

## PUBLIC PARTICIPATION MEETING COMMENTS

### 24. Properties located at 940 and 956 Wharncliffe Road South (OZ-8359)

- Harry Froussios, Zelinka Priamo Ltd., on behalf of Loblaw Properties Limited – advising that they have been monitoring this application from the onset, but just have not had a chance to review the staff report until this morning; indicating that they submitted a letter, relating to this matter, this afternoon; indicating that they are not opposed to what the applicant is proposing to do on the subject lands but they had some concerns with the way that the amendment was worded that was put forward by staff as it did not capture what was proposed; advising that they have had some discussions with Mr. Kirkness, agent for the applicant; indicating that they have agreed on some changes to the wording that they are satisfied with; advising that he will leave it with Mr. Kirkness to provide you with that amended wording; indicating that it was always their understanding, through discussions with staff and in reviewing the additional material that was provided that this was something that was going to be in existing buildings; advising that they saw what was proposed to be the existing use in terms of produce, fruits and vegetables and his client was satisfied that it would not be a problem; indicating that, where the issue is, is that if you introduce a food store, as defined in the by-law, they believe that this application did not request that and the proper justification was not provided for a new food store on the property should they decide to demolish the buildings and put up a new structure, this is a new use they are introducing into the policy for the subject lands and we believe that it should have been further justification for it, if that was the intent; noting that they do not believe that that was the intent based on the information we were given, but, in reviewing the report today and the proposed amendments, we were concerned that it would open the door to a potential new food store that did not go through the proper tests as would a similar application that, if we had done for Loblaws, or anyone else; outlining that, in his opinion, if that is the intent, then it should be done comprehensively for the entire site, not just a portion of it; and, advising that, based on this information, that is why they were concerned about the amendment, as proposed, did not accurately reflect what was considered for this property.
- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – indicating that his client, Ken Joseph, is from Windsor and has a very successful fruit and vegetable retail sales business in Windsor; advising that it is a family business, with his dad and his brother and they employ over 110 people; indicating that they have two locations totaling about 30,000 square feet of retail space; noting that they decided to expand and come to London and the subject property at the south east quadrant Wharncliffe Road South and Southdale Road is where they would like to locate; indicating that there are two buildings there, 940 and 956 Wharncliffe Road South, which were car dealerships; noting that 940 Wharncliffe Road South is proposed to be the main building that will be the retail establishment for the fruits and vegetables; advising that they have discussed with the Loblaws Planner and come up with some wording that they can agree to, and Mr. Froussios is quite right, Mr. Joseph intends to use the existing buildings, which is fine, it was just that they felt, while they were making an application, which does cost \$15,000.00, that they should give it as much latitude as possible; indicating that they had proposed to be able to build new buildings on this site as well as use existing buildings; noting that that is not the initial and immediate attention and even longer range intention of Mr. Joseph, but that is what Loblaws seems to be objecting to so they have been huddling with Mr. Tomazincic, Manager, Current Planning, to come up with some suitable wording; requesting that the Committee turn to page 442 of the Planning and Environment Committee Agenda, the Official Plan Amendment where, at the very bottom of the policy, the very last paragraph, the very last line would read “a food store shall only be permitted in existing buildings.”; indicating that the implementing Zoning By-law that is found on page 444, would be amended in part 2) a) Additional Permitted Uses, i) food store within existing buildings and add part ii) accessory refrigeration building not to exceed 100 square metres gross floor area; advising that the reason for that, is across

the back of the building located at 940 Wharncliffe Road South, there would be this refrigeration unit that would be brought in and set in behind the building, which is about this size and it is, of course, to keep the fruits and vegetables cool; indicating that they spoke with Development Services at the City and the Planning Office; noting that there is no real difficulty with this and it would facilitate the operation of the fruit and vegetable; advising that they want to be clear is that when you say "existing buildings", we do not prohibit Mr. Joseph from having a place to keep the fruits and vegetables cool; reiterating that it is simply a related accessory small structure of 1,000 square feet sitting behind the building; reiterating that those are the additional words that he believes Mr. Froussios, on behalf of Loblaws, would agree to, as well as Mr. Tomazincic, Manager, Current Planning; advising that it is asking for less than more; hoping that the Planning and Environment Committee will adopt those wording changes and allow us to move forward; indicating that Mr. Joseph would like to buy the building, which he would, as soon as the zoning is approved and improvements would happen over the following two months, hopefully October or November and he would be able to open his fruit and vegetable store in early December; and, advising that, if they do not get approval on the new words, Loblaws may appeal the application, which would delay us a year and probably send Mr. Joseph back to Windsor discouraged.