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<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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Page

### **DELEGATIONS**

1. DIVE BROCKVILLE

Ms. Helen Cooper will address the Committee respecting her dive operations. Materials will be distributed prior to the meeting.

### **STAFF REPORTS**

3-15

1. 2009-002-01  
PROPOSED AMENDMENT TO THE BROWNFIELDS  
COMMUNITY IMPROVEMENT PLAN  
PRIORITY AREA 1, 590 KING STREET WEST,  
OWNER: 734393 ONTARIO LIMITED,  
AGENT: RICK WALKER.

17-32

2. 2009-004-01  
PROPOSED ZONING BY-LAW AMENDMENT 720 STEWART  
BLVD.  
CITY OF BROCKVILLE,  
OWNER: 2151502 ONTARIO INC.

### **NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL**

33

1. DESTINATION MARKETING FUND

35

2. MARITIME DISCOVERY CENTRE BOARD APPOINTMENTS

### **CONSENT AGENDA**



5 January 2009

**REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –  
13 JANUARY 2009**

2009-002-01

**PROPOSED AMENDMENT TO THE BROWNFIELDS  
COMMUNITY IMPROVEMENT PLAN PRIORITY  
AREA 1, 590 KING STREET WEST, BROCKVILLE  
OWNER: 734393 ONTARIO LIMITED  
AGENT: RICK WALKER**

**M. PASCOE MERKLEY  
DIRECTOR OF PLANNING**

**RECOMMENDATION:**

THAT Priority Area 1 of the Brownfields Community Improvement Plan be amended to include those lands with municipal address 590 King Street West, Brockville.

**PURPOSE:**

To consider and make recommendations respecting a request to amend the Brownfields Community Improvement Plan to designate 590 King Street West as part of Priority Area 1.

**ORIGIN:**

Rick Walker, acting as agent on behalf of 734393 Ontario Limited, owners of 590 King Street West, submitted a letter dated September 4, 2008 requesting consideration of an amendment to the Brownfields Community Improvement Plan to include 590 King Street West within Priority Area 1.

At its meeting of October 7, 2008, the Economic Development Planning (EDP) Committee reviewed and discussed the correspondence from Mr. Walker and subsequently passed a motion that staff be directed to report back to the EDP Committee respecting Mr. Walker's request.

Planning Staff prepared a report which was before the EDP Committee at its meeting of November 3, 2008. Following discussion of the staff report, the EDP Committee passed a motion that a public meeting be held to provide information on the amendment and to obtain public input.

In accordance with the motion, a Notice of the Public Meeting respecting the proposed amendment to the Brownfields Community Improvement Plan Priority Area 1 was advertised in the Brockville Recorder and Times Newspaper on November 6, 2008 and a Public meeting was held by the EDP Committee on December 2, 2008. Minutes of the meeting are attached as **Schedule "A"** to this report. Written comments received to-date and distributed to the EDP Committee at the public meeting are attached to the minutes of December 2, 2008.

Proposed Amendment to the Brownfields Community  
Improvement Plan Priority Area 1  
590 King Street West  
Owner: 734393 Ontario Limited  
Agent: Rick Walker

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## BACKGROUND:

A Brownfields Community Improvement Plan (CIP) was adopted by City Council on June 12, 2007 to create incentives for the redevelopment of sites suffering from either the perception of or actual environmental contamination. The Brownfields CIP contains several programs, two of which are the following:

- Program 1: City of Brockville Brownfield Remediation – Tax Increment Equivalent Grant Program
- Program 2: City of Brockville Environmental Remediation Tax Cancellation Assistance Program (BFTIP)

These programs are premised on leveraging the incremental assessment and property taxation generated by site remediation and redevelopment to reduce or eliminate environmental remediation costs.

Without assistance, such sites may remain contaminated and underutilized, and may never achieve productive use.

**Schedule “B”** to this report is Schedule 1 to the Brownfields CIP which identifies the Brownfields CIP Project Area as well as Priority Area 1. While the property at 590 King St. West is within the Project Area, it falls outside of Priority Area 1, and thus is ineligible for assistance.

The subject lands were the subject of Official Plan and Zoning By-law Amendments in June of this year, the purpose of which amendments was to establish a Residential land use designation on the property, and to rezone to H5-R4-General Residential Zone. These changes would facilitate the proposed development of nine (9) townhouses as indicated on the attached site plan (see **Schedule “C”** to this report).

## ANALYSIS:

In the initial stages of developing the Brownfields CIP, sites of potential environmental interest within the City were identified and mapped on Drawing SK2006-90a, which is available for viewing in the Planning Dept. Sites identified City-wide included gas and service stations, automobile repair shops and dealerships, fuel distribution centres, dry cleaners, as well as other sites known to be contaminated or potentially contaminated. The lands at 590 King St. West were identified as one of the sites of potential environmental interest. The property had been the original home of 1000 Islands

**Proposed Amendment to the Brownfields Community  
Improvement Plan Priority Area 1  
590 King Street West  
Owner: 734393 Ontario Limited  
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Toyota. At the time that the Brownfields CIP was drafted, Seaway Motors was occupying the former 1000 Islands Toyota site as a tenant.

The City's Brownfields consultant recommended that a Priority Area should be identified as the focus over the long term based on redevelopment of contaminated sites located within the older urban area of the City. This is consistent with the Official Plan's identification of the Community Improvement Policy Area which is entirely south of Highway 401.

For purposes of the Brownfields CIP, the downtown and waterfront area was selected as being of high priority. Additionally, three (3) sites outside of the downtown and waterfront area were selected to be part of the Priority Area, in recognition of their significant potential for redevelopment.

The letter from the owner of 590 King St. West suggests that it was an oversight that the subject property was not included in the Brownfield Redevelopment Priority Area. While indeed the potential for redevelopment of these lands had been discussed with City staff from time to time since the relocation of 1000 Islands Toyota, the fact that the property was under lease to a commercial tenant when priority sites under the Brownfields CIP were determined was, in the view of the writer, the factor which eliminated this property from consideration.

It is now obvious, with the recent planning approvals, with the Site Plan Control application in process, and with environmental site remediation underway, that this property has significant potential for redevelopment, perhaps even more so than other sites identified as priorities for purposes of the Brownfields CIP. However, the costs associated with remediation reduce the likelihood that the development will proceed.

