

Economic Development & Planning Committee

Monday, March 1, 2010, 5:15 pm
City Hall - Council Chambers

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

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CORRESPONDENCE

- 3-6 1. Mr. Paul Fournier - Garden World

STAFF REPORTS

- 7 1. Economic Development Project Updates - Dave Paul
- 9-11 2. 2010-038-03
Amendment to Drainage By-law 113-91
- 13-26 3. 2010-018-02 Site Plan Control Approval Villas of Northridge-
Phase II
Referred from EDP Committee Meeting of February 2, 2010.

CONSENT AGENDA

MOTION TO MOVE INTO CLOSED SESSION

1. THAT pursuant to Municipal Act, 2001, Section 239 Sub. 2, (c), Council resolve itself into the Committee of the Whole, In Camera, closed to the Public to consider:
- l) a proposed or pending acquisition or disposition of land by the municipality or local board.

Neville C. Johnston*
Paul J. Fournier

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



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Brockville, Ontario
K6V 5V4

Tel: (613) 345-5613
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February 22, 2010

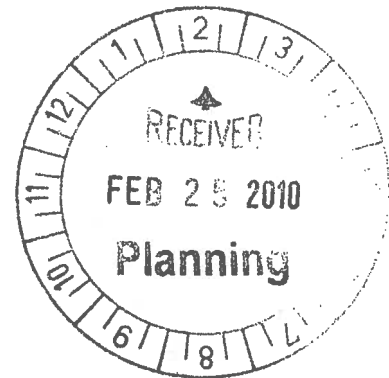
Established 1886

City of Brockville – Planning Dept.
One King Street West
P.O. Box 5000
Brockville, Ontario
K6V 7A5

Attention: Ms. Maureen Pascoe Merkley
Director of Planning

Dear Ms. Pascoe Merkley,

Re: 2159203 Ontario Limited – Landscape Depot
663 Stewart Blvd., Brockville, Ontario
Our Matter 23904



Further to our meeting on the 11th of February and our letter to you of February 16th, 2010, we can now advise as follows;

Application for Amendment to Zoning By-law 194-94 was filed on June 5th, 2009, requesting an amendment to the Zone to permit the retail sale of landscaping material and the rental and sale of equipment. The application disclosed the applicant's intent to construct a building for retail sales and to provide for inventory storage on the lot.

On August 25th, 2009, the City resolved to permit the application with the condition that the retail sales building's services would be connected to the existing holding tank. Council stipulated that an amended site plan was required, illustrating the discharge plan.

While a sketch dated April 24th, 2009, was attached to the original Site Plan submission illustrating extensive proposed asphalt areas the application did not specifically request site specific provisions to permit the asphalt proposed. The applicant was under the impression that Council had approved these special site conditions. The applicant was engaged in ongoing dialogue with the Planning Department and other city staff and mistakenly felt it was in order

- 2 -

to enter into an asphalt paving contract. He made a commitment with the contractor for delivery and installation of the asphalt on the 20th of November, 2010. The deficiency in the application outlined above, was pointed out to the applicant on the 17th day of November, 2009. It was then too late to cancel the paving contract. The applicant then arranged an emergency meeting with the City to explain the circumstances.

Subsequent dialogue with the Director of Planning has resulted in this request, that Council expand upon the items which are the subject of the amendment to the Zoning By-law such that site specific provisions be included to permit the asphalt now in place and covering 28% of the site with overall landscaped open space at 27%, on the following understanding:

1. The applicant has agreed to cut back the existing asphalt to ensure that the location of the parking area will not be within 5m of the front lot line.
2. The applicant will not add any additional asphalt.
3. The applicant will add additional green areas as shown on the plan submitted with this correspondence.
4. Customer vehicles will park in the designated parking areas and will access light materials by parking beside the storage bins (or the north side of lot).
5. Asphalt has been placed under and around these bins (north side) for safe access and cleanliness.
6. The heavy material (rock and interlock) to be stored on the south side of the yard is for display purposes and will be delivered by the applicant as requested by the customer.
7. I enclose two copies of a revised plan prepared currently by Collett Surveying for Site Plan purposes.

- 3 -

We trust that the above provides an adequate explanation of the application but will be pleased to provide any further information you require. The applicant wishes to thank the Planning Department and the additional city staff who assisted in the resolution of this issue.

Yours very truly,

HENDERSON JOHNSTON FOURNIER

Per: 

Paul J. Fournier

PJF:dd

Encl.

Economic Development Planning Committee

March 01,2010

OPEN SESSION

Economic Development Project Updates

The following topics will be reviewed with committee including status on both process, timing and potential outcomes.

