



Economic Development and Planning Committee

Tuesday, April 2, 2013, 5:15 pm.
City Hall, Council Chambers

Committee Members

Councillor M. Kalivas, Chair
Councillor J. Baker
Councillor T. Blanchard
Councillor M. McFall
Mayor D. Henderson,
Ex-Officio

Areas of Responsibility

Economic Development
Planning
Chamber of Commerce
DBIA
Heritage Brockville

Economic Development
Advisory Team
Museum Board
Library Board
Arts Centre
Tourism

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COMMITTEE AGENDA

DISCLOSURE OF INTEREST

DELEGATION(S) AND PRESENTATION(S)

Nil

CORRESPONDENCE

Nil

STAFF REPORTS

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1. 2013-032-03
Proposed Amendment to Zoning By-Law 194-94,
35 Broad Street, City of Brockville
Owner: Steven Kruize Applicant : Daniel Thompson

THAT Zoning By-law 194-94 be amended to rezone lands with municipal address 35 Broad Street from C2D — General Commercial Downtown Zone to T-C2D-1 1 General Commercial Downtown Special Exception Zone to permit, in addition to other uses permitted in the C2D Zone, a seasonal chip wagon for a temporary period of three (3) years, with zone provisions associated with the chip wagon to include prohibition on accessory storage, structures and seating, and mandatory annual removal of the chip wagon from the site when closed for the season.

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

1. 2013 Economic Development Work Plan
Innovation Centre
(Councillor LeSueur)

THAT Council authorize the addition to the 2013 Economic Development Work Plan the research and participation of the Director of Economic Development, for the City of Brockville, with the committee for creating an Innovation Centre; and

THAT Mr. Paul communicate and input ideas along with NRC, Invest Ottawa, Launch Labs (Kingston), United Counties of Leeds and Grenville, the 1000 Islands Community Development Corporation, Leeds and Grenville Computer Technology Centre, the local Angel Group, interested council members and other partners who might join; and

THAT the Economic Development office helps with advice on potential plans forward; and

THAT Council recognizes the importance of job creation that comes with Innovation Centres as per our Economic Development Plan of 2010, and adopted by Council, in which Innovation Centres are mentioned as a goal.

CONSENT AGENDA

ADJOURNMENT

THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for May 7, 2013.

27Feb2013

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE –
2 APRIL 2013**

2013-032-03

**PROPOSED AMENDMENT TO ZONING BY-LAW 194-94
35 BROAD STREET
CITY OF BROCKVILLE
OWNER: STEVEN KRUIZE
APPLICANT: DANIEL THOMPSON
FILE: D14-160**

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

RECOMMENDATION:

THAT Zoning By-law 194-94 be amended to rezone lands with municipal address 35 Broad Street from C2D – General Commercial Downtown Zone to T-C2D-11 General Commercial Downtown Special Exception Zone to permit, in addition to other uses permitted in the C2D Zone, a seasonal chip wagon for a temporary period of three (3) years, with zone provisions associated with the chip wagon to include prohibition on accessory storage, structures and seating, and mandatory annual removal of the chip wagon from the site when closed for the season.

PURPOSE

The purpose of this report is to provide recommendations on an application for amendment to City of Brockville Zoning By-law 194-94 respecting the property at 35 Broad Street.

BACKGROUND

Daniel Thompson, acting as Agent for Steven Kruize, owner of lands described as Part of Lots 10 and 11, Block 29, Plan 67, being Part 1, Reference Plan 28R-11146, City of Brockville, County of Leeds, municipal address 35 Broad Street (as shown on **Schedule “A1”**), has submitted an application for an amendment to Zoning By-law 194-94 which requests that the zoning on the subject lands be changed to permit a mobile food truck which falls under the definition of chip wagon in City of Brockville Zoning By-law 194-94, as amended.

“2.49 *Chip Wagon, means a refreshment vehicle that is currently licensed pursuant to the Highway Traffic Act and may be driven, or drawn by a registered motor vehicle at any time upon a highway, and from which selling of food and drink products is undertaken.*”

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The applicant has requested that a food truck be permitted in addition to the uses permitted in the C2D Zone.

Zoning and Official Plan Information:

Official Plan Designation: Downtown and Central Waterfront Area
 Existing Zoning: C2D – General Commercial Downtown
 Requested Zoning: C2D – General Commercial Downtown Special Exception Zone to permit a chip wagon in addition to the uses permitted in the C2D Zone.

Site Characteristics:

Total Area:	389.25 m ² (4,190.0 ft ²)
Frontage – Broad Street:	15.39 m (50.5 ft.)
Depth:	25.29 m (83.0 ft.)

The subject land is currently improved with a paved parking lot, developed under Site Plan Control Agreement, file 609-122. This Site Plan approval encompasses the former Recorder and Times building (parking area), the Sunlife Financial Building (parking area) and 35 Broad Street (subject property). The Site Plan, an excerpt from which is attached as **Schedule “A2”** shows a total of eight (8) paved and curbed parking spaces together with an entrance off of Broad Street measuring 4.5 metres (15.0 feet) in width. It is also evident that a hydro pole is situated immediately south of the curb towards the east end of the site, and from this pole, overhead hydro service lines extend northward to service adjacent buildings. The parking area is relatively level, but the site grade drops off from the curb southward to the south property line.

Proposed Site Development:

A mobile food truck with attached deck is proposed to be located near the easterly property line. According to the applicant, five (5) parking spaces will be maintained on site. Proposed site development information is attached as **Schedule “B” and “C”** to this report. It is the applicant's desire to connect to City water, if possible. The applicant has advised that the truck is to display a St. Lawrence River theme with signage to be of a heritage design in keeping with the signage requirements for downtown.

Surrounding Land Use:

North: Immediately north of the subject property is a driveway extending from Broad Street which is part of an irregularly shaped parcel of land extending to the

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Tait's Bakery building and rear loading and parking area. Information available in Planning Dept. files and also subsequently provided to the Planning Dept. indicates that the owner of the subject property does not enjoy the right of passage over this driveway.

North of the driveway are lands zoned C2D General Commercial Downtown with a vacant older building that was formerly occupied by Merit Travel. Further north, fronting on King Street West is the heritage designated Harding Block, which is currently occupied by a personal service establishment (hair salon), Pizza Pizza, retail store and upper floor offices.

East: The lands to the east of the subject property are zoned C2D General Commercial Downtown Zone and are occupied by the rear lands associated with 33 King Street West (Tait's Bakery).

South: The lands to the south of the subject property are zoned C3D-Waterfront Commercial and are occupied by an older brick building occupied by the Sunlife Insurance Company and associated parking.

West: The lands to the west of the subject property are zoned C2D General Commercial Downtown and C3D Waterfront Commercial Zones. The lands immediately across (west side) Broad Street are occupied by a parking lot for the building to the north (51 King Street West) which is occupied by Broad Street Billiards and other commercial and residential uses in the remainder of the building on the upper floors. The lands to the west and south are occupied by a renovated stone building (36 Broad Street) that is occupied by Fraser Bickerton law offices with a residential unit on the upper floors. 36 Broad Street is a historically designated building, Dr. Thomas McQueen House.

Public Participation

The application for Zoning By-law Amendment has proceeded through the normal review process. On 10 January 2013, a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 20 December 2012 and was circulated to property owners with 120.0 metres (400.0 ft) 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 the City of Brockville Zoning by-law 194-94. Comments from City Departments and affected agencies were also solicited. A copy of an excerpt from the minutes of the Public Meeting is attached as **Schedule "D"**.

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Comments Received are summarized below and may be attached as **Schedule "E"** to this Report:

1. Steve Allen, Supervisor of Engineering, City of Brockville:
 - No concern with the proposal. Services will need to be connected to water and sewer mains on Broad Street.
2. Brent Caskenette, Chief Building Official, City of Brockville:
 - No concern. However, a Building Permit is required for the proposed deck.
3. Conal Cosgrove, Director of Operations, City of Brockville:
 - No concern with the proposal.
4. David Paul, Director of Economic Development, City of Brockville:
 - Supportive of the application for several reasons
5. Cameron Moorhead, Bell Aliant:
 - No concern with the proposed amendment.
6. Wendy Onstein, Chair, DBIA
 - Supports the application with recommendations:
 - Design and signage to be approved by the Planning Department and be in keeping with the historic character of Downtown.
 - Positioning should be running east-west along the southern property line (curb).
 - Not to interfere with adjacent properties/businesses.
7. Craig Pankhurst, Broad Street Billiards:
 - In support of the proposed amendment.
8. Dan Sparring, Limestone & Ivy:
 - In support of the proposed amendment.
9. Keith Robinson, Para Paints:
 - In support of the proposed amendment.
10. Chelsea Libbos, Echo Clothing Company:
 - In support of the proposed amendment.

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11. Phyllis Ogilvie, Ogies Café Deli
 - Strongly opposes the application
 - Increased traffic on Broad Street
 - What will taxes for such a business be?
 - Taking away business from existing shops.

12. John & Stephen Mazurek, Co-Owners of 31 King Street West
 - Entrance on Broad Street is an issue as the owner/operator does not have a legal right for the use of the whole entrance.
 - The existing laneway is far too congested as numerous delivery trucks are loading and unloading at Ritchies and Tait's.

13.
 - Angus Bickerton, Owner of Fraser & Bickerton Law, 36 Broad Street and Resident of 36 Broad Street, Suite 200
 - Lise Bickerton, Owner and Resident of 36 Broad Street
 - 2060101 Ontario Inc., Owner of 28 – 30 Broad Street
 - Stephen Bickerton and Jenny Mitchell, Owners of 26 Broad Street
 - Carman Bickerton and Dorothy Bickerton, Owners of 34 Water Street
 - Strongly opposed to the application.
 - Inconsistent with the spirit, intent and provisions of the Downtown and Waterfront Master Plan.
 - Inconsistent with proposed developments in the area.
 - Fails to enhance the heritage nature of Broad Street, and the views and streetscape of the heart of Downtown.
 - Exacerbate the problem of vacant store fronts on King Street.
 - Not suited to environmental sustainability.
 - Inconsistent with the Official Plan.
 - If a permanent use is inconsistent, then a temporary use should also be denied.
 - Impact on the immediate neighbourhood is negative.

14. John Ackerman, Owner of Buds on the Bay, 17 Broad Street
 - Rear "right-of-way" will be blocked and congested
 - Picnic tables and a truck will not be aesthetically pleasing
 - We all pay taxes. It is unfair to allow a "Chip Wagon" to infringe on us.