Mr. Walker advised at the public meeting that, to-date, approximately \$125,000 has been spent on site remediation, with the total estimated costs being \$150,000, which is exclusive of the costs associated with the environmental engineer and preparation of a Record of Site Condition. Mr. Walker estimates that this could add another \$20,000 to \$40,000 to make the site development-ready.

It was noted in Report 2007-107-06 to adopt the Brownfields CIP that evaluation for any additional priority sites should be undertaken on a case by case basis, however, care must be taken to ensure that the goals and objectives of the programs are maintained.

## EXISTING POLICY

The Brownfields CIP is a link between the City's wider economic development efforts and the existing policies for environmental improvement and enhancement contained in the Official Plan. The following Official Plan policies provide guidance respecting Brownfields and Community Improvement:

### *"5.26 Contaminated Lands and Brownfield Sites*

*Brownfield sites are undeveloped or previously developed properties that may be contaminated and are typically underutilized, derelict, or vacant. Rehabilitation and redevelopment of these sites is important to achieving the land use, economic development and environmental goals of this Plan. The following policies apply to all lands within the City of Brockville. Contaminated sites as well as sites suspected of being contaminated and which are located within a Brownfields Community Improvement Project Area, are subject to policies contained in Section 5.22 of this Plan.*

- a) The City will encourage the rehabilitation and redevelopment of brownfield sites in the City as a means to achieve environmental enhancement, neighbourhood revitalization, efficient use of existing infrastructure and urban services and to remedy the blighting effects of vacant and derelict properties. Where sites may be contaminated, such sites could have the potential for adverse effects on the human and/or the natural environment and their remediation is a principal goal of this Plan."*

Official Plan Section 5.2 Community Improvement Policies states, in part, the following:

### *"5.22 Community Improvement Policies*

*Community improvement involves a range of public and private activities that maintain, rehabilitate, redevelop, intensify, and upgrade the existing physical condition of the urban environment. Such improvements are often used to address various social, economic, and environmental priorities of the community. It is important for municipal governments to establish these priorities as a means of pursuing opportunities for partnership with the private sector and senior levels of government.*

#### 5.22.1 Goals

1. *Maintain, rehabilitate, redevelop, intensify, and upgrade the existing physical condition of the urban environment to address the social, economic, and environmental priorities of the community and improve the quality of life for residents, workers, and visitors in Brockville.*
2. *Consider community improvement as an important part of the City's commitment to local economic development and support for tourism, commerce, and industry in Brockville.*
3. *Recognize community improvement as the primary means by which the City can facilitate brownfield redevelopment.*

#### 5.22.2 Objectives

*Continue to improve the quality of life for residents, workers, and visitors in the City by means of the following:*

- *Encouraging redevelopment, particularly of brownfield sites, and the reintegration of these sites into the urban fabric, provided that such redevelopment does not disrupt the historical, cultural, or social fabric of the community;*

#### 5.22.3 Criteria Used for Selection of Community Improvement Areas

1. *Identify and establish potential community improvement project areas in the City using the following criteria. The relative importance of each will be determined by the City as the need for designation of a project area(s) arises:*
  - *Opportunity to expand the housing stock through the redevelopment or conversion of underutilized lands and/or buildings;*
  - *Presence of brownfield sites that are abandoned, vacant, derelict, or underutilized and may be contaminated;*

#### 5.22.4 Means of Implementation

1. *Implement the goals and policies of this section by means of the powers conferred upon City Council under the relevant legislation. Implementation measures could include the following:*

- *Designation by by-law of a community improvement project area and adoption of community improvement plan for the area;*
- *Seeking funds from other levels of government (county, provincial, and federal) where their programs facilitate the implementation of the community improvement plan;*
- *Providing financial incentive programs to support private sector redevelopment/reuse of sites, as provided for under relevant legislation;*
- *Providing municipal tax relief as an incentive for building improvements and development;*
- *Encouragement of private sector use of government programs where they complement municipal community improvement efforts;*
- *Encouragement of infill development and intensification of vacant and/or under utilized properties in community improvement areas."*

#### **FINANCIAL CONSIDERATIONS:**

The two tax-based assistance programs (Program 1 TIEG and Program 2 BFTIP) available under the Brownfields CIP could be accessed by the owner, should the subject lands be included into the Brownfield Redevelopment Priority Area.

A very preliminary estimate of the incremental assessment from the redevelopment of the site from its current vacant state to a 9 unit rental townhouse project is approximately \$1.3 million.

Based on the 2008 residential tax rate, the following taxes would be payable:

Municipal	\$17,718
Education	\$2,878



**Proposed Amendment to the Brownfields Community  
Improvement Plan Priority Area 1  
590 King Street West  
Owner: 734393 Ontario Limited  
Agent: Rick Walker**

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The TIEG Program would provide 70% of municipal taxes paid to be granted back for recovery of eligible costs associated with site remediation. The maximum assistance over a 10 year period would be estimated at \$124,030.

There is some potential for the BFTIP Program to be utilized so that education taxes payable can be accessed, but such cannot be used for cost recovery retroactively. BFTIP can provide for tax cancellation of the education taxes for a three year period for reimbursement of eligible costs. If 100% of municipal taxes are cancelled for a three year period, the same proportion of education taxes may be cancelled. The resulting maximum potential assistance by combining the BFTIP and TIEG Programs would then be increased to \$148,609, all being contingent on determination that costs are eligible for recovery under these programs.

#### **CONCLUSION:**

While inclusion of 590 King St. West into the Priority Area for the Brownfields CIP is of benefit to the owner, there also are benefits to the general public. To assist in the redevelopment of a now vacant, brownfield site can create a stimulus for redevelopment of surrounding lands, increase property assessment and tax revenues in the long run, and remove potential environmental liabilities. In addition, such private sector investment creates short term employment opportunities in the construction sector.

The site is located within the Community Improvement Policy Area, and there is real potential for redevelopment to occur with the assistance which can be accessed.

Therefore, the recommendation in this report, made subsequent to the public meeting held on December 2, 2008, and in consideration of all public submissions, is to support the request to include 590 King St. W. as a priority site.

