
<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor M. Kalivas, Chair	Economic Development	Vision 20/20
Councillor G. Beach	Planning	* Community Council
Councillor J. Earle	Chamber of Commerce	* Downtown Revitalization
Mayor D. Henderson,	DBIA	* Industry Advisory
Ex-Officio	Heritage Brockville	* Tourism Advisory

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 Brockville Sign By-law

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CONSENT AGENDA

MOTION TO MOVE INTO CLOSED SESSION

U.S.A. TOLL FREE
1-800-387-5110

*BARB, PLEASE PASS THIS ON TO
MAYOR & COUNCIL*

john woods survey equipment

CANADA TOLL FREE
1-800-458-9017



50 DUNDAS ST. E. HAMILTON, ONTARIO CANADA L9A 1B3 TELEPHONE: (905) 689-2900 FAX: (905) 689-2533

July 15, 2009

City of Brockville

Attention: Mr. Jeff Earl, Counsitor,

My son, R.J. Woods, operates 1000 Island Sign Rentals from Brockville with signs rented from Hamilton to Ottawa.

On July 10th the CITY OF HAMILTON lost a court case involving over \$30,000.00 worth of charges involving sign rentals against 1000 Island Signs.

The CITY OF OAKVILLE recently lost an OMB Hearing regarding signs.

The CITY OF HAMILTON lost a recent case with the HUMAN RIGHTS regarding signs.

In a final current case, the SUPREME COURT OF CANADA ruled against the CITY OF VANCOUVER finding they restricted the FREEDOM OF SPEECH.

These four cases are but a few indicating that sign bylaws are restrictive and in general, not supportive to FREEDOM OF SPEECH.

I have spoken to R.J. and he has agreed to make the following offer to the CITY OF BROCKVILLE:

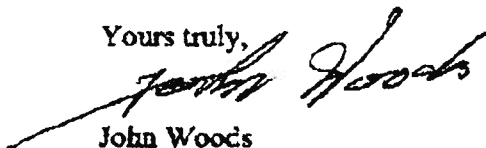
1000 ISLAND SIGN RENTALS and any other sign rental company would agree to purchasing a yearly license at \$2000.00, payable in yearly advance payments to the CITY for rights to erect rental signs on private lands within the CITY.

By issuing such a license, The CITY would have a controlled income from rental companies and have no further cause to threaten any small business wishing to advertise.

At this time, I believe, the CITY has no income.

You may reach the writer at 1-800-387-5110 or R.J. Woods at 613-345-3299.

Yours truly,


John Woods

10 August 2009

REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE - 12 AUGUST 2009

2009-131-08

SITE PLAN CONTROL APPROVAL

TALL SHIPS LANDING, PHASE 1

6 BROAD STREET, BROCKVILLE

OWNER: TALL SHIPS LANDING DEVELOPMENTS INC.

FILE: D11-388

M. PASCOE MERKLEY

DIRECTOR OF PLANNING

RECOMMENDATIONS:

1. THAT Site Plan Approval be granted for Phase 1 of the Tall Ships Landing project, excluding the southeast spit of land and Captain's Walk area, on lands with municipal address 6 Broad St., subject to:

- i) confirmation that agreement has been reached with Hydro One for infrastructure upgrades to ensure that sufficient electric power is available, and
- ii) satisfactory conclusions with respect to Broad St. design elements, including the interface with the Brockville Harbour.

Said development shall be in accordance with the following drawings:

- i) "EXISTING SITE PLAN (SURVEY) – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-101, dated May 2009, as revised;
- ii) "SITE PLAN – ZONING INFORMATION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-102, dated May 2009, as revised;
- iii) "LEVEL 1 – GROUND FLOOR GENERAL PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-201, dated May 2009, as revised;
- iv) "LEVEL 2 – 2ND FLOOR PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-202, dated May 2009, as revised;
- v) "LEVEL 3 – 3RD FLOOR PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-203, dated May 2009, as revised;

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- vi) "LEVEL 4 – 4TH FLOOR HOTEL & LOCKERS PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-204, dated May 2009, as revised;
 - vii) "LEVEL 5 – 5TH FLOOR HOTEL PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-205, dated May 2009, as revised;
 - viii) "LEVEL 6-17 – TYPICAL FLOOR PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-206, dated May 2009, as revised;
 - ix) "LEVEL 18-20TH FLOOR PLAN – EXECUTIVE FLOOR PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-207, dated May 2009, as revised;
 - x) "LEVEL 21 – 21ST FLOOR PENTHOUSE PLAN – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-208, dated May 2009, as revised;
 - xi) "A – A SECTION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-301, dated May 2009, as revised;
 - xii) "B – B SECTION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-302, dated May 2009, as revised;
 - xiii) "SOUTH ELEVATION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-401, dated May 2009, as revised;
 - xiv) "NORTH ELEVATION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-402, dated May 2009, as revised;

- xv) "WEST ELEVATION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-403, dated May 2009, as revised;
- xvi) "EAST ELEVATION – PHASE 1 – TALLSHIPS LANDING CONDOMINIUM, BROCKVILLE, ONTARIO", Issued by EMA Architects Inc., Project No. 08-121, Drawing No. A-404, dated May 2009, as revised;
- xvii) "LOTS 27, 28, 29 AND 30, WATER LOTS IN FRONT OF LOTS 27, 28, 29, 44 AND 45, BLOCK 29, PART OF ST. ANDREW STREET (CLOSED BY BY-LAW 22-65), COMPILED PLAN NO. 67, PART OF THE BED OF THE ST. LAWRENCE RIVER IN FRONT OF ST. ANDREW STREET, BLOCK 29, COMPILED PLAN NO. 67, CITY OF BROCKVILLE, COUNTY OF LEEDS", Issued by Collett Surveying Ltd., File No. 5859-SP8, dated 5 June 2006, as revised;
- xviii) "SERVICING AND GRADING – TALL SHIPS PROJECT", Issued by GENIVAR, Drawing No. C001, 2008-03-09, as revised;
- xix) "STREET LEVEL LANDSCAPING PLAN – TALL SHIPS LANDING PHASE 1, BROCKVILLE, ONTARIO", Issued by LAROCQUE LEVSTEK CONSULTING SERVICES, Project No. 832-2, Drawing No. L-1A, dated May 2008, as revised;
- xx) "THIRD FLOOR ROOFDECK –TALL SHIPS LANDING PHASE 1, BROCKVILLE, ONTARIO", Issued by LAROCQUE LEVSTEK CONSULTING SERVICES, Project No. 832-2, Drawing No. L-1B, dated May 2008, as revised.

2. THAT a period of 24 months from site plan approval be given for issuance of a building permit for construction, with requests by the developer for further extensions not to be unreasonably withheld by Council.

PURPOSE:

The purpose of this report is to provide recommendations respecting the application filed for Site Plan Control Approval by Tall Ships Landing Developments Inc. for Phase 1 of the Tall Ships Landing project to be developed at 6 Broad St., City of Brockville.

BACKGROUND:

On June 2, 2009, a Site Plan Control Application was filed with the City of Brockville Planning Dept. for the Phase 1 of the Tall Ships Landing project at 6 Broad St. The application and drawing sets were accompanied by a covering letter from Tall Ships Developments Inc., attached hereto as **Schedule "A"**, as well as a Regulatory Flood and Wave Uprush Analysis, prepared by HCCL Coastal and River Engineering, submitted for review by the Cataraqui Region Conservation Authority.

The contents of the covering letter align themselves to site plan issues and Council's previous position with respect to responsibilities related to site plan approval and development of the Tall Ships Landing project and associated off-site improvements. These considerations followed the approval by the Ontario Municipal Board of site specific amendments to the Official Plan and to Zoning By-law 194-94 in July 2007. Council provided its concurrence respecting site plan issues by resolution dated September 11, 2007 by endorsing Report 2007-164-09, copy of which is attached as **Schedule "B"**.

The zoning in place on the subject property is the C3A-3 Waterfront Commercial Zone, which zoning specifies that the development of the project may take place in phases, but that Phase 1 is to be the mixed use building on the easterly portion of the site. Phase 1 is to include the spit of land to the south-west of the end of Broad St. intended for marina facilities and an elevated Captain's Walk. By Memorandum of Agreement between the City and Tall Ships Landing Developments Inc. dated May 14, 2008, in the interests of the harbour redesign exercise still underway, it was agreed that the design for this portion of the Phase 1 area could be considered as a separate component under an independent site plan submission. Therefore, this Site Plan submission does not contain design details for this portion of the Phase 1 area.

With respect to the provisions of the C3A-3 Zone, a bonus of additional building height, to 62 metres in Phase 1, is allowed where the developer has agreed to financially contribute to the Maritime Discovery Centre, subject to the terms of a Public Private Partnership with the City. A Partnership Agreement between the City and the developer was executed on October 9, 2007. In the Partnership Agreement, the City acknowledges that the requirements to obtain the bonus of additional building height are satisfied.

Furthermore, a Cash-in-lieu of Parking Agreement dated May 14, 2008 provides clarity on parking for the Maritime Discovery Centre, for the marina, and for additional parking which may be needed by purchasers of residential condominium units over all three phases.

ANALYSIS:

For quick reference, a reduced copy of the Site Plan, Street Level Landscape Plan, and East Elevation drawings are attached hereto as **Schedules "C", "D" and "E"** respectively. However, the full set of drawings for the proposed development may be viewed in the Planning Department prior to the EDP meeting, and shall be available at the time of consideration of this report by the EDP Committee.

The review of the site plan submission by internal departments as well as external agencies is now complete.

The proposed development of the 20 storey building within Phase 1 will consist of the following:

- 85 residential units on Levels 6 through 20;
- a 33 suite boutique hotel on Levels 4 and 5, with lobby on Level 3;
- Maritime Discovery Centre (MDC) occupying portions of Levels 1, 2 and 3;
- Restaurant occupying 100 sq. m. on the second level;
- Commercial space fronting Broad St on the first level; and
- 158 indoor parking spaces on Levels 1 and 2, and 6 grade level outdoor parking spaces off of St. Andrew St., with 13 of the 164 total parking spaces being barrier free.

Vehicular access to the parking garage is at the northeast corner of the building off of Flint St.

Main entry into the building for the residential units is on the west side of the building, while access to the MDC, the boutique hotel and restaurant will be from a joint entrance off of Broad St. The commercial units will have independent access from Broad St.

Site servicing has been designed for connection to the municipal sanitary sewer on Broad St. There is sufficient hydraulic capacity available at the Water Pollution Control Centre to accommodate this project. Water service shall connect to the building from a lateral which will extend south from the end of St. Andrew St. A new fire hydrant will be installed on the subject property west of the building, as well as on Broad St. with connection to a watermain to be extended down Broad St. Stormwater management systems have been designed by Genivar Engineering to meet the requirements of the City of Brockville and Catarqui Region Conservation Authority (CRCA). While some requested refinements to the Stormwater Management report were being reviewed by the CRCA at the time of writhing of this report, the City has been advised of the CRCA's approval in principle.

The CRCA has also accepted the conclusions of the Regulatory Flood and Wave Uprush Analysis and are satisfied that there will be no flood risk with minimum building openings at 76.72 m for the Phase 1 building.

Hydro electric service available to this site is only sufficient for the construction phase. The overhead electrics on Water St. cannot accommodate this project or any other sizable development along the waterfront. A new 27,600 kV feeder is proposed by Hydro One from the substation on Water St. E. Preliminary design by Hydro One has been discussed with City staff and is best installed underground through the Water St. parking lot. As noted in the covering letter from the developer, Hydro One will cover the installation of the feeds but requires the civil work to be performed by others. The developer has requested City participation in this undertaking, however, no agreement is in place at this time. Therefore, while this report is recommending site plan approval, it would be contingent upon confirmation that sufficient electric power will be available. In the absence of any agreement to share the responsibility for costs associated with the new feeder main, the onus would remain with the developer to satisfy Hydro One's requirements and to ensure that power is available at the time of occupancy of the building.

With respect to the existing overhead electrical service on Flint St., there has been some discussion with the MDC board respecting the possibility of burying this line as a shared responsibility. The site plan submission presumes the retention of the overhead electrical service and therefore the building has been designed with the appropriate setbacks from this service.

Upgrades to Broad St. are to coincide with this project, although the costs associated with the upgrades remain with the City of Brockville. The developer has submitted a concept for the improvements as indicated on the Street Level Landscape Plan attached as **Schedule "D"**, having received direction from the City that the design is to be reflective of the streetscape design for King St. The design is still under review, in consultation with representatives of the Boardwalk condominium. Additionally, the continuing dialogue with respect to harbour redesign and ultimate conclusions related thereto will have some impact on the design of the terminus of Broad St. at Tunnel Bay. Since the design exercise is incomplete at this time, this report is recommending that site plan approval be contingent upon satisfactory conclusions with respect to these design elements. It is reasonable to expect that, with continuing discussions on these interrelated elements, the conclusions could be brought forward for ratification by Council before the end of September 2009.

Improvements to the Brock Trail along Flint St. are indicated on the Street Level Landscape Plan, and have been found to be acceptable by staff. The cash-in-lieu of

parkland contribution required as a condition of approval will result in these improvements being installed in-kind.

The Site Plan Control Agreement is being prepared and will contain various standard clauses pertaining to the owner's responsibility for on-site snow clearing, refuse and recycling collection and other similar issues. While standard language in Site Plan Agreements provides for a 12 month period from the date of site plan approval for issuance of a building permit for construction, the circumstances of site development in this location and for the uses anticipated will require site remediation and the filing of a Record of Site Condition with Ministry of the Environment prior to building permit issuance. It is being recommended that an extension to 24 months be referenced in the Agreement, and furthermore, that requests by the developer for further extensions by resolution of Council will not be unreasonably withheld.

POLICY IMPLICATIONS:

The proposed development conforms to all applicable policies and municipal standards.

FINANCIAL CONSIDERATIONS:

Except for those matters covered under the Partnership Agreement pertaining to the development of the MDC, the applicant is responsible for all costs associated with site development of Phase 1 as proposed.

In the absence of an agreement on cost sharing with the City, this would include the civil work associated with installation of the 27,600 kV feeder main from the Hydro One substation on Water St. E. The developer's request for City participation in this upgrade has not yet been addressed.

A Brownfields Redevelopment Funding Agreement is in place to provide for financial incentives under the Downtown and Brownfields Community Improvement Plans.

CONCLUSION:

The site plan submission for Tall Ships Landing Phase 1, excluding the southeast spit of land and Captain's Walk area, has been reviewed by the City and relevant outside agencies and utilities. Site Plan approval is being recommended, subject to finalization of the terms and conditions surrounding upgrades to electrical service in the waterfront area, as well as finalization of designs for improvements to Broad St. south of Flint St.