- **Economic Development Strategy Implementation**
- **Memorial Centre Solar Demonstration Project**
- **The China File/Trade Mission/June/Preparation**
- **The Immigration File/Grants/Programs**
- **Power Engineer Program/St. Lawrence College**
- **County Tourism Strategy Partnership**
- **Downtown Factory Outlet Attraction Initiative/Chamber/DBIA**
- **Information Radio Alternative Strategy for External Funding**
- **FCM grant process and announcement timing**
- **People Attraction Initiative/Relocation Publication/Champions**
- **TVO Event/March 01**

24Feb10

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE – 01 MARCH 2010

2010-038-03

**AMENDMENTS TO DRAINAGE BY-LAW 113-91
FINAL LOT GRADING DEFERRALS**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATION:

THAT City of Brockville Drainage By-law 113-91 be amended to indicate that under no circumstances shall final grading be deferred for more than a six (6) month period from date of occupancy of a residential dwelling on the lot which is the subject to a deferral arrangement, and to clarify that the deposit taken may be utilized by the City to complete the outstanding grading.

PURPOSE:

To improve the parameters associated with lot grading deferrals for new residential construction through implementation of discussions held with Council during its consideration of the Planning Department's Service Delivery Review in December 2009.

BACKGROUND:

In 2004, a review of the procedure for obtaining final lot grading approval was undertaken and subsequently By-law 24-94, being the Building By-law; and By-law 113-91, being the Drainage By-law were amended with respect to residential lot grading requirements.

In accordance with Section 7, Subsection (c) of City of Brockville Drainage By-law 113-91, as amended, residential builders are allowed to provide a letter of undertaking and a minimum refundable deposit of \$3,500.00 when it is not practical to complete the final lot grading prior to the occupancy of a residential dwelling unit. The deposit is only refunded upon receipt of certification by an Ontario Land Surveyor or Professional Engineer as to compliance with the approved drainage plan or lot grading plan. A deadline for completion is established by the City Engineer.

ANALYSIS:

The intent of the amendments that were made to Drainage By-law 113-91 in 2004 was to provide assistance to the builders in situations when season, weather, etc. prevented the ability to complete the final grading and to allow the occupancy of the new dwelling with the understanding that the final grading would be completed within the timeframe submitted by the builder in the letter of undertaking which was approved by the City Engineering Division.

Since 2004, the process of submitting a deposit and requesting deferral of completion of the final grading on residential properties has been used extensively by residential builders. Unfortunately the intent of the process that was brought into practice by the amendments

to By-law 113-91 has been overlooked by many of the builders, with final drainage approval outstanding for timeframes which have become unacceptable to the City.

The City retains deposits for outstanding grading of lots that range in age from 1 to 5 years. As noted previously, this was not the intent of the leniency provided for through the amendments passed by City Council. A number of issues arise from this extended delay with respect to final drainage approval. Of primary concern is the liability to the City should there be damage to the developed property or to neighbouring properties resulting from the failure to have final lot grading (drainage) completed.

As of November 2009, twenty-three (23) drainage deferral deposits were held by the City; of these, 15 were overdue with the majority being overdue by 2 to 3 years. A deadline of June 15, 2010 has been established for completion of the lot grading in these instances.

Further amendments to the Drainage By-law are deemed appropriate by staff. The establishment of a maximum deferral period of six (6) months provides a reasonable yet finite timeframe for completion of this necessary work. It is also appropriate to clarify in the by-law that failure to complete the final grading in the timeframes specified by the City Engineer may result in the City or its agent utilizing the funds to complete the work.

It should be noted that changes to the Ontario Building Code are anticipated to come into effect in 2012, which changes would prevent an inspector from allowing occupancy unless lot grading is substantially complete. At that juncture, the ability for the City to provide for any leniency with respect to completion of final grading should be further reviewed.

POLICY IMPLICATIONS:

Nil

FINANCIAL CONSIDERATIONS:

Financial responsibility for all construction, including lot grading, is that of the builder or lot owner.

In a deferral situation where the City has accepted a deposit, proposed amendments to the Drainage By-law will clarify that the deposited funds may be used by the City to complete the work, and any additional costs over the deposit amount would be recoverable by the City.

CONCLUSIONS:

The recommendations in this report provide specific parameters with respect to the original intent of the previous amendments (2004) to Drainage By-law 113-91. Setting a six (6)

month timeline provides the builders with sufficient time to ensure that the final grading can be completed within the timeframe requested by the builder and approved by the City. The potential situation whereby the City may have to utilize the funds to complete the grading is also included in the amendments recommended.

The amending by-law has been prepared for adoption by Council.



M. Pascoe Merkley
Director of Planning



B. Casselman
City Manager



TO: EPD COMMITTEE MEMBERS AND OTHER CITY COUNCILLORS
COPY: SENIOR MANAGEMENT TEAM
PAUL VEENSTRA
FROM: **ANDREW MCGINNIS, PLANNER II – PLANNING**
SUBJECT: LISTON AVENUE, VILLAS OF NORTH RIDGE
SITE PLAN APPLICATION D11-392
DATE: 25 FEBRUARY 2010

EPD Committee Members,

This memo is to provide you with additional information with respect to Site Plan Application D11-392 discussed in Report 2010-018-02, a copy of which report is attached hereto.

Previously at the Economic Development and Planning Committee meeting of 2 February 2010, the Members considered Report 2010-018-02. Throughout this meeting there were questions pertaining to snow removal, curbside refuse collection and wording used within the agreement. An excerpt from the minutes is also attached.

Mr. Paul Fournier, Solicitor for the applicant, requested that the City of Brockville undertake snow removal and refuse collection within the development as well as examine the written agreement to re-word one of the clauses.