  
**M. Maureen Pascoe Merkley**  
**Director of Planning**

  
**Bob Casselman**  
**City Manager**

  
**Donna Cyr**  
**Director of Finance**



**Public Meeting  
Economic Development and  
Planning Committee**

**COMMITTEE MINUTES**

Tuesday, December 2<sup>nd</sup>, 2008, 7:00 p.m.  
City Hall - Council Chambers

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**EXCERPT:**

2. **2008-188-12  
PROPOSED AMENDMENT TO THE BROWNFIELDS  
COMMUNITY IMPROVEMENT PLAN AREA  
590 KING STREET WEST, BROCKVILLE  
OWNER: 734393 ONTARIO LIMITED  
AGENT: RICK WALKER**

Moved by: Councillor

THAT Report 2008-188-12 be received as information and that a report on these matters 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.

Ms. Pascoe Merkley, Director of Planning, announced that Notice of the Public Meeting for Staff Report No. 2008-188-12 was given in the Recorder and Times Newspaper on November 6, 2008, and a notice was sent to surrounding property owners within 120 metres of the subject property and circulated to various agencies and departments.

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 the Brownfields Community Improvement Plan Priority Area for the City of Brockville. Ms. Pascoe Merkley noted additional correspondence received from the Brockville and District Chamber of Commerce. A copy is attached to the minutes.

The following persons spoke in support of the proposed amendments.

Mr. Rick Walker, 11 Broad Street, Brockville, K6V 4T5, Applicant, noted that he is here to answer any questions that the Committee may have. With respect to previous comments made by Council, he does not feel that this will open the door to a flood of applications. If anything, this will be a reverse the affect since this will impact a property's potential resale value. In addition, it might be worth our while to look at a more automatic process if someone was to develop immediately and are within the guidelines. The future is in trying to develop this property and make it look nice for the City. He noted his previous developments that have beautified areas of the City. These are the kinds of infill developments that benefit the City and it makes sense to give people the ability to have an automatic approval process. He would like to get this property developed as quickly as possible however it could take longer as Provincial bodies that provide certain approvals are now in Toronto rather than Kingston with fewer people doing the job.

Councillor Beach asked, going into this development, how much the remediation would cost. Mr. Walker stated that in 2001 soil tests were done with complete Phase II and tests passed for commercial requirements. Since then, the government has made regulations tighter. The soil has been tested and latest bill from L.A. Knapp is \$125,000 and that does not cover the costs of engineers. Councillor Beach stated that an engineer should have known that regulations have changed since 2000.



**BROCKVILLE  
AND DISTRICT**  
*Chamber of Commerce*

3 Market St. West, Suite #1  
Brockville, ON, K6V 7L2  
Tel (613) 342-6553  
Fax (613) 342-6849  
info@brockvillechamber.com  
www.brockvillechamber.com

December 1, 2008

**Mayor David Henderson**  
City of Brockville  
1 King Street West  
Brockville, Ontario  
K6V 7A5

Dear Mayor Henderson:

This letter is in response to the recent discussion at Council regarding the City's Brownfields Community Improvement Plan ("Brownfields CIP"). We understand that this discussion arose as a result of a developer, Rick Walker, requesting the inclusion of his site, municipally known as 590 King Street West, as a site designated as contaminated under the Brownfields CIP. This request was made subsequent to the Brownfields CIP being adopted but only after a disastrous fire on the site gave rise to the need for re-development.

Public debate has arisen over the appropriateness of agreeing to the developer's request on the basis that City Council considered whether it should 'leave the door open' to other sites being identified following the completion of the plan and determined not to do so. We gather that one concern is that property owners who have no intention of re-developing their sites may want them to be designated under the Brownfields CIP because there is potential that such a designation could increase the value of the property in question. This is not the intention of the Brownfields CIP and we recognize this as well. We do not support the notion that any property owner (regardless of the intention to re-develop its property) should have the right to have a site designated as contaminated under the Brownfields CIP when the other criteria of the plan have not been met.

However, the Brockville and District Chamber of Commerce is in favour of the City of Brockville considering legitimate requests from city developers for inclusion of a site in the Brownfields CIP when such site and the intended use of the site by the developer fits the parameters of the plan. We believe that the City should consider such applications on a case-by-case basis and not close the door to legitimate requests that if granted, will offer the intended incentive for re-development.

The business community as a whole needs to be treated equitable and fairly during consideration for inclusion in the Brownfields CIP. Assuming that 590 King Street West meets the criteria of the Brownfield CIP and thus would have been approved for the program if the site was under consideration for re-development at the time the program was implemented, we believe it should be considered now.

Each site will require individual assessment. We would emphasize that there may be a number of sites in future that fall outside the current area designated that will need attention and urge the City to keep in mind the goal of the Brownfields CIP which is to create incentives for the re-development of sites suffering from either the perception of or actual environmental contamination. (2008-179-11, Page 2)

**President**

**Bob Pearce**  
The Recorder & Times

**1<sup>st</sup> Vice President**

**Mary Jean McFall**  
Templeman Menning LLP

**2<sup>nd</sup> Vice President**

**Heather Halladay**  
Farm Mutual Financial Services

**Treasurer**

**Sean Somerville**  
Somerville Accounting Services

**Corporate Secretary**

**Tom Blanchard**  
UMI Property Management

**Past President**

**David Cybulski**  
Clarica

**Directors**

**Gary Brett**  
Brett's Valu-Mart

**Michael Dingman**  
Leslee Sports Inc.

**Sherri Fournier-Hudson**  
Riverside Ford Sales Ltd

**Laura Good**  
Employment & Education Centre

**David Keenleyside**  
TD Canada Trust

**Steve Lauridsen**  
INVISTA (Canada) Company

**Stephen Mazurek**  
Tait's Bakery



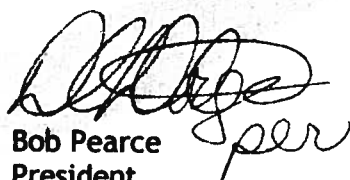
**BROCKVILLE  
AND DISTRICT**  
*Chamber of Commerce*

3 Market St. West, Suite #1  
Brockville, ON, K6V 7L2  
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Fax (613) 342-6849  
info@brockvillechamber.com  
www.brockvillechamber.com

The Brockville and District Chamber of Commerce would like to emphasize fair and equitable treatment of all developers that come to the City requesting that a site be considered for Brownfields designation. The application before the City for the designation of 590 King Street West offers the opportunity for the City to demonstrate this commitment to fairness.