Report 2009-131-08
Site Plan Control Approval
Tall Ships Landing Phase 1
6 Broad St., Brockville
Owner: Tall Ships Landing Developments Inc.
File: D11-388

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M. Pascoe Merkley
Director of Planning

B. Casselman
City Manager

Sales Centre: 10 St Andrew Street, Brockville
Tel: 613-498-SAIL (7245) www.tallshipslanding.com

May 27 2009

Mrs Maureen Pascoe Merkley, MCIP, RPP
Director of Planning
City of Brockville
Brockville, ON



Dear Ms Pascoe Merkley

RE: Site Plan Control Application – Tall Ships Landing Phase 1

Please find enclosed our Site Plan Control Application for Tall Ships Landing Phase 1.

The two cheques requested for the Site Plan Application fee (including portion for Engineering/Operations) and the CRCA fee are also enclosed.

To expedite the processing of this application, we are forwarding this cover letter with the application form. The associated drawings are “in-for-printing” and will be submitted under separate cover shortly.

The Site Plan Application issues have been listed below in alignment with those identified in your Confirmation of Understanding letter dated August 31 2007 (attached) and all pre-consultation meetings with Authorities and Agencies to date.

Please review these items in conjunction with the drawings and relate any issues or concerns to our attention.

Brock Trail

“The design of the Brock Trail improvements from Apple Street to Broad Street, including the west side of Broad Street will be the developer’s responsibility.”

Although, our submission primarily focuses on the Flint Street segment of the trail as well as the west side of Broad Street, (as these relate immediately to Phase 1), and our contribution for any trail upgrades is limited to our \$75K of in-kind work as per the “Cash-in-lieu of Parkland” provision, we look forward to working with the City’s Director of Parks and Recreation to fine tune the landscaping details for the entire length of the trail adjacent to the TSL property.

We wish it to be understood that further refinements to landscape design, in conjunction with the City, should not delay the Site Plan Application approval for Phase 1.

Sales Centre: 10 St Andrew Street, Brockville
Tel: 613-498-SAIL (7245) www.tallshipslanding.com

Broad Street and Traffic

"Improvements to the portion of Broad Street lying south of Flint Street are the responsibility of the City of Brockville. The improvements will reflect the streetscape design of King Street. The configuration of the terminus of Broad Street to be consistent with the concept submitted by the Fuller Group. The streetscape design will be developed in concert with the Site Plan Application moving forward concurrently to Council. Shore line improvements to the terminus of Broad Street will be the City's responsibility and dependent upon the boat slip configuration being envisioned and the terms of the marina operational agreement".

"Broad Street, south of Water Street will continue to be two-way traffic with necessary parking space adjustments".

Several design features have been identified within this space including unit paver details, decorative turning circle bollards and the flagpole platform. The vision defines this space as a pedestrian-friendly gateway from the harbour to the city, all in a streetscape similar to King Street and Courthouse Avenue. Main floor terrace details alongside the commercial shops include an extension over the property line to enhance the visitor experience with possible café seating, hanging baskets, flower boxes and planters, (which may require an encroachment permit). The turning circle and depressed curbs allow for vehicle and handicap access. A bus loading/unloading zone in front of the MDC and re-fueling access to the fuel docks adjacent to the flag pole are also shown. All fire access requirements have been respected.

Although we do not want to take the Boardwalk's cooperation for granted, the above theme has been reflected along the streetscape in front of the Boardwalk, both within and beyond the City's right-of-way. The configuration submitted indicates two handicap parking spots along the east side of Broad Street between the two driveway entrances to the Boardwalk. We believe this design can be improved to offer three spots if the existing landscaping within the City's right of way is modified.

The Boardwalk docks are shown in their present location and are not indicative of any conclusions still to be derived from the joint marina redesign efforts.

As these are sensitive issues with our neighbours within the Boardwalk, we believe it to be more appropriate for the City to take the lead in these design matters.

We wish it to be understood that further refinements to the design of Broad Street, in conjunction with the City, should not delay the Site Plan Application approval for Phase 1.

Sales Centre: 10 St Andrew Street, Brockville
Tel: 613-498-SAIL (7245) www.tallshipslanding.com

CRCA Approvals

Further to the enclosed HCCL Wave Uprush Report as it relates to Site Plan Approval, we are submitting proposed and existing grade elevations for the entire property and sea wall, exclusive of building details for Phases 2, 3 and the Captain's Walk/fuel dock.

We wish to receive confirmation from CRCA of the reduced restrictions that may be imposed upon Phases 2, 3 and the Captain's Walk/fuel dock as per the findings of the wave uprush report

We also wish it to be understood that this application will allow us to address all site issues for the entire property relating to concerns of the CRCA, in particular areas of reduced setback of Phases 2, 3 and the Captain's Walk/fuel dock.

Although CRCA may require further details relating to the design of the sea wall, Phases 2, 3 and the Captain's Walk/fuel dock to obtain the necessary construction permits, we wish it to be understood that these future discussions should not delay the Site Plan Application approval for Phase 1.

Marina Operations

Pursuant to Schedule 2 clause 5 i) of the May 14 2008 Memorandum of Understanding between the City of Brockville and TSL for the renewal of the marina, notwithstanding that the parties have not enacted within the timeline specified, being July 31 2008, for undertaking a review of the proposed Marina Facilities, we remain open to cooperate with the City to achieve a final design configuration, provided it is in place by July 31 2009.

Clause 5 i) also states "The Parties further agree that a site plan for this area may be submitted at a later date, such delay will not hinder the site plan submission for the balance of Phase 1".

In keeping with this agreement we are now submitting the Site Plan Application for Phase 1, exclusive of the elevated Captain's Walk and spit of land/marina facility/fuel dock at the end of Broad Street.

General

1) Notwithstanding that we are a proponent of this mixed use building, there are a number of site plan elements that are the responsibility; (design and funding), of the MDC to which the City is a partner. These items, such as the design and construction of the Captain's Walk and possible burial of overhead hydro lines along Flint Street, need to be resolved. Subsequently, this application does not include provisions for the Captain's Walk nor a revised street lighting design along Flint Street should these hydro/light poles be removed.

Sales Centre: 10 St Andrew Street, Brockville
Tel: 613-498-SAIL (7245) www.tallshipslanding.com

If the option to bury the lines is enacted, we look forward to working with the City's Director of Parks and Recreation to fine tune the landscaping and street lighting details. TSL is proposing to install wall sconce lighting along Flint Street and gas lamps outside the east entrance regardless of the decision to bury the overhead lines. It is imperative that the City and TSL (with the authority of the MDC) resolve all configuration and design issues by July 31 2009.

2) The recent decision by TSL to increase the number of condominium units from 72 to 85 has not caused us to fall short on the number of parking spots required as per the site specific bylaw. Should we require additional parking to support the sale of condominiums we would rely upon the "cash in lieu "agreement presently in place with the City.

3) Although the area of the landscaped roof terraces are considered within the 10% requirement for green space, we wish it to be understood that the design details for these areas is still conceptual and that the Financial Security identified for this Application not include these works in the determination of its value.

4) This submittal identifies details, for coordination purposes only, of information relating to infrastructure, roadways, pathways and spillways for Phases 2 and 3. The final design details of these phases will be submitted under separate Site Plan Applications. Not all of these works will be built as part of Phase 1.

5) Currently the overhead hydro lines along Water Street are known to be insufficient to supply sizable future development along the waterfront and that a new 27,600 V feeder as proposed by Hydro One is required to be fed from the substation behind City Hall. They recommend this new line to be run underground, under the Water Street parking lot and along Water Street itself to feed TSL and future developments in this area.

Although Hydro One may cooperate to cover the installation of the feeds only, currently they are expecting that the civil work will be performed by others. We will need to meet with the City to discuss how this can be accomplished, including the opportunity to take the advantage to bury the existing overhead wires along with the new, at least to the extent of the new feed for TSL down St Andrew Street.

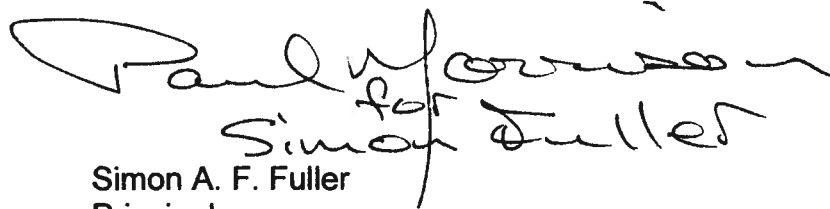
This entire infrastructure upgrade is critical to the economic development of downtown Brockville as even the first phase that would service our property is of a magnitude and scope that is beyond what could reasonably be expected of a single property developer to coordinate, fund and undertake on their own.

Sales Centre: 10 St Andrew Street, Brockville
Tel: 613-498-SAIL (7245) www.tallshipslanding.com

We respectfully request a meeting to address this issue with your team and our consultants as soon as possible.

We thank you for your efforts on this project.

Yours truly
TALL SHIPS LANDING DEVELOPMENTS INC


Simon A. F. Fuller
Principal

Enclosures



August 31, 2007

Mr. Simon Fuller
The Fuller Group of Companies
2700 Queensview Drive
Ottawa, ON K2B 8H6

Dear Mr. Fuller:

Re: Tall Ships Landing Project – Site Plan Issues

The purpose of this letter is to confirm our understanding of the expectations regarding various site plan issues relating to the Tall Ships Landing Project and our commitments towards the establishment of the subsequent project.

Brock Trail

The design of the Brock Trail improvements from Apple Street to Broad Street including the west side of Broad Street will be the developer's responsibility. The City's Director of Parks & Recreation will work with the developer's landscape architect regarding design. The Cash in lieu of Parkland provisions as outlined below will be considered the developer's financial contribution towards the improvements to the Brock Trail. The elevated access to the Pilot House and connection to the Boardwalk will be the responsibility and budget of the MDC.

The future maintenance of the Brock Trail will be borne by the City of Brockville with the exception of the stairs leading to and including the elevated walkway to the Pilot House. Maintenance of this portion of the trail to be the responsibility of the M.D.C.

Broad Street

Improvements to that portion of Broad Street lying south of Flint Street are the responsibility of the City of Brockville. The improvements will reflect the streetscape design of King Street. The configuration of the terminus of Broad Street to be consistent with the concept submitted by the Fuller Group. The streetscape design will be developed in concert with the site plan submission moving forward concurrently to Council.

Shore line improvements to the terminus of Broad Street will be the City's responsibility and dependent upon the boat slip configuration being envisioned and the terms of the marina operational agreement.

Flint Street

It is contemplated that Flint Street will remain as two way traffic subject to further analysis.

Cash In Lieu of Parkland

Cash in lieu of parkland will be a requirement based upon 5% of land value. See comments with respect to the Brock Trail.

Archeological Assessment

Based upon the City of Brockville's background investigation, an Archeological Assessment will not be required.

Temporary Sales Office

Consent of the property owner is required for Building Permit, hydro pole relocation, CRCA permit. Developer to obtain necessary authorization from Harbourview Condominium for temporary use of the Brock Trail easement. The City of Brockville authorizes the vehicle ingress/egress off of Apple Street for purposes of a Temporary Sales Office. The City of Brockville will consent to the temporary infringement on the Brock Trail easement.

CRCA Approvals

The City of Brockville will facilitate a meeting with the CRCA to deal with permitting and the need for flood protection.

Architectural Review Committee

In lieu of the creation of an Architectural Review Committee the City of Brockville will accept the attached parameters with respect to Building design.

Traffic

Bus lay by is currently envisioned on the north side of Water Street between Broad and Market Street West. Bus parking contemplated for John Street parking lot and/or in the designated parking spaces on Water Street adjacent to the Rowing Club.

Broad Street, south of Water Street will continue to be two way traffic with necessary parking space adjustments.

St. Andrew Street, south of Water Street will continue to be two-way traffic with associated parking for adjacent residential units.

The City of Brockville will ensure safe vehicular access to the site for emergency vehicles.

Marina Operations

The City of Brockville acknowledges that the full service marina proposed by the Fuller Group is conditional upon the successful conclusion of the City of Brockville water lot lease renewal and the installation of additional transient docking at the base of Broad Street. We anticipate the resolution of these matters by year end.

Maritime Discovery Centre(MDC)

In so far as the MDC is subject to the execution of a partnership agreement, the site plan submission should include provisions for the design of the MDC to be built in phases.

SITE PLAN AGREEMENT

The submission of full site plan documentation will be necessary. A Master site plan agreement has been forwarded to your office under separate cover. Site plan review and approval rests with Council of the City of Brockville.

Should you have any questions, do not hesitate to contact me.

Regards,



Bob Casselman, City Manager

BC:bar

Attachment

SCHEDULE "B"
Report 2009-131-08

August 30, 2007

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – SEPTEMBER 4, 2007

**2007-164-09
TALL SHIPS LANDING
SITE PLAN ISSUES**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDED

THAT Brockville City Council endorse Report 2007-164-09 Tall Ships Landing Site Planning Issues as representing the City's position with respect to responsibilities related to site plan approval and development of the Tall Ships Landing project and associated off-site improvements.

PURPOSE

To clarify the expectations respecting various site planning issues related to the Tall Ships Landing Project, as requested by the developer represented by Simon Fuller of Tall Ships Landing Developments Inc.

BACKGROUND

The mixed use development project known as Tall Ships Landing, proposed for the lands with municipal address 6 Broad St. and 10 St. Andrew St., has proceeded through the Official Plan and Zoning Amendment approvals stage, with the Ontario Municipal Board on July 5, 2007 denying appeals launched against the amendments. Official Plan Amendment No. 76 is now in effect, as well as the new site-specific zone created by amending zoning by-law 079-2006.

The new zone, being the C3A-3 Waterfront Commercial Zone, is prefixed by two (2) holding symbols, the H2-Special Design Features Holding Symbol, which Council may remove once site plan approval is granted and a public-private partnership respecting the creation and operation of the anchor attraction proposed as a Maritime Discovery Centre is executed, and the H5-Environmental Hazard Holding Symbol to ensure that the site is remediated where necessary. Both the H2 and H5 Holding Symbols must be removed by Council prior to commencement of construction.

As one of the next steps is the site plan submission to be filed with an Application for Site Plan Approval, the developer has asked for clear direction with respect to expectations on a variety of issues, both on and off-site, respecting the site plan approval. The site plan issues to be addressed in the proceeding section of this report fall under the following headings: Brock Trail; Broad Street; Flint Street; Cash-In-Lieu of Parkland; Archeological Assessment; Temporary Sales Office; CRCA Approvals; Architectural Review Committee; Traffic; Marine Operations; and Maritime Discovery Centre (MDC).

ANALYSIS/OPTIONS

Brock Trail

The design of the Brock Trail improvements from Apple Street to Broad Street including the west side of Broad Street will be the developer's responsibility. The City's Director of Parks & Recreation will work with the developer's landscape architect regarding design. The Cash-in-lieu of Parkland provisions as outlined below will be considered the developer's financial contribution towards the installation of improvements to the Brock Trail. The elevated access to the Pilot House and connection to the Boardwalk will be the responsibility and budget of the MDC.