EDP Committee Members referred these issues back to staff to speak with the managers/individuals involved with the possibility of undertaking Mr. Fournier's requests.

A meeting was held on 22 February 2010 between Department Managers and other key individuals to discuss the matter at hand. Throughout this meeting, many issues with the city providing snow removal and curbside collection were raised.

Mr. Conal Cosgrove, Director of Operations has provided the following comments in relation to the request for the City to provide winter maintenance services for the Villas of Northridge:

"The Villas of Northridge development was reviewed with the understanding that the condominium corporation would be responsible for winter maintenance. Several concerns arise with the development as designed if the City is to provide winter maintenance services:

- 1. The narrow road width (6 metres) and reverse crossfall (low point down the centreline of the road to eliminate the need for curb and gutter for drainage purposes) mean that the City's combination plow/sander trucks would be too large to be used for winter maintenance. A 1 ton or ¾ ton 4X4 would have to be used to do the plowing, and then*

the sander truck would have to make a separate trip, increasing the time and cost for plowing/sanding beyond what is normal for a residential street.

- 2. The narrow road width, reduced front yards and short distances between driveways result in minimal snow storage areas, increasing the requirement and cost for snow removal in comparison to a typical residential street. Since the common area of ownership is the 6.0 metre roadway and the private property is to the edge of the road, there is no room for any snow storage unless snow is allowed to be plowed onto private property. Snow removal would be required.*
- 3. The reduced front yards mean that vehicles parked in driveways will be very close to the road, increasing the risk of damage from winter maintenance.*
- 4. The narrow road width and absence of curbs will increase the risk of yards being damaged from winter maintenance activities.*

Given these concerns, it is recommended that the City not provide winter maintenance for this development unless it is redesigned based on the City's minimum standards for public roads."

Mrs. Valerie Harvey, Supervisor of Solid Waste has provided comment that the City of Brockville should not undertake curbside collection within a private development due to the proposal not satisfying City standards. Given that a "Sustainable Waste Management Plan" is being prepared for the City of Brockville, and as no decisions respecting this service have been made, it is premature to offer this service to the proposed development. The streets are narrow and do not meet city standards for curbside collection to occur.

Staff would like to remind the Committee that the developers were told on many occasions prior to the application being submitted that the proposed development did not meet City of Brockville standards and therefore that the municipality would not assume the development and no City maintenance/services would be provided by the City.

The wording in the Site Plan Control Agreement, requested to be changed by the applicant, stated **"THAT the Owner shall notify all potential purchasers of lots, and shall cause to be inserted in the deed for all such lots, a clause to the effect that the design does not meet City of Brockville standard and at no point will the City consider assumption of the right-of-way or the infrastructure associated with the development."** From communication between the City and Mr. Fournier, the new wording agreed upon states **"THAT the Owner shall notify all potential purchasers of lots, and shall cause to be inserted in the deed for all such lots, a clause to the effect that the development is private and the City is not required to assume the right-of-way or the infrastructure associated with the development."**

We reiterate that the request for site plan approval should be approved based on a private development and that it is not recommended for the City of Brockville to assume the right-of-way, any services or infrastructure associated with the development unless City standards are met. In addition, the above noted clause is to be included in the Site Plan Control Agreement.

Thank you,



Andrew McGinnis, B.URPI

Planner II

City of Brockville

:am

29 January 2010

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE 2 FEBRUARY 2010

2010-018-02

**SITE PLAN CONTROL APPROVAL
VILLAS OF NORTH RIDGE – PHASE II
OWNER: 1178420 ONTARIO LTD.
AGENT: COLLETT SURVEYING LTD.
FILE: D11-392**

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

RECOMMENDATION:

THAT Site Plan Approval be granted for the creation of a forty-eight (48) unit townhouse complex located on Liston Avenue, City of Brockville, subject to satisfying all requirements of the Cataraqui Region Conservation Authority. Said development shall be in accordance with the following drawings:

- i) "SKETCH ILLUSTRATING SITE PLAN", Issued by COLLETT SURVEYING LTD., File No. 6504-MSP18, dated 08 December 2009, as revised;
- ii) "SKETCH ILLUSTRATING PROPOSED LANDSCAPING", Issued by COLLETT SURVEYING LTD., File No. 6504-MSP19-LANDSCAPE, dated Dec 2009, as revised;
- iii) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG01, dated Nov 2009, as revised.
- iv) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG02, dated Nov 2009, as revised.
- v) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG03, dated Nov 2009, as revised.
- vi) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C01, dated Nov 2009, as revised.
- vii) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C02, dated Nov 2009, as revised.
- viii) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C03, dated Nov 2009, as revised.
- ix) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C04, dated Nov 2009, as revised.
- x) "PROPOSED 4-UNIT TOWNHOUSE BLOCK "A, B, F, G & K"", Issued by SIDENHAM DESIGNS, Project No. Liston –A,B,F,G,K, Drawing No. A1, dated Jan., 2010, as revised.
- xi) "PROPOSED 5-UNIT TOWNHOUSE BLOCK "C & E", Issued by SIDENHAM DESIGNS, Project No. Liston –C,E, Drawing No. R1, dated Jan., 2010, as revised.