15. Perry Wenham, President, Wenham Food Services Inc., Tait's Bakery
 - Concerns regarding safety with delivery trucks
 - Amount of parking in the area is a concern
 - A food truck is a great idea downtown. However, believes there is a better place for a food truck downtown

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16. Kim McCann, Senior Public Health Inspector, Leeds, Grenville & Lanark District Health Unit

- No objection to the location, however, objection to the deck proposed, as seating on the deck will require that public washrooms be provided.
- Disposal of sewage (grey or black) and potable water must be provided. If the City is not providing connections to sewer or water and a deck is added, it may be difficult for the food premises to fill their potable water tank and dispose of sewage in a sanitary manner.

ANALYSIS

Provincial Policy Considerations:

A Provincial Policy Statement (PPS) 2005 has been issued under the authority of Section 3 of the Planning Act. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act further directs that Council decisions affecting planning matters "shall be consistent with" the Provincial Policy Statement.

Given the scale of the proposal and the food truck's occupancy of space on an existing downtown parking area, it is unlikely that there would be any significant implications of relevance to Provincial interest. However, due diligence is required and therefore a review of relevant sections of the PPS is completed below

Part V of the PPS sets out various policies which describe the areas of potential Provincial interest.

Section 1.1.3.1 states that "*Settlement areas* shall be the focus of growth and their vitality and regeneration shall be promoted".

Section 1.1.3.2 states that "Land use patterns within *settlement areas* shall be based on:

- a. densities and a mix of land uses which:
 - a. efficiently use land and resources;
 - b. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
 - c. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
- b. a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3."

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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 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.

Section 1.6.5.4 speaks to minimizing the number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

Section 2.6.3 speaks to Cultural Heritage and Archaeology. More specifically it states that "development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and is has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

The overall proposal represents utilization of the existing land stock within the Downtown core and no change to existing municipal infrastructure will be needed. The proposal will provide a service to residents living within and visitors to the area, and customers can access the food service from Broad Street and other nearby streets for walking, cycling or utilizing other means of transportation such as public transit.

The food truck will be located near two designated heritage buildings (36 Broad St. and 43 King St. W.). However, by its mobile nature, it is not a permanent fixture and no buildings will be constructed which might impact the physical characteristics of nearby buildings. However, it is important that the siting and appearance of the food truck not detract from our impressive heritage buildings nor from the neighbourhood in general.

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Official Plan Considerations

The new Official Plan, approved the Ministry of Municipal Affairs on February 09, 2012, provides guidance on how to manage future growth, development, and change within the City of Brockville.

The Official Plan designates the subject property as "Downtown and Central Waterfront Area" Mixed Use Node.

The New Official Plan's goals are to create a sustainable City in terms of health and vitality, that is economically viable and diverse, has high quality municipal services and amenities, and is well planned.

Section 2.3 outlines strategic planning themes which includes "A Sustainable, Healthy, and Vital City", "An Economically Strong and Diverse City", "A High Quality of City Services and Amenities", and "A Well-Planned Responsive City".

Section 3 addresses building a healthy and sustainable City. More specifically, Section 3.2.2.1 states among others that development within the Mixed Use Nodes and Corridors needs to be transit supportive and accommodate a range of uses. This section continues by envisioning the Downtown and Central Waterfront Area as being the primary focus for the greatest mix of commercial, retail, and service opportunities. More specifically, the Downtown and Central Waterfront Area is the primary mixed-use Node and is intended to accommodate residential, office, commercial, community services, cultural activities, main street shops and boutiques, and related uses and activities that reinforce the existing character of the downtown area.

Section 3.2.6 outlines policies for the scope of development within the "Downtown and Central Waterfront Area", focusing on intensification and redevelopment, revitalization of the Downtown and Central Waterfront Area and which place an emphasis on the urban design and architecture being consistent with the guidelines contained within the Downtown Waterfront Master Plan and Urban Design Strategy.

Section 3.4.1.9 states that the City shall require that infill developments be compatibly scaled and designed to enhance the character of the area.

Section 3.4.3.6 states, among others, that the City shall ensure that development and site alteration on land adjacent to a designated heritage resource is evaluated and that it is demonstrated that the heritage attributes of the designated heritage resource shall be conserved. Mitigative measures and/or alternative development approaches may be required to conserve the heritage attributes of the heritage resource affected by the adjacent development or site alteration.

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The general Downtown and Central Waterfront Area policies are further refined under Section 4.2.2 where, in addition to residential dwelling units being permitted, commercial uses such as eating establishments, service and convenience retail and similar types of uses shall also be permitted.

Section 4.2.3 continues with Land Use & Built Form Policies and states, among others that any new development must not negatively impact abutting properties and the planned function of the area. The development must also reinforce the linkages to the waterfront and preserve and enhance views, contribute to pedestrian animation at the ground floor level, and provide streetscape elements that improve the look, feel and vibrancy of the main and secondary streets (Broad St. included) and Water Street.

In reviewing the above policy considerations, many speak to compatibility with and character of the downtown area. Historically, downtowns have been the main centre of all range and variety of commercial activity. More recently, mobile food vendors such as the food truck proposed are increasingly appearing in larger centres, especially in downtown settings where pedestrian activity is often greatest. A food truck in this location has the potential to add to the street animation and vibrancy sought. Foot traffic is likely to increase, and possibly by drawing customers from outside the area, an increase in vehicular traffic may occur, all of which in turn could benefit other businesses in the area.

Other policies emphasize consistency with the urban design guidelines and encouragement for quality development. As a mobile facility which is a chattel, these considerations are not necessarily relevant, as no permanent buildings are proposed. While the applicant envisions a deck with seating as part of the siting of the food truck, this installation should be prohibited, based on the comments from the Health Unit.

The applicant has stated that the chip wagon and its signage will be custom designed with the heritage of Downtown Brockville in mind.

This proposal provides a new opportunity for a take-out dining experience downtown which will co-ordinate well with the increase in seasonal traffic, special events in the area, and being just a short distance from the Aquatarium. On balance, it is not inconsistent with the Official Plan's goals and objectives for downtown revitalization to provide for a food truck on an existing paved parking lot located on a secondary downtown street.

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Downtown & Waterfront Master Plan and Urban Design Strategy

The Downtown and Waterfront Master Plan and Urban Design Strategy (DWMPUDS), provides guidance on how to manage future growth, development, and change within the downtown and waterfront area of the City. The DWMPUDS establishes community planning and urban design principals to maintain the downtown and waterfront as a healthy, livable and sustainable destination in the City. Guidelines speak to reinforcement of the existing scale and character of the downtown area, and provide reference to a high level of architectural treatment for buildings.

There is no reference to consideration of chip wagons, food trucks or other mobile uses within this area, as the focus for the strategy was on creating guidelines for more enduring development.

Zoning By-law Considerations:

The current zoning on the subject property is C2D-General Commercial Downtown Zone, and therefore, the addition of a chip wagon to the list of uses permitted on the site would require an amendment to Zoning By-law 194-94. The uses currently permitted within the C2D-General Commercial Downtown Zone are attached as **Schedule "F"** for information purposes.

In this instance, the applicant has requested a permanent zone change for the property. Should Council permit the permanent request, a chip wagon would be listed as a permitted use indefinitely.

The location of the proposed chip wagon, occupying a portion of a parking area within the downtown core would seem to be satisfactory. The DBIA recommends that the food truck placement be running east-west and located towards the south east side of the property. To minimize neighbourhood impact, this seems reasonable, although from a review of the site plan attached as **Schedule "A2"**, the existing hydro pole location must be taken into consideration. Specific locational parameters consistent with the DBIA's comments can be integrated into the special exception zone. With the chip wagon located as desired by the DBIA, the use of the adjacent driveway and right-of-way should be unaffected, despite concerns expressed regarding conflict with delivery trucks and other vehicles.

Such a location, set back from Broad St., may reduce the feasibility of a connection to the municipal water supply on Broad St. However, chip wagons, food trucks and the like are to be mobile and self-sufficient, with water storage units and a holding tank for effluent, all of which must meet the requirements of Ontario Regulation 562 filed under the Health Protection and Promotion Act as enforced by the Health Unit.

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It is also recommended that no additional accessory structures, storage or seating be located on the site at 35 Broad Street as they pertain to the operation of the chip wagon. This will provide a measure of fairness to other food outlets and restaurants which are required to provide public washrooms.

To be consistent with Council's actions on other similar applications for this type of use, a three (3) year temporary zone should be applied. The temporary zone is recommended to ensure that the property and the proposed chip wagon remain esthetically pleasing as this is a very prominent location in the city. The temporary zoning will also provide an ample timeframe to examine whether there are any negative neighbourhood impacts, as well as for the opportunity for this use to fall by the wayside should the applicant cease operation and vacate the property.

The use of permanent zoning is cautioned, as it would be difficult to establish design criteria for a chip wagon that may locate at this location, unlike buildings or structures which would be subject to Site Plan Approval.

It is also recommended that the zoning require the seasonal removal of the food truck. This will free up the parking spaces which are obstructed when the mobile facility is in use.

Should the recommendations above be accepted by Council, the zone would read similar to the following:

"T-C2D-11

In addition to the uses permitted in the C2D-General Commercial Downtown Zone, a chip wagon shall be permitted in the T-C2D-11 Zone, for a three (3) year period.

The chip truck is to be located at or near the southeast corner of the existing parking lot, and must be removed from the site when not in operation seasonally.

No accessory storage or structures are permitted in association with the chip wagon."

Council should be aware that temporary zoning can be imposed in accordance with Section 39 of the Planning Act, R.S.O. 1990. At the end of the three (3) year temporary zoning, the applicant may wish to apply for an extension. Should this be the case, there is a reduced fee for an extension of a temporary use.

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POLICY IMPLICATIONS

As noted in the Analysis section of this report, the proposed amendment to Zoning By-law 194-94 for 35 Broad Street is consistent with the PPS and with the relevant policies of the City's Official Plan.

FINANCIAL CONSIDERATIONS:

City of Brockville does not currently charge a licensing fee for a chip wagon located on private lands, and no additional taxation is generated, as mobile facilities are chattels which are not assessed value for municipal property tax purposes.

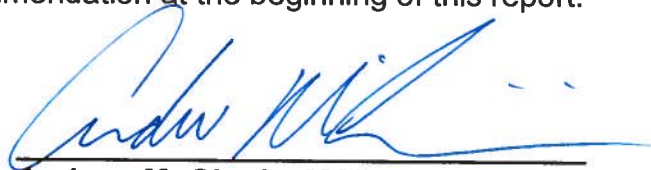
There could be an argument made for imposition of a fee to obtain a license based on Health Unit inspections to ensure that the chip wagon or food truck is in compliance with all relevant food premises regulations. The City could use such a license fee as partial cost recovery for its share of the Health Unit's operating expenses.