The future maintenance of the Brock Trail will be borne by the City of Brockville with the exception of the stairs leading to and including the elevated walkway to the Pilot House. Maintenance of this portion of the trail is to be the responsibility of the MDC.

Broad Street

Improvements to that portion of Broad Street lying south of Flint Street are the responsibility of the City of Brockville. The improvements will reflect the streetscape design of King Street. The configuration of the terminus of Broad Street is to be consistent with the concept submitted by the Fuller Group. The streetscape design will be developed in concert with the site plan submission, moving forward concurrently to Council before year end.

Shoreline improvements to the terminus of Broad Street will be the City's responsibility and dependent upon the boat slip configuration being envisioned and the terms of the marina operational agreement.

Flint Street

It is contemplated that Flint Street will remain as two way traffic subject to further analysis.

Cash In Lieu of Parkland

Cash in lieu of parkland will be a requirement based upon 5% of land value. See comments with respect to the Brock Trail.

Archeological Assessment

Site investigations have determined that a significant proportion of the subject lands are reclaimed, with perhaps in the order of only 30% representing the area above the original high water mark. The remainder of the site is comprised of waterlots that have

been infilled, and which were subsequently dredged in part to create the boat docking areas.

Although currently vacant save and except for the seasonal marina occupancy, this site has been occupied in the past by various industrial uses including manufacturing, warehousing, fuel storage, boathouses, etc. This past activity has left behind a brownfield site which is known to be contaminated.

Following evaluation of results of recent environmental assessments, partial remediation was undertaken in 2007. Site remediation included extensive excavation to remove such materials as overburden, foundation remnants, underground fuel tanks, wood cribbing, etc. The overall result is that the site has been extensively disturbed by excavation and partial remediation activities.

Based upon the City of Brockville's background investigation, an Archeological Assessment will not be required, as any finds would likely have been very limited and significantly compromised over the course of time and activity.

Temporary Sales Office

In advance of the formal transfer of the subject property to the developer, consent of the current property owner is required for applications to be filed for Building Permit, hydro pole relocation, and CRCA permit. The City consents to ingress/egress off of Apple Street. Developer is to obtain necessary authorization from the Harbourview Condominium for temporary vehicle ingress/egress across its lands. The City of Brockville will consent to the temporary infringement on the Brock Trail easement.

Cataraqui Region Conservation Authority (CRCA) Approvals

The City of Brockville will facilitate a meeting with the CRCA to deal with permitting and the need for flood protection.

Architectural Review Committee

In lieu of the creation of an Architectural Review Committee the City of Brockville will accept the parameters with respect to building design attached hereto as Schedule "A".

Traffic

Bus lay by is currently envisioned on the north side of Water Street between Broad and Market Street West. Bus parking contemplated for John Street parking lot and/or in the designated parking spaces on Water Street adjacent to the Rowing Club.

St. Andrew Street, south of Water Street will continue to be two-way traffic with associated parking for adjacent residential units.

The City of Brockville will ensure safe vehicular access to the site for emergency vehicles.

Marina Operations

The City of Brockville acknowledges that the full service marina proposed by the Fuller Group is conditional upon the successful conclusion of the City of Brockville water lot lease renewal and the installation of additional transient docking at the base of Broad Street. We anticipate the resolution of these matters by year end.

Maritime Discovery Centre (MDC)

In so far as the MDC is subject to the execution of a partnership agreement, the site plan submission should include provisions for the design of the MDC to be built in phases.

POLICY IMPLICATIONS

The parameters enunciated herein have been formulated to be consistent with the Commercial Waterfront Mixed Use policies established by Official Plan Amendment No. 76, as well as to other by-laws and standard practices respecting development within the City of Brockville.

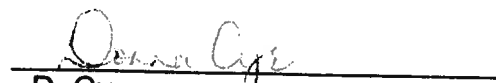
FINANCIAL CONSIDERATIONS

Any costs associated with the City's commitments as outlined above will require funds to be set aside in future capital or operating budgets.

CONCLUSION

This report provides clarity to the developer as to the City's expectations respecting site plan approvals and associated off-site improvements. Submission of full site plan documentation by the developer will be necessary, and will be subject to full review internally, and by relevant external agencies such as CRCA, Heritage Brockville and BMAAC. Ultimately, site plan approval rests with Brockville City Council.


M. Pascoe Merkley
Director of Planning


D. Cyr
Director of Finance



B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2007-164-09

Architectural Design Guidelines for Tall Ships Landing Phases 1, 2 and 3 As prepared by Simon Fuller and Vincent P. Colizza OAA, MRAIC, AIA

These design guidelines acknowledge the presence of an Ontario Registered Heritage Property, **Robertson House** (together with the design guidelines associated with the additions to this building made since its designation) located on the North West corner of Broad and Flint, and the latest architectural standard for high rise residential, being the Boardwalk Condominium on the East side of Broad, both adjacent to the Tall Ships Landing (TSL) site. Although the City of Brockville does not have any urban and architectural design guidelines in place, the project responds to standard urban and architectural design criteria.

Therefore, in reference to the design of the residential high rise towers in Phases 1 and 3, the design of the existing Boardwalk condominium together with its associated building materials, will form the architectural standard and baseline against which the design for these towers will be based. The plan of the residential tower places an emphasis on massing, form and scale through the articulation of the floor plate. The interior living space and exterior balcony areas are recognizable in their form and fenestration. The projection of these spaces reduces the mass of the building and fully captures the views of the river and the city.

With reference to the 3 storey podium beneath the residential high rise of Phase 1, fronting on Flint and Broad, design elements will evoke the character of commercial and recreational buildings found along the former industrial waterfront of the St Lawrence River.

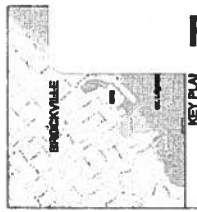
Specifically, the restaurant above the marine commercial will take inspiration from the design of the former Brockville Rowing Club, circa 1900's. The design elements relating to the Maritime Discovery Centre will take inspiration from the commercial, industrial and transportation buildings found along the waterfront, i.e. corrugated metal roofing, board and batten siding, post and beam, shed roof, and elevated skylights. In both these cases, modern materials will be utilised to fashion the design to meet this intent.

The placement on the Broad Street pedestrian mall and the architectural treatment of the public entrance to the Maritime Discovery Centre enhances the sense of entrance and the role and significance of this public building. The Maritime Discovery Centre, the retail and restaurant uses adjacent to Broad Street will reinforce the street life.

The residential apartment tower is set back from the street edge over the three storey plinth and respects view corridors from neighbouring sites and from within the development. The landscaped roof terrace over the parking structure acts as an extension to the Maritime Discovery Centre and the residential tower for public and private functions. The use of a tapered, metal clad, roof structure to screen the mechanical penthouse acts as an architectural element which relates to the historic and classical character of roof elements found within the City such as steeples and clock structures. Public access to the waterfront is integrated with an elevated walkway extending to a pilot house at the pier as part of the Maritime Discovery Centre.

The second phase entails a five storey residential building with one level of above grade parking and four levels of condominium apartments. This building is located in the centre of the property and fronts the river and water lots to the east and west and will have deep terraces and suites focused towards the river and marina views. The building and garage entrance is accessible from the internal court. Phase 2 will take its inspiration from the wood framed cottages and boathouses of the Thousand Islands.

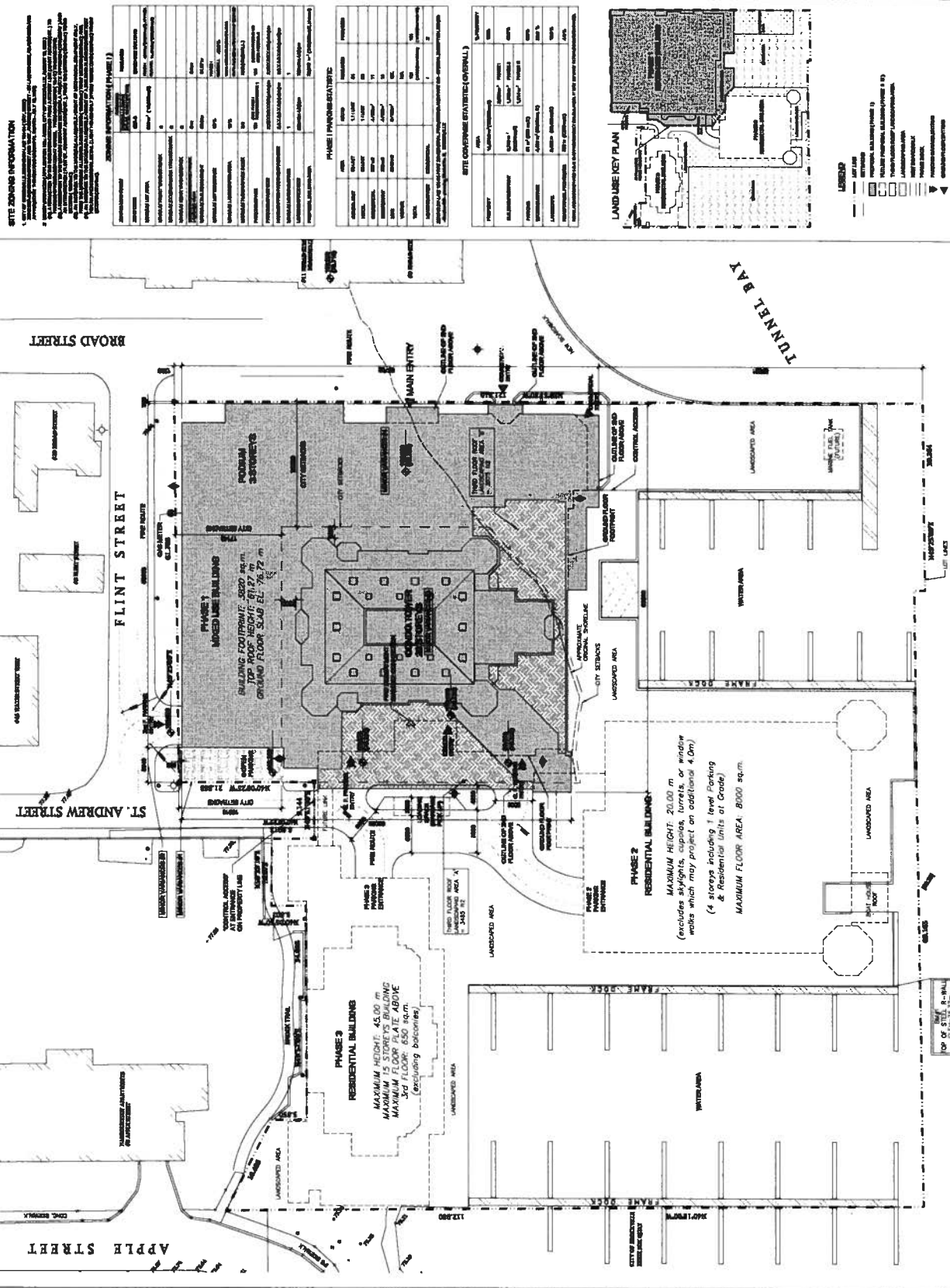
Phase 3 residential tower will draw on the same design elements as described in Phase 1 above, and as a result will respect the broader community to the north. The first level of the podium beneath the residential tower of Phase 3, adjacent to the Brock Trail, running between Apple and St Andrews Street, will take its inspiration from the masonry boathouses found within the 1000 Islands.



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 K6H 1A5
 Tel: 819-336-8885
 Fax: 819-336-8877
 www.emarchitect.com

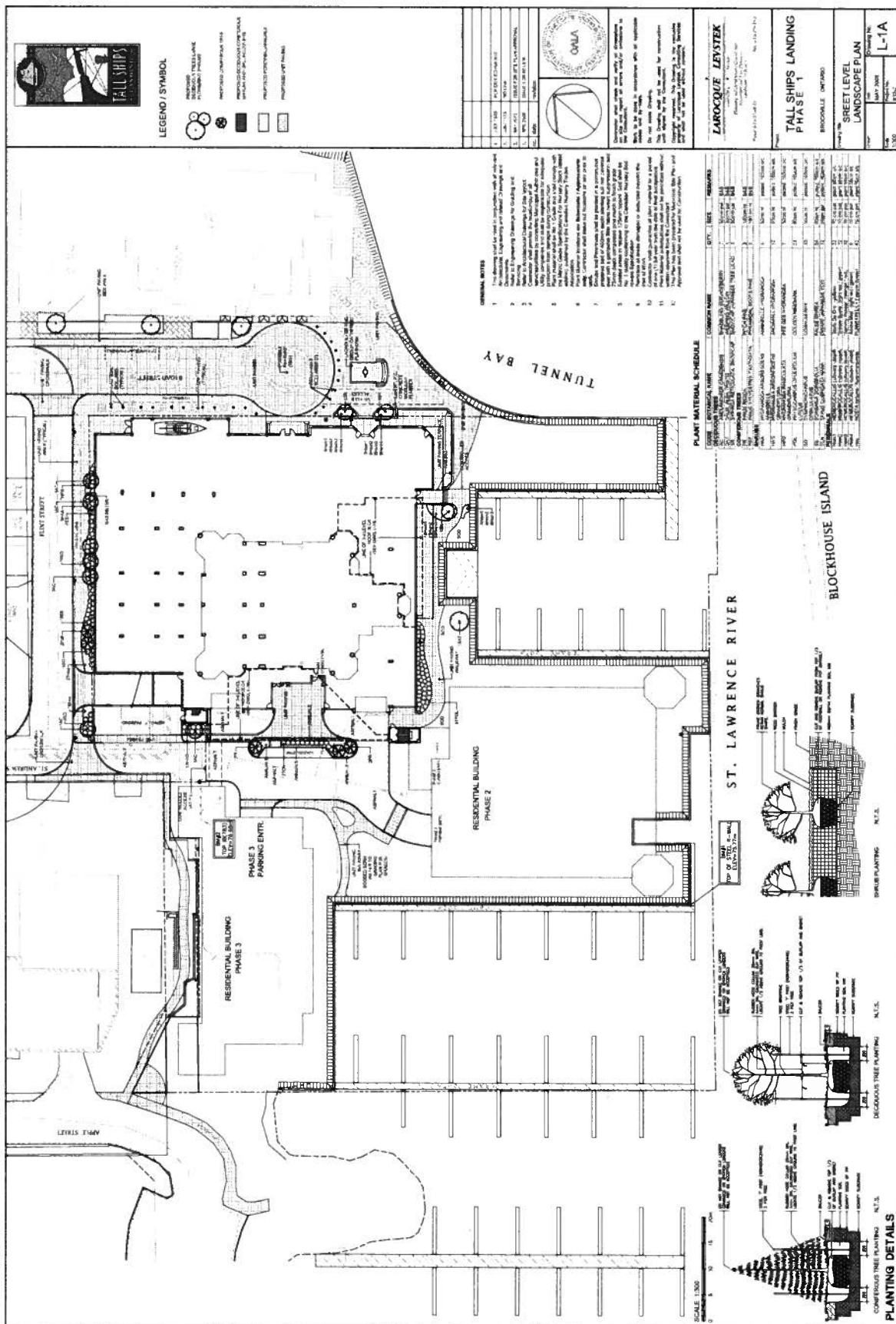
**PHASE 1
TALL SHIPS LAND
CONDOMINIUM**
 BROCKVILLE, ONTARIO

SITE PLAN	
DATE: 08-12-11	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
SCALE: 1:1000	
PROJECT NO: 2009-131-08	
SHEET NO: 1 OF 1	