- xii) "PROPOSED 6-UNIT TOWNHOUSE BLOCK "D, I, & J", Issued by SIDENHAM DESIGNS, Project No. Liston –C,E, Drawing No. R2, dated Jan., 2010, as revised.

PURPOSE:

The purpose of this application is to consider Site Plan Approval for the creation of a forty-eight (48) unit townhouse complex on Liston Avenue.

ORIGIN:

An Application for Site Plan Approval has been submitted by Collett Surveying Ltd., acting on behalf of 1178420 Ontario Ltd., Owner of lands described as Lots 2, 3, and 4, Part of Lots 1 and 5 and Part of Glasford Place (Closed by By-law 56-92, Inst. No. LR256151) Plan 380, City of Brockville, County of Leeds.

ANALYSIS:

This complex is Phase II of the Villas of North Ridge project that will have fifty-two (52) townhouse units in total. Phase II will be added to the existing four (4) unit townhouse development on Liston Avenue to create a fifty-two (52) unit townhouse development as a common elements condominium. The subject lands are currently vacant and located on Liston Avenue, south of Cuthbertson Avenue.

The subject property has a total area of approximately 17,433.0 m² (187,653.3 ft²) / 1.74 hectares (4.3 acres). The property is designated "Residential" under the Official Plan for the City of Brockville and zoned R5-X8-1 Multiple Residential Site Specific Zone under Zoning By-law 194-94, as amended.

A plan showing the location of the proposed forty-eight (48) unit development, has been attached as **Schedule "A"** to this report.

The development will contain ten (10) residential townhouse blocks, containing four (4) to six (6) dwelling units per block. The total building footprint is proposed at approximately 6,346.5 m² (68,315.39 ft²). With a total asphalt area of approximately 3,033.5 m² (32,653.39 ft²), each unit within the proposed development will have its own driveway and access off a privately owned and maintained roadway. The remainder of the site is proposed to be seeded and landscaped with a swale running along the western boundary of the property for drainage purposes. This swale will remain clear and unobstructed at all times. There is to be a play area that will be shared with 21 Liston Avenue, located on the east side of the property. Parking will be on individual driveways as well as in common areas, providing for twelve (12) additional spaces. All other applicable zoning regulations (ie. lot areas, setbacks and building heights, etc.) have been examined and found to be in compliance with the Official Plan and Zoning By-law 194-94, as amended.

approved where required. A copy of the Committee of Adjustment decision is attached as **Schedule "B"** to this report.

Phase II has an estimated construction value of \$7,200,000.00.

Comments Received

Comments from City of Brockville Engineering Division speak to a reduced pavement width, no curbs or gutters, no sidewalks and a reverse crossfall, which will provide drainage in the centre of the private street. The Engineering Division has no concern as the proposal is to be a private development and common elements condominium. However, the Engineering Division has requested that a clause be placed within the Site Plan Agreement that the developer discloses to each purchaser that this development is of private ownership and does not meet City design standards and that at no time in the future will the City consider assumption of the right-of-way or the infrastructure associated with the development.

Brent Caskenette, Chief Building Official has provided comment relating to the requirement for a fire access route of not less than 6.0 metres. As well as, a minimum of 3.0 metres is required between townhouse blocks to ensure access to the rear of the units. The developer has provided this 3.0 metres requirement; however, there is no room for error during construction. Mr. Caskenette has also stated that a full review of construction drawings may reveal other requirements of the Ontario Building Code, not evident on this submission.

The Brockville Fire Department addresses concern with the eastern entrance radius as well as the width of roadway proposed. The minimum required roadway width for a fire route is 6.0 metres, which the developer has provided in this instance. The City of Brockville Fire Department requires this roadway to be clear at all times of vehicles and snow. Therefore, no on-street parking is permitted at anytime. Fire route signs are required to be posted within the development, and will be inspected by the City for compliance.

The Cataraqui Region Conservation Authority does have a few concerns relating to storm water management. These issues are being addressed and are required to be accepted by the CRCA prior to the issuance of any permits.

Final approval will be based on the City of Brockville Fire Department and the CRCA accepting the revised plans and reports.

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 the EDP Committee. **Schedules A, B, C, and D** inclusive, to this report are the Location Plan, Committee of Adjustment Decision, Proposed Landscape Site Plan and Elevation Drawings, respectively.

The Site Plan Control Agreement will contain various standard clauses pertaining to the

Owner's responsibility for snow clearing, refuse and recycling collection, financial security, etc.

Council, as the approval authority for condominiums, will be dealing with a further approval in the future, being the creation of the common elements condominium, upon submission of the request by the property owner/developer or its agent.

