

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 116-2006

*By-law to Adopt Official Plan Amendment Number 77
to the Official Plan for the City of Brockville
(Part of Lot 16, concession 2, being Part 1 on Reference Plan 28R-12502, city of
Brockville, County of Leeds (Stewart Blvd.) - File 266-77)*

WHEREAS the Council for the Corporation of the City of Brockville deems it expedient to amend the City of Brockville Official Plan, in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. THAT Amendment No. 77 to the Official Plan for the City of Brockville is hereby adopted.
2. THAT Amendment No. 77 and Schedule thereto shall be read with and forms part of this by-law.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 28th day of November, 2006



Mayor



Clerk

SCHEDULE "A" - BY-LAW 116-2006

AMENDMENT NO. 77 TO THE OFFICIAL PLAN FOR THE CITY OF BROCKVILLE

SECTION 1. TITLE AND COMPONENTS OF THE AMENDMENT

- 1.1 Section 5 in its entirety constitutes Amendment No. 77 to the Official Plan of the City of Brockville.
- 1.2 Sections 1, 2, 3, and 4 do not constitute part of the formal Amendment, but provide more detailed information with respect to the Amendment.

SECTION 2. PURPOSE OF THE AMENDMENT

- 2.1 The purpose of the Amendment is to permit an automobile dealership, sales and service establishment, an automobile leasing agency and an automobile rental agency only on private well and septic services and add a site specific policy to the Official Plan to allow the proposed uses on a portion of lands described as Part of Lot 16, Concession 2, being Part 1, Reference Plan 28R-12502, City of Brockville, County of Leeds. The subject lands have an area of approximately 2.02 hectares (5.0 acres). The portion of the lands which are not the subject of the change in land use designation has an area of approximately 7.42 hectares (18.34 acres).

This amendment consists of two parts referred to as Item (1) and Item (2).

- Item (1) Revise Schedule "A" - Future Land Use to the Official Plan; and
- Item (2) Revise Section VII - Planning Districts - Detailed Development Policies, Subsection 7.7 Planning District Number 7 to add a new subsection.

SECTION 3. LOCATION

- 3.1 This amendment pertains to a portion of the subject lands fronting on Stewart Boulevard with an area of 2.02 hectares (5.0 acres). The entire landholding is described as Part of Lot 16, Concession 2, being Part 1, Reference Plan 28R-12502, City of Brockville, County of Leeds. The subject property is currently vacant and is located on the west side of Stewart Boulevard, south of 770 Stewart Boulevard (Highway Pentecostal Church) and north of 720 Stewart Boulevard (former Perrins Chrysler Jeep Dodge dealership). **Appendix "A"** to this document identifies the location of the total landholding and the 2.02 hectare (5.0 acres) parcel which is the subject of this amendment.

SECTION 4. BACKGROUND AND BASIS OF THE AMENDMENT

- 4.1 The proposed development on a portion of the subject property will consist of an automobile dealership, on private well and septic services. No concept plan has been submitted to identify the proposed layout of the site. No indication has been provided to identify future development plans for the rear lands consisting of 7.42 hectares (18.34 acres). The proposed development does not concern the entire holding. Rather, the application applies only to a portion of the subject lands with an area of 2.02 hectares (5.0 acres) fronting on Stewart Boulevard. A concurrent application for Consent (File B08/06) is currently under consideration which would, if successful, create a new lot fronting on Stewart Boulevard. It is this potentially severed land which is the subject of the request for land use redesignation to Commercial Highway.

The Applicant has provided the following rationale to support the application for consent:

- "a) The optimal size for the financing and development of an automobile dealership in this area is approximately five acres (2.02 hectares);*
- b) The surplus lands will operate as a natural buffer zone for the westerly residential user; and*
- c) The Applicant has not asked for any amendments or special conditions in relation to the surplus lands. This ensures that any development in the future will comply with current planning and development policies."*

The lot falls within the Rural District in Brockville's Official Plan, in Planning District No. 7, and is zoned RU-Rural Zone by City of Brockville Zoning By-law 194-94, as amended.

This property is situated on the southwest side of Stewart Blvd. between Victoria Road and Centennial Road. Stewart Blvd. is a major arterial road which serves as a main entrance into the City of Brockville from the northwest from the Township of Elizabethtown-Kitley. Surrounding land uses are as follows:

North: 770 Stewart Boulevard (Highway Pentecostal Church)
East: Residential units
West: Residential units and vacant lands
South: 720 Stewart Boulevard (former Perrin's Chrysler Jeep Dodge dealership, now vacant facility).

There are no municipal services available to the site. The City of Brockville has no plans to extend municipal services to the subject lands now or in the near future from their existing terminus approximately 700 metres southeast of the subject lands at the intersection of Stewart Blvd. and Laurier Blvd.