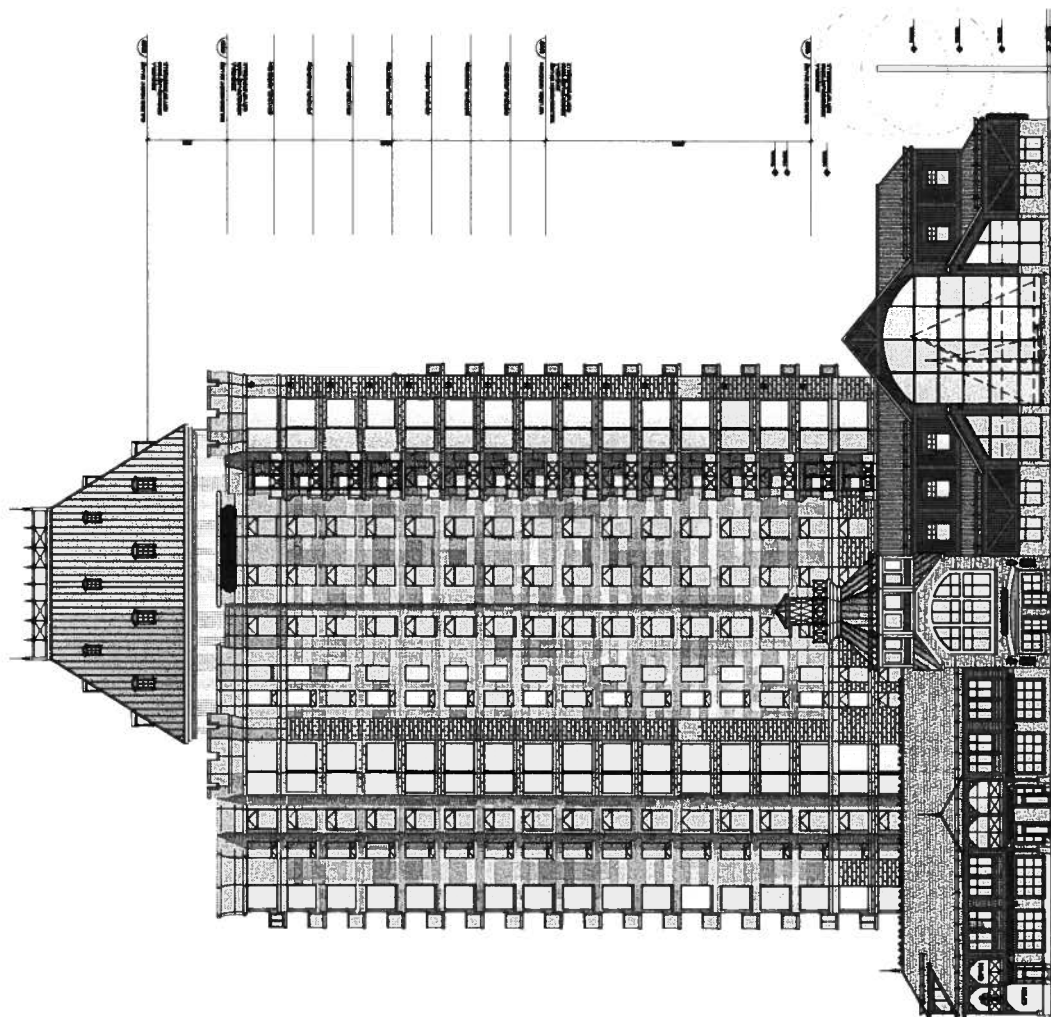


TOPOGRAPHICAL PLAN INFORMATION
 SURVEY PROPERTY BOUNDARIES TAKEN FROM TOPOGRAPHICAL PLAN OF PART OF THE CITY OF BROCKVILLE, ONTARIO, 1998, AS AMENDED BY THE CITY OF BROCKVILLE, ONTARIO, 2008. THE TOPOGRAPHICAL PLAN IS AVAILABLE FOR VIEWING AT THE CITY OF BROCKVILLE, 100 DUNDAS STREET EAST, 2ND FLOOR, BROCKVILLE, ONTARIO, K6H 1A5. THE TOPOGRAPHICAL PLAN IS AVAILABLE FOR VIEWING AT THE CITY OF BROCKVILLE, 100 DUNDAS STREET EAST, 2ND FLOOR, BROCKVILLE, ONTARIO, K6H 1A5. THE TOPOGRAPHICAL PLAN IS AVAILABLE FOR VIEWING AT THE CITY OF BROCKVILLE, 100 DUNDAS STREET EAST, 2ND FLOOR, BROCKVILLE, ONTARIO, K6H 1A5.

SITE PLAN
ST. LAWRENCE RIVER



drawing title	date	drawn by	checked by	describing number	specifiers
EAST ELEVATION		J.L.		A-404	
	date	date	date	project name	contractor's name
	1987	1987	1987	08-121	08-121



LEGEND

NOTE:
SIGNAGE FOR MARINA TO BE
UNDER SEPARATE APPLICATION

1 EAST ELEVATION

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 12 AUGUST 2009**2009-126-08**

**APPLICATION FOR PROPOSED AMENDMENT
TO ZONING BY-LAW 194-94,
663 STEWART BOULEVARD,
CITY OF BROCKVILLE, COUNTY OF LEEDS
APPLICANT: PAUL J. FOURNIER
FILES: D14-136**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II**

RECOMMENDATION:

1. **THAT** the request filed by Paul J. Fournier, acting on behalf of 2159203 Ontario Limited, for amendment to Zoning By-law 194-94 to amend the RU-X8-1 Site Specific Rural Zone on lands described as Part of Lot 15, Concession 2, City of Brockville, County of Leeds, with municipal address 663 Stewart Blvd., which would allow for the retail sales of landscaping goods and materials, and rental and sale of landscaping equipment, be denied for reasons of prematurity until such time as municipal servicing is available.

PURPOSE:

To provide recommendation on an application filed with the City of Brockville to amend Zoning By-law 194-94 as it pertains to lands with municipal address 663 Stewart Blvd.

BACKGROUND:

Paul J. Fournier, Solicitor, acting as agent for 2159203 Ontario Limited, owner of lands described as Part of Lot 15, Concession 2, being Parts 1, 2, 3 and 4, Reference Plan 28R-12972, City of Brockville, County of Leeds (663 Stewart Blvd.), has submitted an application for amendment to Zoning By-law 194-94.

The proposed amendment to City of Brockville Zoning By-law 194-94, would, if approved, amend the current RU-X8-1 Site Specific Rural Zone to permit the retail sale of landscape products (including gazebos, sheds, cabanas, trellises, bulk gardening materials, interlocking pavers, precast retaining walls, large caliper trees, fence materials, landscape timbers, decorative boulders, rocks for retaining walls, flagstone, patio furnishings, fire wood) and the rental and sales of landscaping equipment (with or without an operator). The Owner proposes to erect a building along the frontage of the subject lands for office space, sales and rentals. The installation of bins/stalls for the retail sales of previously noted bulk materials are proposed to be located around the perimeter of the property with parking spaces to be located immediately behind the proposed building.

The agent for the property owner has advised in a letter dated July 9, 2009, attached as **Schedule "A"** to this report, of the intention to service the new retail building with water from the existing private well and a "porta potty" on a temporary basis until municipal

Application for Proposed Amendment to Zoning By-Law 194-94,
663 Stewart Boulevard,
City of Brockville, County of Leeds
Owner: 2159203 Ontario Limited
Applicant: Paul J. Fournier
Files: D14-136

servicing is available.

In October 2007, approval was granted for an Official Plan Amendment, Zoning Amendment and Site Plan Control Agreement, which provided the opportunity to create a lot without municipal services, which lot has since been developed as a "Contractors Establishment" operating as Garden World.

While staff report 2007-179-10 did not support the requested amendments, Council granted the decision based on an agreement between the former property owner Brockmoor Developments Corporation Limited and the City that full municipal services would be put in place not later than five (5) years from the date of approval, and for the installation of a holding tank for the interim period, with the City providing assurance of continued operation of an approved hauled sewage system. A copy of Council's resolution on this matter is attached as **Schedule "B"**.

At the time of the filing of the previous applications, the applicant was made aware by staff that, while a landscape contractor is a permitted use in the RU-Rural Zone, the retailing of goods is not permitted. Alternative sites in Brockville where appropriate commercial zoning for retailing is in place were also discussed.

The applicant has now come forward requesting an additional amendment to Zoning By-law 194-94 for the lands at 663 Stewart Blvd. to permit retail sales of landscaping goods and materials, and rental and sale of landscaping equipment.

ANALYSIS:

The following sketches are attached to this report:

Schedule "C" - sketch showing the location of the subject lands;

Schedule "D1" - sketch showing the proposed development of the subject lands; and

Schedule "D2" - site plan of subject property.

The application indicates that one additional building 111.02 m² (1,195.04 ft²) in size, various storage locations, decorative fountain and twelve (12) new parking spaces are proposed to be located on the site.

The subject lands, with a total lot area of 16,829.5 square metres (4.16 acres), have frontage on Stewart Blvd. of 101.25 metres (332.18 feet), are located one parcel north of the radio station and south of Brockville Animal Hospital.

Official Plan and Zoning Information:

Official Plan Designation:

Vacant / Rural

Existing Zoning:

RU-X8-1 Site Specific Rural Zone

Application for Proposed Amendment to Zoning By-Law 194-94,
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Applicant: Paul J. Fournier
Files: D14-136

Proposed Amended Zoning: RU-X8-1 Site Specific Rural Zone.
The uses permitted would be expanded to allow the retailing of landscaping products and rental and sales of landscaping equipment.

Currently, there are no municipal services available to the site as described previously. Storm drainage is via open ditching along Stewart Boulevard, water is provided by private well, and sanitary services are provided via a private holding tank, with haulage assured by the City.

Surrounding Land Use:

- North: Designated as Vacant/Rural. Zoned as RU-Rural Zone. Occupied by 681 Stewart Boulevard (Brockville Animal Hospital). Lands located north of 681 Stewart Boulevard are occupied by older single detached dwellings.
- East: Designated as Residential. Zoned, from north to south, ranging from R2-Single Unit Residential Zone through to R5-Multiple Residential Zone and occupied by various forms of residential dwellings.
- South: Designated as Vacant/Rural. Zoned as RU-X8-1 Site Specific Zone is a parcel of vacant land with a frontage on Stewart Boulevard of 142.0 metres (465.9 feet). Directly south of the vacant land is 601 Stewart Boulevard (Eastern Ontario Broadcasting Company) zoned RU Rural Zone. Lands located south of 601 Stewart Boulevard at the north-east corner of Stewart Boulevard and Laurier Boulevard are designated as Commercial, General, zoned as C2-X8-4 General Commercial Site Specific Zone and occupied by a restaurant (initially constructed as a donut shop).
- West: The lands located across Stewart Boulevard, are designated as Vacant/Rural, zoned as RU-Rural Zone and are currently vacant. These vacant lands are bracketed on the north by lands designated as Commercial, Highway, zoned as C4-X7-2-Highway Commercial Site Specific Zone and occupied by Seaway Gas and on the south by lands designated as Commercial, Highway, zoned as C4-Highway Commercial Zone and are occupied by "Home Hardware Building Centre".

Public Participation

The application requesting a Zoning Amendment has proceeded through the normal review process. On 7 July 2009, a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 11 June 2009 and was circulated to property owners within 120 metres (400 feet) of the subject property. In addition, a sign was posted on the subject property advising that the lands are the subject of Application

Application for Proposed Amendment to Zoning By-Law 194-94,
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for Amendment to the City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited.

The minutes of the Public Meeting are attached as **Schedule "E"**. Written comments received to-date are attached as **Schedule "F"** to this report and discussed further in this report.

Provincial Policy Statement Considerations:

A Provincial Policy Statement (P.P.S.) has been issued under the authority of Section 3 of the Planning Act and came into effect on 01 March 2005. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. In exercising its authority on planning matters, the decision of the Council for the Corporation of the City of Brockville "shall be consistent with" policy statements issued under the Act.

Part V of the PPS sets out various policies which describe areas of Provincial interest. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be discussed in this report.

The preamble to Part V, Section 1 Building Strong Communities sets the tone by suggesting that *"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth."*

Part V, Section 1.1 is entitled "Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns".

Subsection 1.1.1 speaks more specifically to sustaining "healthy, livable and safe communities" by:

- "a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs."*
- f) improve accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society.*

The subject property is located within the Vacant/Rural designated area of the City. Subsection 1.1.4 of the PPS speaks to Rural Areas in Municipalities. Subsection 1.1.4.1 speaks more specifically to uses as follows:

Application for Proposed Amendment to Zoning By-Law 194-94,
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Applicant: Paul J. Fournier
Files: D14-136

- "a) permitted uses and activities shall relate to the management or use of resources, resource based recreational activities, limited residential development and other rural land uses;*
- b) development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;*
- d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;"*

Subsection 1.7-Long Term Economic Prosperity speaks to being supported by, among others, "optimizing the long-term availability and use of land, resources, infrastructure and public service facilities."

The subject property is located outside of the designated settlement area on a site currently without municipal services.

Policy 1.6.4 of the PPS deals with Sewage and Water, and stresses that municipal sewage and water services are the preferred form of servicing. There is a hierarchy of preference respecting servicing options, with individual on-site services least preferred. In this instance, the applicant is proposing connection to the existing well for potable water, and to use a "porta potty" to service the proposed structure for sanitary service on a temporary basis, which will be discussed in further detail later in this report.

There is an existing agreement which requires the extension of piped municipal services to the site within a five-year timeframe being October 2012. The reasoning for not putting servicing in place at the time of the initial development, according to the previous owner, was that:

- The lack of economic feasibility to extend services only for the landscaping contractor business. More significant intervening development would be needed to justify the costs associated with servicing extensions; and
- The scale of the landscaping contractor's establishment, which would generate relatively little sewage.

Ultimately, the subject lands would represent a logical extension of development along Stewart Boulevard and therefore a logical area for extension of municipal services.. The process of updating the Official Plan is underway, however, there are no conclusions yet to assume that this area will be incorporated into the settlement area and changed from the Rural designation.

Accordingly, the proposed amendment to the zoning to allow the expansion of uses on this lot, within a Rural Designation and Rural Zone without municipal services is premature and not consistent with the PPS at this time.