POLICY IMPLICATIONS:

The proposed development does not conform to all municipal design standards, however is being proposed as a private development to be further established as a common elements condominium. Therefore, the City will include a clause in the Site Plan Agreement that the developer discloses to the purchaser that this development is of private ownership and does not meet City design standards and that at no time in the future will the City consider assumption of the right-of-way of the infrastructure associated with the development

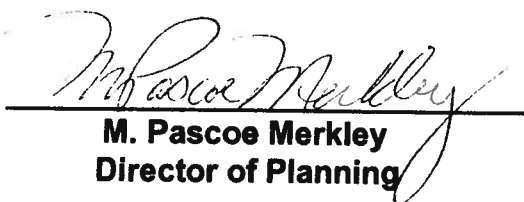
FINANCIAL CONSIDERATIONS:

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

Per Council's direction on building permit fees, no building permit fees are applicable at the time of preparation of this report. In the absence of development charges, only the Millwood Avenue Impost will be payable at the time of building permit issuance unless a new development charge is initiated.

CONCLUSION:

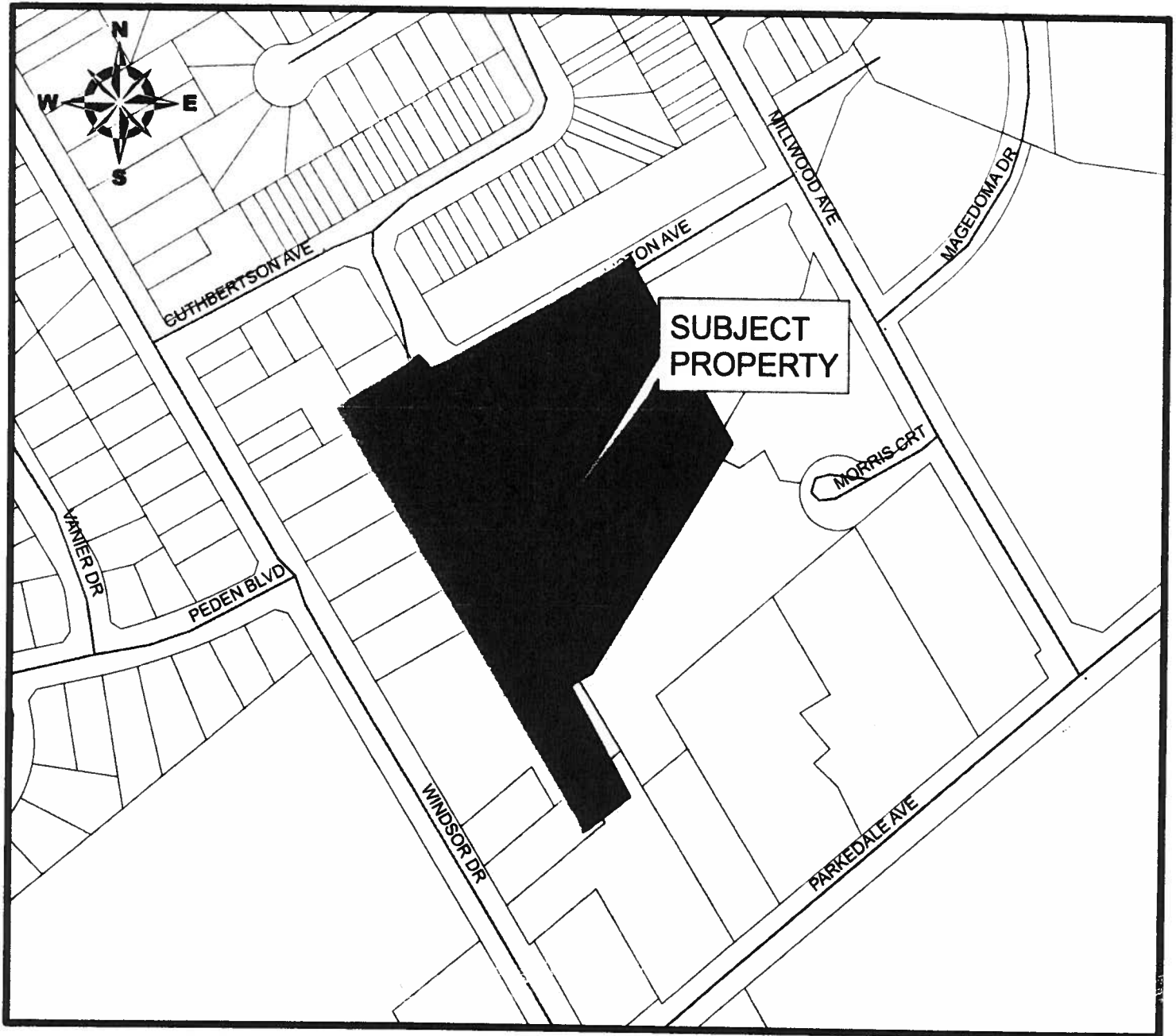
Based on the foregoing discussion, it is reasonable to enter into a Site Plan Control Agreement for development of a forty-eight (48) unit townhouse complex located on Liston Avenue, City of Brockville. This is reflected in the recommendation at the beginning of this report.