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Current policy and zoning would permit this existing lot of record to be developed as infilling for uses permitted by the RU-Rural Zone, subject to the provision of adequate access and upon approval of a private well and septic system.

However, the proposed development is not a permitted use within the Vacant/Rural District nor in the RU-Rural Zone. Accordingly, a change to the current Vacant/Rural designation is necessary. This amendment to the Official Plan redesignates the proposed 2.02 hectare (5 acre) parcel fronting Stewart Boulevard to "Commercial Highway" and adds a site specific policy to allow for a new lot to be created in an area without municipal services, would address private servicing issues and would address the proposed creation of a new lot through severance. The remaining landholding located to the west and south retains the existing Vacant/Rural designation.

Schedule "A" - Future Land Use to the Official Plan is amended by redesignating the proposed 2.02 hectare (5 acre) parcel fronting on Stewart Blvd. from Vacant/Rural to Commercial Highway.

In addition, a special policy is to be added to Section 7.7, Planning District No. 7, to permit an automobile dealership, sales and service establishment, an automobile leasing agency and an automobile rental agency only on private well and septic services on the proposed 2.02 hectare (5 acre) parcel fronting Stewart Boulevard and to permit creation of a new lot through severance.

In conjunction with the redesignation of the site, the concurrent proposed amendment to City of Brockville Zoning By-law 194-94, would rezone the 2.02 hectare (5 acre) parcel from RU–Rural Zone to C4–Highway Commercial Site Specific Zone to permit a new lot to be created and developed for an automobile dealership sales and service establishment, on private well and septic services. Health Unit and MOE approvals for private services will continue to be required as a condition prior to development. Furthermore, an easement to provide for future municipal servicing of rear lands is to be provided to the City of Brockville prior to development. Through language to be included in the Site Plan Control Agreement negotiated at the time of Site Plan Approval, the owner will be mandated to contribute proportionately to the cost of and connect to municipal services at such time as they are available on Stewart Blvd. along the frontage of the subject property.

The subject lands were the subject of a previous application by H.M.V. Holdings Inc. for amendment to the Official Plan (File 266-74) and Zoning By-law (File D14-106) for the development of an agriculturally related commercial business to be operated under the name "TSC Stores". The proposal would have seen a retail store fronting Stewart Boulevard and occupying an area of approximately the same size as that proposed in the current application. The applications proceeded through the Public Meeting stage and pre-consultation with the MMAH. A decision was not made on the applications as they were withdrawn and the applicant secured an alternate site. Concerns which were brought forward included:

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- Provision of a safe potable water supply, given the close proximity of areas with bacteriological contamination (E. Coli), from a private well;
- Installation of a private septic system, given the close proximity of areas with bacteriological contamination (E. Coli);
- Prior to additional commercial uses being introduced into Planning District No. 7, consideration should be made for a Secondary Plan for the area or all of Planning District No. 7.;
- Access from Victoria Road, including traffic volume and movements; and
- Traffic volume and movements on Stewart Boulevard;

SECTION 5. THE AMENDMENT

5.1 Details of the Amendment

The applicant has requested that the Official Plan be amended as follows.

Item 1

Schedule "A" - Future Land Use, to the Official Plan is amended to redesignate a portion of lands described as Part of Lot 16, Concession 2, being Part 1, Reference Plan 28R-12502, City of Brockville, County of Leeds, being a 2.02 hectare (5 acre) parcel fronting Stewart Boulevard, from "Vacant/Rural" to "Commercial Highway".

Item 2

Section VII - Planning Districts - Detailed Development Policies, Subsection 7.7 Planning District Number 7" is amended by adding a new subsection.

- "14) *Notwithstanding policies to the contrary in this Plan, the lands described as Part of Lot 16, Concession 2, being part of Part 1, Reference Plan 28R-12502, City of Brockville, County of Leeds, fronting on Stewart Blvd., may be used for an automobile dealership sales and service establishment, an automobile leasing agency and an automobile rental agency only. The lands may be developed on a septic system for sewage treatment, and private well for potable water supply with mandatory installation of disinfection equipment on the on-site water distribution system, as implemented through the site specific zoning to be in effect on the property, and confirmed prior to granting of Site Plan Control Approval. An easement for future servicing of rear lands shall be provided to the City, as well as a commitment by the owner to contribute proportionately to the cost of and connect to municipal services at such*

