
Development Planner

Danielle Truax  
Manager of Planning Services

**Tracey Pillon-Abbs**  
Digitally signed by  
Tracey Pillon-Abbs,  
Director of  
Community &  
Development Services  
Date: 2015.12.03  
11:44:00 -05'00'  
Tracey Pillon-Abbs  
Director of Community and Development Services

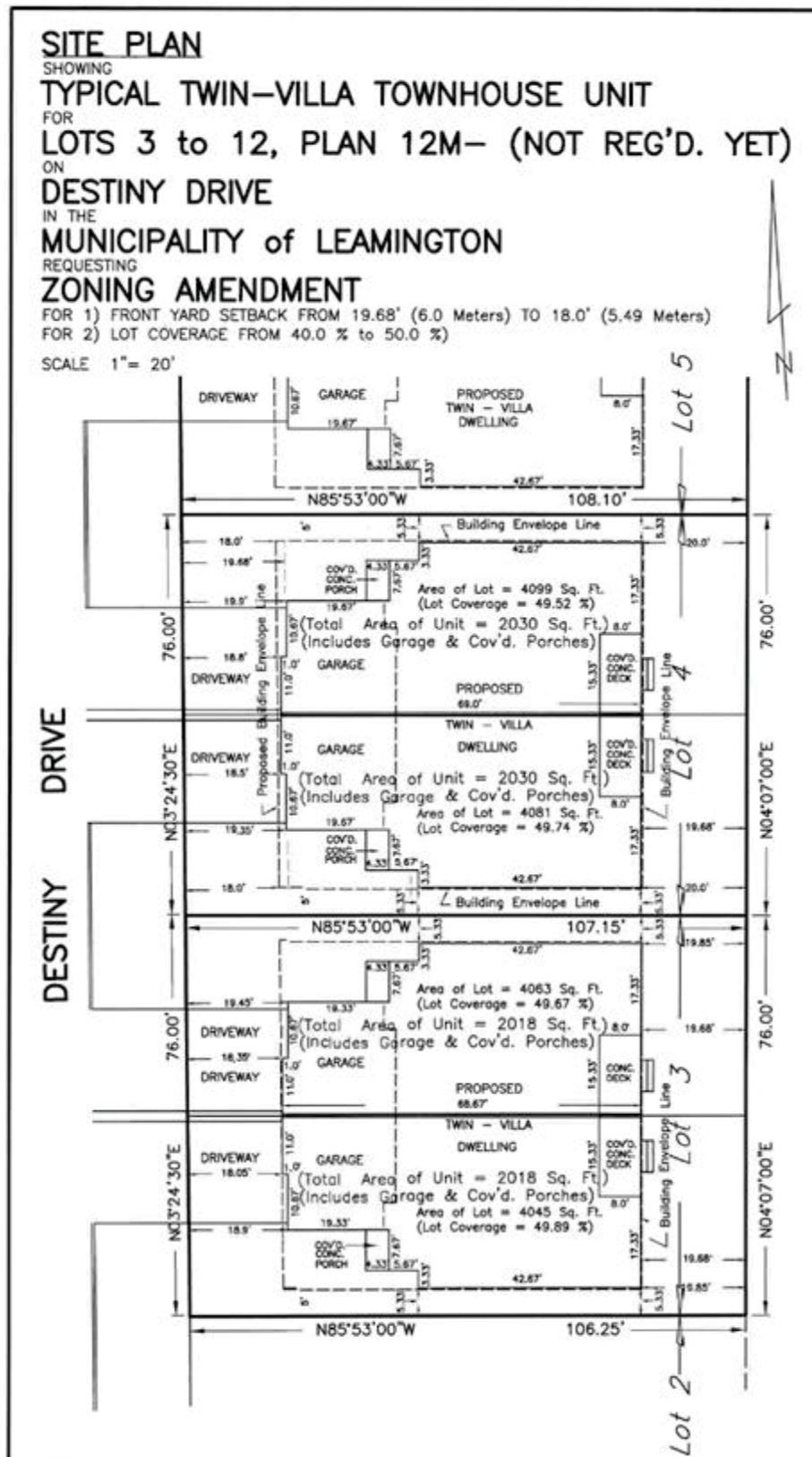
**Peter Neufeld,**  
CAO  
Digitally signed by Peter Neufeld, CAO  
DN: cn=Peter Neufeld, CAO, o, ou,  
email=pneufeld@leamington.ca, c=CA  
Date: 2015.12.10 14:09:34 -05'00'