M. Pascoe Merkley
Director of Planning


Andrew McGinnis
Planner II


B. Casselman
City Manager

REPORT 2010-018-02 SCHEDULE "A"



SITE PLAN CONTROL AGREEMENT D11-392

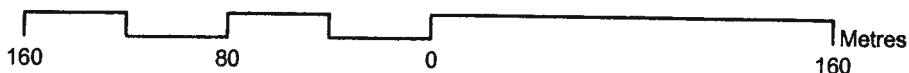
ZONING:

**R5-X8-1 MULTIPLE RESIDENTIAL
SITE SPECIFIC
RESIDENTIAL**

OP DESIGNATION:

LEGAL DESCRIPTION:

**LOTS 2, 3 AND 4, PART OF LOTS 1 AND 5 AND PART OF
GLASFORD PLACE (CLOSED BY BY-LAW 56-92,
INST. NO. LR256151) REGISTERED PLAN NO. 380,
CITY OF BROCKVILLE, COUNTY OF LEEDS**



SCHEDULE "B"



P.O. Box 5000, Brockville, Ontario K6V 7A5
Tel. (613) 342-8772 Fax (613) 492-2793

[File No. A06/09]

NOTICE: The last day for appealing this decision is **September 16, 2009**.

**DECISION OF APPROVAL AUTHORITY WITH REASONS
RE: APPLICATION FOR MINOR VARIANCE
Planning Act, R.S.O. 1990, c.P.13, ss. 45(6)(9)**

Name of Approval Authority: **Committee of Adjustment for the Corporation of the City of Brockville**

Re. An Application By: **W. Brent Collett, O.L.S. c/o Collett Surveying Ltd.**

On Behalf of: **117842@Ontario Ltd.**

Location of Property: **Part of Lots 1, 2, 3, 4, 5 and Part of Glasford Place (closed by By-law 56-82), Registered Plan 380, being Parts 3, 4, 5, 6, 7, 8, 9 and 12, Reference Plan 26R-7542, City of Brockville, County of Leeds (frontage Liston Avenue)**

Purpose of Application: **Minor variances requested:**

1. Reduction to the Minimum Rear Yard Setback from 7.5 m (25.0 ft) to 6.6 m (21.65 ft).
2. Reduction of the Minimum Front Yard setback from a private roadway for Lot #19 from 6.0 m (20.0 ft) to 4.8 m (15.7 ft).
3. Reduction of the Minimum Front Yard setback from a private roadway for Lot #32 from 6.0 m (20.0 ft) to 5.9 m (19.3 ft).
4. Reduction to the Minimum Front Yard setback from a private roadway for Lots #1 & #9 from 6.0 m (20.0 ft) to 5.4 m (17.7 ft).
5. Reduction to the Minimum Front Yard setback from Liston Avenue for Lot #20 from 6.0 m (20.0 ft) to 3.9 m (12.79 ft).
6. Reduction to the Minimum width of a Planting Strip on the western property boundary from 3.0 m (9.8 ft) to 0.0 m (0.0 ft).
7. Increase to the Maximum Allowable Height of a Fence from 2.0 m (6.56 ft) to 2.5 m (8.2 ft).
8. Reduction to the Minimum separation between any two (2) groups of town-houses within a private development where either of the opposing walls have windows to habitable space from 7.5 m (25.0 ft) to 3.0 m (9.84 ft).
9. Increase to the Maximum Allowable Height of a Fence within a Front Yard from 1.0 m (3.3 ft) to 2.0 m (6.6 ft).

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the intent and purpose of the Zoning By-law and the Official Plan will be maintained, and

CONCUR in the following decision and reasons for decision made on the 27th day of August, 2009.

Decision:

That minor variances numbers 1 through 6 inclusive, and number 6 are approved as requested.

That minor variances number 7 and 9, amended as follows, are approved.

- "7. Increase to the Maximum Allowable Height of a Fence from 2.0 m (6.56 ft) to 2.5 m (8.2 ft) along the west and south property boundaries only."
- "9. Increase to the Maximum Allowable Height of a Fence within a Front Yard from 1.0 m (3.3 ft) to:
- a) 1.5 m (4.92 ft.) for an iron fence only; and
 - b) 2.0 m (6.6 ft) for the associated pillars having a minimum distance between pillars of 2.44 m (8.0 ft) measured edge to edge."

Conditions: No conditions.

Reasons for the Decision:

The variances are considered minor and desirable for the development and use of the lands and buildings. The intent and purpose of the Zoning By-law and Official Plan will be maintained.

Hugh Bates
Member - Committee of Adjustment

Winston Rogers
Member - Committee of Adjustment

Dan Chevrier
Member - Committee of Adjustment

CERTIFICATION

I, Lorraine Bagnell, Secretary-Treasurer of the Committee of Adjustment for the Corporation of the City of Brockville, certify that the above is a true copy of the decision of the Committee with respect to the application recorded herein.

Dated this 28th day of August, 2009

L. Bagnell
Signature of Secretary-Treasurer
Committee of Adjustment
The Corporation of the City of Brockville

SCHEDULE "C"

COLLETT SURVEYING LTD.

