

**Cornwall, Prince Edward Island  
Council Minutes**

**June 28, 2011**

Public Meeting of Council  
Cornwall, Prince Edward Island

A public meeting of residents of the Town of Cornwall was held in the Town Hall, Cornwall, Prince Edward Island on Tuesday, June 28th, 2011 at 7:00p.m.

**CALL TO ORDER:**

The meeting was called to order at 7:00p.m. by Glen "Barney" Fullerton, Mayor. Mayor Fullerton welcomed residents and introduced Deputy Mayor Corey Frizzell, Councillors, Minerva McCourt, Marlene Hunt and Parker Beer, Chief Administrative Officer, Kevin McCarville, Town Development and Planning Officer, Dean Lewis and Administrative Assistant Geneen Bergman.

Regrets: Councillors Irene Dawson and Peter Meggs.

Mayor Fullerton noted the meeting was called to provide residents and property owners an opportunity to review a proposed request to rezone Parcel ID No. 640227, being 354 TransCanada Highway. There were 3 members of the public present.

It was noted the following notice of the meeting was in the Guardian Newspaper on June 18th and June 23rd, 2011.

Kevin McCarville then took the floor.

It was noted this request was initially intended to be addressed at the public meeting held on May 31, 2011; however the item was removed from the agenda as inadequate notice had been given as a change to either the text or the zoning map of this Bylaw shall be considered a zoning amendment and must be consistent with Official Plan policies.

The property owner, Ms. Ellie Reddin requested to rezone the property located at 354 TransCanada Highway from Single Family Residential (R1) to General Commercial (C1) on May 11, 2011.

Kevin noted that in addition to the input received at this meeting Council must also consider Section 23.2 of the Bylaw in determining whether to approve to deny the application. Kevin then read Section 23.2 which states:

(2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:

(a) Conformity with all requirements of this Bylaw.

(b) Conformity with the Official Plan.

(c) Suitability of the site for the proposed development.

(d) Compatibility of the proposed development with surrounding land uses, including both existing and projected uses.

(e) Any comments from residents or other interested persons.

(f) Adequacy of existing water, sewer, road, storm water and electrical services, and parklands for accommodating the development, and any projected infrastructure requirements.

(g) Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.

(h) Compatibility of the development with environmental, scenic and heritage resources.

(i) Impact on Town finances and budgets.

(j) Other matters as specified in this Bylaw.

(k) Other matters as considered relevant.

Before Council rezones this property a further amendment to the Town's Official Plan, specifically the General Land Use Map will also have to be made.

This property has a single family dwelling on it so it would create an existing non-conforming building.

Kevin then listed the permitted uses for General Commercial Zones as per Section 13.2 of the Bylaw which states:

(1) No building or part thereof and no land shall be used for purposes other than:

(a) Retail Stores

(b) Business and Professional Offices

(c) Service and Personal Service Shops

(d) Banking and Financial Institutions

(e) Restaurants and Lounges

- (f) Hotels, Motels or other Tourist Establishments
- (g) Entertainment Facilities
- (h) Institutional buildings
- (i) Duplex, Semi-detached, Row/Townhouse or Apartment dwellings
- (j) Accessory Buildings
- (k) Transient or Temporary Commercial.

Kevin also noted the following items which are being considered by Council:

- Capability of additional sewer connections for this property.
- The property does not have commercial access to the TransCanada Highway as per correspondence received from the Province.

Other items recognized as pertinent to this request include the objectives for Commercial Development from the Official Plan which are:

- To encourage new commercial development in the Town.
- To ensure that commercial developments are of high quality in terms of appearance, traffic safety and compatibility with adjacent land uses.
- To direct commercial development to appropriate locations within the Town.
- To minimize conflicts between commercial development and established or future residential neighbourhoods.
- To expand the Town's commercial assessment base.
- To avoid compounding any present traffic or pedestrian safety concerns in the Town.

Policy PC-5: TransCanada Highway Commercial Corridor of the Official Plan is a significant policy for this parcel of land. Kevin read Policy PC-5 which reads as follows: It shall be the policy of Council to support the maintenance of the TransCanada Highway as a "limited access" arterial highway and oppose any new commercial access outside the existing commercial zones in the Town. The existing commercially zoned corridor along the TCH through the former Cornwall and North River areas shall be controlled to ensure the maximum safety for pedestrians and the travelling public.

Plan Action:

- Council shall support the efforts of the Minister of the Department of Transportation and Public Works to control commercial access to the TransCanada Highway.
- The existing commercially zoned areas adjacent to the TransCanada Highway shall be designated as a "Commercial Corridor Area" in the Development Bylaw and stringent access and development controls shall be established. These controls shall encourage indirect access, controlled access and shared access as means to limit potential traffic conflicts. The Bylaw shall also provide for traffic impact assessments and the denial of commercial driveways where safety concerns cannot be adequately mitigated by the developer.

At this time the floor was opened up to comments from the public.

Kenny Crosby lives adjacent to the property requesting the rezoning and stated he has many problems with his neighbour. Mr. Crosby feels he owns the sewer line over his property and indicated he had paid for it and would disconnect it before he would allow the neighbour to connect to it.

Bonnie MacDonald asked what will happen if the property did become rezoned to commercial because of the single family home that exists.

Kevin replied that the Town would then have to deal with that matter.

Hillard Muttart asked how the property would be taxed.

Kevin said it would be taxed on the property use not the zoning.

Bonnie MacDonald asked what the reason was for the rezoning request.

Dean Lewis replied stating that Mr. O'Brien wants to place a larger accessory building then what is permitted on a residential property for the purpose of housing vehicles.

Bonnie MacDonald asked if Mr. O'Brien does infact have access through the church. Dean responded that he has spoken with representatives of the church and they confirmed they have an agreement on paper with Mr. O'Brien.

Hearing nothing further Mayor Fullerton thanked everyone for attending and closed the meeting.

#### **ADJOURNMENT**

The meeting adjourned at 7:25p.m.

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GLEN "BARNEY" FULLERTON  
MAYOR

KEVIN MCCARVILLE  
CAO