

Minutes of a public meeting held Monday, July 23, 2001 at 5:30 p.m. to consider a proposed official plan and zoning by-law amendment.

Present: Mayor Tony DiBartolomeo
Deputy-Mayor Robert Pillon
Councillor Mickey Bezaire
Councillor Rosa White
Councillor Lynne Fox
Councillor Anthony Leardi

Also present: Bill King
Paul Beneteau
Lory Bratt

A list of those members of the public in attendance is attached hereto and forms part of these minutes.

Councillor Mickey Bezaire was appointed to Chair the meeting.

DISCLOSURE OF INTEREST

Councillor White indicated a disclosure of interest and will refrain from discussion and/or voting on this matter.

Chairman M. Bezaire opened the meeting and welcomed all those in attendance. He stated the purpose of the meeting was to consider proposed official plan and zoning by-law amendments for property located on the northeast corner of the intersection of Fort Street and Sandwich Street. He then asked the applicants to summarize their proposal.

Jeffrey Slopen, Solicitor advised he represents Mikhail Holdings who is proposing a commercial plaza with a food store and ancillary uses. He introduced Cindy Prince, Planning Consultant and Joe and Lou Mikhail.

Cindy Prince then referenced her report dated June, 2001 and summarized the applications to amend both the official plan and zoning by-law. The purpose of the application is to permit the site to be redeveloped into a commercial plaza with approximately 60,000 sq. ft. The main tenant proposed is a food store (approximately 40,000 sq. ft. in area). It is estimated there will be four additional retail and/or office type tenants in the building.

The subject property is designated High Density Residential and Office Residential in the Town's official plan. The proposal is to change the official plan designation to Highway Commercial. The subject property is currently zoned Residential Multiple Second Density (RM2) and Residential Office.

The subject property is comprised of eight lots in a registered plan of subdivision, the former Enviro Tech property and a portion of a closed rail right-of-way. The property has approximately 476 ft. frontage on Sandwich Street and approximately 495 ft. of frontage on Fort Street.

An environmental audit was done on the former industrial site and decommissioning requirements are complete. The entire subject property has access to full municipal services.

The Planner explained the nature of the proposal advising the site can accommodate a 60,000 sq. ft. plaza made up of a food store and other uses such as bank, office, video rental, hair stylist, etc.

Mrs. Prince described the nature of the surrounding area and presented pictures of the uses in the area: (i) west of Sandwich Street, (ii) south side of Fort Street, (iii) lands east of the subject property, and (iv) lands north of the subject property. A Land Use map was also presented.

There is nothing specific in Provincial Policy that addresses an application of this nature. Provincial Policy leaves the responsibility for arranging land uses within Settlement Areas to the local municipality.

The Planner referenced the conceptual site plan included in the report. The Planner then summarized the planning issues and why she supported the proposal.

Jeff Slopen then addressed Council referencing a report from Bill King regarding the proposed amendments.

Mr. Slopen stated that the uses proposed for the property are permitted in the Highway Commercial Designation. The Shopping Centre Designation proposed in the report is applicable to the White Woods Mall, however, this is not an interior mall, it is a commercial shopping plaza.

Regarding traffic, he felt the correspondence provided from F. R. Berry, P. Eng. addressed traffic concerns regarding no negative impact. Mr. Slopen felt the other issues addressed in Mr. King's report are site plan issues and stated that a building permit cannot be issued until site plan approval is received.

In Mr. Slopen's opinion the property is not suitable for high rise.

A concern has been received from one resident, however, his client will continue to try and purchase this property.

Chairman Bezaire then asked for any questions/comments from the public.

Tom Laframboise stated he had no objection to the application. He felt this would clean up the area and could increase property values.

Tony Pietrangelo, owner of Maria's Restaurant stated that the official plan currently designates the property for high density residential and he feels this is the best use for the property. Mr. Pietrangelo feels this will bring more residents downtown and help the businesses in the area. He felt the Navy Yard Condo has had a positive impact.

Warren MacKinnon, 36 Sandwich Street South stated his objection due to increased traffic from the various commercial uses.

Bob Smith, 67 Sandwich Street South stated he is a 27 year resident and his property abuts the subject lands. He stated that historically the property has been used as a canning factory, lumber yard and then Enviro Tech. Mr. Smith fears what the neighbours may have to live with if this proposal fails. He expressed concern regarding heavy traffic, tractor trailer traffic, odours from such uses as restaurants, location of deliveries, etc.

Mr. Smith stated the neighbours in the area are entitled to peace and quiet. In his opinion he feels the application will go to the Ontario Municipal Board, however, he hopes Council will stick by the current official plan designation of this property.

Gary and June McManemy, 57 Sandwich Street South addressed Council stating they do not oppose development, however, are opposed to irresponsible development. They asked if Jean Monteith has been consulted on this proposal. They were advised that Bill King is the professional planner for the municipality.

Councillor Fox explained Ms. Monteith's involvement with respect to the preparation of the official plan and zoning by-law.