METRIC
DISTANCES SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048

LOT 6 LOT 7
REGISTERED PLAY NO. 20

LISTON AVENUE

PROPOSED 2nd IRON FENCE
WITH 4x4 POSTS

2000年1月1日

LOT 1
337

SECRET TO AN ENEMY

MORRI
COURT

LOT 1 2 CONCESSION

10-11-57 1 10-11-57 10-11-57 10-11-57

NOTES

1. FEASIBILITY ARE A HYDROLOGIC AND ARE REFERRED TO THE WESTERN OF CLAMPORE PLACE PER PLAN 728 1542, SAYING THE BEARING OF N40°15'30"E

2. ELEVATIONS ARE CRUSTAL, AT THE SITE BENCH MARK ARE USING THE 1988 DATUM. BEING LOCATED AT THE WESTERN WESTLY CORNER OF THE SITE, MEASURING AN ELEVATION OF 107.25M.

3. ALL SERVICES SHOWING HAVE BEEN LOCATED AS PER CITY OF BROOKLYN ENGINEERING DRAWINGS. ALL SERVICES SHOWING HAVE LOCATED ON SITE BY THE CITY OF BROOKLYN AND BY PROGRAMME TRACED SERVICES WOULD BE COMPILED AND LOCATED BEFORE CONSTRUCTION UNDER OCCUPANCY CONDITIONS.

[illegible]

COLLETT SURVEYING LTD

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E-MAIL: info@solidstappling.com or 10

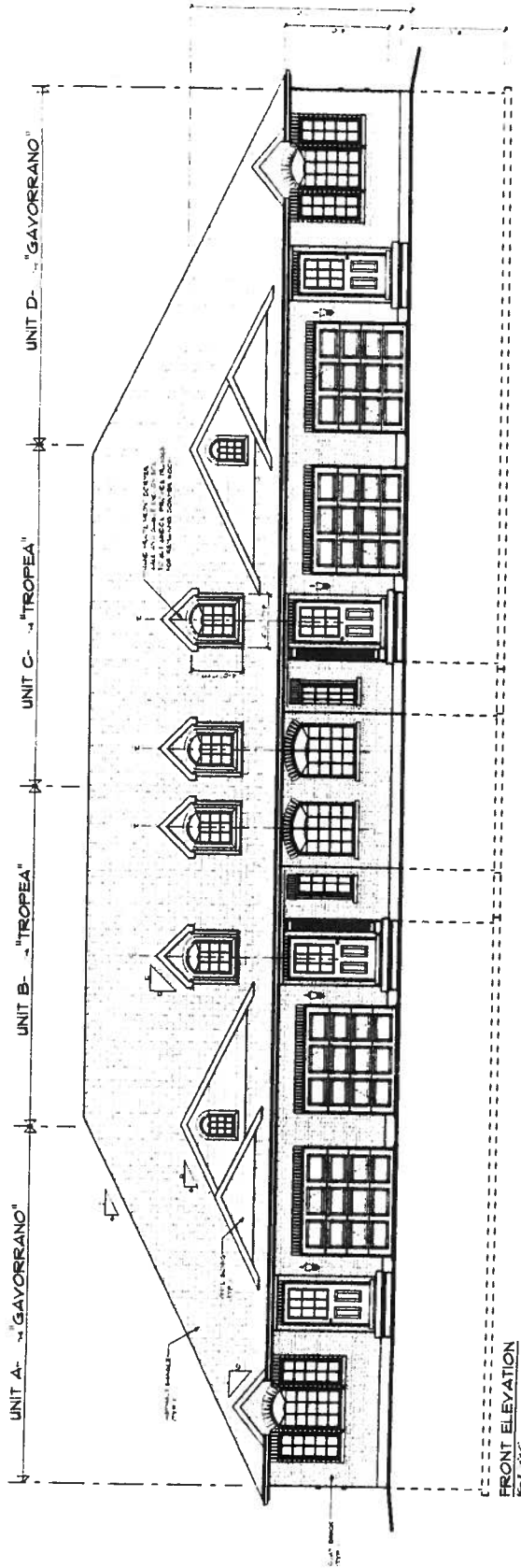
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|---|-----|-----------|---|
| 1 | DTA | JAN 11/10 | ADDED PROPOSED THERMIST AND P177WINE |
| 2 | UFA | JAN 12/10 | P18 LIFT AND P18 DEPT CYMENTS |
| 3 | DTA | DEC 13/99 | P18 CUBIN REGEST "P18 LIFTING & FAREING |
| 4 | BY | DATE | 07/11/02 |

REVISIONS

KEY PLAN (NOT TO SCALE)



Copyright

Revisions

Sideham Designs

COOMBE CUSTOM HOMES
1200N 47E
BROOKVILLE TN

PROPOSED
4-UNIT TOWNHOUSE BLOCKS
A, B, F, G & K

FRONT ELEVATION

A1

SCHEDULE "D"

EXCERPT FROM EDP MINUTES OF FEBRUARY 2, 2010

- (i) 2010-018-02
Site Plan Control Approval
Villas of Northridge-Phase II

THAT Site Plan Approval be granted for the creation of a forty-eight (48) unit townhouse complex located on Liston Avenue, City of Brockville, subject to satisfying all requirements of the Cataraqui Region Conservation Authority. Said development shall be in accordance with the following drawings:

- i) "SKETCH ILLUSTRATING SITE PLAN", Issued by COLLETT SURVEYING LTD., File No. 6504-MSP18, dated 08 December 2009, as revised;
- ii) "SKETCH ILLUSTRATING PROPOSED LANDSCAPING", Issued by COLLETT SURVEYING LTD., File No. 6504-MSP19-LANDSCAPE, dated Dec 2009, as revised:
- iii) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG01, dated Nov 2009, as revised.
- iv) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG02, dated Nov 2009, as revised.
- v) "LOT GRADING AND DRAINAGE, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. LG03, dated Nov 2009, as revised.
- vi) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C01, dated Nov 2009, as revised.
- vii) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C02, dated Nov 2009, as revised.
- viii) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C03, dated Nov 2009, as revised.