CONCLUSION

Following review of the PPS, Official Plan and Zoning By-law, it is reasonable to allow a chip wagon on the property at 35 Broad Street. However, for the reasons set out in this report, it is appropriate to create a special exception zone to allow a chip wagon as a temporary permitted use only, in addition to all other uses currently permitted within the C2D – General Commercial Downtown Zone. Other criteria recommended to be applied would prohibit accessory structures, storage and seating associated with the chip wagon. Also, the annual removal of the chip wagon for the winter season should be considered. This is reflected in the recommendation at the beginning of this report.



M. Pascoe Merkley, MCIP, RPP
Director of Planning



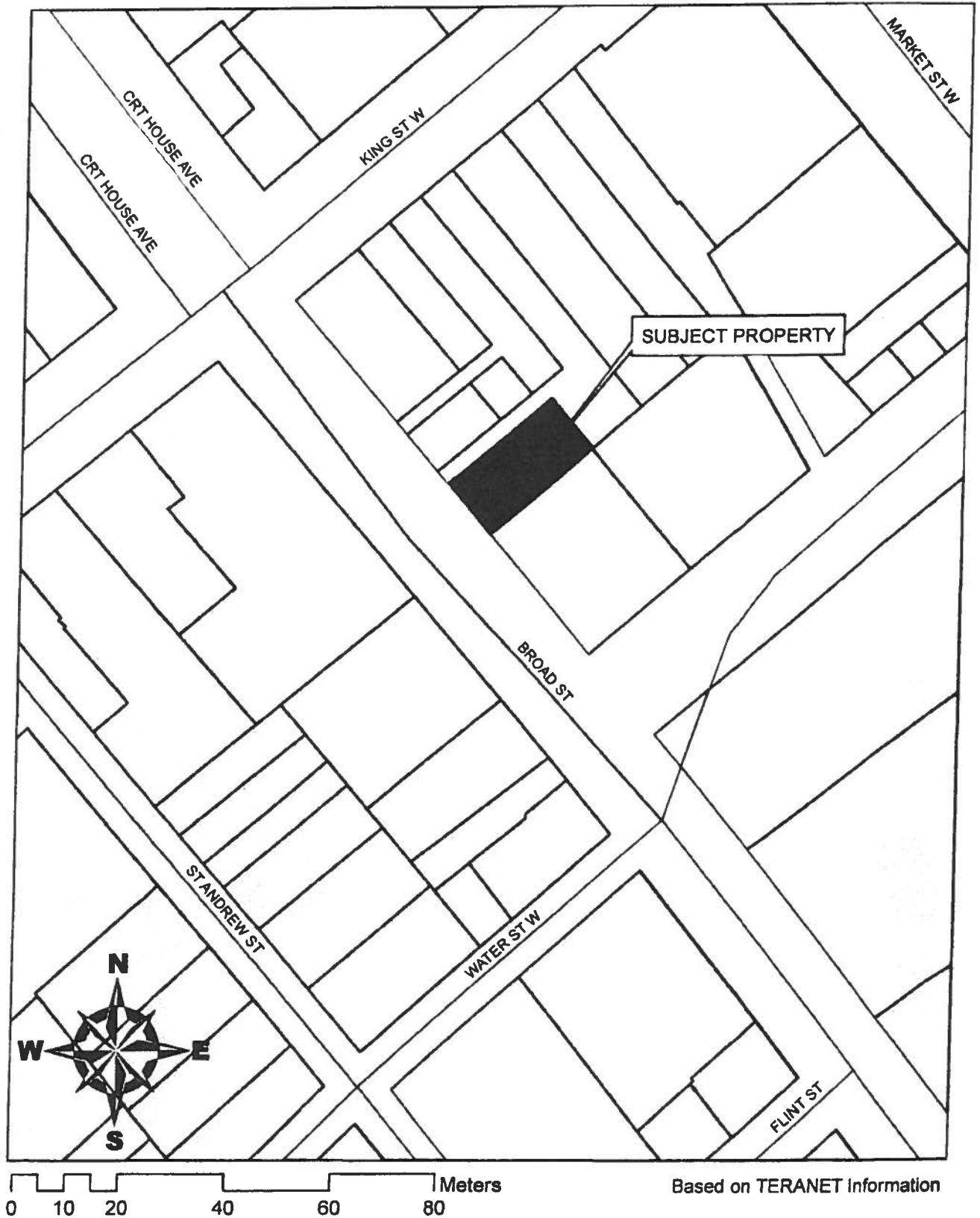
Andrew McGinnis, MCIP, RPP
Planner II

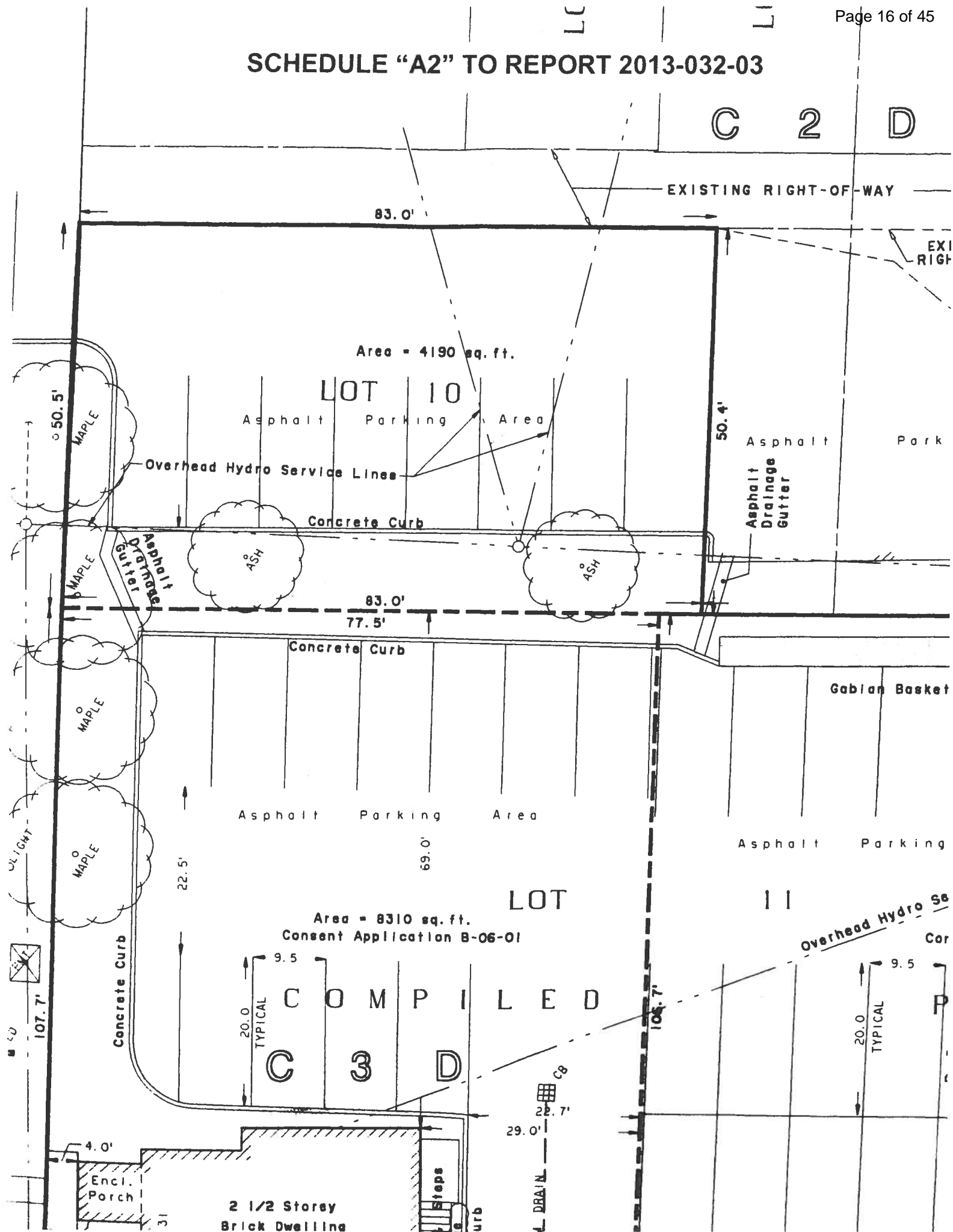


B. Casselman
City Manager

SCHEDULE "A1" TO REPORT 2013-032-03

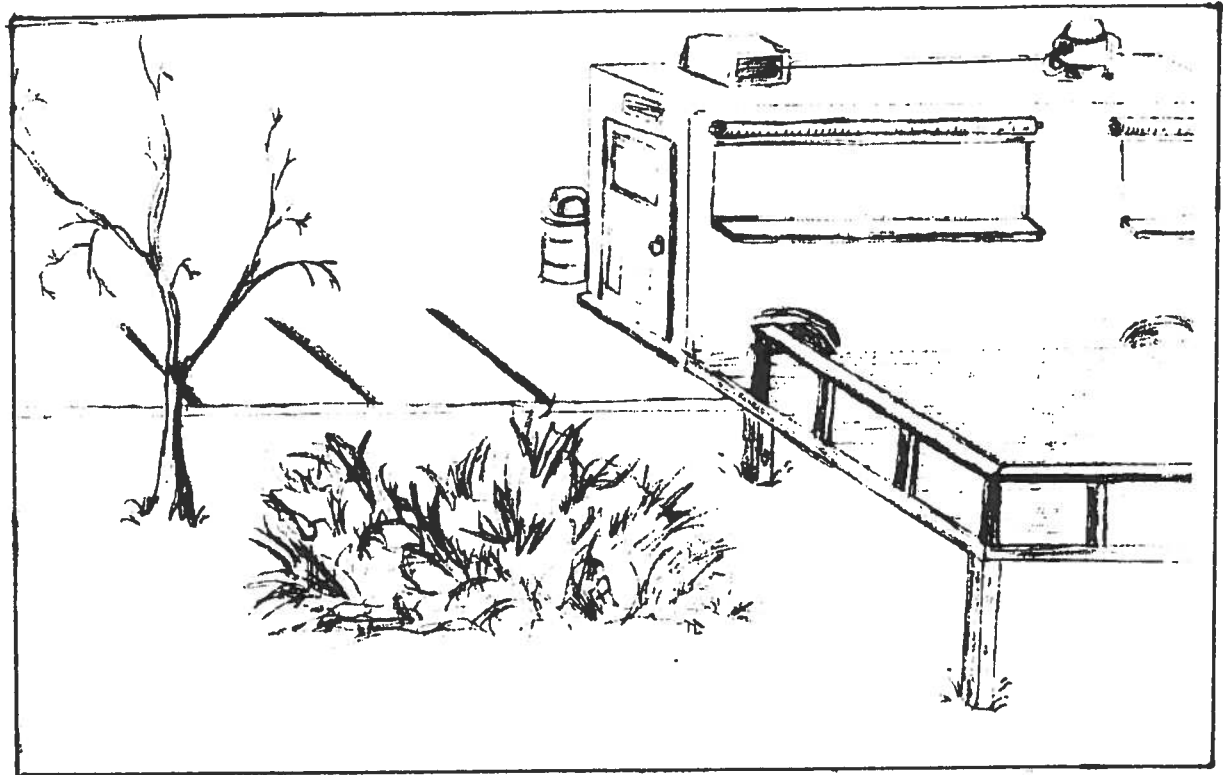
35 BROAD STREET



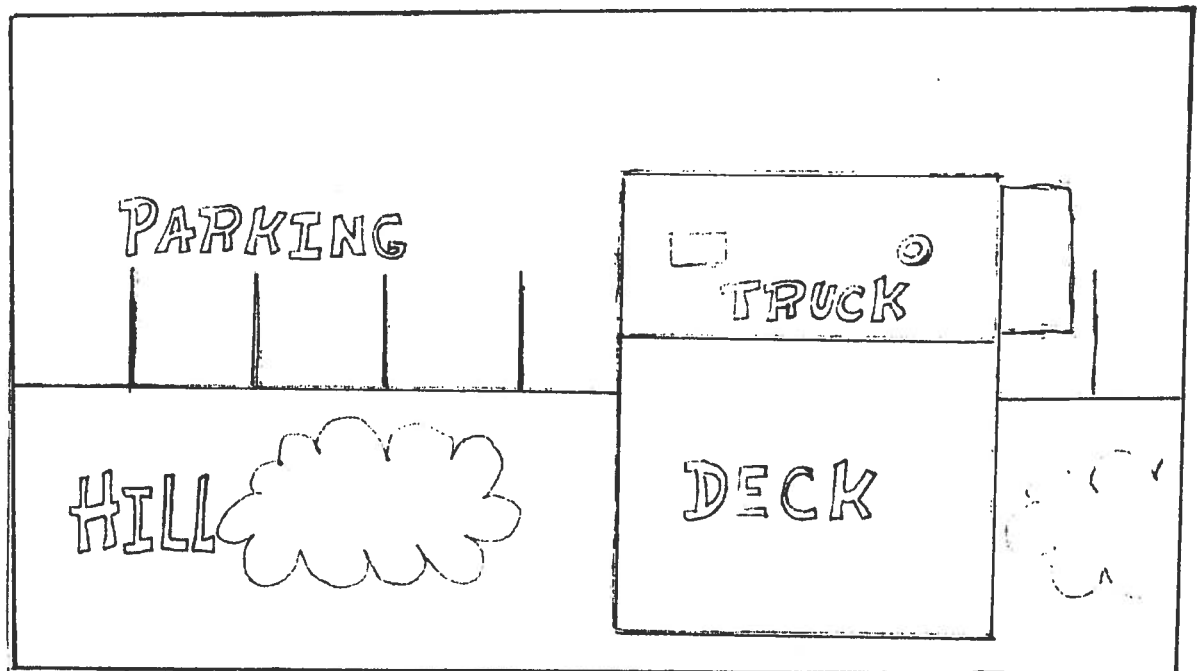


SCHEDULE "B" TO REPORT 2013-032-03

Sketch 1: proposed redevelopment



Sketch 2: site plan of proposed development



BROAD STREET

SCHEDULE "C" TO REPORT 2013-032-03

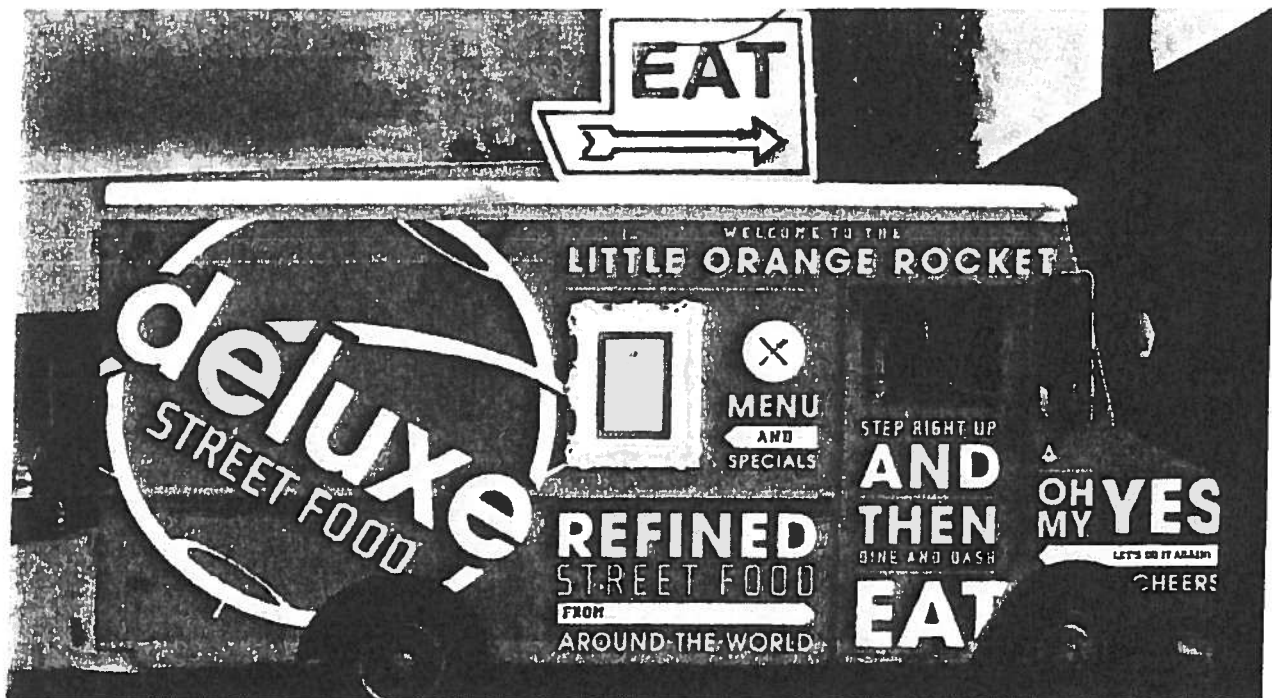
FOOD TRUCK 2013

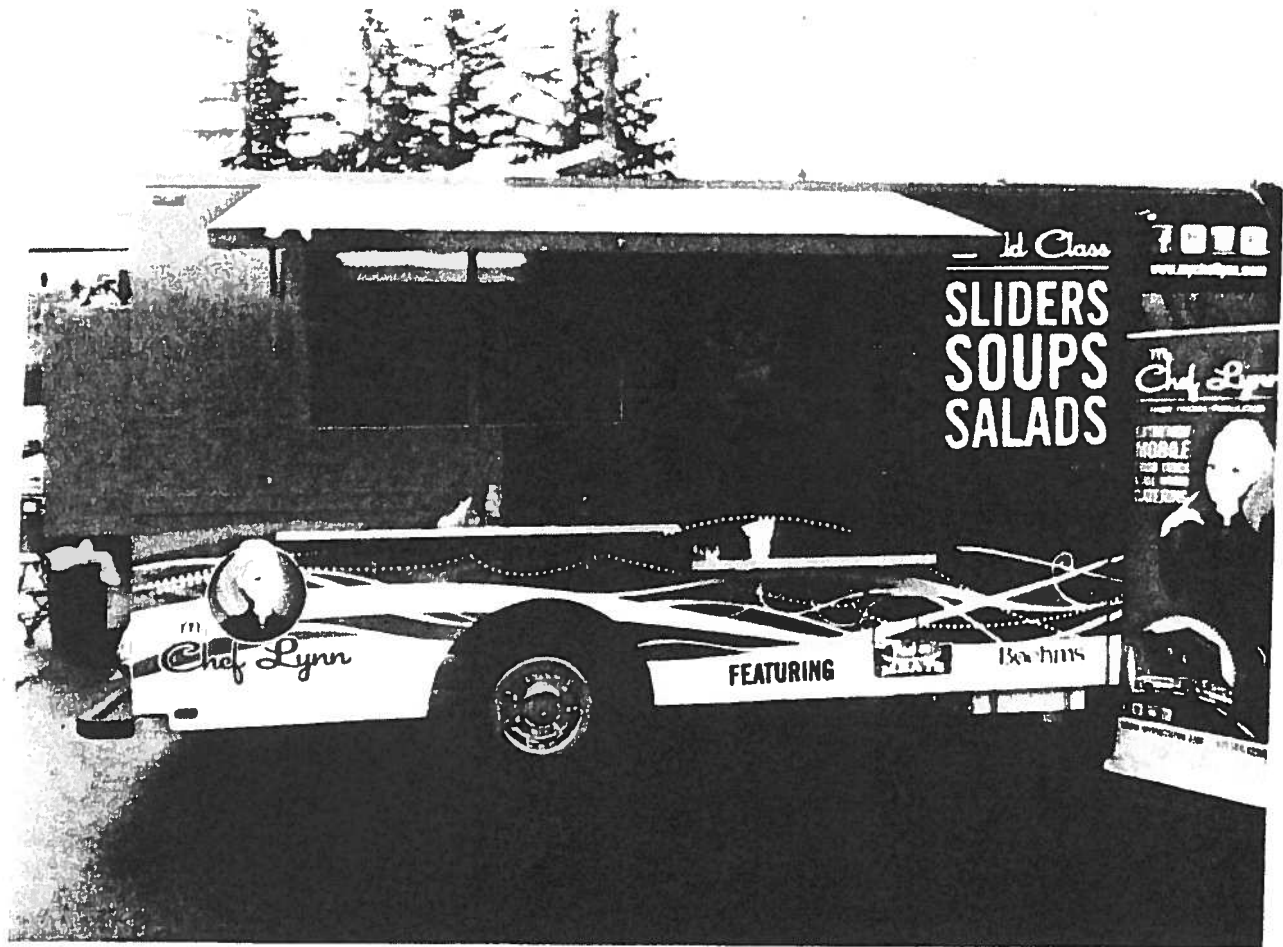
This seasonal food truck will be specializing in freshly made quality products, utilizing locally grown ingredients. The main supply chain is to be provided within 100 miles, with the focus on purchasing from our local farmer's market.