We appreciate your consideration of our comments and our position regarding this issue and would be pleased to discuss this further at any time.

Respectfully yours,



**Bob Pearce**  
President  
Brockville and District Chamber of Commerce

President  
**Bob Pearce**  
The Recorder & Times

1<sup>st</sup> Vice President  
**Mary Jean McFall**  
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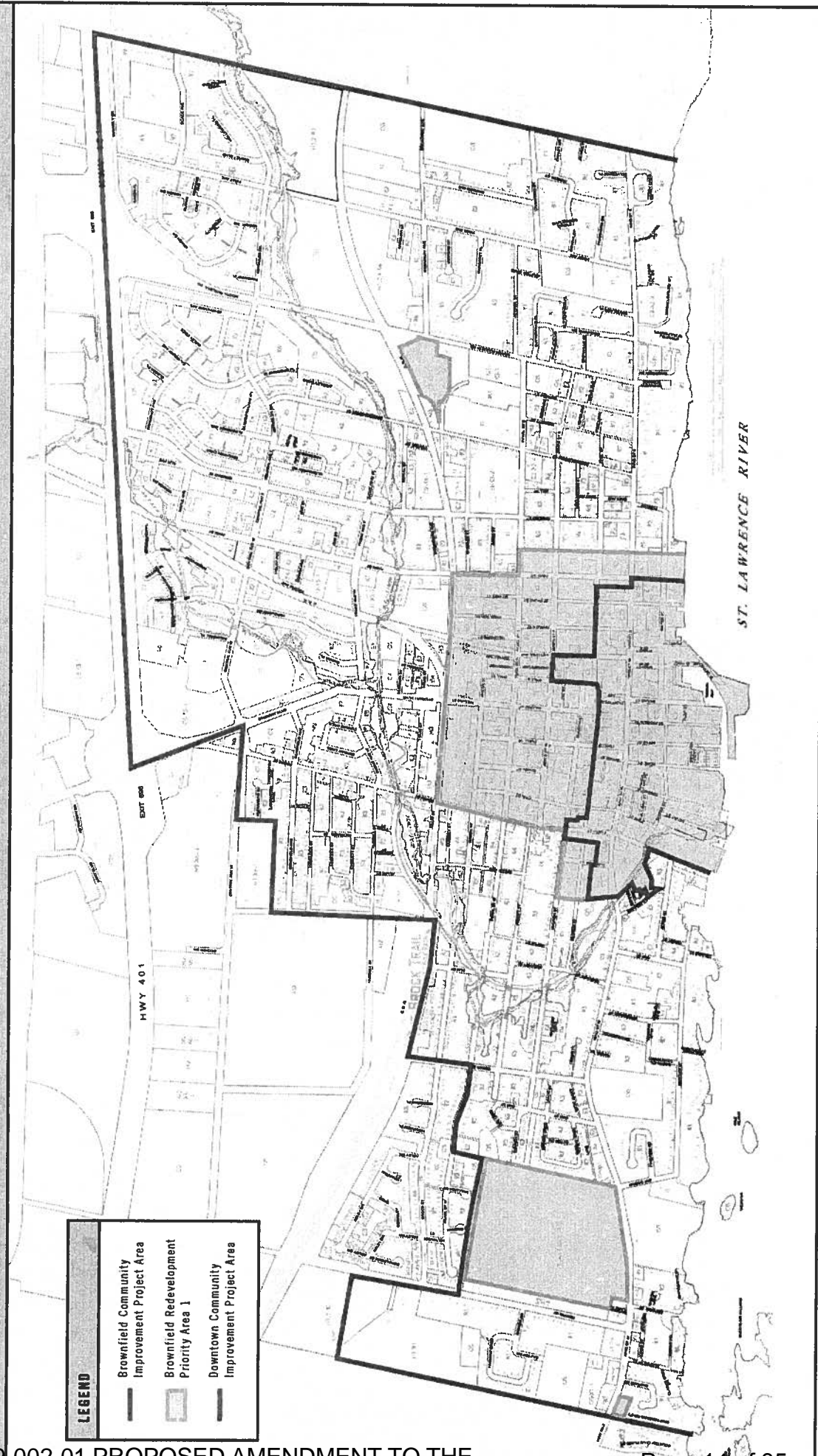
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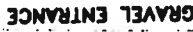
**Stephen Mazurek**  
Tait's Bakery

# **SCHEDULE "B" – Report 2009-002-01**

**Schedule 1 City of Brockville Brownfield Community Improvement Project Area**



## COMMERCIAL



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**ZONING REQUIREMENTS FOR R4 ZONE**  
**REQUIRED PROVIDED**  
 MINIMUM LOT AREA

## SITE STATISTICS

## **STRUCTURES**

				INVESTS	
REL	OPED	COVER	REACHED	T/O	
1	701,670	483,210	93	61.50	5
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## CONSTRUCTION STANDARDS

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~~2009-002-01 PROPOSED AMENDMENT TO THE  
BROWNFIELD'S COMMUNITY IMPROVEMENT PLAN~~





**6 JANUARY 2009  
REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE  
13 JANUARY 2009**

**2009-004-01  
PROPOSED ZONING BY-LAW AMENDMENT  
720 STEWART BLVD., BROCKVILLE  
OWNER: 2151502 ONTARIO INC.  
FILE NO.: D14-133**

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

**RECOMMENDATION:**

**THAT** Zoning By-law 194-94 be amended to modify the C4-X7-1 Highway Commercial Site Specific Zone in effect on lands described as Part of Lots 15 and 16, Concession 2, being Parts 1, 2, 3 and 4, Reference Plan 28R-4055, City of Brockville, County of Leeds, with municipal address 720 Stewart Boulevard, to expand the uses permitted to include "automobile rental agency", "automobile leasing agency", "used automobile sales establishment", "automobile repair", "automotive trade use", "automobile repair garage", and "recreational vehicle sales and service establishment", in addition to "Automobile Sales Establishment" which is currently permitted within the site specific zone.