Application for Proposed Amendment to Zoning By-Law 194-94,
663 Stewart Boulevard,
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Owner: 2159203 Ontario Limited
Applicant: Paul J. Fournier
Files: D14-136

Official Plan Considerations:

The requested amendment to the Zoning By-law would, if approved, permit retail sales and rental of landscaping equipment at an existing "Contractors Establishment" in the Vacant/Rural District on private services.

Part VI, Section 6.7-Rural District, Subsection 6.7.1-General states the following:

"6.7.1 General

The Rural District shall permit agriculture, conservation and public utility uses. The objective of this classification is to prevent the urbanization of the area and to maintain its rural nature..."

Intensification of the use of this property is not recommended until the Official Plan is modified to allow urban-type development in this location. This may or may not emanate from the current Official Plan review.

Zoning By-law Considerations:

The subject property is currently zoned RU-X8-1 Site Specific Rural Zone, according to City of Brockville Zoning By-law 194-94. A landscape contractor is a permitted use, but the retail sale of products or goods is not permitted. Retailing associated with a contractor's establishment is permitted only if the establishment is located in a commercial zone.

Part 3 of Zoning By-law 194-94, as amended, Section 3.4-Municipal Services Required, states, in part, the following:

"3.4 Municipal Services Required

Except for an existing single unit dwelling, no person shall hereafter erect or enlarge any main building or structure for any purpose unless said main building or structure is connected solely to municipal water and sanitary sewers for the provision of water and the disposal of sanitary sewage, respectively. Further, no lot shall be created unless municipal water and sanitary sewers are available."

It is the prevailing opinion of Planning staff that further commercial development should not be encouraged where municipal servicing is unavailable and where the framework for urban development has not yet been established, as such, approval of the expansion of uses on the subject lands be discouraged until such time that full municipal services are available.

In the future, should the retailing of goods and materials and rental or sale of equipment be permitted, appropriate design standards must be used for the site, particularly with

Application for Proposed Amendment to Zoning By-Law 194-94,
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Applicant: Paul J. Fournier
Files: D14-136

respect to the customer safety. The contactors establishment is closely aligned to a light industrial use where trucks, forklifts and other large vehicles or pieces of equipment are in use or moving about the site. The areas where there would be interaction between pedestrians and equipment must be kept to a minimum.

Comments Received – Schedule “F”:

1. Eric Jones, Engineering Associate – Operations Department,

Memo dated 15th June 2009 (copy attached)

- site servicing concerns respecting washroom facilities in proposed office/retail building.

2. Brent Caskenette, Chief Building Official

Memo dated 18th June 2009 and email dated 14th July 2009 (copies attached).

- No municipal services available.
- Ontario Building Code requires that sanitary facilities be provided to the new building. Specifically a water closet and lavatory is required.
- Options available to the applicant for servicing the new building.

3. Mark Green, Senior Public Health Inspector, Leeds, Grenville & Lankark District Health Unit

Emails dated 13th July 2009 and 20th July 2009 (copies attached)

- Options for sewage disposal, in the absence of municipal sanitary sewers include connection to the existing holding tank, installation of a new holding tank, or use of a portable toilet with a grey water disposal system for connection to the sink.

Servicing Issues:

The following is a discussion pertaining to issues associated with the provision of a potable water supply and disposal of sewage.

Potable Water:

The developer has in place a potable water supply through the use of a private well. As a condition of the previous approval, the owner has entered into an Indemnity Agreement with the City to save harmless the City from any actions or claims related to the installation and use of a private well for water supply.

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Owner: 2159203 Ontario Limited
Applicant: Paul J. Fournier
Files: D14-136

A previous discussion (prior to development of the contractors establishment) with the City Solicitor, Mr. John Simpson, confirmed that it would be very difficult to exclude the City from any liability for a contaminated well for all potential cases, including employees, future purchasers, co-vendor, etc. Accordingly, the City Solicitor recommended that the initial development of the contractors establishment not be considered under private services. Therefore, staff recommend that permission for the expansion of uses on the site, particularly the increased amounts of plant material for retail sale, be denied and that no additional structures be approved as being premature until such time that full municipal services are available and connected.

Sewage Disposal

Porta-Potty:

The agent for the property owner has proposed the provision of sewage disposal for the new building through use and installation of a "porta-potty" until a municipal sewer connection can be made. The applicant has stated that he will shield the "porta-potty" to make the site more visually appealing.

Brent Caskenette, Chief Building Official has commented as follows: *"The porta-potty would have to be pumped on a regular basis. Unknown whether the municipality is required to guarantee pumping of this facility. The porta-potty could only be used on a seasonal basis. When the weather does not permit use, the business must shut down. This becomes an enforcement issue. Also, the use of a porta-potty may generate complaints regarding smell which becomes another enforcement issue."*

Additionally, as advised by Mark Green, Senior Public Health Inspector, Leeds Grenville & Lanark District Health Unit, in the event that a "porta-potty" is allowed, grey water from the lavatory would require the installation of grey water disposal system.

Holding Tank:

The owner currently has a holding tank on-site for sewage disposal. The agent for the owner has stated that the preference at this time is the use of a "porta-potty" until municipal sanitary sewers are available.

Other options available include a connection to the existing holding tank or alternatively, another holding tank could be installed. The installation of a second holding tank on site would require municipal assurance to again be provided by the City as per the comments received from Mark Green, Senior Public Health Inspector.

Application for Proposed Amendment to Zoning By-Law 194-94,
663 Stewart Boulevard,
City of Brockville, County of Leeds
Owner: 2159203 Ontario Limited
Applicant: Paul J. Fournier
Files: D14-136

Section 8.8.1.2 (1) (d) of the Ont. Building Code referring to class 5 holding tanks states: as an interim measure for a lot or parcel of land until municipal sewers are available, provided that the municipality undertakes to ensure the continued operation of an approved *hauled* sewage system until the municipal sewers are available.

An approved haulage system can consist of either the municipality or the operator/applicant undertaking to do the haulage. If the operator/applicant defaults in this responsibility, the responsibility would fall to the City thereby requiring the City to commit to an on-going operational cost for an indefinite period of time. This responsibility would be in effect for the period of time for which a holding tank is used, regardless of ownership of the lands and/or business. The City of Brockville has provided municipal assurance for the existing holding tank on the subject property.

Planning staff do not recommend that the City of Brockville enter into another agreement to guarantee private services. In addition, staff feel that it is not appropriate to permit a retail use and encourage public access on a "porta potty" is in use.

Based on the foregoing discussion, the preferred method of servicing the lands is through the extension of municipal services. Furthermore, the installation of a holding tank, even as an interim measure, with its need for the City to provide assurances with respect to haulage, is not a position recommended for endorsement by Council.

Septic System:

An alternative to municipal servicing would be the installation of an on-site septic system. This does not appear to be a feasible alternative given the decision to allow development to proceed on a holding tank.

Municipal Sanitary Sewer:

Municipal sanitary sewers can be extended to this site, and indeed are to be extended by 2012 by agreement between the City and the developer of the adjacent lands. Full municipal services are within a short distance on the south side of Stewart Blvd.

Conclusions: Servicing Issues

Staff do not consider a "porta-potty" an acceptable option for disposal of sewage, even on a temporary basis. Furthermore, with respect to allowing for additional plant material on site, this should await connection to the municipal water supply.

Application for Proposed Amendment to Zoning By-Law 194-94,
663 Stewart Boulevard,
City of Brockville, County of Leeds
Owner: 2159203 Ontario Limited
Applicant: Paul J. Fournier
Files: D14-136

FINANCIAL IMPLICATIONS:

All costs associated with development of the property are the responsibility of the Owner. Should Council support the development by allowing the installation of a holding tank, the "municipal assurance" for haulage may be an operational cost to the City in the future, unless sufficient funds are again provided by the owner to cover any potential cost.

CONCLUSIONS:

Many factors have been reviewed with respect to the requested amendment to Zoning By-law 194-94 to provide for the expansion of new uses on the subject property to include retail sales and rental of landscaping equipment, as well as on lands that are beyond the serviced, settlement area of the City of Brockville. There are several policies from the PPS, Official Plan, and Zoning By-law 194-9, as well as regulations under the Ontario Building Code that do not lead to support for the notion of the expansion of uses on private temporary services. Therefore, the recommendation in this report is to deny the requested amendment.



M. Maureen Pascoe Merkley
Director of Planning

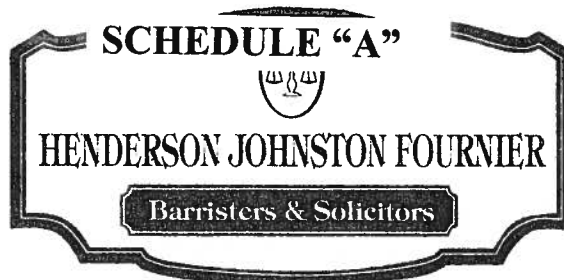


Andrew McGinnis
Planner II

Bob Casselman
City Manager

Neville C. Johnston*
Paul J. Fournier

* also of the New York Bar
John E. Henderson, Q.C., Ret'd



61 King Street East
P.O. Box 217
Brockville, Ontario
K6V 5V4

Tel: (613) 345-5613
Fax: (613) 345-6473
e-mail: info@hjf.ca

July 9, 2009

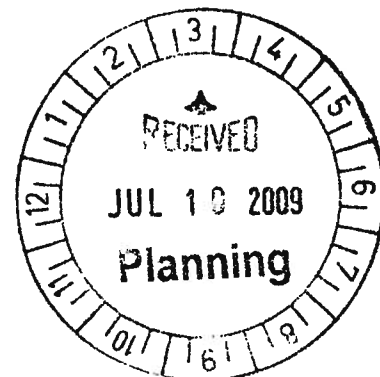
Established 1886

City of Brockville
1 King Street West
P.O. Box 5000
Brockville, Ontario
K6V 7A5

Attention: Maureen Pascoe Merkley, Director of Planning

Dear Mrs. Pascoe Merkley:

**Re: Application for Amendment to Zoning By-law 194-94
663 Stewart Boulevard, Brockville
Our Matter No.: 23904**



Further to my undertaking given at the Economic Development Planning Committee meeting on Tuesday, July 7, 2009 regarding the above, be advised that;

The applicant intends to provide services to the proposed sales building as follows:

- a) by roughing in the plumbing in the building to accommodate installation when services are available;
- b) by connecting the existing well to the building;
- c) by providing a small hot water tank;
- d) by providing a porta potty available to the building's occupant;
- e) by obtaining the approval of the Health Unit and the Chief Building Official to the use of the porta potty. The principle issue being that the porta potty must be operable whenever the building is occupied.

I trust that the above is satisfactory to you.

Thank you for your co-operation.

Yours very truly,

HENDERSON JOHNSTON FOURNIER

Per:


Paul J. Fournier
PJF:ws

Copy: Al Phillips

2009-126-08 Application for amendment to Zoning By-Law 194-... Page 41 of 73

SCHEDULE "B"



Excerpt from Council Meeting
October 9, 2007

2007-179-10

**APPLICATIONS FOR PROPOSED AMENDMENTS
TO THE OFFICIAL PLAN AND TO ZONING BY-LAW 194-94,
AND SITE PLAN CONTROL APPROVAL,
LANDSCAPING CONTRACTOR ESTABLISHMENT,
PART LOT 15, CONC. 2, STEWART BOULEVARD
CITY OF BROCKVILLE, COUNTY OF LEEDS
OWNER: BROCKMOOR DEVELOPMENTS CORPORATION LTD.
APPLICANT: B. COLLETT, O.L.S.
FILES: 266-79; D14-117; D11-376**

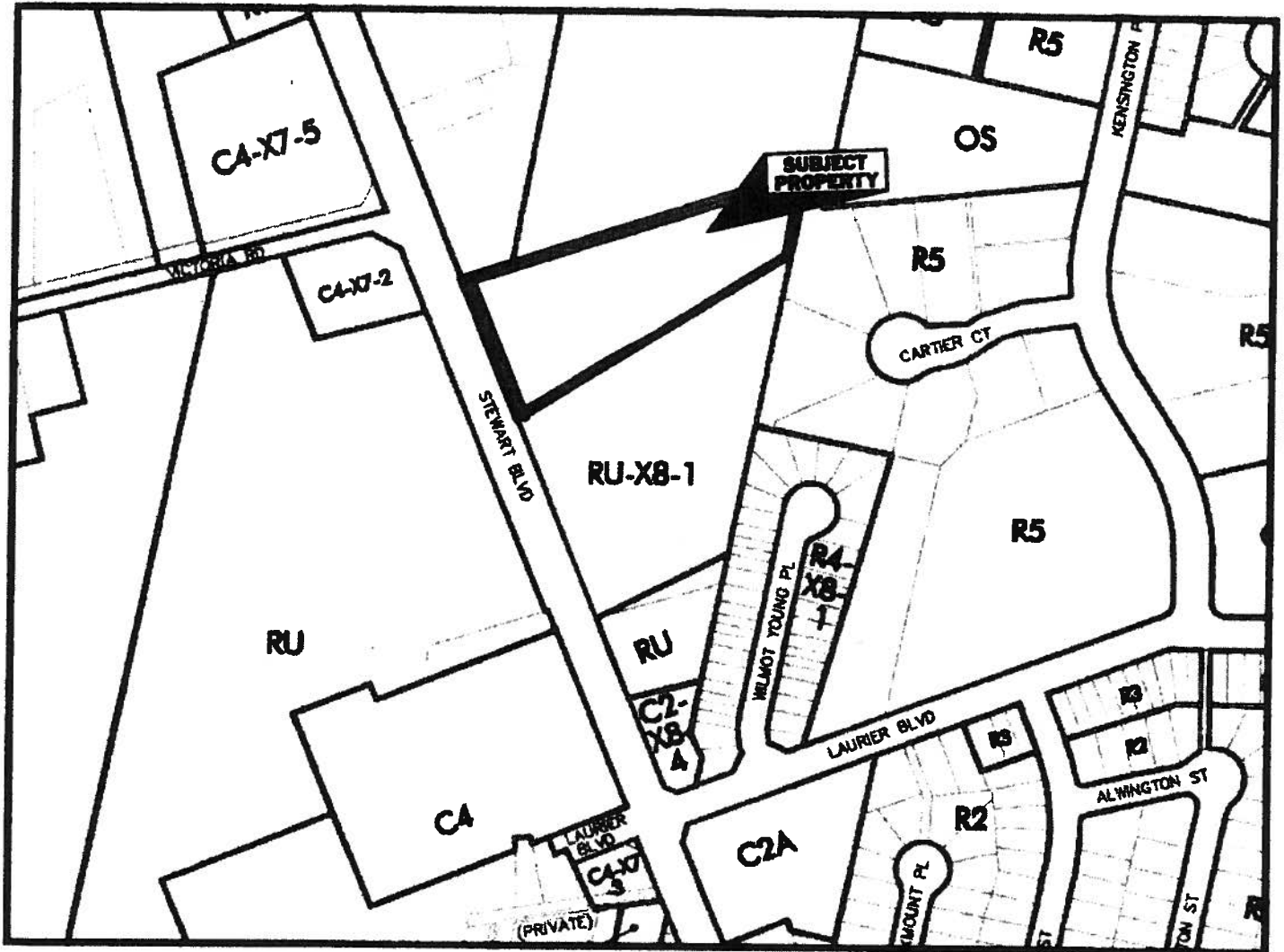
Moved by: Councillor Kalivas

1. THAT Council adopt Official Plan Amendment No. 79 to create a new site-specific policy affecting lands described as Part of Lot 15, Concession 2, City of Brockville, County of Leeds to allow a severance of the subject lands to provide for development of a landscaping contractor's establishment fronting Stewart Blvd.;
2. THAT Zoning By-law 194-94 be amended to create a site-specific RU-Rural Zone affecting lands described as Part of Lot 15, Concession 2, City of Brockville, County of Leeds which allows for the severance of the subject lands into three (3) parcels;
3. THAT Council agrees to provide "municipal assurance", in writing, to the Leeds, Grenville and Lanark District Health Unit, as approval authority for the requested holding tank installation, indicating that the City of Brockville will ensure the continued operation of an approved hauled sewage system;
4. THAT Site Plan Control Approval for development of a landscaping contractor's establishment on lands described as Part of Lot 15, Concession 2, City of Brockville, County of Leeds, be granted, subject to receipt of a revised site plan, indicating the subject property in its entirety and which site plan meets all municipal requirements, including but not limited to lot grading, landscaping and buffering, parking areas, fire access routes, and requirements of the City of Brockville and Leeds, Grenville and Lanark District Health Unit respecting the installation of a private well and holding tank, subject to:
 - i) receipt by the City of Brockville of a binding covenant, which would include financial security, to be provided by the property owner, Brockmoor Developments Corporation Ltd. which is acceptable to the City Solicitor, committing the owner to the extension of municipal services within 5 years and the abandonment of the holding tank.