There will be three purchasing experiences. First, there will be a small number of wicker patio seats for customers to enjoy an espresso or freshly squeezed seasonal juice, as well as a meal. Secondly, our customers will be able to purchase all of our homemade style products to either enjoy on the go, or take home to experience in the comfort of their own living space. Our third experience will allow our downtown customers to have our savory products delivered to their home or business. Our delivery service will consist of our employees delivering the products by foot, or by bicycle, to remain true to our green and healthy effort.

Our products will range in price from \$2.00 to approximately \$12.00. Our target market ranges from traditionally "early birds" looking for a relaxing place to read the morning paper, through to a group of people looking to share freshly prepared local products, either in the office or at home.

With this in mind, our desired hours of operation would be from 8:00am until 9:00pm, allowing our customers to begin their day with us enjoying a sunrise café mocha or stopping by for ice cream with their children while enjoying a leisurely bike ride along the Brock Trail in the early evening.





SCHEDULE "D" TO REPORT 2013-032-03

Public Meeting
Economic Development
Planning Committee
 Thursday, January 10, 2013, 6:00 p.m.
 City Hall, Council Chamber

Committee Members:

Councillor M. Kalivas, Chair
 Councillor T. Blanchard
 Councillor Mayor D. Henderson, Ex-Officio

Regrets:

Councillor J. Baker
 Councillor M. McFall

Staff:

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

Others:

Mr. R. Zajac, Recorder and Times

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

ITEM

1. **2013-008-01**
Proposed Amendment to Zoning By-Law 194-94
35 Broad St., City of Brockville

Moved by: Councillor Blanchard

THAT Report 2013-008-01 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. A. McGinnis, Planner II, announced that Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on December 20, 2012 and was circulated to property owners within 120.0 metres (400.0 ft) of the subject property. A sign was requested to be posted on the subject property advising that the lands are the subject of an Application for Amendment to the City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited.

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 Mr. McGinnis to explain the purpose of the Public Meeting and the nature of the application.

Mr. McGinnis reviewed the proposed amendment to Zoning By-Law 194-94.

The following persons spoke in support of the proposed amendment:

Mr. Dan Thompson, 8731 County Road 28, Brockville, Ontario K6V 5T4, the applicant, spoke in favour of the amendment. He distributed letters of support. He said it would be a brand new truck with new equipment and would meet all requirements. He stated that it will not be a traditional chip truck but will be a gourmet food truck with a temporary patio on the front. There would be no late night hours as it would close for business at 9:00 p.m. each day. The menu is to be designed with a 100 mile diet in mind. The food would be made fresh on site and the main supplier would be the Brockville Farmer's Market. He stated that he wishes to provide healthy "on the go" meals. The truck signs will also meet all Heritage Brockville signage requirements and would have a riverfront theme with the downtown in mind. He stated that the patio, which would seat 6 to 8 persons, would face south thereby cleaning up the current brush and garbage area with awnings or umbrellas and overlook Blockhouse Island. It would also provide summer jobs for students.

No persons spoke in opposition of the proposed amendment.

The Public Meeting for Staff Report 2013-008-01 concluded. (6:14 p.m.)

Note: No persons completed the Requests for Information form.

2. **2013-009-01**
Proposed Amendment to Zoning By-Law 194-94
36-46 King Street West, City of Brockville

SCHEDULE "E" TO REPORT 2013-032-03

Andrew McGinnis

From: Steve Allen
Sent: Thursday, January 03, 2013 3:43 PM
To: Andrew McGinnis
Cc: Conal Cosgrove; Peter Raabe
Subject: By-Law Amendments

Andrew

1. 35 Broad Street – Chip Wagon and deck – Environmental Services do not have concerns with this type of development but it should be noted that site services will probably have to be connected to water and sewer mains on Broad Street. It is unclear where the exact location of this Chip Wagon is to be located and what parking requirements are to be provided for costumers.
2. 36-40 King Street West – Environmental Services do not have any concerns with this type of development however we do have concerns with parking and loading zones that will be required to support the development.

Steve

Steven Allen, C.E.T., M.M.

Supervisor of Engineering

Engineering Division

City Of Brockville

1 King Street Wt.

K6V 7A5

613-342-8772, Ext 8223

sallen@brockville.com

Website: <http://city.brockville.on.ca/favicon.ico>

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*Hometown Charm...
World Class Business!*

December 21, 2012

City of Brockville
Planning Department

Subject: 35 Broad Street Rezoning Application/Steve Cruize

The Economic Development office is supportive of the site specific site zoning application for 35 Broad Street. The rationale for support is based on an earlier meeting with the proponents which include the following specific details as presented on the conceptual offerings of the proposed business operation;

- Food product offerings will be unique and associated with lifestyle choices in both the food and beverage categories (i.e. freshly squeezed juices, quality pastries, deli bistro fare)
- Location of operation situated on a secondary street with limited visual exposure to the city's main street
- Located on a key artery to the waterfront, and as such, potential for a residential and tourist market for visitors heading towards Aquatarium
- Proponents expressed interest in enhancing the level of detailed design, landscaping and include unique awnings to present a quality higher end fast food outlet with an outdoor European style bistro theme
- Proponent has significant experience in the food hospitality and beverage industry with a proven reputation in food service and being a solid contributor to many charitable organizations within the community
- The proximity to the proposed Blockhouse Square development is another factor on market penetration and viability/feasibility for business venture
- Value chain supplies and contracting will be completed locally, utilizing Hendrix Hotel Restaurant supplies
- Proponent will be following 'local flavours' philosophy and purchase food items within 100 kilometers of Brockville

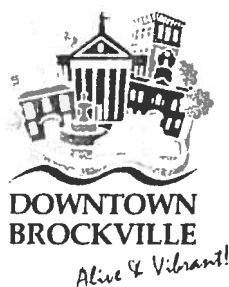
Sincerely,

A handwritten signature in black ink, appearing to read "David Paul".

David C. Paul, Ec.D. (F)
Director of Economic Development

DCP/sd

y/sdunbar/planningdept35broad.doc



January 31, 2013

Ms. Maureen Pascoe - Merkley
Director of Planning - City of Brockville

Re: Proposed Amendment to the Zoning By-law 194-94
35 Broad St., City of Brockville

Dear Ms. Pascoe-Merkley

The DBIA Board of Directors has reviewed the proposed Amendment to Zoning By-Law 194-94, 35 Broad St. and would like to support this application with recommendations. We feel that the recommendations would allow for the proposed mobile food truck to be a more suitable fit to our Downtown and allow for the adjacent businesses to conduct their day to day operations with minimal disruptions.

Part of our vision states that we will strengthen our economic base by providing member businesses with opportunities to enhance their individual business development and to prosper, and develop a diversified mix of quality shops and services. Revitalize streetscapes with improvements to buildings, public spaces and infrastructure in keeping with Downtown's historic character and with the highest standards of workmanship and design excellence.

To ensure that our Vision is realized we recommend the following:

1. The proposed mobile food truck design and signing be approved by the City Planning Department and would be in keeping with the historic character of our Downtown.
2. The proposed mobile food truck running east to west and at the south east end of the property.
3. That the proposed mobile food truck not interferes with the adjacent businesses/ property owners day to day business activities.

Yours truly,

A handwritten signature in black ink that reads "Wendy Onstein". The signature is fluid and cursive.

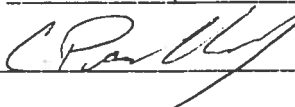
Wendy Onstein
Chair-Downtown Business Improvement Area



January 10, 2013

I am in support of the proposed amendment to the City of Brockville zoning by-law for 35 Broad Street, Brockville, Ontario, K6V 4T9. I am aware of the proposed use of a seasonal food truck for this location. I believe it will be a positive addition to downtown Brockville, its merchants and their patrons.

Printed Name: CRAIG PANKHURST

Signature: 

Broad St. Billiards



Office ~ (613) 345-6789

4 Courthouse Ave
Brockville ON
K6V 4T1

Fax ~ (613) 345-4994



January 10, 2013

I am in support of the proposed amendment to the City of Brockville zoning by-law for 35 Broad Street, Brockville, Ontario, K6V 4T9. I am aware of the proposed use of a seasonal food truck for this location. I believe it will be a positive addition to downtown Brockville, its merchants and their patrons.

Printed Name: _____

Signature: _____

Limestone & Ivy



Office ~ (613) 345-6789

Fax ~ (613) 345-4994

4 Courthouse Ave
Brockville ON
K6V 4T1



January 10, 2013

I am in support of the proposed amendment to the City of Brockville zoning by-law for 35 Broad Street, Brockville, Ontario, K6V 4T9. I am aware of the proposed use of a seasonal food truck for this location. I believe it will be a positive addition to downtown Brockville, its merchants and their patrons.

Printed Name: KEITH ROBINSON

Signature: Keith Robinson

Para- Paints



Office ~ (613) 345-6789

4 Courthouse Ave
Brockville ON
K6V 4T1

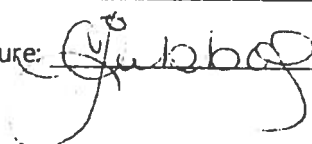
Fax ~ (613) 345-4994



January 10, 2013

I am in support of the proposed amendment to the City of Brockville zoning by-law for 35 Broad Street, Brockville, Ontario, K6V 4T9. I am aware of the proposed use of a seasonal food truck for this location. I believe it will be a positive addition to downtown Brockville, its merchants and their patrons.

Printed Name: Chelsea Hibbas

Signature: 

Echo Clothing Company



Office ~ (613) 345-6789

4 Courthouse Ave
Brockville ON
K6V 4T1

Fax ~ (613) 345-4994

Andrew McGinnis

From: Ogies <ogies@cogeco.ca>
Sent: Sunday, January 13, 2013 9:37 PM
To: Andrew McGinnis
Subject: re Broad St. wagon

Andrew

Just a note to let you know that I strongly oppose this proposal for rezoning on Broad St. We concentrate on the heritage look of buildings and signing and no matter how you dress it up, a wagon is still a wagon.

