

PUBLIC MEETING

Minutes of a public meeting held Wednesday, October 26, 2005 at 7:00 p.m. in the Council Chambers to consider a proposed Zoning Bylaw Amendment.

Present: Mayor Wayne Hurst
Deputy Mayor Anthony Leardi
Councillor Bob Bailey
Councillor Carl Gibb
Councillor Paul Renaud
Councillor Rosa White

Also Present: Frank Pizzuto, CAO
Dave Mailloux, Clerk
Lory Bratt, Planning Coordinator
Jean Monteith, Planning Consultant

Absent: Councillor Gord Freeman (with prior notice)

A record to those members of the public in attendance is attached as a schedule and forms part of these minutes.

DISCLOSURE OF INTEREST

There were no disclosures of interest.

Deputy Mayor Leardi assumed the Chair and opened the meeting welcoming all those in attendance stating the purpose was to consider a proposed Zoning Bylaw Amendment for property municipally known as 400 Sandwich Street South. He explained the process for the meeting and the requirements under the Planning Act and asked the Planning Coordinator and Planner to summarize the application.

Planning Coordinator

We are in receipt of an application for Zoning By-law Amendment to By-law 1999-52 under Section 34 of the Planning Act from 1318840 Ontario Limited.

The property affected by the proposed amendment is located on the south side of Pickering Drive, west of Sandwich Street and is described as Block "A" Plan M-83 and is known municipally as 400 Sandwich Street South. The property has approximately 538 feet of frontage on Sandwich Street, a lot area of 4.6 hectares (11.4 acres) and is currently used for an existing shopping centre (White Woods Mall) and parking lot. The easterly portion of the property (approximately 4.0 hectares) is currently zoned as Special Commercial Highway (CH-8) Zone, which permits a range of commercial uses with a special provision also permitting a shopping centre and theatre. The remaining westerly portion of the property has a land area of approximately 0.6 hectares and is zoned Special Residential Multiple Second Density (RM2-4) Zone, which permits a multiple dwelling, continuum of care facility, home occupation, accessory uses and public uses.

The proposed amendment to the Zoning By-law No. 1999-52 would change the zoning of the westerly portion of the property to a dual-zone "Special Residential Multiple Second Density (RM2-4) Zone" and "Special Commercial Highway (CH-8) Zone" to provide for possible future commercial development of the site. Under this dual-zoning, the permitted uses would include those currently permitted under the existing RM2-4 Zoning or those permitted under the CH-8 Zoning. The dual-zoning would not permit the use of

the lands for both the uses permitted under the RM2-4 Zone and the CH-8 Zone at the same time. In addition to the proposed zone change for the westerly portion of the site, an amendment to the provisions of the "Special Commercial Highway (CH-8) Zone" is also being requested to add an art gallery, institutional use, laboratory, laundromat, commercial recreational establishment and place of entertainment to the list of permitted uses, to remove the requirement for a planting strip along Pickering Drive, to permit parking spaces within 3 metres of the property line along Pickering Drive, to change the minimum required length of a handicapped parking space to 5.5 metres, to reduce the required rear, interior and exterior side yard requirements to zero, and to change the number of required loading spaces for the proposed uses.

The proposed Amendment to the Zoning By-law is in conformity with the policies of the Official Plan, which designates these lands as "Shopping Centre Commercial".

COMMUNICATIONS:

- (1) Letter dated October 24, 2005 from Maurice VanHooren, P.Eng., President, Danrose Ltd. (Owner of Pickering Tower, 130 Pickering Drive) expressing concern with the following proposals within the amendment: (i) The planting strip along Pickering Drive should remain at 3 metres and be developed to its full visual potential (ii) the exterior side yard should not be reduced to zero – the visual damage to the area would be immeasurable. (iii) The westerly rear yard that borders on the Caldwell Tower apartment buildings at the rear of the mall should not have the rear yard reduced to zero if the rear portion of the lot is developed as a CH-8 Zone. A building wall on the rear lot line would negatively impact residents of the Caldwell buildings and might better be used for a planting strip and parking.
- (2) Letter dated October 18, 2005 from the Essex Region Conservation Authority advising they have no objections, however the property is subject to ERCA regulations and a permit is required prior to any construction or site alterations.
- (3) The Notice of Public Meeting and draft Zoning By-law Amendment is attached for Council information.

Planning Consultant

Ms. Monteith addressed Council stating that the Town may wish to consider adding special conditions to the proposed amending bylaw relative to Council's approval of a site plan to address details on fencing and landscaping, the building materials to be used on any structure adjacent to Pickering Street or the abutting apartment building, and all other matters contained in Section 41 of the Planning Act.

Joe Mikhail – Applicant

Mr. Mikhail addressed Council advising that the purpose of the request is to "undo" what they had previously requested on the westerly part of the property and add Commercial Highway again on this parcel. The proposed amendment will permit the applicants to maximize the commercial potential of the property. They would like to equalize this property with their properties in other municipalities. Mr. Mikhail referenced the letter from Mr. Vanhooren sharing his concerns and indicating they wish to be good neighbours and would invite him to have discussion in the site plan approval process. They want their neighbours to be happy and wish to work with them.

Deputy Mayor Leardi then asked for any questions and/or comments from members of the public.

Tony DiBartolomeo

Mr. DiBartolomeo indicated his support for the proposed zoning bylaw amendment. He did indicate, however, that, having previous experience where bylaws have been appealed, he wondered if the proponent was still going to have objections to other development applications currently being considered.

The Deputy Mayor suggested that Mr. DiBartolomeo may wish to ask that question directly to the applicant in that it was not relevant to this application.

Deputy Mayor Leardi advised that anyone who signed the Attendance Record Sheet will be notified when the proposed bylaw will be coming before Council and of any decisions on this issue.

There being no further questions and/or comments the public meeting adjourned at 7:10 p.m.

Chairman

Lory Bratt

Planning Coordinator