- ix) "SANITARY/STORM/WATERMAIN CONSTRUCTION, THE VILLAS OF NORTHRIDGE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C04, dated Nov 2009, as revised.
- x) "PROPOSED 4-UNIT TOWNHOUSE BLOCK "A, B, F, G & K"", Issued by SIDENHAM DESIGNS, Project No. Liston –A,B,F,G,K, Drawing No. A1, dated Jan., 2010, as revised.
- xi) "PROPOSED 5-UNIT TOWNHOUSE BLOCK "C & E", Issued by SIDENHAM DESIGNS, Project No. Liston –C, E, Drawing No. R1, dated Jan., 2010, as revised.
- xii) "PROPOSED 6-UNIT TOWNHOUSE BLOCK "D, I, & J", Issued by SIDENHAM DESIGNS, Project No. Liston –C,E, Drawing No. R2, dated Jan., 2010, as revised.

DEFERRED

Mr. A. McGinnis, Planner II, presented Report 2010-018-02 regarding the application for Site Plan Control Approval for the Villas of North Ridge - Phase II. The purpose of this application is to consider Site Plan Approval for the creation of a forty-eight (48) unit townhouse complex on Liston Avenue.

Councillor Baker questioned the storm drainage location. Mr. McGinnis noted that due to no curbing and no sidewalks in the development, the storm drains are located in the middle of the street.

Councillor Williams questioned the liability to the municipality with respect to the narrowness of the street (Fire Truck access, etc.) Fire Chief H. Jones indicated that he believes that as a private development the liability for fire truck access would lie with the developer unless the city assumes the development.

Councillor Williams questioned who would be responsible for parking control on the street. It was indicated by the Director of Planning that by passing a by-law the City would have the ability to enforce the area as a "fire route" and could designate authority to certain individuals to ticket vehicles as well as its own by-law enforcement officers.

Councillor Williams commented that it should be made clear to the purchasers of the dwelling units that the street does not meet City standards. Therefore, the City will not be responsible for road maintenance, garbage pickup or snow removal.

Councillor Kalivas noted concern about the possibility of future owners requesting the City to maintain the streets, provide garbage pickup and other services.

Councillor Baker asked if the City of Brockville standards are common amongst municipalities. The Director of Planning indicated that the City of Brockville follows common standards with respect to municipal roadways and developments.

Councillor Baker noted that there are concerns from various departments that are not being addressed and commented that although the original owners may be made aware of the standards, owners in the future may expect services from the City. Councillor Baker also noted concerns regarding fire safety due to the narrow street.

Fire Chief H. Jones suggested installing sprinkler systems in each unit.

Mr. Brent Collett of Collett Surveying Ltd., referred to the Condominium Act and noted that this Act is in place to provide restrictions and governance to areas like this. Mr. Collett indicated that with each condominium a board is appointed to regulate "Common Elements" of the condominiums.

Colin Jardin, Engineer with Genivar Consulting, acting on behalf of Villas of North Ridge, noted that he feels the developers have addressed all concerns.

Mr. Fournier, legal representative, addressed the Committee on behalf of the developers. Mr. Fournier commented that the City of Brockville's development standards refer to a typical subdivision and that the proposed development is not a typical subdivision. Mr. Fournier indicated that the development cannot be successfully marketed with the wording of the clause stating that *"the developer discloses to each purchaser that this development is of private ownership and does not meet City design standards and that at no time in the future will the City consider assumption of the right of way or the infrastructure associated with the development"*. Mr. Fournier also commented that the current Council cannot bind a future Council.

Councillor Baker commented that he understands that the developers want to benefit from a relaxed set of standards by having a common elements condominium but is concerned about what will be asked of the City in the future.

Ms. M. Pascoe-Merkley, Director of Planning, noted that there is a recommendation for approval of this project but with the request being made by the developer and its agents, she suggested that more information from the Operations Department is needed with respect to garbage pickup, snow removal, etc.

Ms. Veenstra, Villas of North Ridge, indicated that the development would be too difficult to market with the clause *"the developer discloses to each purchaser that this development is of private ownership and does not meet City design standards and that at no time in the future will the City consider assumption of the right of way or the"*

infrastructure associated with the development" and noted that she would pull the development if the wording remained. The Director of Planning believed that the wording could be modified.

Councillor Noble recommended that the matter be referred back to staff to investigate the possibility of the municipality providing services.

The Director of Planning noted that the operational questions would have to be addressed by the Operations Department before the City could go forward with the approved.

This matter was referred to Staff for more information and will be taken back to the first EDP Meeting of March.