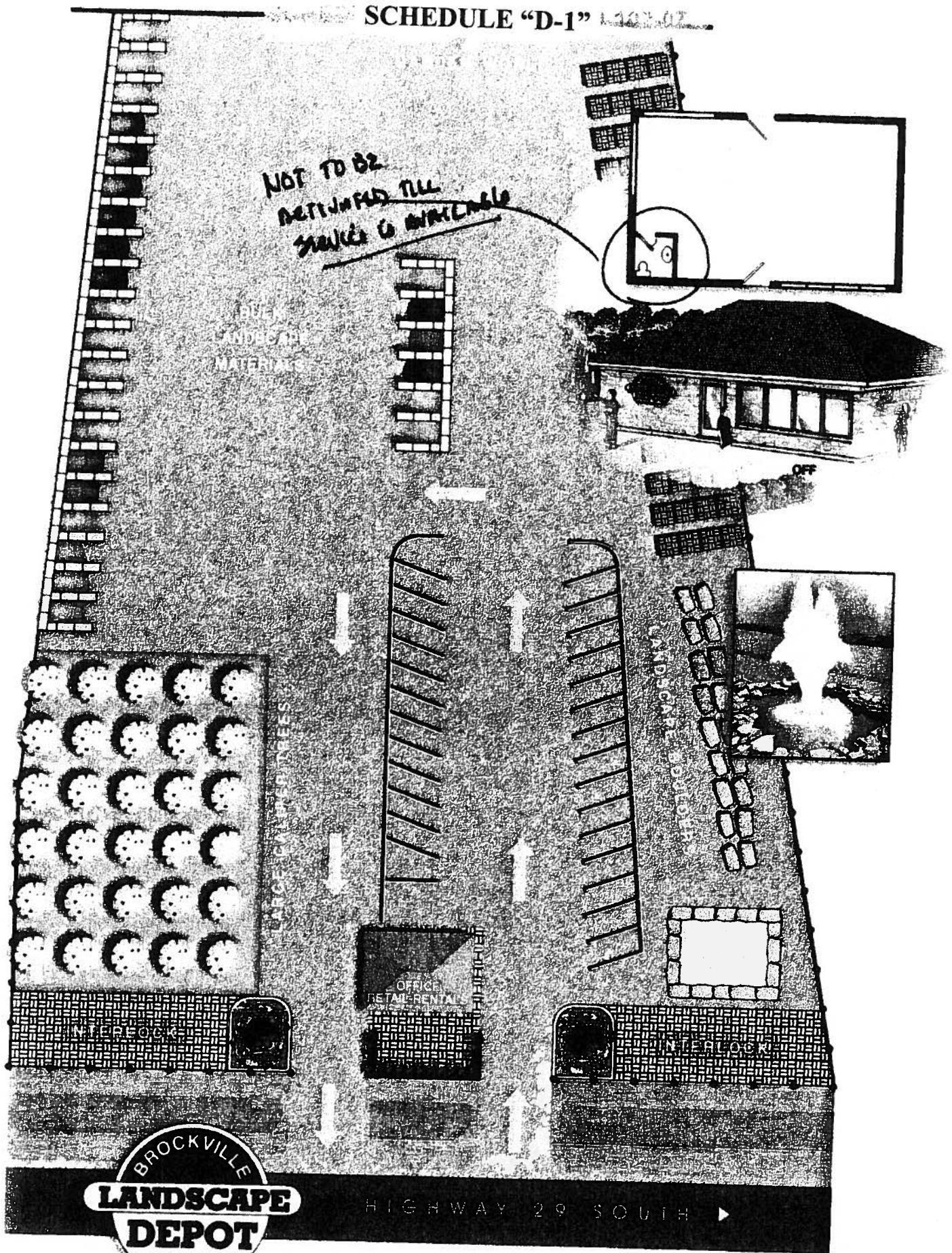
- ii) receipt by the City of Brockville of a cash deposit in the amount of \$1000 to be used for any future costs associated with providing sewage haulage in accordance with the "municipal assurance";
- iii) receipt of a directive, in writing, from the property owner, acknowledging the reallocation of the equivalent hydraulic capacity to this development from other draft approved residential lots owned by Brockmoor Developments Corporation Ltd.; and
- iv) receipt of a release from the landscape contractor for any claim it may have against the City relating to contamination of the well on the subject lands and an Indemnification agreement (i.e. save harmless agreement) whereby the landscape contractor saves the City harmless from any claim made by any one against the City relating to contamination of the well.

CARRIED

SCHEDULE "C"



SCHEDULE "D-1" 1-10-07

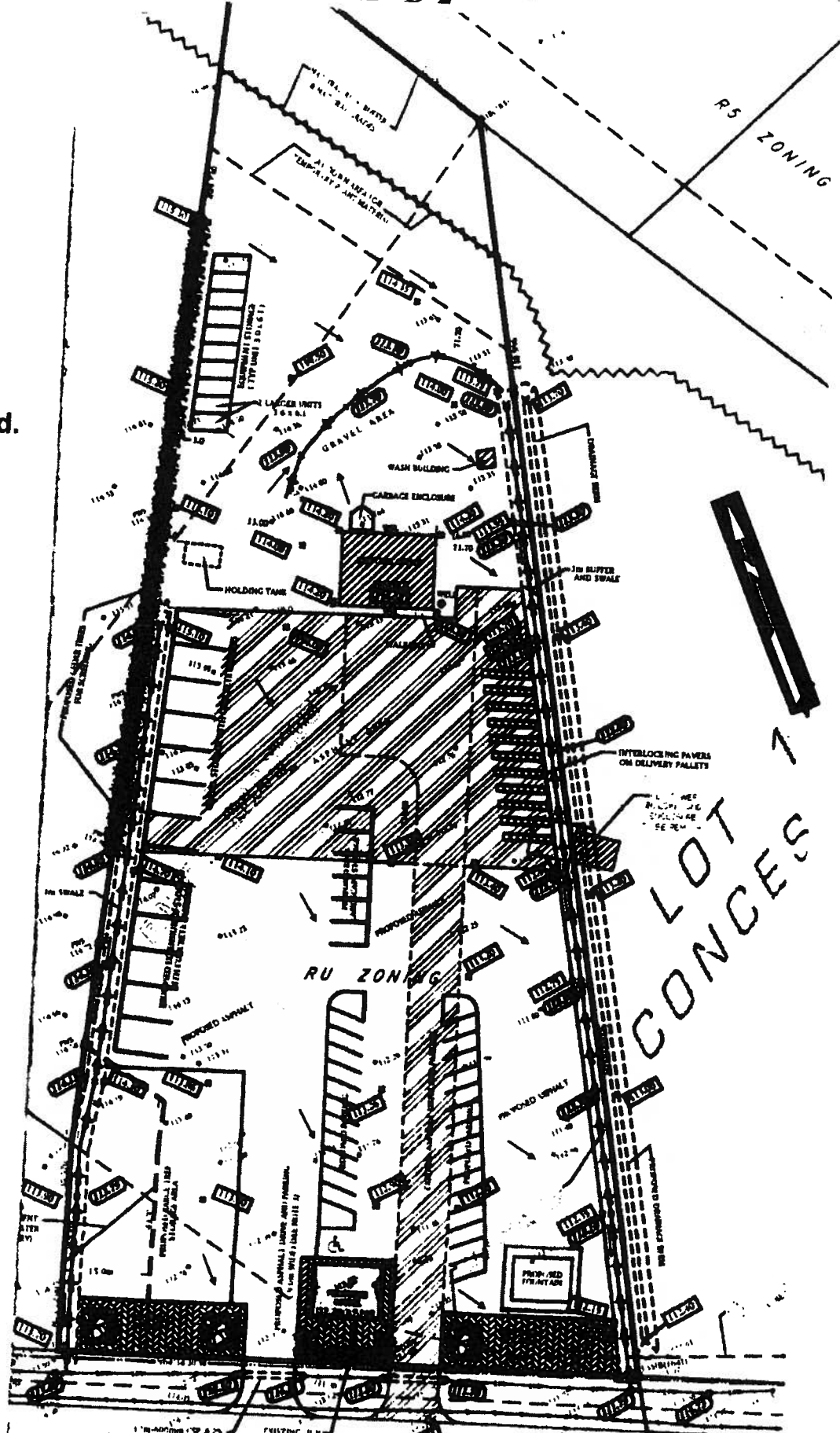


SCHEDULE "D-2"

~~RS~~
~~ZONING~~

SUBJECT PROPERTY:
663 Stewart Blvd.

FILE NO.:
D14-136



SCHEDULE "E"

Approved



Committee Minutes

**Public Meeting
Economic Development and
Planning Committee
Tuesday, July 7, 2009 6:00 p.m.
City Hall - Council Chambers**

ROLL CALL

COMMITTEE MEMBERS:

Councillor M. Kalivas, Chair
Councillor J. Earle

Absent:

Councillor G. Beach

STAFF:

Ms. V. Baker, Secretary (Recording Secretary)
Mr. A. McGinnis, Planner II
Ms. M. Pascoe Merkley, Director of Planning
Ms. Sandra Seale, City Clerk

OTHERS:

Mr. M. Jiggins, Recorder and Times Newspaper

The Chair called the meeting to order at 6:00 p.m.

- (i) 2009-102-07
PROPOSED AMENDMENT TO ZONING BY-LAW 194-94,
PART OF LOT 15, CONC. 2, PARTS 1, 2, 3 AND 4,
REFERENCE PLAN 28R-12972, CITY OF BROCKVILLE,
COUNTY OF LEEDS, (GARDEN WORLD, 663 STEWART BLVD)
Moved by: Councillor Earle

THAT Report 2009-102-07 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting for recommendation to Council.

CARRIED

Councillor Kalivas, Chair, announced the Public Meeting. Page 1 of 2

Ms. Pascoe Merkley, Director of Planning, announced that Notice of the Public Meeting for Staff Report No. 2009-102-07 was given in the Recorder and Times Newspaper on June 11, 2009, and a notice was sent to surrounding property owners within 120 metres of the subject property and circulated to various agencies and departments. As well, the Operations Department was requested to place a sign on the subject property.

Councillor Kalivas asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code to the Secretary prior to leaving the meeting.

Councillor Kalivas reviewed the procedures for the Public Meeting.

Councillor Kalivas called on the Director of Planning to explain the purpose of the Public Meeting and the nature of the application.

Ms. Pascoe Merkley, Director of Planning, reviewed the proposed amendment to Zoning By-law 194-94.

The following persons spoke in support of the proposed amendments:

Mr. Paul Fournier noted that the recent development did proceed with the provision that the developer of the adjoining site will provide municipal services to the site which is the subject of this meeting. The owner, Mr. Al Phillips has spoken with the Health Unit who indicate that there is no requirement for washroom facility. The Ontario Building Code requires the washroom. Mr. Fournier indicated that he has spoken with the City's Chief Building Official who indicates that he would be willing to accept the plans for the building with roughed in plumbing services. The owner is willing to use/install a port-a-potty until such time as the municipal services are available.

Ms. Sue Sanderson has a concern as her family's business is tool rental. She does not want to see another business provide tool/equipment rental. She indicated that she is supportive of the expansion of the business but is concerned with the rental portion.

Mr. Phillips indicated that his clients are asking for particular tools and equipment that are associated with landscaping and he deals with rocks or trees in response to demand.

Ms. Pascoe-Merkley asked Mr. Fournier to provide in writing how the building is proposed to be serviced.

The meeting adjourned at 6:28 p.m.

REQUEST FOR INFORMATION **Planning Applications under the Planning Act**

Subject Property: 663 Stewart Blvd., Brockville **File No(s): D14-136**

NAME	ADDRESS (include Postal Code)	CONTACT NUMBERS (home, work, cell, email)	INFORMATION REQUESTED		
			Public Meeting Minutes	Planning Report	Notice of Adoption
Sue Sanderson	40 Schofield Ave Brockville	Home: 613 498 2634 Work: 613 345 2753 Cell: 613 498 7363 Email: Sue_Sanderson@sympatico.ca	✓	✓	✓
		Home: Work: Cell: Email:			
		Home: Work: Cell: Email:			
		Home: Work: Cell: Email:			

SCHEDULE "F"

Memorandum



Date: June 15, 2009

File No. D11-376

To: M. Maureen Pascoe Merkley, Director of Planning

From: E. J. Jones, Engineering Associate

Subject: Garden World – 663 Stewart Boulevard
Your File No. D14-136

Regarding the proposed building to be erected along the frontage of the subject lands for office space, sales and rentals, is it required to have washroom facilities? If so, how will it be serviced since the existing office building on-site is serviced by a well and holding tank which the City has permitted for a period of 5 years before sanitary sewers and watermain are required to be extended to the site and connected.

A handwritten signature in cursive script that reads "Eric Jones".

