

THE CORPORATION OF THE TOWNSHIP OF BROCK

MUNICIPAL ADMINISTRATION BUILDING

COMMITTEE OF THE WHOLE

SESSION FIFTEEN

MONDAY, SEPTEMBER 10, 2007

The Fifteenth Meeting of the Committee of the Whole of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, September 10, 2007, in the Municipal Administration Building Council Chamber.

Members present: Mayor: Larry O'Connor
Regional Councillor: John Grant
Councillors: Mike Manchester
Harold Lodwick
Anthony Woodruff
W.E. Ted Smith

Members absent: Councillor: David Marquis

Staff Members present: Clerk-Administrator George S. Graham
(recording the minutes)
Deputy Clerk-Administrator Thomas G. Gettinby
Clerk-Stenographer Susan Creighton

I. CALL TO ORDER

Mayor Larry O'Connor called the meeting to order at 7:00 p.m.

II. PURPOSE

TO HOLD A PUBLIC MEETING TO CONSIDER AN APPLICATION FOR AN AMENDMENT TO RESTRICTED AREA BY-LAW 287-78-PL:

RE: Debbie Bell
Part Lot 5 and 6, Plan 14
19 Munro Street, Cannington
File No. 2-2007-RA
Township of Brock

1. The purpose of this public meeting is to obtain public input in respect of an application to rezone the subject land from the Residential Type No. 2 (R2) Zone category to a Residential Type No. 2 Exception (R2 – Exception) Zone category. This will permit development of a retail commercial establishment, not exceeding 760 square feet for the sale of flowers, herbs, and materials incidental and subordinate thereto within the existing single-detached dwelling.

MAYOR LARRY O'CONNOR OUTLINED THE FOLLOWING POINTS FOR THE BENEFIT OF THOSE IN ATTENDANCE:

2. There will be no decision made on behalf of the Township of Brock in respect of the application at this meeting.
3. The Committee of the Whole of the Township of Brock will consider the merits of this application at a later date, taking into consideration all input received on the subject application.
4. Persons who wish to be notified of further meetings of the Committee of the Whole and/or Council dealing with this rezoning application must request to be notified in writing. Persons who speak to the application tonight and/or make written submissions to the Township will automatically receive notice of future meetings dealing with this application.
5. If a person or public body does not make oral submissions at the public meeting or make written submissions to the Township of Brock before the by-law is enacted (if approved), the person or public body is NOT entitled to appeal the decision of the Council of the Township of Brock to the Ontario Municipal Board. Further, the

person or public body may NOT be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

6. In the event that the actual by-law is enacted by Council, it will be circulated in the formal manner under the provisions of the *Planning Act* and at that time, if objections are received, a hearing will be held before the Ontario Municipal Board, at which time the objectors will be informed of a hearing date.

CHAIR LARRY O'CONNOR CALLED UPON THE APPLICANT AND/OR REPRESENTATIVE TO OUTLINE THE PROPOSAL FOR THE BENEFIT OF THOSE IN ATTENDANCE.

Ms. Debbie Bell, owner, was present to speak to the application. She advised that after 18 years working as a display artist and buyer in Port Perry, she became unemployed and created Bell's Flowers. She and her 1949 Mercury started attending farmers' markets, home and garden shows, art festivals, the Cannington Quilt & Craft Show, the Horticultural sale and Antiques Road Show, within Durham Region, and this is when she became familiar with Cannington and chose it as a home base for her business and residence.

Regional Councillor John Grant requested clarification from the applicant insofar as the extent of the business operation outside of her residence and was advised that there are some plants outside in the garden and on the porch. Regional Councillor Grant enquired whether Ms. Bell has employees and was advised she does not. He asked whether there is a small green house for herbs on the property and was advised in the affirmative. He further asked whether it is her intent to expand or allow public access to her outside gardens and was advised this is not the intent.

Councillor Harold Lodwick enquired of Ms. Bell whether she plans to sell soil, trees and shrubs and was advised that she does landscaping as well and that trees for her landscaping contracts are ordered in. Councillor Lodwick enquired how large the property is and was advised that the lot size is 83' x 185'.