**PURPOSE:**

The purpose of this report is to provide background and recommendation on an application to rezone 720 Stewart Boulevard filed by Michael McParlan, acting as Agent for 2151502 Ontario Inc., owner of lands described as Part of Lots 15 and 16, Concession 2, being Parts 1, 2, 3 and 4, Reference Plan 28R4055, City of Brockville, County of Leeds, municipally known as 720 Stewart Boulevard.

The Applicant requests an amendment to City of Brockville Zoning By-law 194-94 to expand the uses permitted in the C4-X7-1 Zone to permit not only the sale of new cars but also the sale, lease, rental and repair of any type of vehicle that is licensed under the Highway Traffic Act (example: Used Cars, Trucks, ATV's, Trailers, RV's, etc.).

**ANALYSIS:**

**Description of Site and Surrounding Land Use:**

The lands which are the subject of proposed Amendment to Zoning By-Law 194-94, are located on the west side of Stewart Boulevard, south of the Highway Pentecostal Church and north of Kia of Brockville and Digitronics Brockville computer store. A key map showing the subject property is attached as **Schedule "A"** to this report. The site is improved with a main building of approximately 1,131.2 square metres (12,176.9 square feet) and an accessory building measuring 283.85 square metres (3,055.4 square feet), formerly developed as a new car dealership, G.F. Perrins Motors. The remainder of the site is generally flat with minimal vegetation (grassed area). The property has a total area of 2.14 hectares (5.3 acres) with frontage of 114.3 metres (375.0 feet) on Stewart Boulevard and 30.7 metres (100.7 feet) fronting on Victoria Road, an average depth of 113.2 metres (374.1 feet).

Water is provided by private well, and there is a private septic system on site. No municipal piped sewers are available to this property.

**Proposed Amendment to Zoning By-Law 194-94, as amended,  
720 Stewart Blvd., City of Brockville  
Owner: 2151502 Ontario Inc.  
Applicant: Mike McParlan  
File: D14-133**

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The subject lands are designated as "Commercial - Highway" in Brockville's Official Plan, are located within Planning District No. 7 and are subject to a special policy restricting the use to automobile related trades. Furthermore, the lands are zoned C4-X7-1 Highway Commercial Site Specific Zone, by City of Brockville Zoning By-law 194-94, as amended.

Photos of the subject property are attached as **Schedule "B"** to this report.

The neighbourhood is a mix of highway commercial establishments, vacant property and rural residential dwellings. To the west of the property is vacant land, zoned RU – Rural Zone, to the north is vacant rural land and then the Highway Pentecostal Church, zoned I1-X7-1. To the east, across Stewart Boulevard, are single detached dwellings, zoned RU – Rural Zone, and to the south is Digitronics Computer Store/residential property zoned RU – Rural, then Kia of Brockville, zoned C4-X7-5 Highway Commercial Site Specific Zone.

#### Public Participation

The application has proceeded through the normal review process. On 02 December 2008, the Economic Development and Planning Committee held a Public Meeting. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 06 November 2008 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 an Application for Amendment to City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited.

Written comments received to-date are attached as **Schedule "C"** to this report. A copy of the minutes of the Public Meeting is attached as **Schedule "D"** to this report.

#### Provincial Policy Statement Considerations (PPS):

The PPS, issued under Section 3 of the Planning Act, came into effect on 01 March 2005 and requires that Council decisions respecting Planning matters "shall be consistent with" policies contained in the PPS when considering any amendment to the Official Plan or Zoning By-law.

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 referenced below.

Section 1.1.3.3 states that "Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs".

Section 1.3.1 states that "Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of

**Proposed Amendment to Zoning By-Law 194-94, as amended,  
720 Stewart Blvd., City of Brockville  
Owner: 2151502 Ontario Inc.  
Applicant: Mike McParlan  
File: D14-133**

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- economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and,
  - d) ensuring the necessary *infrastructure* is provided to support current and projected needs”.

Accordingly, the expansion of automobile related commercial uses is proposed to be located on an existing underutilized parcel of land that utilizes existing building stock, maintains employment lands and provides business/work opportunities to the City of Brockville residents, thereby being consistent with the PPS.

#### Official Plan Considerations:

720 Stewart Boulevard is located within Planning District No. 7 and is designated as “Commercial – Highway” under the Official Plan for the City of Brockville. The policies from Planning District No. 7 include a site-specific policy pertaining to this property which restricts the use of the site exclusively to automobile related trades. Further reference is made to the need for screening and buffering adjacent to existing development.

The proposal complies with the site-specific policies and regulation set out within the Official Plan.

#### Zoning By-law Considerations:

The current zoning on the subject property is C4-X7-1 Commercial Highway Site Specific Zone. This zone permits only an automobile sales establishment defined as “a building or structure or place where new motor vehicles, as defined by the Highway Traffic Act, are kept for display and/or sale, with the display and/or sale or used motor vehicles permitted as an accessory use. All automobile repair, as defined herein, may be carried on within an automobile sales establishment”.

The proposed amendment to Zoning By-Law 194-94, if supported, will amend the C4-X7-1 Commercial Highway Site Specific Zone to permit not only the sale of new cars but also the sale, lease, rental and repair of any type of vehicle that is licensed under the Highway Traffic Act (example: used cars, trucks, ATV's, Trailers, RV's, etc.)

Staff are proposing that, should the recommendation in this report be accepted, the site specific zone would read similar to the following:

#### ***“C4-X7-1***

*The following uses shall be permitted in the C4-X7-1 – Commercial Highway Zone:*

- *Automobile Leasing Agency*
- *Automobile Rental Agency*
- *Automobile Repair Garage*
- *Automobile Sales Establishment*
- *Automotive Trade Use*

**Proposed Amendment to Zoning By-Law 194-94, as amended,  
720 Stewart Blvd., City of Brockville  
Owner: 2151502 Ontario Inc.  
Applicant: Mike McParlan  
File: D14-133**

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- *Recreational Vehicle Sales (excluding Boats)*
- *Used Automobile Sales Establishment*

The proposed uses permit the sale, service, repair and associated cleaning of any motor vehicle that can be licensed under the Highway Traffic Act.

A site visit revealed that a commercial carwash is currently operating onsite. This use has not been requested through this application nor will staff support this use to continue given that no hydrogeological assessment has been completed. In the absence of this information, the potential impact on the groundwater and therefore the potable water supply is unknown. Staff cannot allow this use to continue. The applicant has been notified of the above.

