

ITEM 25

MANAGER'S REPORT NO. 45

COUNCIL MEETING July 12/71

25. Re: Proposed Retail Store Development
Sussex Avenue and Rumble Street
Rezoning Reference #31/71.

The above rezoning application involves four properties in the vicinity of Sussex and Rumble, where C1 Neighbourhood Commercial zoning presently applies, but where reversion to the appropriate residential zoning category is approaching finalization. The matter went to a Public Hearing on June 22, 1971, and the rezoning bylaw received three readings at the June 28 meeting of Council.

Following Council's decision to forward the rezoning to a Public Hearing, application for Preliminary Plan Approval for a convenience or 'corner' store was received by the Planning Department for one of the four affected properties. It will be recalled that this matter first came to the attention of Council as a result of a local delegation opposing the introduction of such a use. As the rezoning of the properties was being considered by Council, the Planning Department did not proceed with the processing of any preliminary approval, but did not advise the applicant of this decision.

It has now come to our attention that the present owners and prospective developers of the property, Cloverlawn Investments, although they knew that a Public Hearing was to be held, were not informed specifically as to the date of the hearing. Notice of the Public Hearing was posted in the local newspapers as required by law, and, consistent with Council policy, written notification was sent to owners of the affected properties and abutting owners as shown on our Assessment records. However, as the ownership of Lot 4 had changed a short time previous, and advice of the transfer had not at that time been received from the Land Registry Office, notification in this case was sent to the previous owners of the property rather than the prospective developers.

Inasmuch as the new owners did not receive written notice of the Public Hearing, Council may wish to afford the actual owners of Lot 4 the opportunity to be heard on the matter of the proposed rezoning, prior to considering final reading of the Bylaw.

These comments by the Planning Director should not be interpreted as a change in his recommendation that the four properties be rezoned to the R4 (two family residential) District Category.

May we have Council's direction in this connection please?