Will this open the way for other vendors to do the same? Also, the parking of cars in and out of that lane way could be a big problem as there is no through way and cars must drive back out onto Broad St. At the best of times there is a back up of traffic going north on Broad, we don't need anymore congestion there especially when the new Aquatarium opens.

The Keystorm has a patio set up all summer where they can offer a new menu of gourmet foods. Let us all concentrate on improving what we now have. What would a business like this be paying in taxes for such a business, I'm sure not the same as the three deli's on King St. are paying and yet. they would be taking away extra business from now existing shops.

Thank you,
Phyllis Ogilvie
Ogies Cafe Deli
23 King St. W.

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<http://www.eset.com>

Lorraine Bagnell

From: Tait's Bakery Downtown <tbakery@cogeco.net>
Sent: January 11, 2013 9:00 AM
To: Lorraine Bagnell
Subject: att: Loraine Bagnell

Concerning the proposed chiptruck to be placed on the former salvation army premises we have a couple of major concerns.

1) right of way: Proposed owners/operators do not have a legal right of way for the the whole entrance- it is approx 20 ft and they have use of half of that. They will be encroaching on our property.

2) congestion: right now, numerous trucks are loading and unloading at Ritchies and Tait's. This is not a laneway that is not used- it is far too congested to be used as a transient business.

The proposed owners have not contacted me or my legal representative about this proposed use - that I would expect to be done ASAP.

Like I mentioned in phone call, because of mail issues, etc with the transfer of sale, I did not know the date of the public meeting so I apologize for not attending this.

Stephen Mazurek
John Mazurek

Co-owner of property 31 King St W.

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IN THE MATTER OF APPLICATION 2013-008-01

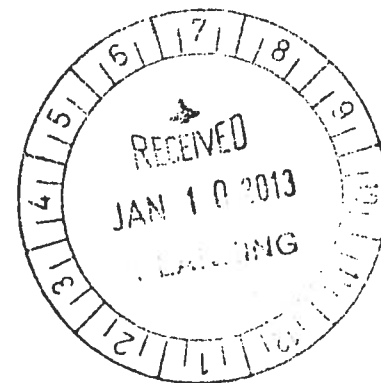
PROPOSED AMENDMENT TO ZONING BY-LAW 194-94

35 BROAD STREET, CITY OF BROCKVILLE

OWNER: STEVEN KRUIZE

APPLICANT: DANIEL THOMPSON

FILE: D14-160



WRITTEN SUBMISSIONS ON BEHALF OF FOLLOWING OBJECTING PARTIES:

Lise Bickerton, Owner of 36 Broad Street, resident at Suite 200, 36 Broad Street;
 Angus Bickerton, Owner of Fraser & Bickerton, Barristers & Solicitors, at Suite 100, 36 Broad Street, and resident at Suite 200, 36 Broad Street;
 2060101 Ontario Inc., Owner of 28-30 Broad Street;
 Stephen Bickerton and Jenny Mitchell, Owners of 26 Broad Street; and
 Carman Bickerton and Dorothy Bickerton, Owners of 34 Water Street

TO THE MEMBERS OF THE ECONOMIC AND PLANNING COMMITTEE

Dear Sirs and Madams:

I am making these submissions to you as a resident and business owner on Broad Street, and on behalf of my wife Lise Bickerton, my brother and sister-in-law, Stephen Bickerton and Jenny Mitchell, my parents, Carman and Dorothy Bickerton, and my company, 2060105 Ontario Inc. Our respective ownership interests with regard to the proposed amendment are set out above. We are objecting to the Application.

Firstly, with regard to the general proposition contained in the Application, the proponents of the amendment have made a quality proposal, for a service that will likely have some success. While I do not know the Applicant, the owner Steven Kruize is well known to me professionally. He is an excellent property owner and citizen of Brockville, improving properties that were long-standing problems for owners and occupants in the Downtown. He is precisely the kind of property owner that the City should be trying to attract and keep.

While the reactions from the various departments of the City is that they "have no objection", this merely means that the City departments are not concerned that the proposal will make their respective responsibilities more difficult. This as it should be with any Application to amend the Zoning By-Law.

The one reaction from the City that is troubling is that of the Director of Economic Development. While he lauds the positive attributes of having a food truck (chip wagon) on Broad Street, he has omitted mention of any of the negative aspects thereof, namely refuse thrown on the ground by patrons, increased pressure on parking, and most notably, its complete lack of consistency with the heritage nature of the heart of downtown and the corresponding provisions outlined in the Official Plan for the Downtown and Central Waterfront Area.

The Official Plan must be the primary determining factor in the success or failure of the Application. The Zoning By-law finds its genesis in the Official Plan, and if the By-law is to be amended, it must be done in accordance with the intents and purposes of the Official Plan.

The Official Plan is brand new, having received approval only on February 9, 2012, eleven months ago. The Official Plan is the result of over three years of very hard work, using hundreds of work hours, extensive public consultation, review and improvement by various consultants, City planning staff, Council itself, and finally, the Ministry of Municipal Affairs and Housing. These facts dictate that the Committee's first consideration must be "does the application to amend the by-law fit within the intents and purposes of the Official Plan?" In my respectful submission, it does not.

The Committee has wisely noted the issues for determining whether or not the Application should be granted as the following:

1. Appropriateness of adding a food truck (chip wagon) as a permitted use at this location.
2. Permitted use versus a temporary use.
3. Impact on neighbourhood.

Issue 1: Appropriateness of adding a food truck (chip wagon) as a permitted use at this location.

The area in question is set out in Section 4.2 the Official Plan as the Downtown and Central Waterfront Area, which "reflects the historical City of Brockville as a service and cultural centre."¹ While a bistro type fast food outlet could fit in the historical City of Brockville, clearly a food truck (chip wagon) was not considered by the City while the Official Plan was being drafted. The policy reasons therefor are obvious, in that a food truck does not fit the heritage nature of the buildings surrounding 35 Broad Street, and

¹ City of Brockville Official Plan, Section 4.2.1, p. 4-3

there are numerous vacant properties in the downtown that are zoned for food delivery. Inconsistencies with the intent of the Official Plan are as follows:

1. "New development shall be consistent with the City's approved Downtown and Waterfront Master Plan and Urban Design Strategy."² Given the emphasis on heritage buildings in the Downtown, clearly a food truck (chip wagon) is not consistent with the City's plan for the downtown, nor is it consistent with the spirit of the Provincial Planning Statement on the issue of Cultural Heritage and Archeology. The Provincial Planning Statement indicates that development or alteration of properties adjacent to heritage property can only occur if the heritage attributes of the adjacent property are conserved.³ Given the inconsistency of a food truck (chip wagon) with heritage buildings, such a use would have a negative impact on the heritage of the Downtown.
2. "Development...shall reinforce the linkages to the waterfront and preserve and enhance views, contribute to the pedestrian animation at the ground floor level, and provide streetscape elements that improve look, feel, and vibrancy of the [Downtown]".⁴ While the use stated in the application will likely contribute to pedestrian animation and improve vibrancy in the Downtown, it will not preserve and enhance views, nor will it improve the look of Broad Street. A food truck (chip wagon) next to heritage buildings of almost 200 years of age is hardly consistent or pleasing to the eye. Vibrancy and pedestrian animation would be better served by the Applicant using an already existing vacant store front on King Street for his food sales operation.
3. Given the high level requirements for Signature Architecture under the Official Plan,⁵ it is surprising that this kind of treatment for 35 Broad Street is being considered. It is one of the goals of the Official Plan to redevelop the north side of Water Street between Broad Street and Market Street West. A recent public announcement of a \$50 million project for that very area, with a mixed commercial and multi-story residential building, is completely contradicted by having a food truck (chip wagon) immediately adjacent to this proposed development.⁶
4. One of the objectives of the Official Plan is to increase density and use of underused properties in the Downtown. At first glance, the Application appears to

² *Ibid.*, Section 4.2.3.2, p. 4-4

³ Provincial Planning Statement, Section 2.6 generally

⁴ City of Brockville Official Plan, Section 4.2.3.8, p. 4-5

⁵ *Ibid.*, Section 4.2.3.17

⁶ *Brockville Recorder and Times*, Nov. 13, 2012

do this, but it comes at the cost of decreasing usage in already constructed buildings that stand vacant. The City must focus on filling King Street in order to make the Downtown vibrant, not creating yet another competing venue for King Street. Given the number of nearby vacancies, this is a viable alternative for the Applicant.

5. The Applicant could sell his business at some point, and a less community-minded individual might then run the business in a manner that the Applicant would never consider, and which the Committee cannot govern. The decision must be based on the land use, not the individual concerned. The Applicant's upstanding nature is not an issue to be considered by the Committee.
6. A food-truck (chip wagon) operation is not suited to environmental sustainability, and will be using non-reusable containers for its customers, instead of re-usable dishes used by the restaurants already existing in the Downtown. As a City, we must encourage our businesses to be environmentally sustainable, given the cost to the City of shipping garbage to landfills in other jurisdictions, the impact of litter and rubbish on the view and esthetics of Broad Street, and our overall societal responsibility to reduce the amount of resources we use and dispose of.
7. A food truck (chip wagon) is not an appropriate permitted use at this location because The City of Brockville said it wasn't. The Official Plan was considered very carefully, with public consultation and expert input, and was approved by Council and the Ministry. The citizens of Brockville did not want food trucks in the Downtown, City planners did not think it advisable to have food trucks in the Downtown, and Council agreed. The Official Plan, approved only 11 months ago, is the statement of the intention of the City of Brockville for the future of the Downtown for the next twenty years, and it does not include food trucks (chip wagons) for the Downtown. It is notable that the previous Official Plan also did not allow food trucks (chip wagons) in the Downtown.

Therefore, and with respect, I submit that it is not appropriate to add a food truck as a permitted use on Broad Street, or in the Downtown generally.

Issue 2: Permitted use versus a temporary use.

Section 39 of the *Planning Act* (R.S.O. 1990 Chapter P-13) allows the City to authorize the temporary use of land for any purpose that is prohibited by the Zoning By-law.

If the answer to the appropriateness question is no, then a temporary use must also be refused, as it simply does an end run around the intents and purposes of our brand new Official Plan. The Applicant is seeking to set up a permanent business, and issuing a temporary permit would be inconsistent with that purpose. A temporary permit is temporary for one of two reasons: (1) the use for which the permit is required is also temporary; and (2) in the case where future large-scale changes to the Official Plan and/or Zoning By-law are being considered. Neither is the case with the Application.