:bn

attachments

T:\Planning\Council Reports\2015\PLA 56 15 - ZBA 91 - Destiny Estates Subdivision - Lots 38-58

Site Plan Proposed Lot Layout



## Report

**To:** Mayor and Members of Council  
**From:** Brian Nagata, Development Planner  
**Date:** November 24, 2015  
**Re:** Development Control Agreement Amendment - Phase 1  
Blocks 47, 48, 49 & 50, Plan 12M-607  
Golfwood Lakes Plan of Subdivision

---

### **Aim:**

To advise Council of a request to amend the Development Control Agreement for Golfwood Lakes Plan of Subdivision to allow the development of townhouse and semi-detached units on Blocks 47, 48, 49 & 50, Plan 12M-607 located in Phase 1.

And to further advise of the submission of an application to remove the Holding Symbol (H) from the Residential (R3) Zone of the lots located in Phase 1.

### **Background:**

Golfwood Lakes Subdivision was given draft approval by the County of Essex for 217 single detached dwellings and 75 townhouse dwellings to be developed in 5 phases. Council approved a Development Control Agreement for the development of the entire subdivision and the construction of Phase 1 and 2 on March 16, 2015. The agreement contained the standard development provisions which allowed for the construction and registration of Phase 1 entirely and also allowed the construction of underground services (water, sanitary and storm) for Phase 2 to be installed. Phase 1 includes 45 lots for single detached dwellings and 4 blocks to be developed as 15 townhouse units.

### **Proposal to Amend Approved Development Agreement:**

The draft approval and development agreement allowed for the development of 75 townhouse units within the entire subdivision, 15 of which were to be constructed in Phase 1. The developer would like to change the type of unit being constructed on Blocks 47, 48, 49 & 50 from 15 townhouse units to a combination of townhouse and semi-detached units (see Appendix A – Revised Lot Layout). The proposed amendment would result in 9 townhouse units and 4 semi-detached units within Phase 1. The proposed changes would reduce the total number of dwelling units within the entire subdivision by 2.



**Key Map of Golfwood Lakes Subdivision - Phase 1 and 2**

### **Comments:**

The developer has requested approval of a revised lot layout for the units to be constructed on Blocks 47-50 along the east and west side of Tanglewood Drive to address the market demand for both townhouse units and semi-detached dwellings.

The following matters were taken into consideration with respect to the proposed revisions:

1. The proposed townhouse and semi-detached units are permitted structures under the Residential Zone (R3) provisions and allow for appropriate building envelopes for the construction of the proposed units.
2. There will be no changes to the total number of approved blocks within Phase 1 of the Golfwood Lakes Plan of Subdivision. Blocks 47, 48, 49 & 50 were to be developed as 15 townhouse units where the individual lots would be created under the provisions of a Part Lot Control Exemption.
3. The proposal results in two less residential units within this phase and the subdivision as a whole. Based on the total development area and the original number of units, the Golfwood Lakes Plan of Subdivision was considered a low density residential development. The reduction lowers the density slightly further, however represents an appropriate mix of housing types.



4. The use of a Part Lot Control Exemption is still the appropriate land division tool to create the individual units as proposed.
5. The proposed units can be adequately serviced by existing infrastructure. Revised servicing plans, grading plans and utility plans must be submitted to Engineering Services for approval prior to acceptance of the services and issuance of building permits.
6. There is a holding provision over the entire Golfwood Lakes Plan of Subdivision to ensure that proper servicing is in place prior to the development of the lands within each phase.
7. The proposed units are in character with the type and size of lots within Phase 1. The layout is appropriate with respect to driveway location and will allow for variety along the streetscape of Tanglewood Drive.
8. The revised lot layout will not require any additional securities to be submitted by the developer.

