

CITY COUNCIL NO. 15-70

June 1, 1970.

City Council met this evening with members of the Cornwall Planning Board to discuss the decision of the Ontario Municipal Board, dated May 21, 1970, re By-law No. 751, 1969.

In attendance from Council were: His Worship Mayor N. Kaneb, Aldermen R. Carrara, R. Brunet, D. Webster, F. Guindon, K. Bough, A. M. Lebano and M. Holden.

Present on behalf of the Cornwall Planning Board were: Dr. J. A. Phillips, Chairman, Mrs. Jean Cameron, Messrs. Wm. Mack, J. Forget, G. Harrop, L. Snelgrove, E. Lauzon and Wm. Eaton, Secretary-Treasurer.

Mr. S. E. Fennell reported that he had met this afternoon with Professor K. Barker, Dr. J. A. Phillips and Mr. C. F. Adams to review the decision of the Board and he wished to make the following comments - The Board has given temporary approval but there are some areas that it wishes Council, together with the Planning Board, to reconsider and submit an amending by-law for approval. The by-law should be submitted this fall or else Council should ask for an extension of temporary approval. Mr. Fennell noted that there are three general principles involved - (1) the Board will not permit Council to designate, as P.O.S., lands privately owned unless the City is ready to proceed to negotiate with the owner for the use of these lands to the satisfaction of the private owner. The areas involved are on the south side of Montreal Road from Courtaulds easterly; from the west side of the old Dingwall's Bush which is adjacent to the Optimist

Sports Centre; and the coal yards of Amos Coal; (2) Where property owners have requested a change in zoning, which change is in conflict with the Official Plan, then application must first be made to the Department of Municipal Affairs for a change in the Official Plan and, if this change is approved, then application may be made to amend the Zoning By-law. The Board further stipulates that areas to be rezoned general commercial must show evidence that more commercial lands are required in the City. Mr. Fennell stated that he had discussed with Professor Barker, the commercial zoning in the municipality and the Professor is going to have a study made immediately of the area of lands that are zoned commercial and its ratio to other lands in the City. He will make a comparison with other municipalities and also study the dollar value of assessment of commercial lands compared to the rest of the land in the City. To make this study relevant, Mr. Fennell stated that one has to make a ratio between assessment and market value which is more difficult to ascertain with commercial properties than residential lands. It would seem advisable to meet with representatives of the Community Planning Branch for its assistance as many applications are on file to have residential and agricultural lands rezoned commercial;

(3) With regards to Urban Renewal, the Board will not permit any change in zoning which would make existing usage non-conforming where the City is not prepared to commence its Urban Renewal Programme. Mr. Fennell believed the only area that might create a problem in this respect would be the Texaco Service Station at the corner of Eleventh and Pitt Streets and suggested that the

area be zoned COM. 51 which would put the land in conformity with property across the street.

Referring to items as listed in the decision of the Board, Mr. Fennell made the following observations -

Page 4 (2) The atlas will have to be changed and will be submitted with the amending by-law.

(3) Council, together with the Planning Board, will have to recommend, if the area is to be changed to commercial, that the Official Plan and Zoning By-law be amended. In the application, the Board will want evidence from the applicants that more commercial lands are needed in the City. With respect to P.O.S., this designation will have to be changed and a recommendation made from Council.

(4) The atlas will have to be changed to bring all the lands under one zoning designation. A change will also have to be made in the definition of food market.

(5) There would appear to be an error in the reporting of this item as Mr. Stiles, on behalf of his clients, requested a change from institutional to commercial. To allow commercial, the atlas would have to be changed.

(6) A meeting was suggested with the Community Planning Branch in an endeavour to control the 13 foot strip of land on the north margin of the Boundary Road.

(7) The suggested change, as approved by the municipality and the solicitor for the Raisin Region Conservation Authority, is to be placed in the amending by-law.

(8) The area, as designated as P.O.S. and according to direction from the Ontario Municipal Board, will have to be changed.

(9) To effect these changes, amendments will have to be made to the Official Plan and Zoning By-law with evidence in support of the application that additional commercial land is needed in the City.

(10) The business has been in operation since 1959 and cannot be expanded on the company's present holdings in the area. If the property is rezoned to put the land in a conforming use, then property of neighbours would be put in a non-conforming use.

(11) The land along the south side of Montreal Road in the eastern section of the City is designated as P.O.S. and, in accordance with the decision of the Board, will have to be changed by Council.

(12) This land is within the area designated P.O.S. on the south side of Montreal Road in the eastern section of the City which is not acceptable to the Board and will have to be changed by Council.

(13) At the request of Pfizer Company Limited, the land in this area was zoned R-2 in the new Zoning By-law in a manner to permit multiple family dwellings. Professor Barker suggested, in his discussions this afternoon, that the matter be studied with the Community Planning Branch.

(14) The Board did not approve the rezoning of these sections of Second and Sydney Streets and recommend that Council again consider these areas.

(15) The Board says these lands are to remain COM. 51.

Mr. Fennell suggested that we also zone the area immediately across

the road as COM. 51 to take in the Texaco Service Station as this area is in the Urban Renewal development programme.