Section 39 of the *Planning Act* is not meant to be used a means of circumventing the by-law just for the purpose of approving a use that is completely inconsistent with the Official Plan. It is to be used very judiciously and sparingly, as it otherwise could completely defeat the purpose of having an Official Plan and Zoning By-law.

Clearly, in this instance, a temporary use authorization should not be considered.

Issue 3: Impact on Neighbourhood

The impact on the neighbourhood immediately adjacent to 35 Broad Street will be negative, on the whole. While there will be the potential for increased foot traffic and service of tourism, the following impacts must be considered:

1. A food truck (chip wagon) by its very nature is an outdoor food establishment, with take-out and eating outside as its main food-delivery models, using non-reusable food containers. Increased refuse and litter on Broad Street will be an inevitable major negative impact, and is already a problem with the customers of other local fast food outlets. It is unlikely that the Applicant will be able to ensure that his customers will be neat and tidy, just as other take-away food vendors cannot.
2. There will be increased pressure on street level parking;
3. It is inconsistent with proposed development and re-direction of Water Street on the lands to the immediate south of 35 Broad Street, and also with the new Tall Ships Landing Development at 6 Broad Street.
4. It is inconsistent with the placement of the Cenotaph at the intersection of King Street and Court House Avenue, whereas an indoor commercial space is not.

Accordingly, I submit that the impact on the immediate neighbourhood will be generally negative, notwithstanding the positive aspects of the Application.

CONCLUSION

In summary, the Application should be refused, as it fails to meet the standard of appropriateness for the Downtown, it fails to comply with the Official Plan and the stated wishes of the people and representatives of the City of Brockville, it exacerbates the long-standing problem of vacant store front properties on King Street, and will add to the problem of urban litter in the downtown.

The Committee's questions are all answered negatively:

1. The suggested use is inappropriate due to:
 - (1) Its inconsistency with the spirit, intent and specific provisions of the Downtown and Waterfront Master Plan and Urban Design Strategy and the Provincial Planning Statement;
 - (2) It is inconsistent with a recently announced multi-million dollar project on the land to the immediate south of the proposed location of the food truck (chip wagon);
 - (3) It will fail to enhance the heritage nature of Broad Street, and the views and streetscape of the heart of Downtown;
 - (4) It will exacerbate the problem of vacant store fronts on King Street, which the Applicant could easily use for the same type of business without the need for an Amendment;
 - (5) The Applicant's excellent character is not a proper issue to consider, only land use;
 - (6) Take-away food businesses are not suited to environmental sustainability, and will lead to increased refuse and litter in the Downtown; and
 - (7) It is inconsistent with several parts of the Official Plan, which is the statement of the wishes of the People and leaders of the City of Brockville. On this fact alone, the Application should be rejected.
2. Permanent versus temporary use. Temporary Use would be inappropriate for all the reasons stated in the answers to question 1 above.
3. Impact on the immediate neighbourhood is negative, mostly for the same reasons stated for the Application's inconsistency with the Official Plan. This use is inconsistent with the people and businesses that are already there, and with the plan and intentions of the City of Brockville.

In accordance with all of the above, I ask the Committee to reject the Application.

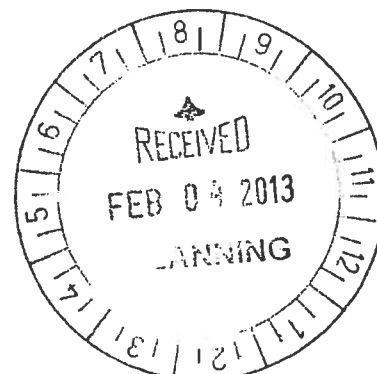
Subject to your comments and questions, I am,

Yours very truly,

Angus F. Bickerton

Feb.2 2013

Maureen Pascoe Merkley
Director of Planning
City of Brockville
1 King St. West
Brockville, Ont.



Dear Maureen,

I am writing you to voice my concerns about the proposed Food Truck by Steve Kruize and Dan Thompson to be located on Broad St. I have 3 concerns regarding this proposal and why I don't think it's a good idea.

One is I believe there is a "right of way" for property owners east of the proposed location and I feel it will be blocked and congested. Cars and pedestrians will be blocking access.

Secondly, I feel this is going to be an eyesore and not fit in as we all try to beautify downtown Brockville and especially the waterfront area. Picnic tables and a truck will not be ecstatically pleasing in this location.

Finally, and this one might not apply with your Department but, why would Dan Thompson want a food truck 100 yards from his own door when we already have Pizza Pizza, Tait's, Bobolii, Georgian Dragon, Buds on the Bay, Kazuko and a new restaurant in the Tall Ships Landing all in the area. We all pay heavy Property Taxes and it's unfair I believe to allow this Temporary Business to infringe on us.

I don't think Mr. Thompson would like any of us to have a Food truck parked outside his door.

Thank You

Respectfully Yours,
John Ackerman
Buds on the Bay

Maureen Pascoe Merkley

From: Perry Wenham <perry_wenham@hotmail.com>
Sent: February 5, 2013 9:22 AM
To: Maureen Pascoe Merkley
Subject: Food truck

Sorry about the timing of this email as I know that meeting is tonight however I have mixed feelings, I really think a food truck in the downtown is a great idea however the food truck in my back parking lot is not such a great idea

1. Safety My delivery trucks are in and out many times a day and with people milling around really concerns me and my staff

2. Parking. There is limited amount of staff parking and even with the assurance that our spots won't be used we all know that they will be used...

3. The parking lot is very tight already and small cars evens find it hard sometimes and with more cars an people it will become impossible to move..

In closing I want to say again that while a food truck in downtown is a great idea I just think that there is a better place for it, we want downtown to grow but with another food stop it is bound to hurt the already established food outlets downtown Thanks once again

Perry Wenham
President
Wenham Food Services Inc.
Taits Bakery

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Leeds, Grenville & Lanark District HEALTH UNIT

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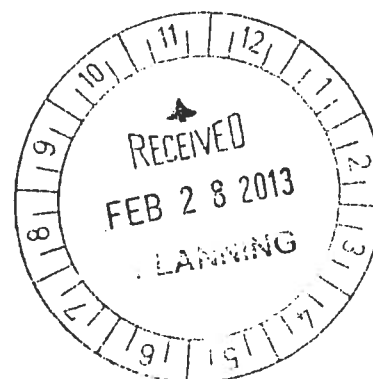
February 27, 2013

Mr. Andrew McGinnis, MCIP, RPP
City of Brockville
1 King St W, PO Box 5000
Brockville ON K6V 7A5

By email: AMcGinnis@brockville.com

Dear Mr. McGinnis:

Re: 35 Broad Street, Brockville ON
File No. D14-160



The Health Unit has no objection to the location of the proposed mobile food premises or zoning changes to the property. We do however object to the deck that is proposed.

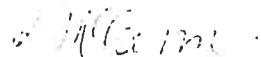
The proposal submitted includes seating on the deck. If seating is provided public washrooms must also be provided for customer use, as per the Ontario Food Premises Regulation 562 and the Ontario Building Code.

Mobile food premises must dispose of sewage (grey or black) in a sanitary manner i.e. through a licensed pumper, a municipal sewer or by other means approved by the Health Unit. Mobile food premises are also required to provide potable water for food preparation. I am concerned that if the City is not providing direct connections of sewer and water to the Mobile food Premises and a deck is added it may be difficult for the food premises fill their potable water tank and dispose of the their sewage in a sanitary manner.

Thank you for allowing us to comment on this matter. Please advise the applicant to contact our office regarding the requirements for mobile food premises.

Yours truly,

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



Kim McCann, B.A.Sc., C.P.H.I.(C)
Senior Public Health Inspector

KMC:di

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SCHEDULE "F" TO REPORT 2013-032-03

Zoning by-law 194-94 – Part 6.0 – COMMERCIAL ZONES
(consolidated copy)

Part 6.0
Page 1

6.0 COMMERCIAL ZONES

6.1 GENERAL

Unless otherwise permitted in this By-law, no person shall, within any Commercial Zone, use any land or erect or cause to be erected or used, any building or structure, except in accordance with the uses permitted in Plate "D", the provisions outlined in Plate "E" and all other applicable provisions of this By-law.

6.2 Permitted Uses in Commercial Zones - Plate "D"

USE	C1 (h,c)	C2 (h,c)	C2A (h)	C2D (h,c)	C3A to C3E (h,c)	C4 (h)	C5 (h,c)	C6 (h,c)	C7 (h)
Accessory Apartment Unit(s)	*(b)	*(b)		*(b)	*(b)			*(b)	
Artist's Workshop	*	*	*	*	*		*	*	*
Assembly Hall		*	*	*	*	*			*
Auctioneer's Establishment			*			*			
Automobile Body Shop						*(f)			
Automobile Leasing Agency		*	*	*		*			*
Automobile Rental Agency			*			*			*
Automobile Repair Garage			*	*(a)		*			
Automobile Gas Bar		*(a)	*	*(a)		*			
Automobile Sales Establishment			*(f)	*(f,a)		*(f)			*
Automobile Service Station		*(a)	*	*(a)		*			
Automotive Trade Use			*			*			
Bakery		*		*					*
Bake Shop	*	*	*	*	*		*	*	*
Bank or Trust Company		*	*	*	*		*	*	*
Bus Depot			*			*			*
Business/Professional Offices		*	*	*	*		*	*	*
Business Incubator		*	*	*	*		*	*	*
Business Service Establishment		*	*	*	*		*	*	*
Car Wash			*			*			*
Catering Service		*	*	*	*	*		*	*
Clinic	*	*	*	*	*		*	*	*
Commercial Greenhouse			*			*			
Commercial Recreation Est.		*	*	*	*	*	*	*	*
Commercial School		*	*	*	*			*	*
Commercial Use		*	*	*	*			*	*
Computer Design and Development Facility		*	*	*	*		*	*	*
Computer Service		*	*	*	*		*	*	*

[Note: *Indicates permitted use. Footnotes (a) - (s) - see subsection 6.2.1 - Text to Plate "D".]
(Amending By-laws 34-98, 93-99, 61-2001, 32-2003 as amended by OMB Order dated September 17, 2003)