Site Plan Control:

Site Plan Control Approval will not be required for this development. However, a Site Plan Control Agreement is on file and any changes to the building's footprint will require either a minor change approved under the existing agreement, or, if more significant, a new Site Plan Agreement.

Comments Received in Reply to Circulation Schedule "C":

1. *Eric Jones, Engineering Associate, City of Brockville (see attached memo dated November 17, 2008)*

*No concerns or objections to the proposal.*

2. *Mark Green, Leeds, Grenville & Lanark District Health Unit (see attached memo dated December 19, 2008)*

*No concern with the septic system, as the high-level alarm has been replaced and was the only outstanding item dating back to 2000.*

3. *Notice of Opposition submitted by Stephen and Mary Mykolyszyn, 739 Stewart Blvd. (see attached notice dated November 12, 2008)*

*Concerns in regard to safety and supply of drinking water, increase in traffic flow, increase in noise (day and night), impact on property values.*

Staff have no concern relating to the safety and supply of drinking water as long as the uses recommended by staff are the uses occurring. Additional uses that may affect the underground aquifers that provide water to this site and adjacent sites will require a hydrogeological study to be submitted to the City Planning Department.

An increase in traffic is anticipated, however, Eric Jones, Engineering Associate, has stated that the increase will be minimal and will have little to no impact on adjacent properties. Traffic patterns are anticipated to be consistent with those experienced while G.F. Perrins was in operation.

The Planning Department is unable to provide comment with regard to property values.

**Proposed Amendment to Zoning By-Law 194-94, as amended,  
720 Stewart Blvd., City of Brockville  
Owner: 2151502 Ontario Inc.  
Applicant: Mike McParlan  
File: D14-133**

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4. *Notice of Opposition submitted by Mark & Cindy Nutbrown, 30 Victoria Road (see attached notice dated November 23, 2008)*

*Concerns in regard to the use of the joint, legal right-of-way that accesses the rear of the subject property and runs parallel to 30 Victoria Road.*

The Planning Department is unable to comment on the use of the shared right-of-way. This is a civil matter between two property owners. However, staff does encourage the applicant to maintain good neighbour relations and not use the Victoria Road entrance as a commercial vehicle entrance.

**Issues Raised at the Public Meeting (Minutes Attached as Schedule "D`1"):**

All persons who spoke at the Public Meeting held on 2 December 2008 were supportive of the application for rezoning to permit the proposed development.

**POLICY IMPLICATIONS:**

The proposed rezoning is consistent with the P.P.S. and with policies within the Official Plan applicable to this site.

**FINANCIAL IMPLICATIONS:**


All costs associated with this application and any property improvements are the responsibility of the Owner. Occupancy of the commercial building on this site, facilitated by the rezoning request, will provide for continuation of commercial taxation to be payable to the City.

**CONCLUSION:**

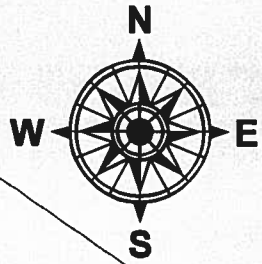
Following review of the PPS, the Official Plan, Zoning By-law 194-94 as well as submissions received respecting the request for a Zoning By-law Amendment for the property located at the 720 Stewart Boulevard it is reasonable to rezone the subject property to expand the permitted uses. The rezoning will intensify, utilize existing building stock and provide a mix of different types of employment within the City. This is reflected in the recommendations of this report.

  
**M. Maureen Pascoe Merkley**  
**Director of Planning**

  
**Andrew McGinnis**  
**Planner II**

  
**Bob Casselman**  
**City Manager**

# SCHEDULE "A"



STEWART BLVD

**SUBJECT  
PROPERTY**

KIA OF  
BROCKVILLE

VICTORIA RD

Data Source:  
Crisys Parcel Layer  
Crisys Civic Addresses  
Zoning By-Law 194-94, as amended  
OPTA Property Codes  
Assessment Maps, Brockville Operations Dept,

Projected Coordinate System:  
NAD 83 UTM Zone 18N

0 12.5 25 50 75 100 Metres



# SCHEDULE "B"







# **SCHEDULE "C"**

## Memorandum



File No. DOO-01

Date: November 17, 2008

To: M. Maureen Pascoe Merkley  
Director of Planning

From: E. J. Jones  
Engineering Associate

Subject: **Proposed Amendment to City of Brockville  
Zoning By-law 194-94  
720 Stewart Blvd., Brockville  
File No. D14-133**

The Operations Department has reviewed the proposal to allow an automobile rental agency, an automobile leasing agency, a used automobile sales establishment including all automobile repair, an automotive trade use, an automobile repair garage and a recreational vehicle sales and service establishment (not to include the sales or service of boats) and has no concerns or objection to this proposal. The uses requested would allow reuse of this site which has been vacant on and off since the former G. F. Perrin's car dealership occupied the site several years ago.

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

EJJ:uh

# Leeds, Grenville & Lanark District HEALTH UNIT

www.healthunit.org

Your Partner in Health

December 19, 2008

Mr. Michael McParlan  
2151502 Ontario Inc.  
720 Stewart Blvd.  
Brockville ON K6V 7H2

BY FAX: 613-342-2323

Dear Mr. McParlan:

Re Proposed Zoning By-law Amendment D14-133  
720 Stewart Blvd., Brockville, Ontario  
Our File: 06139

Thank you for your letter of December 18, 2008 updating us on the work completed to the sewage holding tank. The replacement of the high level alarm was the only outstanding item in our records as noted in the correspondence from Inspector Nancy Carpenter on July 28, 2000 (see attached).

As a result, our office has no objection to the proposed Zoning By-law Amendment being passed by the City of Brockville.