### **Amending Agreement**

Administration suggests that the Development Control Agreement should be amended to allow the development of 9 townhouse units and 4 semi-detached dwelling units on Blocks 47, 48, 49 & 50, as shown on the revised lot layout included as Appendix A. The amending agreement will also acknowledge the reduction in fees for the number of residential dwelling units in Phase 1 and the revised servicing drawings.

### **Proposal to Holding Symbol (H) Removal:**

Section 6.3 of the Official Plan establishes that the zoning by-law will incorporate the Holding Zone (H) approach in accordance with Section 36 of the Planning Act. The Official Plan identifies that the intended use of the property is for residential purposes. The Holding (H) Symbol has been added the Residential Zone (R3) for all of the lots within the entire plan of subdivision to defer the availability of building permits until the Municipality is satisfied that site specific conditions regarding efficient phasing and proper servicing have been met. The Municipality is now in a position to allow residential construction within Phase 1 to proceed.

Notice of the intent to remove the Holding Symbol (H) was given by the Municipality in the local newspaper on December 9<sup>th</sup>, 2015 stating the earliest date Council may consider passing a by-law for this purpose to be December 14<sup>st</sup>, 2015. There are no appeal opportunities for the removal of a Holding Symbol (H) from the zoning of a property.

## Financial Impact:

Under the provisions of the original agreement, the applicant was required to pay fees to the Municipality for the planting of trees and administrative review fees based on the number of dwelling units within Phase 1. The applicant submitted fees for 60 dwellings units in Phase 1 totaling an amount of \$16,500 (\$15,000 trees plus \$1,500 administrative fees). The proposed revised lot layout will reduce the total number of residential units within Phase 1 from 60 to 58. To ensure the best tracking of necessary payments through the agreement it is recommended the original agreement be revised to show the reduced number of units and resulting revised Tree and Administrative fees. The developer should be refunded the amount of \$550 for the reduction of two units in Phase 1.

There will be no financial impacts to the Municipality upon the removal of the Holding (H) Symbol from the zoning of the lots within Phase 1.

## Recommendation:

That the request to amend the Development Control Agreement for Golfwood Lakes Plan of Subdivision to allow the development of 9 townhouse units and 4 semi-detached units on Blocks 47, 48, 49 & 50 within Phase 1 be approved;

And that the Mayor and Clerk be authorized to execute the amending agreement;

And that the owner receive a refund of \$550.00 representing the Tree Fee and Administration Fee for the reduction of the number of units in Phase 1 by two dwelling units;

And that Zoning By-law Amendment Application ZBH #123 to remove the Holding Symbol (H) from the lots found in Phase 1 of Golfwood Lakes Plan of Subdivision be approved by Council;

And that the Clerk be directed to forward the amending by-law #523-15 to Council for its consideration. (PLA-35-15)

Respectfully submitted,

**Brian Nagata**  
Digitally signed by Brian Nagata  
DN: cn=Brian Nagata, o=Municipality of  
Leamington, ou=Development Planner,  
email=bnagata@leamington.ca, c=CA  
Date: 2015.12.02 11:38:24 -05'00'

Brian Nagata  
Development Planner

Tracey Pillon-Abbs,  
Director of  
Community &  
Development Services

Digitally signed by Tracey  
Pillon-Abbs, Director of  
Community &  
Development Services  
Date: 2015.12.09 09:56:12  
-05'00'

Danielle Truax  
Manager of Planning Services

Tracey Pillon-Abbs  
Director of Community and Development Services

: bn

**Peter  
Neufeld, CAO**

Digitally signed by Peter Neufeld, CAO  
DN: cn=Peter Neufeld, CAO, o, ou,  
email=pneufeld@leamington.ca, c=CA  
Date: 2015.12.10 14:11:15 -05'00'

T:\Planning\Council Reports\2015\PLA 35 15 - Golfwood Lakes Townhomes (Amendment to Subdivision Agreement)

Appendix A - Revised Lot Layout