Mr. and Mrs. McManemy were concerned that a Commercial Highway Zone will allow too many uses and open a "Pandora's Box". They felt the official plan set out certain parameters to follow for amendments and questioned whether a viability study, planning impact analysis and traffic study should not be in place prior to consideration of any by-laws.

They expressed concern that if following this public meeting the by-laws are considered by Council and an appeal is received who will pay the costs involved.

They felt the current official plan designation should be maintained.

Santino D'Alimonte, 89 Sandwich Street South referenced the access from Sandwich Street which is adjacent to his property. He was concerned about the impact of this development on his property.

Alan Patton, Loblaw Properties (owner of Valu-Mart) addressed Council advising that he has had the opportunity to review the planning reports regarding this proposal. Referencing the Prince report he did not agree that "significant land assembly" warranted a commercial use from a land use planning perspective.

He indicated his concurrence with the King report and also felt the application to be premature.

Mr. Patton referenced the Town's official plan (Section 3.4.2) noting that the plan states food stores may locate in a Commercial Highway Designation, however, this is not a green light that food stores are necessarily an appropriate use. He stated, however, that the Commercial General designation does allow food stores as a permitted use.

Loblaws feels that a food store in this area will impact on Valu-Mart and felt there were other areas which may be more appropriate.

Elsie Sprague, 156 Fort Street expressed concern regarding the potential for large trucks to park along Fort Street. She wanted to ensure this would not be allowed.

Gabriella Cross, 144 Fort Street stated she thought the proposal was a bad idea. She stated this area is primarily residential and the proposed mall should be located in another area.

Santino D'Alimonte expressed concern about the sign located on the property in addition to the dust problem as a result of demolishing the buildings.

Helen Wigle, 312 Ramsey Street wanted to ensure proper procedure was being followed. She then referenced that during the public meetings for the official plan she stated her strong objection to the destruction of homes on the east side of Sandwich Street. She felt that Sandwich Street was once an inviting promenade, however, now noted the number of homes left on the east side of Sandwich Street compared to Commercial uses.

She then questioned the procedure used regarding consideration of the proposal.

Mayor DiBartolomeo stated that it is not normal procedure to consider the by-laws the same night as the public meeting and required a motion of Council to change that policy.

Councillor Fox also referenced the minutes of the last Council meeting which explains how the policy change was considered by Council.

Councillor Leardi also confirmed that all procedures under the Planning Act have been followed.

Jeff Slopen advised that he had requested that the by-laws be considered the same evening as the public meeting, however, based on the discussion would ask that the by-laws be delayed to the next regular Council meeting August 13, 2001.

Helen Wigle expressed her opposition to the development and suggested it should be in another area.

Albert D'Alimonte stated he does not oppose the development and felt the Commercial Designation should be extended farther. His property is Residential Office and he feels this is too restrictive. The Town has to grow and he feels commercial use is appropriate for Sandwich Street.

Jeff Slopen stated that planning is a fluid process. If it were not the property would be zoned Industrial and there would be another Enviro Tech. He did not think it is in the best interests of anyone to retain vacant land. He stated the residents raised very important issues which must be addressed. These concerns can be addressed through site plan control, i.e. landscaping, buffering, etc. The community is not just Sandwich Street and there is not enough Commercial uses to serve the north end of the Town. The needs of developments such as Golf View, Pointe West must be served.

There has been no significant high rise development in Town since the Navy Yard Condominiums. Mr. Slopen stated this development should not have a negative impact.

Mr. Slopen stated that you can maintain peace and quiet, however, people must acknowledge that they live in an urban environment and we must think about the broader community.

This plaza is meant to meet the needs of the community. The people who live on Sandwich Street understand traffic. Mr. Slopen stated that in terms of the representation on behalf of Loblaws he feels it was self serving.

The Mikhails see merit in their proposed development and feel the impact with regard to taxes, jobs and the broader community is positive.

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Mr. Slopen indicated the details of the project can be refined through the site plan approval process.

Mayor DiBartolomeo then referenced Mr. King's report stating it will be necessary for the developer to provide the additional information outlined on page 3 of the report with respect to the planning analysis, traffic information and market study.

The following correspondence was received from the various agencies circulated:

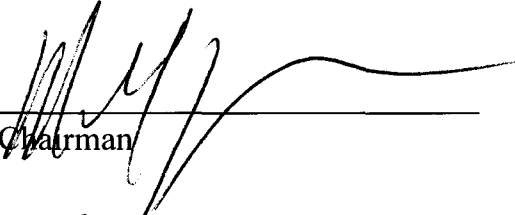
- (1) Letter dated July 23, 2001 from the Essex Region Conservation Authority.
- (2) Letter dated July 20, 2001 from the Ministry of Municipal Affairs and Housing.

There being no further questions/comments it was,

Moved by T. DiBartolomeo
Seconded by R. Pillon

That this public meeting be adjourned at 7:15 p.m.

- carried -


Chairman


Planning Coordinator