Yours truly,

THE CORPORATION OF THE LEEDS, GRENVILLE  
AND LANARK DISTRICT HEALTH UNIT



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

MG/lm  
Encls.

c.c. M. Maureen Pascoe Merkley

SCANNED

An Accredited Health Unit Since 1990

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> <b>MAIN OFFICE:</b><br>458 Laurier Blvd.<br>Brockville, ON<br>K6V 7A3<br>(613) 345-5685<br>FAX: (613) 345-5685 | <input type="checkbox"/> <b>SMITHS FALLS OFFICE</b><br>52 Abbott St. N.<br>Unit #2<br>Smiths Falls, ON K7A 1W3<br>(613) 283-2740<br>FAX: (613) 283-2740 | <input type="checkbox"/> <b>KEMPTVILLE OFFICE</b><br>Box 343<br>2685 Concession Rd.<br>Kemptville, ON K0G 1J0<br>(613) 258-5941<br>FAX: (613) 258-1407 | <input type="checkbox"/> <b>ALMONTE OFFICE</b><br>79 Spring St.<br>Unit #3<br>Almonte, ON K0A 1A0<br>(613) 256-1203<br>FAX: (613) 256-1217 | <input type="checkbox"/> <b>GANANOQUE OFFICE</b><br>375 William St. S.<br>Suite 200<br>Gananoque, ON K7G 1T2<br>(613) 382-4231<br>FAX: (613) 382-7599 |
|---|---|--|--|---|

AMENDMENT 720 STEWART BLVD. CITY OF

Page 26 of 35

Dec 18/2008

To: Leeds, Grenville & Lanark District Health Unit

Attn: Mark Green

From: Mike McParlan

Re: 720 Stewart Blvd, Brockville, Ont.

As per our conversation yesterday, I just want to confirm that the alarm system in our sewage holding tank has been repaired/replaced. I have been in the building since July/08 and the alarm has gone off three times in the five month period. We currently use Howard Campbell & Sons Ltd for our septic tank service. The existing washroom facilities will remain the same with no changes planned for them. The previous business (GF Perrins) had approximately 40 employees, we will be operating with approximately 10-12. therefore the usage of the system should be far less than before.

If there are any questions please don't hesitate to contact me.

Mike McParlan  
613-342-7171



November 12, 2008

City of Brockville  
Victoria Building One King Street West  
P. O. Box 5000  
Brockville, ON Canada K6V 7A5



### **NOTICE OF OPPOSITION**

TO THE PROPOSED AMENDMENT TO THE CITY OF BROCKVILLE ZONING  
BY-LAW 194-94 (720 STEWART BLVD. BROCKVILLE-FILE NO. D14-133)

M. Maureen Pascoe Merkley,

I am in strong opposition to the proposed amendment that will expand the uses at 720 Stewart Blvd.

Your notice states that currently only an automobile sales establishment is permitted. In practice however, the property is currently an automobile sales establishment, a used automobile sales establishment, an automobile financing establishment, an automobile, boat and recreational vehicle washing establishment as well as having several automobile garage bays that are in regular use for the repair and modifications to cars and trucks. During the summer of 2008 it was also a recreational vehicle sales establishment. The establishment is also a depot of some sort used by tow trucks and tractor-trailers during the day and night. It seems on the surface that the zoning by-law 194-94 has already been amended in practice if not on paper.

As I sit in my living room and look out at 720 Stewart Blvd. I see that the establishment has, as advertising, parked two vehicles outside their property gates encroaching on the west shoulder of Hwy. 29. The hoods, doors and hatchbacks have been left open for the purpose of display to passing motorists. This action serves as an impediment to the safe flow of traffic on a very busy highway as well as a visual distraction aimed directly at the driver. This unnecessarily and significantly increases the chances of a traffic accident and, on a regular basis, endangers my family and myself.

Am I to expect more of this behavior if the proposed zoning amendment is passed?

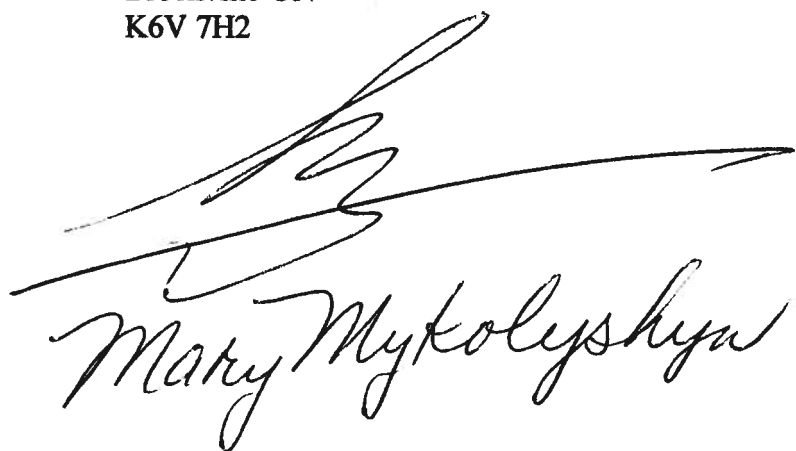
My property at 739 Stewart Blvd. is currently on well water. I am very concerned that the proposed expansion of uses at 720 Stewart Blvd. will negatively impact the safety, quality and quantity of my drinking water. Without question the further expansion of

uses at 720 Stewart Blvd. will yield more water usage and increase the likelihood of more toxic and hazardous effluents and run-off. These will find their way into my well water.

What assessments and/or studies, if any, are proposed or in place to ease concerns with regards to safety and supply of drinking water, increased traffic flow and noise both day and late night, not to mention the impact on property values?

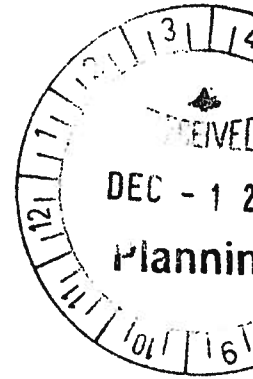
**IN STRONG OPPOSITION**

Stephen Mykolyszyn  
Mary Mykolyshyn  
739 Stewart Blvd.  
Brockville ON  
K6V 7H2

A handwritten signature in black ink, appearing to read 'Mary Mykolyshyn', with a large, stylized flourish above it.