EJJ:bk



CITY OF BROCKVILLE
PLANNING DEPARTMENT - BUILDING SERVICES DIVISION

INTEROFFICE MEMORANDUM

TO: LORRAINE BAGNELL – ADMINISTRATIVE COORDINATOR
COPY:
FROM: BRENT CASKENETTE – CHIEF BUILDING OFFICIAL
SUBJECT: SITE PLAN CONTROL – FILE D14-136
GARDEN WORLD – 663 STEWART BOULEVARD
DATE: THURSDAY, JUNE 18, 2009

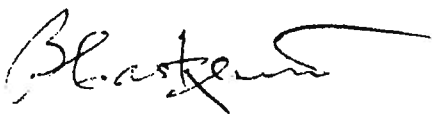
Lorraine:

Our review of the Site Plan Control drawing for the above noted subject site development under a proposed Zoning By-law amendment has been completed and at this time would advise of the following:

- The applicant is proposing a retail sales centre as part of the existing use. The detailed layout drawing shows a retail centre with a staff washroom. Our concern is that there are currently no municipal services to this site, and there is no indication of how the washroom is to be serviced. Be advised that the washroom is required under the Ontario Building Code and must be installed as part of construction to allow occupancy of the sales centre.

The applicant should be made aware that a review of complete construction drawings at the time of application for a building permit may reveal requirements of the Ontario Building Code, not evident on this site plan that may affect the site development.

Regards,



BRENT B. CASKENETTE – CHIEF BUILDING OFFICIAL
City of Brockville, One King Street West, P.O. Box 5000, Brockville, ON K6V 7A5
Tel. (613) 342-6772, ext. 441 – Fax (613) 498-2793 – Email: bcaskenette@brockville.com

Andrew McGinnis

From: Brent Caskenette
Sent: Tuesday, July 14, 2009 10:06 AM
To: Maureen Pascoe Merkley
Cc: Andrew McGinnis
Subject: Garden World - 663 Stewart Boulevard

Maureen:

With regards to the above noted location and the proposal for a new retail building at the front of the lot, I would comment as follows:

The Ontario Building Code requires that sanitary facilities be provided to the new building. Specifically a water closet and lavatory is required.

The options available to the owner are:

1. Provide a pump chamber at the new building which would pump discharge to the existing holding tank on site servicing the existing building. It is my understanding from the Health Unit that capacity exists to do this.
2. Provide a holding tank for the new building to service the new washroom. The minimum requirement under the Health Unit would be a 2000 gallon tank. This would require the municipality to guarantee pumping similar to the existing agreement on the existing holding tank.
3. Provide a porta-potty on site, and provide a lavatory within the new building. Discharge from the lavatory would have to be collected in a grey-water disposal system. The porta-potty would have to be pumped on a regular basis. Unknown whether the municipality is required to guarantee pumping of this facility. The porta-potty could only be used on a seasonal basis. When the weather does not permit use, the business must shut down. This becomes an enforcement issue. Also, the use of a porta-potty may generate complaints regarding smell which becomes another enforcement issue.

The options outlined are also listed in order of preference, with option 3 being suggested as not an acceptable option for this proposal.

Regards,

Brent

Brent B. Caskenette, CBCO
Chief Building Official
City of Brockville
Planning Dept. - Building Services Division
bcaskenette@brockville.com
613-342-8772 ext. 441



Please consider the environment before printing this email.

Maureen Pascoe Merkley

From: Green, Mark [Mark.Green@healthunit.org]
Sent: July 13, 2009 9:56 AM
To: Maureen Pascoe Merkley
Subject: RE: 663 Stewart Boulevard Rezoning Application File D14-136

I spoke with Brent this morning. His options are a toilet and sink in the new building and a sewage pump station to transport the sewage to the exiting holding tank at the other building. He could put a portable toilet there but if he needs a sink then he would have to apply for a permit to install a grey water disposal system and have it installed and approved for use by our office. Finally he could apply for a new 2000 gallon holding tank at the new building going through the same permitting procedures as for the one already installed.

Any questions give me a call

Regards

Mark

From: Maureen Pascoe Merkley [mailto:MPascoeMerkley@brockville.com]
Sent: Friday, July 10, 2009 9:44 AM
To: Brent Caskenette; Green, Mark
Cc: Andrew McGinnis
Subject: FW: 663 Stewart Boulevard Rezoning Application File D14-136

Brent and Mark,

Please see attached further information submitted by Paul Fournier respecting the Application for Amendment to Zoning By-law 194-94 pertaining to 663 Stewart Blvd., Brockville (Garden World).

I would appreciate receiving your comments in this regard, if possible by July 20, 2009. Mark, while we have not received any comments from your office to date, I would appreciate hearing from you, particularly in light of the attached proposal.

Thank you for your attention to this matter.

M. Maureen Pascoe Merkley, MCIP, RPP
Director of Planning
City of Brockville
Tel. (613) 342-8772, ext. 444
Fax (613) 498-2793
Email: mpmerkley@brockville.com



November 5, 2007

Leeds, Grenville & Lanark District Health Unit
458 Laurier Blvd.
Brockville, ON
K6V 7A3

Files: 266-79
D14-117
B12/06

Attention: Mark Green, B.A., C.P.H.I.(C)
Chief Building Official
Part VIII Program

Dear Sir:

**SUBJECT: Proposed Installation of Holding Tank
for Landscape Contractor Establishment (Garden World),
Part of Lot 15, Concession 2, City of Brockville, County of Leeds.**

This will serve as notice that, in accordance with the resolution of Brockville City Council on October 9, 2007, the Corporation of the City of Brockville hereby undertakes to ensure the continued operation of an approved hauled sewage system until the municipal sewers are available respecting development of lands described as Part of Lot 15, Concession 2, City of Brockville, County of Leeds, located with frontage on Stewart Blvd., for a landscape contractor's establishment. The property owner is to provide to the City of Brockville a binding covenant which commits to the extension of municipal services to this site within 5 years and the abandonment of the holding tank.

A copy of the Council resolution is enclosed. Should you require any additional information, kindly advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "Sandra M. Seale".

Sandra M. Seale
City Clerk

Encl.

Copies: P. J. Fournier, Henderson, Johnston, Fournier
W. B. Collett, Collett Surveying Ltd.
C. J. Cosgrove, Director of Operations
M. Pascoe Merkley, Director of Planning

Maureen Pascoe Merkley

From: Green, Mark [Mark.Green@healthunit.org]
Sent: July 20, 2009 8:27 AM
To: Maureen Pascoe Merkley
Subject: RE: Garden World

If they connect into the existing tank, no further action needed. If he wants to install a new one separately for the new building then he would need to apply for a permit and it would require you assurance regarding municipal services.

Hope this answers your question.

Regards

Mark

-----Original Message-----

From: Maureen Pascoe Merkley [mailto:MPascoeMerkley@brockville.com]
Sent: Wednesday, July 15, 2009 2:41 PM
To: Green, Mark
Cc: Brent Caskenette; Andrew McGinnis
Subject: Garden World

Hi Mark,

We have been discussing your email of July 13, 2009 respecting the latest proposal by Garden World, and the options you mentioned, such as connection to the existing holding tank, the use of a portable toilet, or the installation of a second holding tank. As you will recall, the City of Brockville previously provided assurance of continuation of an approved hauled sewage system until municipal services are available (see attached correspondence). Would any further documentation be required of the City of Brockville should any of the above options be supported?

M. Maureen Pascoe Merkley, MCIP, RPP
Director of Planning
City of Brockville
Tel. (613) 342-8772, ext. 444
Fax (613) 498-2793
Email: mpmerkley@brockville.com

28 JULY 2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 12 AUGUST 2009

2009-127-08

SITE PLAN CONTROL APPROVAL

PART OF LOT L, PLAN 332,

BEING PART 2, RP 28R-12366 (WALTHAM ROAD)

CITY OF BROCKVILLE

OWNER: 882604 ONTARIO LIMITED

APPLICANT/AGENT: DAVID POOLE, EASTERN ENGINEERING

FILE: D11-390

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING,
ANDREW MCGINNIS
PLANNER II**

RECOMMENDATION:

THAT Site Plan Approval be granted for the creation of a 1,393.55 m² (15,000.0 ft²) office building lands described as Part of Lot L, Plan 332, being Part 2, RP 28R-12366 on the north side of Waltham Road. Said development shall be in accordance with the following drawings:

- i) SITE PLAN – OFFICE BUILDING WALTHAM ROAD, BROCKVILLE, ONTARIO, GUY SAUMURE & SONS CONSTRUCTION LTD., Issued by Eastern Engineering Group Inc., Project No. 4240, Drawing No. 1, dated 1 June 2009, as revised;
- ii) LANDSCAPE PLAN – OFFICE BUILDING WALTHAM ROAD, BROCKVILLE, ONTARIO, GUY SAUMURE & SONS CONSTRUCTION LTD., Issued by Eastern Engineering Group Inc., Project No. 4240, Drawing No. 2, dated 18 June 2009, as revised;
- iii) ELEVATIONS – OFFICE BUILDING WALTHAM ROAD, BROCKVILLE, ONTARIO, GUY SAUMURE & SONS CONSTRUCTION LTD., Issued by Eastern Engineering Group Inc., Project No. 4240, Drawing No. A3, dated 8 June 2009, as revised.

PURPOSE:

The purpose of this report is to consider approval for the creation of a one-storey 1,393.55 m² (15,000.0 ft²) office building and associated site improvements. The subject lands are currently vacant.

ORIGIN:

Mr. David Poole, representing Eastern Engineering Group Inc., on behalf of 882604 Ontario Limited, owner of subject lands, has submitted an Application for Site Plan Approval.

ANALYSIS:

The subject property has a total area of 7,115.48 m² (76,592.89 ft²) / 0.71 hectares (1.75 acres). The property is designated "Industrial" under the Official Plan for the City of Brockville and Zoned M1 – Industrial Park Zone under Zoning By-law 194-94, as amended.

The proposed business/professional office is a permitted use within the M1 – Industrial Zone.

A plan showing the location of the proposed commercial building and site location has been attached as "**Key Map**" to this report. Specifically, the lands are located east of the TSC Store and west of St. Lawrence Pools.

The building is proposed to be 1,393.55 m² (15,000.0 ft²) with a height of 5.61 metres (18.4 feet). The parking area will be asphalt and contain fifty-nine (59) parking stalls, including two (2) barrier free spaces, and one (1) loading space. The parking spaces will be clearly lined and marked. The remainder of the site is proposed to be sodded and landscaped along Waltham Road

The proposal has an estimated construction value of \$1.2 Million, and contain will up to five business offices, depending on how the owner wishes to split the building.

A set of drawings for the proposed development may be viewed in the Planning Department prior to the EDP Meeting and shall be available at the time of presentation of this report to Council. A **Key Map** and **Schedules A, B and C**, inclusive, to this report are the Site Location, Site Plan, Landscape and Elevation drawings respectively.

All comments have been received and are being addressed.

The Site Plan Control Agreement will contain various standard clauses pertaining to snow clearing, refuse and recycling collection, financial security, etc. In addition, a building permit will be required to be issued within 12 months of Site Plan Approval, otherwise, the hydraulic capacity allocated to this project will revert back to the City.

POLICY IMPLICATIONS:

The proposed application conforms to all applicable municipal policies, standards and regulations.

FINANCIAL CONSIDERATIONS:

The applicant is responsible for all costs associated with the Site Plan Control Agreement and with development of the site as proposed.

CONCLUSION:

Following review of the Official Plan and Zoning By-law, as well as the submissions received respecting the request for Site Plan Approval for the north side of Waltham Road, east of St. Lawrence Pools (144 Waltham Road), it is reasonable to permit the construction of a single storey 1,393.55 m² (15,000.0 ft²) office building on the property owned by 882604 Ontario Limited. This is reflected in the recommendation at the beginning of this report.



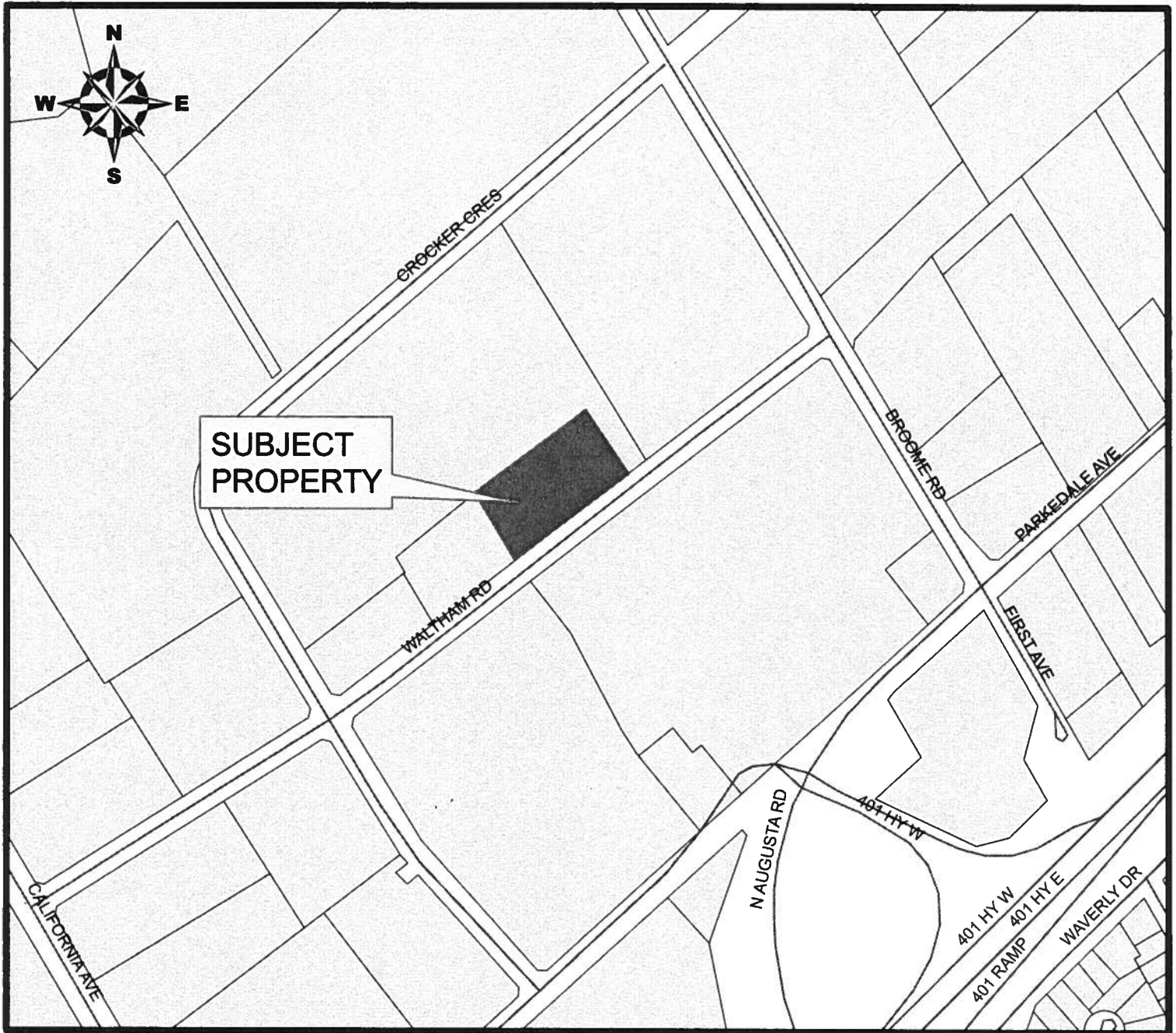
M. Pascoe Merkley, MCIP, RPP
Director of Planning