Councillor Anthony Woodruff enquired whether the applicant intends to expand the business area within her home and was advised she does not. He also enquired with respect to delivery to the business and was advised it is via Canpar, Purolator and Fed Ex. Councillor Woodruff asked what type of item is sold as part of this business and was advised it is garden related items, such as gloves, shoes, and flower pots. He enquired whether future staff are anticipated and was advised not for the home business, however staff may be required for a show outside of the home.

Councillor W.E. Ted Smith enquired of the applicant whether she worked through a realtor when looking for a property and was she aware of the zoning of the property in question, to which Ms. Bell advised that she attended the municipal office prior to finalizing the property sale and obtained the section from the zoning by-law on home occupation.

Councillor Mike Manchester enquired whether Ms. Bell's driveway is parallel to her neighbour and whether there is a sidewalk on her side of the street and was advised in the affirmative to both questions.

8. CHAIR LARRY O'CONNOR OPENED THE MEETING TO THE PUBLIC TO RECEIVE INPUT CONCERNING THE SUBJECT APPLICATION.

Ms. Susan Koskinen, 127 Meadowlands Drive, Cannington, advised that she walks regularly to MacLeod Park and that the subject property looks more like a garden centre, due to the 15-20 foot high birch and maple trees in the driveway, than a flower shop. Ms. Bell responded by advising that the trees mentioned were in her driveway as part of landscape job she was doing, said job now being complete, and the trees having been removed. Chair Larry O'Connor enquired whether tree storage in the driveway is anticipated to become normal practice and was advised it is not.

Mr. Gord Horne, 127 Meadowlands Drive, Cannington, enquired why the applicant would buy a home for use as a business in a residential area when there exists in

Cannington, ample commercial property. He further commented that the side streets are used by children and the truck traffic makes is unsafe for pedestrians.

Mr. Jack Owen, 98 Laidlaw Street South, Cannington, stated his agreement with Mr. Horne that there is available commercial property better suited to such a business and that he would not want this type of business next to his home. He feels that one exception would lead to another.

Mr. MacDonald Murphy, 43 St. John Street, Cannington, read to the committee his prepared statement in objection to the proposed rezoning. He and his wife Pamela have concerns and include the following:

- Continued use of the driveway for the commercial sale of trees, shrubs and soil products. These are not materials kept within the existing dwelling.
- Continued use of the backyard to grow commercial stock. Will one greenhouse turn into several?
- Inevitable increase in traffic including delivery trucks and customer vehicles. After all, what is the use of a retail commercial establishment without products to sell and customers to buy them.
- Increase in total strangers browsing about the driveway and yards, at anytime of the day, whether the owner is home or not. This is very disconcerting, especially after the rash of break-ins Cannington has experienced for many years now.
- Loss of peace and quiet and our right to privacy.
- Advertisements by the applicant for garden seminars. Where is this talked about in the file? Are these to take place outside in the yard? This means even more people and vehicles.
- Potential resale of applicant's property with a commercial designation. What will we have to deal with next?
- Adverse affect on our property value. Who wants to buy a residential home beside a retail commercial establishment?
- Continued use of hired help to keep the business open when the homeowner is away for the weekend or on holidays.

Chair Larry O'Connor advised that the questions raised will be taken into consideration when making a decision on this application.

Mr. Robert Simpser, 115 Munro Street, Cannington, advised he has been a resident of Cannington for 10 years and feels that what happens on Munro Street in Cannington at one end, could happen at the other end of the street, and should a property at the west end of Munro Street ever be rezoned to permit a retail establishment, he will be asking for a reduction in his taxes.

Ms. Brooke Miller, 31 Laidlaw Street South, Cannington, commented that she would like to see more support for local businesses and that as a community she would like to see business support. She feels Ms. Bell has improved the look of the property and that there is more traffic on other residential streets in Cannington. Ms. Miller noted that other towns have businesses located off their main street and that support for businesses is needed in order for the town to grow. Quite frankly, she is shocked at the negativity and likes to see diversity in business.

Ms. Lindsay Darnley, advised she is Ms. Bell's daughter and spoke in support of the application, advising that her mother, the applicant moved to Cannington because of its simplicity and suitability for the business. She advised that her mother is very talented and dedicated and that Bell's Flowers also supports other local businesses and that a Walmart in the area could have a bigger negative impact on the town. She advised of the need to work together because when it comes to Bell's Flowers, what you see is what you get!