**REGARDING: FILE NO. D14-133**

**November 23, 2008**



**Dear Sirs:**

**In response to the proposed amendment to zoning by-law 194-94 (720 Stewart Blvd, Brockville - file#D133), we would appreciate the opportunity to ask for a restriction on said amendment.**

**Our home (purchased Oct1/08) is located at 30 Victoria Road. The Right Of Way for the property in question runs parallel to our property, and we also share that R.O.W. to access our properties from Victoria Rd. It is the only access to our home, and is written into our legal deed.**

**As it stands now, we have no idea who's driving up & down the R.O.W. What we do know is that it is used quite frequently, day/night, and weekends, by Campbells Towing. The ATV's that they, or someone repairs, are tested driven up & down the R.O.W. at hi speeds, kicking up dust & gravel. This is noisy, but is also a safety concern as we have children & pets playing close by.**

**I guess our biggest concern is the constant traffic by vehicles that may or may not be supposed to be back there. Less than 2 weeks after moving in, and the morning after a particular busy night on the R.O.W. our van was ransacked & my daughters expensive dance shoes & gear were strewn along the side of Victoria Rd.**

**What we would like to see is maybe some kind of restrictions on the traffic that uses the right of way. We were under the impression that the road was a private drive, so maybe a sign stating that fact would be appropriate. There are perfectly good entrances off the 720 Stewart Blvd address. Do they have to always use the rear entrance?? Maybe the sign posted at the Victoria Rd entrance should read PRIVATE DRIVE - AUTHORIZED VEHICLES ONLY - DRIVE SLOWLY... AND SO ON...**

**We very much appreciate the opportunity to voice our opinions on this matter. Your careful consideration to our concerns would be greatly appreciated.**

**Yours Sincerely,**

**Mark & Cindy Nutbrown  
30 Victoria Rd  
Brockville, Ontario  
K6V 5T4  
613-345-4919**

# **SCHEDULE "D"**

Economic Development and Planning Committee Minutes  
Public Meeting – December 2<sup>nd</sup>, 2008

Page 2

1. **2008-187-12**  
**PROPOSED ZONING BY-LAW AMENDMENT**  
**720 STEWART BLVD., BROCKVILLE**  
**OWNER: 2151502 ONTARIO INC.**  
**FILE NO.: D14-133**

Moved by: Councillor Beach

THAT Report 2008-187-12 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.

CARRIED

Councillor Kalivas, Chair, announced the Public Meeting.

Mr. Andrew McGinnis, Planner II, announced that Notice of the Public Meeting for Staff Report No. 2008-187-12 was given in the Recorder and Times Newspaper on November 6, 2008, 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 Planner II to explain the purpose of the Public Meeting and the nature of the application.

Mr. McGinnis, Planner II, reviewed the proposed amendment to the Zoning By-law 194-94 for the City of Brockville.

The following persons spoke in support of the proposed amendments.

Mr. Mike McParlan, 4737 County Rd 18, RR4 Prescott, K0E 1T0, applicant, spoke in support of the proposed amendments to the City of Brockville Zoning By-law. He noted that the main focus of the development will be the sale of used vehicles along with a service department.

Councillor Kalivas asked if all uses will take place within the same building. Mr. McParlan confirmed this.

Mayor Henderson asked if this is in accordance with the Official Plan and asked for confirmation if this designation is for automobile related uses only and any boats or marina activities would be prohibited. Mr. McGinnis noted that any vehicle licensed under the Highway Traffic Act would be a permitted use.

No persons spoke in opposition of the proposed amendment.

A list of those requesting further notice of the passage of the proposed amendments is attached to the minutes.

2. **2008-188-12**  
**PROPOSED AMENDMENT TO THE BROWNFIELDS**  
**COMMUNITY IMPROVEMENT PLAN AREA**  
**590 KING STREET WEST, BROCKVILLE**  
**OWNER: 734393 ONTARIO LIMITED**  
**AGENT: RICK WALKER**

Moved by: Councillor

THAT Report 2008-188-12 be received as information and that a report on these matters 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.

Ms. Pascoe Merkley, Director of Planning, announced that Notice of the Public Meeting for Staff Report No. 2008-188-12 was given in the Recorder and Times Newspaper on November 6, 2008, and a notice was sent to surrounding property owners within 120 metres of the subject property and circulated to various agencies and departments.

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.



Motion from Councillor Noble  
For the EDP Committee meeting of January 13, 2009  
Submitted: January 9, 2009

## **DESTINATION MARKETING FUND**

WHEREAS the City of Brockville wishes to encourage the accommodation sector in establishing a Destination Marketing Fund

AND WHEREAS one of the impediments to the establishment of such a fund that has been voiced is a fear that the City might choose to reduce some of its funding for tourism should a destination marketing fund be established thereby nullifying the intended additional tourism marketing dollars.

THEREFORE BE IT RESOLVED that the City of Brockville will not claw back any of its financial support for Tourism based upon the funds derived from a Destination Marketing Fund.



Motion from Councillor Noble  
For the EDP Committee meeting of January 13, 2009  
Submitted: January 9, 2009

## **MARITIME DISCOVERY CENTRE BOARD APPOINTMENTS**

WHEREAS the Mayor and City Manager were empowered by this Council to be the City's representatives in negotiating the Maritime Discovery Centre (MDC) Agreements but this phase has been completed so that mandate has expired; and

WHEREAS Council at a meeting on October 9 2007, received the feasibility study "An Anchor Attraction for Brockville: The Maritime Discovery Centre (MDC) and Other Waterfront Enhancements" and directed staff to proceed with the recommended next steps as identified in the feasibility study; and

WHEREAS the feasibility study recommended the establishment of a pro-tem board of directors to oversee and direct the project and the retention of a project manager; and

WHEREAS the MDC Board is being formed and an Executive Director has been retained and the involvement of the City Manager is being reduced thereby moving its governance into the normal ongoing model used for all City Board and Committee appointments based upon the City By-laws; and

WHEREAS the Maritime Discovery Centre agreement has a governance model of a Board of which half are appointed by, and representatives of, the City of Brockville but there is currently no authority to appoint them; and

WHEREAS in accordance with the *Municipal Act*, 2001 municipal powers or duties must be delegated by a duly processed and enacted by-law;

THAT THEREFORE BE IT RESOLVED that:

- A) Council direct staff to prepare a by-law to delegate Council 's authority for matters related to the MDC to the Maritime Discovery Centre of the Thousand Islands Board of Directors for Council's consideration; and
- B) All appointments to the MDC Board or steering Committee be brought before Council for consideration and approval; and
- C) As this is a major city initiative that at least one Member of Council who has expressed a desire to be a Member be so appointed; and
- D) That it be suggested to the Fuller Group that the agreement reflect that the Mayor and Mr. Fuller be ex officio members of the MDC Board going forward.