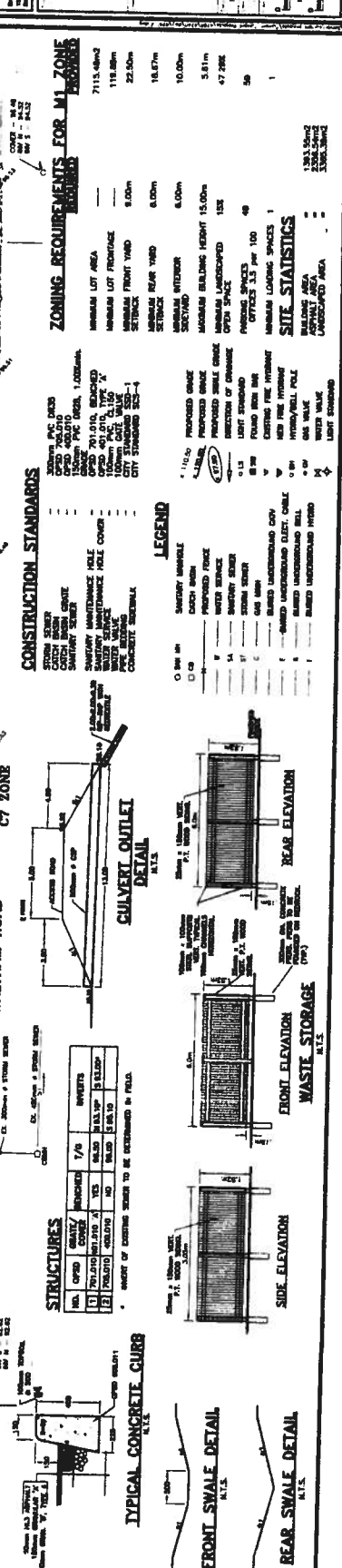
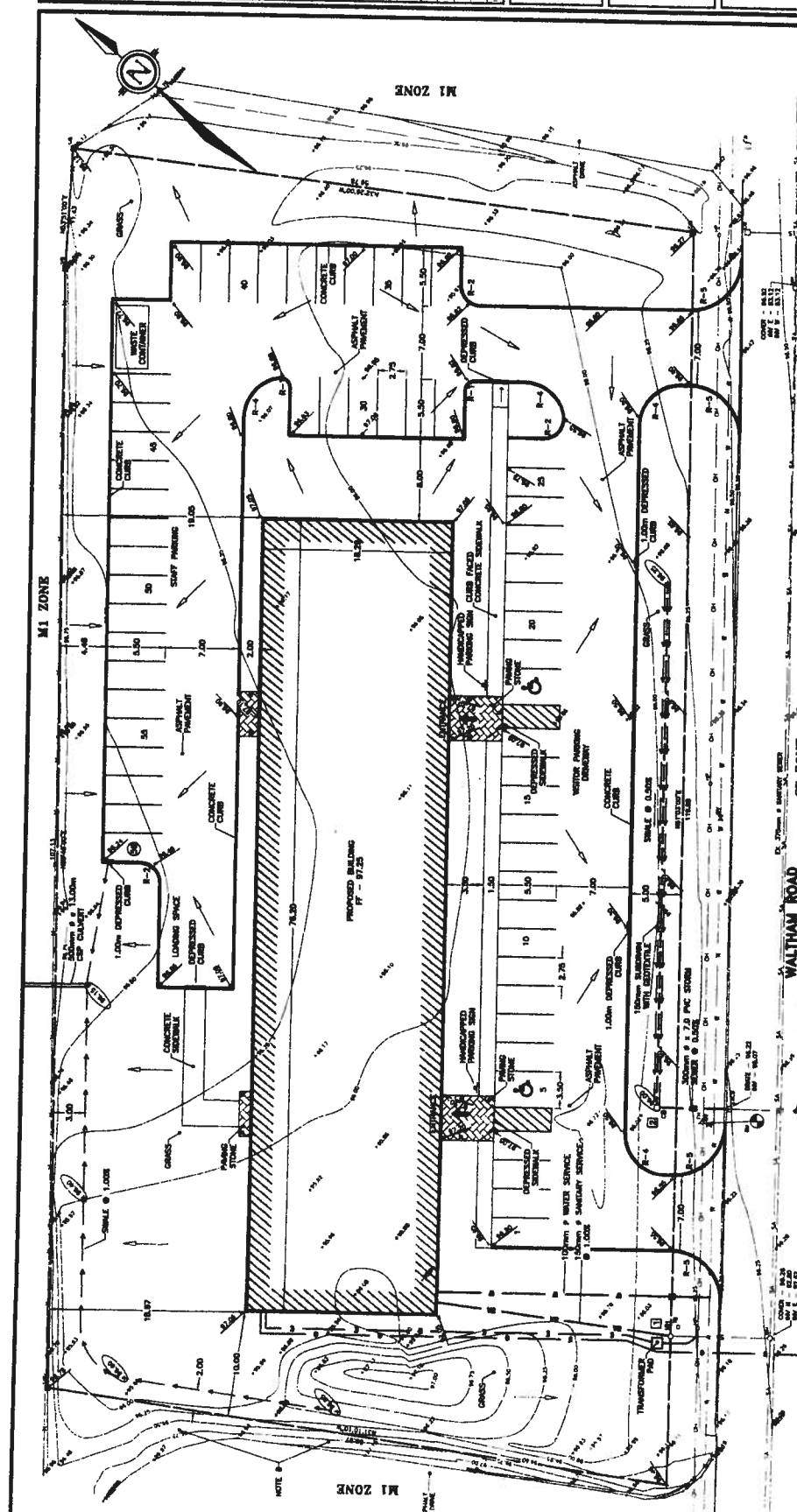
Andrew McGinnis
Planner II

B. Casselman
City Manager

KEY MAP



ZONING:	M1 - INDUSTRIAL PARK
OP DESIGNATION:	INDUSTRIAL
LEGAL DESCRIPTION:	PART OF LOT L, PLAN 332
	CITY OF BROCKVILLE
	BEING PART 2 ON RP28R-12366





August 7th, 2009

**REPORT TO THE ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
AUGUST 12th, 2009**

2009-130-08

SOLAR DEMONSTRATION PROJECT / BROCKVILLE MEMORIAL CENTRE

**DAVID C. PAUL
DIRECTOR OF ECONOMIC DEVELOPMENT**

RECOMMENDATION

THAT the Economic Development and Planning Committee recommend to Council the approval in principal for the installation of 1232 solar panels on the rooftop of the Brockville Memorial Centre at a cost of approximately \$2,045,930 (+/-) for the purpose of a solar demonstration project and the resulting positive return on investment opportunities to the City on the selling of renewable energy to the Ontario Power Authority; and further,

THAT such approval be conditional on securing confirmation on the execution of the approved Ontario Power Authority Renewal Energy Feed-in Tariff Contract (Bill 150), associated with the obligations of renewable energy suppliers providing electricity to the grid; and further,

That specific details associated with the financing of the proposed project, including a grant and low interest loan from the Federation of Canadian Municipalities (FCM) and the allocation of gas taxes will be confirmed prior to Council ratification; and further,

That staff be directed to investigate other provincial initiatives, municipal processes associated with tendering of such installations and visuals on existing North American operations.

PURPOSE

To provide update to Council on the solar demonstration project envisioned earlier for the City of Brockville, and to secure direction associated with both the change in location of the project and the proposed financing and related impacts on same.

BACKGROUND

On November 2008, Council was advised of an opportunity associated with establishing a specialized solar farm utilizing property on the former landfill site on Parkedale Avenue.

- A proposal was presented by Upper Canada Solar Generating Ltd. as a means to secure lucrative rebates for renewable energy generation provided to the Ontario Power Authority.

- Enhanced subsidies have since been identified in the Feed-in Tariff Contract by the Ontario Power Authority which provides a higher return on investment for green building installations versus vacant land.
- The City contacted the Federation of Canadian Municipalities (FCM) and provided letters of intent on a number of energy/green projects in May 2009. The subject recommendation/project was the only eligible project submitted considering the guidelines of the FCM Program. Pending Council's favourable consideration of this project, the City would initiate the process with FCM on the necessary financing/grant application, as well as proceed with the process on securing qualified suppliers for installing the solar panels on the rooftop of the Brockville Memorial Centre.

ANALYSIS

Additional research is necessary prior to ratification of the subject recommendation which would also include feedback from the City Senior Management personnel currently on vacation.

- Approval and principle provides the direction to staff to undertake research and processes required to finalize both the financing of a project and the required solicitation of suppliers and management firms to complete this initiative.
- Preliminary estimates suggest a gross return annually of \$219,147.22 or \$18,262.27 monthly. Management fees are estimated in the 5-10% range providing net revenues of approximately \$200,000 annually to the City of Brockville, and a ROI of between 5 and 7 years contingent on the FCM financing.
- The FCM energy capital program provides loans of 1% up to \$4 million on terms of 10 to 20 years. Loans can cover between 50% to 80% of the project cost with the grant portion representing between 5% to 10%. A very details application evaluation based on a points system is utilized on the assessment of both the term of the loan and the grant allocation. Approval target by FCM is between 4 to 6 months being significantly improved from the term of 1 year we experience on approval of our 2008 Brownfield Program.
- The project would represent one of the first and largest municipal solar generation project in Ontario, and as such, provide positive communications and related public relations associated with the City's 2009 commitment to their environmental and sustainability strategy.
- Proposed financing of the project is as follows:

2009 gas tax	\$800,000
2010 gas tax	\$500,000
FCM Grant/Loan	<u>\$745,930</u>
	\$2,045,930

- A letter is on file from the Brockville Climate Action Group (BCAG), supporting the City's initiative on the installation of the photovoltaic panels at the Brockville Memorial Centre. The installation can assist the City in reaching it's carbon emissions reduction goals, help repair infrastructure for impacts of peak oil and in a relatively short time, make a positive contribution to the City's budget and our property tax burdens. The Memorial Centre is a high profile location which can effectively demonstrate the City's leadership on these issues to both our community members and our many City visitors. Quote by Hugh Campbell of BCAG .
- Visuals of the solar panel installations in other countries are considered non-invasive and evidence of such visuals will be provided to Council at a later date.
- The extent of the solar installation will provide a significant testament on the City's environmental position which ultimately will grow our investment attraction for "clean tech" manufacturing firms.
- Currently two such solar panel manufacturing firms have undertaken negotiations with our local Upper Canada Solar Generation Ltd. firm to establish a manufacturing presence in the community.

FINANCIAL CONSIDERATION

Premature to identify costing and impacts until confirmation of conditions noted in the recommendation section of this report.

CONCLUSION

The project will provide a positive return on investment and create a strong position for the community on its environmental and green strategy.


D. C. Paul, Director of Economic Development


D. Cyr, Director of Finance


Maureen Pascoe Merkley, Director of Planning

June 25, 2009

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE – July 7th, 2009

2009-107-07

**REQUEST FOR AMENDMENTS TO
CITY OF BROCKVILLE SIGN BY-LAW 84-89**

**S.M. SEALE
CITY CLERK
M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATION

THAT Council authorize the passing of the attached by-law [Schedule A] authorizing amendments to City of Brockville Sign By-law 84-89.

PURPOSE

To amend City of Brockville Sign By-law 84-89 to allow for approval of Short Wording.

BACKGROUND

Brockville City Council passed City of Brockville Sign By-law 84-89 on April 11th, 1989 in order to prohibit or regulate signs and other advertising devices and the posting of notices within the City of Brockville.

ANALYSIS

It has been brought forward by members of Council and the public, the concern that there is a proliferation of portable signs lacking permits and that there is a need for enforcement. In order to enforce and lay charges for contravention of Sign By-law 84-89, the City of Brockville must apply for short wording of the said by-law. On June 23rd, 2009, staff forwarded a copy of the Sign by-law, along with the proposed amendments, to the Crown Attorney's office for comment and review. The Crown Attorney's office confirmed that the amendments proposed by staff were sufficient to have short wording approved for this by-law.

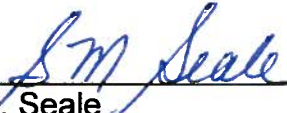
The proposed amendments, and subsequent approval of short wording, will allow staff to lay charges for erecting a sign without a permit, erecting a sign in contravention of the approved permit, or erecting a portable sign in excess of the time allotted under the Sign by-law. A synopsis of offences that staff are looking to have short wording approved for are identified in Schedule B to this report.

EXISTING POLICY

Amendments to the Sign By-law require Council's authorization.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.



S.M. Seale
City Clerk



B. Casselman
City Manager



M. Pascoe Merkley
Director of Planning

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number XXX-2009

By-law to Amend City of Brockville Sign By-law 84-89

WHEREAS Council for the Corporation of the City of Brockville passed City of Brockville Sign By-law 84-89 on April 11th, 1989; and

WHEREAS Council for the Corporation of the City of Brockville deems it necessary to amend by-law 84-89;

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

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.1 in its entirety; and, replaced with the following:

- 5.1 (a) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville without a permit.
- (b) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville not in accordance with the approved permit conditions.

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.20 (ii) Off Premises Advertising Signs section 1) and replaced with the following:

- 1) No person shall erect or cause to be erected off premises advertising signs except where such signs are permitted by amendment to this by-law.

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.29 and replaced with the following:

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

This by-law shall be administered by the Chief Building Official or his/her appointed designate.

THAT Section 8 – Signs in Commercial and Industrial Zones, Sub Section 3.0, Portable Signs be amended by adding:

- 3.1 No person shall erect or cause to be erected a portable sign without first obtaining a permit.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 28th Day of July, 2009

Mayor

Clerk

City of Brockville
Part I Provincial Offences Act
Sign By-law No. 84-89, as amended

Column 1 Item	Column 2 Short Form Wording	Column 3 Provision creating or defining offence	Column 4 Set Fine
1	Erected a sign without obtaining a permit.	Section 5.1(a)	\$100
2	Caused to erect a sign without obtaining a permit.	Section 5.1(a)	\$100
3	Erected a sign not in accordance with approved permit	Section 5.1(b)	\$100
4	Caused to erect a sign not in accordance with approved permit	Section 5.1(b)	\$100
5	Located a temporary construction sign within a visibility triangle.	Section 5.6	\$100
6	Located a temporary project announcement sign within a visibility triangle.	Section 5.6	\$100
7	Located a portable sign within a visibility triangle.	Section 5.6	\$100
8	Located an A-board sign within a visibility triangle.	Section 5.6	\$100
9	Located a panel sign within a visibility triangle.	Section 5.6	\$100
10	Erected an off-premises sign.	Section 5.20	\$100