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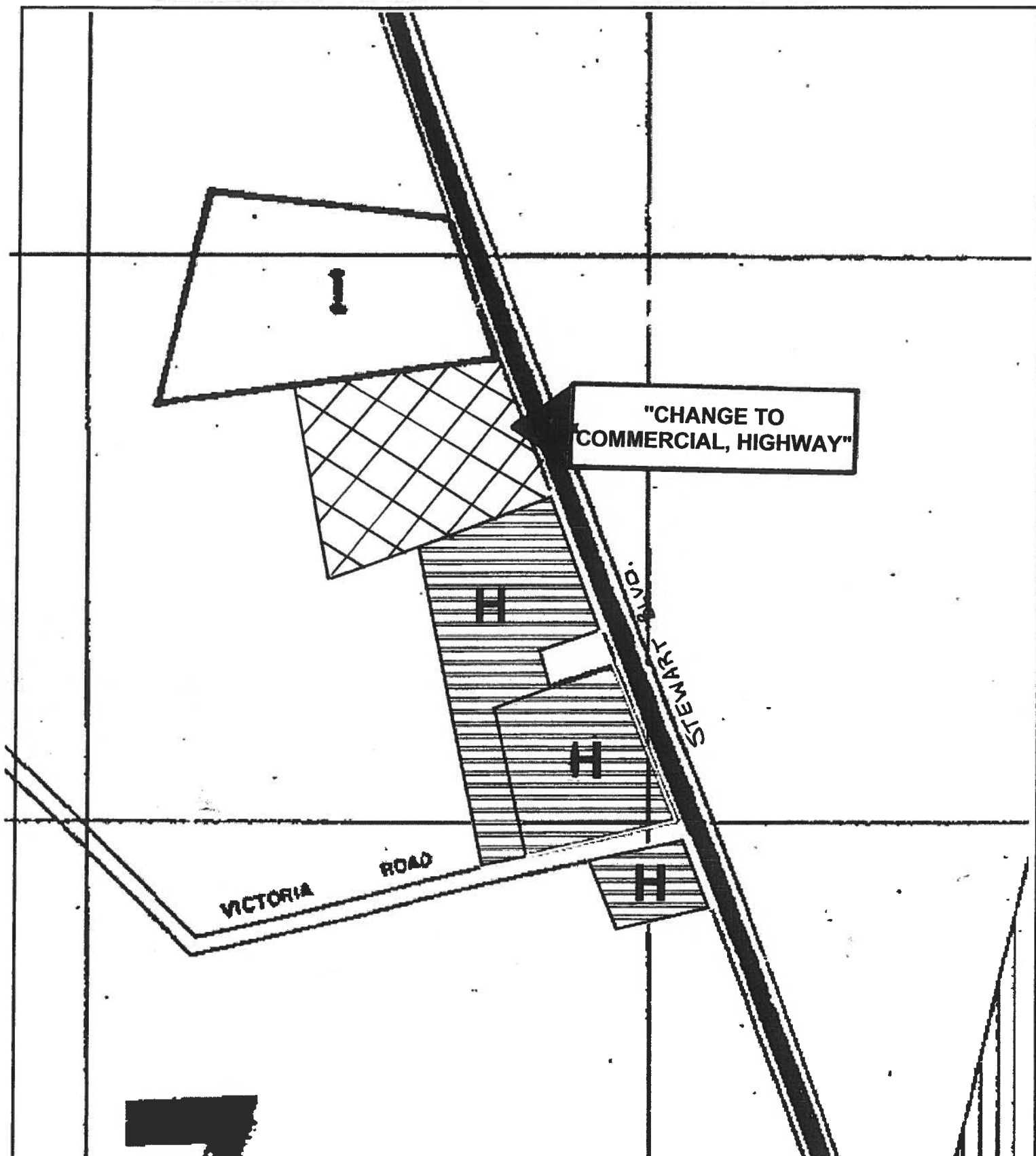
time as they are available on Stewart Blvd. along the frontage of the subject property.

Furthermore, notwithstanding Policies to the contrary in this Plan, the lands described as Part of Lot 16, Concession 2, being Part 1 on Reference Plan 28R-12502, City of Brockville, County of Leeds:

- a) may be developed on private well and septic services, which site servicing shall be subject to review and approval by the applicable approval authorities;*
- b) may be severed to create not more than two (2) separate lots;*
- c) will not be subject to restrictions on development of the remaining lands, which would retain the Rural designation."*

SECTION 6 APPENDICES

Appendix "A" – Schedule "A" - Future Land Use, to the Official Plan be amended to redesignate a portion of lands described as Part of Lot 16, Concession 2, being part of Part 1, Reference Plan 28R-12502, City of Brockville, County of Leeds, comprised of a 2.02 hectare (5 acre) parcel fronting Stewart Boulevard, from "Vacant/Rural" to "Commercial Highway", said lands being shown on Appendix "A" hereto annexed as "Change to Commercial Highway".



Appendix "A" TO OPA No. 77
A portion of Part 1 on Reference Plan 28R-12502, Part of Lot 16,
Concession 2, City of Brockville, County of Leeds