6.2 Permitted Uses in Commercial Zones - Plate "D" (continued)

USE	C1 (h,c)	C2 (h,c)	C2A (h)	C2D (h,c)	C3A to C3E (h,c)	C4 (h)	C5 (h,c)	C6 (h,c)	C7 (h)
Contractor's Establishment		*	*	*		*			*
Convenience Store	*	*	*	*	*	*	*	*	*
Courier Service		*	*			*		*	*(m)
Custom Workshop		*	*	*	*			*	*
Data Processing Centre		*	*	*	*		*	*	*
Day Nursery	*	*	*	*	*		*	*	*
Dental Laboratory	*	*	*	*	*		*	*	*
Department Store								*	*(q)
Dry Cleaning Distribution Station	*	*	*	*	*		*	*	*
Dry Cleaning Plant		*	*				*	*	*
Delicatessen	*	*	*	*	*		*	*	*
Dwelling Unit				*(r)(s)	*(s)				
Factory Outlet									*(q)
Farmer's Market			*	*		*			
Film and Recording Studio		*	*	*				*	*
Flea Market		*	*			*			
Grocery Store		*	*	*			*	*	
Health Club		*	*	*	*	*		*	*
High Technology Retail Store		*	*	*	*		*	*	*(l)
Home Occupation	*	*		*	*				
Home Appliance Store		*	*(d)	*		*(d)	*	*	*(l,q)
Home Decorating Store		*	*(d)	*		*(d)	*	*	*(l,q)
Home Furnishing Store		*	*(d)	*		*(d)	*	*	*(l,q)
Home improvement Store		*	*(d)	*		*(d)		*	*
Hotel/Motel		*	*	*	*	*			*
Industrial Equipment Sales, Service and Rental									*
Industrial and/or Automotive Supply			*			*			*
Industrial Mall									*
Industrial Service									*
Industrial Use (Light)									*
Landscaping Contractor			*						
Laundromat	*	*	*	*	*	*		*	

[Note: *Indicates permitted use. Footnotes (a) - (s) - see subsection 6.2.1 - Text to Plate "D".]
 (Amending By-laws 34-98, 93-99, 61-2001, 32-2003 as amended by OMB Order dated September 17, 2003)

6.2 Permitted Uses in Commercial Zones - Plate "D" (continued)

USE	C1 (h,c)	C2 (h,c)	C2A (h)	C2D (h,c)	C3A to C3E (h,c)	C4 (h)	C5 (h,c)	C6 (h,c)	C7 (h)
Marina					*				
Marine Sales and Service			*		*	*			*
Medical Laboratory	*	*	*	*			*	*	*
Mixed Commercial/Residential Development			*	*	*				
Offices of Architects, Engineers, Planners, Surveyors		*	*	*	*		*	*	*
Parking Lot/Parking Garage				*	*				*
Personal Service Establishment	*	*	*	*	*		*	*	*
Photographic Establishment		*	*	*	*		*	*	*
Photographic Service		*	*	*	*		*	*	*
Printing Establishment		*	*	*	*		*	*	*
Private Club		*	*	*	*			*	*
Radio and Television Studio			*	*					*
Recreational Vehicle Sales, Service and Rental			*		*	*			
Research and Development Establishment		*	*	*	*		*	*	*
Restaurant - Eat-In		*	*	*	*	*	*	*	*
Restaurant - Fast Food		*	*	*	*	*		*	*
Restaurant - Take-Out	*	*	*	*	*		*	*	*
Restaurant - Outdoor Patio		*	*	*	*			*	*
Retail Store		*	*(d)	*	*		*	*	*(o,q)
Retail Warehouse		*	*			*		*	*(l,q)
Seasonal Use		*(e)	*(e)	*(e)	*(e)	*(e)	*(e)	*(e)	*(e)
Senior Citizens Day Care	*	*	*	*	*		*	*	
Service and Repair Shop	*	*	*	*	*			*	*
Service Use		*	*	*	*		*	*	*
Shopping Centre								*	
Sub Post Office	*	*	*	*	*		*	*	*
Supermarket		*	*(d)	*		*(d)		*	
Swimming Pool Sales & Service		*	*(d)			*	*	*	*
Tavern		*	*	*	*			*	*
Testing/Research Laboratory									*
Theatre		*	*	*		*		*	*
Towing Service					*				
Transportation Terminal					*				

(Note: *Indicates permitted use. Footnotes (a) - (s) - see subsection 6.2.1 - Text to Plate "D".
(Amending By-laws 34-98, 93-99, 61-2001)

6.2 Permitted Uses in Commercial Zones - Plate "D" (continued)

USE	C1 (h,c)	C2 (h,c)	C2A (h)	C2D (h,c)	C3A to C3E (h,c)	C4 (h)	C5 (h,c)	C6 (h,c)	C7 (h)
Undertaker's Establishment			*	*		*			*
Used Automobile Sales Establishment		*	*			*			
Veterinarian's Office	*	*	*	*			*		*
Vocational Training Centre		*	*	*			*	*	*
Video Rental Establishment	*	*	*	*	*	*(i)		*	*
Warehouse						*			*(p)
Warehouse - Mini						*			
Wholesale Establishment		*	*	*				*	*
Workplace Day Nursery		*	*	*	*	*	*	*	*(n)

[Note: *Indicates permitted use. Footnotes (a) - (s) - see subsection 6.2.1 - Text to Plate "D".]
 (Amending By-laws 34-98, 93-99, 61-2001, 32-2003 as amended by OMB Order dated September 17, 2003)

6.2.1 Text to Plate “D”

- a) Use permitted only in recognition of existing establishments. New establishment permitted only by way of special exception.
- b) Apartment unit(s) may be located in the second or higher storeys of commercial buildings as a secondary use provided the provisions for the commercial use are met. Further, the parking and amenity area requirements of this By-law for apartment units (buildings) shall also be met. In no case shall an apartment unit be erected, occupied or used over or as part of an automobile gas bar, automobile service station or automobile repair garage.
- c) Open storage is prohibited except for a marina use or marine sales and service use. (*Amending By-law 34-98*)
- d) A minimum building area of 743 square metres (8,000 square feet) shall be required where one or more of these uses occupies a single building on a separate lot. Further, if one or more of these uses is combined with other permitted uses, the building area occupied by these uses shall total at least 743 square metres (8,000 square feet). (*Amending By-law 34-98, 61-2001*)
- e) No person shall undertake a seasonal use: (*Amending By-law 34-98*)
 - i) on a vacant lot;
 - ii) closer than 1 metre (3.3 feet) to any side or rear lot line;
 - iii) closer to a street line than 3 metres (10 feet); and
 - iv) within a visibility triangle.
- f) Where auto body repair work is carried out at an auto body shop or in conjunction with an automobile sales establishment, all wrecked or damaged vehicles shall be stored within a building or in a compound located in the rear yard which is surrounded by a solid fence or fence and sufficient landscaping to screen the damaged vehicles from public view. Further, all auto body repair shall be carried out within a building.
- g) The accessory retailing and display of goods manufactured, processed, fabricated or repaired on site and the accessory retailing of goods directly related to the main product manufactured, processed or fabricated on site shall be permitted. A minimum retail and display area of 50 square metres (538 square feet), subject to an increase to a maximum retail and display area of 5% of the gross floor area of the main use to a maximum area of 300 square metres (3,229 square feet) shall be permitted for any one main use.

In the case where two (2) or more manufacturing, processing, fabricating or repair plants combine their retailing and display of goods, the gross floor area of the plant in which the retailing and display of goods is carried on shall be the floor area upon which the calculations noted above shall be based. There shall be no retailing or display of goods by the other plant(s) which have combined with the plant in which the retail and display of goods is carried on.
- h) Nothing on Plate “D” shall be construed to permit the erection, extension, alteration or use of any building or land by or for an offensive or dangerous use. The Corporation may refuse to permit such offensive or dangerous uses which it deems may adversely affect the health, safety, welfare or pleasure of the inhabitants of the Corporation by reason of the emission of smoke, noise, fumes, vibration, odor or water carried wastes or the danger of fire or explosion.
- i) Use permitted in conjunction with another permitted use and not as a freestanding use.
- j) (*Removed by By-law 32-2003 as amended by OMB Order dated September 17, 2003.*)
- k) (*Removed by By-law 32-2003 as amended by OMB Order dated September 17, 2003.*)

- l) The maximum gross leasable area of individual retail uses denoted shall be limited to 7,700 square metres (82,885 square feet). *(Amending By-laws 93-99, 61-2001)*
- m) A courier service located in a C7 Zone shall have no more than five (5) commercial vehicles parked on site at any one time.
- n) Notwithstanding anything in this By-law to the contrary, up to three (3) employers may combine to provide workplace day care facilities for the exclusive use of their employees. The workplace day care shall be located on the premises of one (1) of the employers and shall satisfy the requirements of the Day Nurseries Act.
- o) Of the maximum cumulative gross leasable area prescribed in subsection 6.2.1 (q), a maximum of 4,645 square metres (50,000 square feet) may be occupied by retail stores. *(Amending By-law 61-2001)*

Of this maximum, no more than 1,858 square meters (20,000 square feet) gross leasable area may be occupied by retail stores on the lands zoned C7-X9-3 prior to the later of:

- (i) January 1, 2007, and
- (ii) two years after the first day on which a department store on the lands zoned C7-X9-3 is open to the public.

(Amending By-law 32-2003, as amended by OMB Order dated September 17, 2003)

- p) Warehouse(s) are limited to lands which do not have frontage on Parkedale Avenue. *(Amending By-law 93-99)*
- q) The maximum cumulative gross leasable area of all retail uses denoted in Plate "D" shall be as follows:
 - a) on the lands zoned C7-X9-3 - 21,135 square metres (227,500 square feet) of which 16,722 square metres (180,000 square feet) shall be allocated for a department store;
 - b) on the lands zoned C7 - ^{11,380}~~13,000~~ square metres (122,500 square feet).

(Amending By-law 61-2001)

(Amending By-law 32-2003, as amended by OMB Order dated September 17, 2003)

- r) Except for accessory apartment units as described in footnote (b) above, dwelling units shall be prohibited from establishing on lands which have frontage on King Street. *(Amending By-law 62-99)*
- s) Where a building has been used in whole or in part for commercial purposes, the space occupied by the commercial use(s) may be converted to one or more residential dwelling units. Furthermore, existing legal residential dwelling units shall be recognized as being permitted. Vacant lands may be developed for residential dwelling units, provided all applicable zone provisions can be met, and direct access is provided from outside the building, rather than from a common hallway or stairway inside the building. Parking spaces for new residential developments shall be provided at the rates established in Section 3.7a). Screening or buffering may be required to be installed on property being developed for new residential projects, where the potential for conflicts between residential and adjacent commercial uses exists, and screening or buffering is not in place on the adjacent commercial property. The requirement for the installation of screening or buffering shall be determined at Site Plan Approval stage. *(Amending By-law 62-99)*