(16) Dr. Tallon has requested institutional. Mr. Fennell stated that he has learned that two petitions are now being circulated - (1) to have the land zoned institutional and (2) to have the land remain as residential. If a change is made to institutional, both the Official Plan and Zoning By-law will have to be amended.

(17) The Board has directed that the lands in this area are to remain residential as they find insufficient cause for more commercial zoning.

(18) Mr. McLaren is requesting that land where he carries on his business be zoned to permit the operation of business in a residence. He also asked that the cemetery on McConnell Avenue be designated P.O.S. and there appears to be no objection to this request. At the Board Hearing, Mr. McLaren also made application for approximately 13 acres of Domtar land, on the northeast corner of Seventh and Brookdale Avenue on the east side of Brookdale Avenue, to be changed from industrial to commercial. This request will have to be studied by the Planning Board.

(19) Mr. Fennell suggested that Professor Barker again discuss the question of service stations with the Community Planning Branch. Mr. Fennell stated that Professor Barker believes that provisions in the by-law are sound provisions for the operation of service stations but, at the same time, probably the objections of the service station owners should again be studied.

Alderman Lebano stated that he agreed that the property owned by Dr. Kelly and Dr. Crewson should be zoned

commercial. With respect to the land now designated as P.O.S. and adjacent to the Optimist Sports Centre, he noted that the Optimist Sports Club will be required to give five percent of this area of land to the City for park purposes. Answering Alderman Lebano, Mr. Fennell stated that, according to the decision of the Board, the City will have to acquire any land before designating it as P.O.S. Referring to the property owned by Elm Hill in the eastern section of the City, Mr. Fennell doubted as to whether the land was of sufficient size to be used in building on and then the owner would possibly have to come to the Committee of Adjustment.

Referring to Cornwall Bottling Works, Alderman Lebano noted that this is one of the few prestige industries of the City and we should not slow down industrial development.

Referring to Doyle's Marina, Alderman Lebano felt that, possibly, the City could leave this area undisturbed and develop from this point easterly. Replying to Alderman Lebano, Mr. Fennell made reference to paragraph 2, item #19 of the Board's decision, whereby the Board suggested that the matter be restudied. With respect to side and yard clearance, it was pointed out that service stations should have a large enough lot in order to carry out snow removal without it being necessary to push the snow onto neighbours' properties.

Alderman Brunet referred to the application of Cornwall Bottling Works and stated that care must be taken because if we were to rezone the area commercial in accordance with the wishes of this company, then residences, which would

be put in a non-conforming use, might not be able to rebuild if fire should occur. Answering Alderman Brunet, Mr. Fennell stated that any change in the definition of home occupancy could be made in the amending by-law.

Answering Mr. Harrop, Mayor Kaneb stated that the request of Mr. McLaren, to have the land, owned by Domtar at the northeast corner of Seventh Street and Brookdale Avenue, rezoned, would have to be considered by the Planning Board and, if recommended by it, an amending by-law could be prepared and presented to the Ontario Municipal Board for approval.

Answering Mr. Snelgrove, Mayor Kaneb stated that, if Cornwall Bottling Works was to purchase land adjacent to their business, there is no reason why the company could not ask to have the land rezoned for their purposes.

Replying to Mr. Forget, Mr. Fennell stated that, while the decision of the Board did not cover a request from Domtar for rezoning, Mr. McLaren did appear before the Board and ask for this change. Further, Mr. McLaren did speak with Professor Barker and other City Officials today and asked that this land be rezoned as quickly as possible as the agreements have been signed with the company to build here and the only thing holding up construction is the rezoning of the land.

Alderman Guindon noted that the Board had ruled that the west side of Pitt Street, south of Marion Street, should remain residential, therefore, it was Alderman Guindon's opinion that commercial would not be allowed on the east side of the street as well as the west side in this area. Referring to Pitt Street from Marion Street to Cornwall Centre Road, Alderman

Guindon suggested that these properties be zoned COM. 51 which would allow for transitional commercial. He suggested that the Planning Board consider this matter.

Referring to commercial areas, Alderman Guindon asked that the Planning Board look at this type of zoning from the viewpoint that the City could develop into a convention centre.

Speaking on the application of Cornwall Bottling Works, Alderman Guindon felt that the company should take an option on abutting properties in order to give them the area necessary to enlarge before requesting a rezoning of its land.

Replying to Alderman Lebano, Mr. Adams stated that Domtar has indicated its willingness to give to the City, road allowance for ingress and egress to the proposed Holiday Inn to be built on property now owned by the company. Mr. Mack noted that, any major hotel chain, in building in an area, will not enter from a rotary but provides its own private road or circle.

Moved by Alderman Lebano, seconded by Alderman Bough that a meeting be set up with the Community Planning Branch to be attended by Professor Barker, Dr. J. A. Phillips, Mr. S. E. Fennell and Mr. C. F. Adams. Unanimously adopted.

Mayor Kaneb expressed his thanks to members of the Planning Board for attending this evening's meeting and asked that the Board consider the various items set out in the Board's decision and recommend to Council as soon as possible.

Adjournment - Moved by Alderman Bough, seconded by Alderman Carrara that Council adjourn.


Clerk


Mayor