Mr. Jack Owen, 98 Laidlaw Street South, Cannington, enquired whether a home occupation business is fair to those businesses paying business tax?

Ms. Susan Koskinen, 127 Meadowlands Drive, Cannington, advised she does not wish to discourage business in Cannington, but to have it located on the main street, which would provide safer streets for children to travel to the park.

Ms. Brenda Young, 34 St. John Street, Cannington, advised she is a teacher and encouraged by small business in Cannington, however as with her students, she encourages them to think ahead of possibilities which is what she feels council should do in this regard. She asked what could happen if the property were to be sold, would it open the door to a business like Walmart or the location of additional businesses in a residential area?

Chair O'Connor advised that there are means to limit business exceptions.

Mrs. Margaret Wright, 198 Laidlaw Street South, Cannington, advised she is the owner of a business at 37 Laidlaw Street, Cannington which also sells plants, flowers and gifts. She advised she is not opposed to competition, but feels that business should be on the main street, where she prefers to be. She addressed her concern for the safety of pedestrians walking in the area due to the increased truck traffic. Mrs. Wright also expressed concern that Ms. Bell continued with her business after having been told she was in contravention of the zoning by-law and feels that the business should have closed until it was in compliance.

Mr. John Nowakowski, Brock 2000 Gardens, R.R. #2, Sunderland, spoke in support of the application advising he has known Ms. Bell for approximately 3 years, and he is quite impressed with the new items she is bringing into the area for sale. He advised that on occasion, he delivers items to her business, reiterating that the mulch and trees in the driveway are not retailed but used in her landscaping business. He noted as well that Munro Street is the main route for truck traffic from the Foodland Grocery Store. Mr. Nowakowski advised that he is a grower and buys from Ms. Bell and that they send customers back and forth between their businesses. Her customers from South Durham Region not only go to Bell's Flowers but the other local businesses in the Cannington Area. He advised that prices are comparable to Walmart and stressed the importance of shopping locally.

Mrs. Margaret Wright, 198 Laidlaw Street South, Cannington, advised that delivery trucks often stop at her business looking for directions to Bell's Flowers.

Mr. Norm Wright, 198 Laidlaw Street South, Cannington, expressed concern that if this rezoning is permitted it would be precedent setting and other properties could be rezoned to permit a retail establishment on Munro Street.

Mr. Robert Simser, 115 Munro Street, Cannington, commented on the need to keep the area residential due to the school age children walking along the street, that do not always use the sidewalks.

Ms. Margaret Crammond, 108 St. John Street, Cannington, enquired as to the timeframe for making further submissions/comment and dealing with the application and was advised a report from the municipal Planning Consultant would likely take 4-6 weeks.

Ms. Allison Jackson, 11 Davidson Street, Cannington requested clarification as to the extent of the exception. She questioned whether the zoning is only in effect while the property is under the ownership of Ms. Bell and was advised that the zoning would remain with the property until it was changed and that through the use of site plans and development agreements use of the property, inclusive of what can be sold and fencing, can be controlled.

Mrs. Marguerite Teel, 58 Laidlaw Street South, Cannington, enquired what response Ms. Bell would have received from staff when she attended the municipal office to enquire about a home occupation at the subject property and was advised by the Deputy Clerk-Administrator that although he does not specifically remember Ms. Bell attending the office. It would depend on how the proposal was presented, as each request is dealt with individually and an extract from the zoning by-law on home occupations would have been given out.

Ms. Susan Koskinen, 127 Meadowlands Drive, Cannington, enquired whether a square footage exemption is needed for the storage of trees outside the home and on the porch?

Mr. Gord Horne, 127 Meadowlands Drive, Cannington, enquired whether taxes will increase to maintain Munro Street as the result of extra truck traffic and will the applicant be responsible for paying for the extra road maintenance?

9. There being no further input concerning the subject application, Chair Larry O'Connor requested a motion to close the meeting.

III. ADJOURNMENT

Resolution No. 1-15

MOVED BY John Grant that the Public Meeting of the Committee of the Whole as held concerning application for Rezoning File No. 2-2007-RA – Debbie Bell, now be closed at 7:55 p.m.

MOTION CARRIED

CHAIR

SECRETARY