



Economic Development and Planning Committee

Tuesday, January 7, 2014, 4:15 pm
City Hall, Council Chambers

Committee Members

Councillor M. McFall, Chair
Councillor D. Beatty
Councillor M. Kalivas
Councillor D. LeSueur
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. 2014-001-01
Request for Extension of Draft Plan Approval
Aspen Drive (East Side) Part of Blocks A & B
Registered Plan 375, City of Brockville,
Owners: 653973 Ontario Ltd Applicant: J. Malovic

THAT approval for the Draft Plan of Subdivision on lands described as Part of Blocks A & B, Registered Plan 375, City of Brockville, County of Leeds be extended for a three (3) year period.

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2. 2014-002-01
Proposed Amendment to Zoning By-Law 194-94
241 Park Street, City of Brockville
Owner: 1522868 Ontario Ltd. Agent: S. Gill

THAT City of Brockville Zoning By-law 194-94 be amended respecting lands described as Lots 1 and 2, Part Lots 17 and 18, being Part 3, Reference Plan 28R-11690, City of Brockville, County of Leeds, with municipal address 241 Park Street, to modify the CI X4-1 Local Commercial Special Exception Zone to add an Eat-In Restaurant as a permitted use.

Economic Development and Planning Committee
January 7, 2014

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3. 2014-003-01
Island Breakfast

THAT the Island Breakfast Committee be designated as a Committee of Council; and

THAT the 2014 Island Breakfast be designated as a City-sanctioned event; and

THAT By-law 088-2010 be amended accordingly.

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4. 2014-004-01
Request for Extension of Conditional Approval
for Condominium Conversion
167 Pearl St. E. City of Brockville
Owners: 1264165 Ontario Ltd. Agent: R. G. Bennett Surveying Ltd.

THAT approval for the conversion of one (1) rental residential apartment unit on lands described as Part of Lots A and B, Block 3, Plan 67, City of Brockville, County of Leeds, municipally known as 167 Pearl Street East, be extended for a six (6) month period.

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

Nil.

CONSENT AGENDA

MOTION TO MOVE INTO CLOSED SESSION (immediately following the Regular Meeting)

THAT pursuant to Municipal Act, 2001, Section 239, Sub. 2, (c), the Committee resolve itself into Closed Session to consider:

- 1. a proposed or pending acquisition or disposition of land by the municipality or local board;*

REPORT OF THE COMMITTEE FROM CLOSED SESSION

THAT the EDP Committee rise from Closed Session without reporting.

ADJOURNMENT

THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for February 4, 2014.

**10 December 2013
REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
7 January 2014**

2014-001-01

**REQUEST FOR EXTENSION OF DRAFT PLAN M. MAUREEN PASCOE MERKLEY
APPROVAL, ASPEN DRIVE (EAST SIDE) DIRECTOR OF PLANNING
PART OF BLOCKS A & B, REGISTERED PLAN 375 ANDREW MCGINNIS
CITY OF BROCKVILLE PLANNER II**

OWNER: 653973 ONTARIO LTD.

APPLICANT: J. MALOVIC

FILE: 08T-10501

RECOMMENDATION:

THAT draft approval for the Draft Plan of Subdivision on lands described as Part of Blocks A & B, Registered Plan 375, City of Brockville, County of Leeds be extended for a three (3) year period.

ORIGIN:

At its meeting of 8 February 2011, Council for the Corporation of the City of Brockville granted approval to the Draft Plan of Subdivision for Part of Blocks A & B, Registered Plan 375, City of Brockville, County of Leeds, subject to conditions. A location plan has been attached as **Schedule "A"** to this report.

Condition No. 7 of the draft approval states that, "if final approval of the Plan is not granted within three (3) years of the date of approval of the Draft Plan, as redlined, and no extensions have been granted, Draft Plan approval shall lapse in accordance with Section 51(32) of the Planning Act, R.S.O. 1990, c.P. 13".

The deadline for granting of final approval would therefore be 4 February 2014.

Mr. J. Malovic, acting on behalf of 653973 Ontario Ltd., has requested an extension of draft approval for an additional three (3) years. An e-mail sent to Mr. Jonathan Faurschou, Planner I, with the City of Brockville, indicates Mr. J. Malovic's reasons for requesting an extension. A copy of this e-mail has been attached to this report as **Schedule "B"**.

ANALYSIS/OPTIONS:

The Planning Department has been working closely with 653973 Ontario Ltd. with respect to the outstanding issues regarding a new plan of subdivision for Part of Blocks A & B, Registered Plan 375, City of Brockville. As noted in Mr. J. Malvoic's reasons, he sees an

2014-001-01

Request for Extension of Draft Plan Approval, Aspen Drive (East Side)

Part of Blocks A & B, Registered Plan 375, City of Brockville

Owners: 653973 Ontario Ltd.

Applicant: Mr. J. Malovic

File: 08T-10501

on-going need to maintain an inventory of building lots for his company in order to continue to build in Brockville. He does not want all of the design work and drawings that have been completed (at significant cost and time) to be wasted or to have to be redone in the future, and states that the building market in Brockville has a slow uptake rate so the typical three (3) year period to obtain final approval is too short.

As well, other conditions imposed at the request of the City's Environmental Services Department, Fire Department and the Cataraqui Region Conservation Authority remain outstanding.

Any draft approved subdivision is a pre-commitment to municipal servicing capacity. Since this matter involves a re-submission of two (2) existing blocks within Registered Plan 375 (Bridlewood Subdivision), those lands already have an existing allocation of sewer capacity. Regardless, the City's Water Treatment Plant and Water Pollution Control Centre are both running well short of their respective capacity limits, therefore municipal servicing capacity is not an issue.

Based on the above, it is the recommendation of the Planning Department that a three (3) year extension be granted to the Draft Approval that was given on 8th February 2011 to allow the applicant time to finalize these matters.

POLICY IMPLICATIONS

Official Plan Policy 6.4.5.1 (13) states that, "In approving a draft plan of subdivision or condominium, the City may require that the approval lapses at the expiration of a specified time period, being less than 3 years. The City may extend the approval time period, prior to its expiration."

Based on the above Official Plan Policy, staff believes that it is reasonable for Council to allow the proposed extension for a period of three (3) additional years.

FINANCIAL CONSIDERATIONS

There are no financial considerations to the City of Brockville at this time.

CONCLUSION:

Should the Economic Development and Planning Committee recommend to Council that the requested extension of three (3) years be approved; the new expiry date for the Draft Plan conditions to be completed will be 4 February 2017.

2014-001-01

Request for Extension of Draft Plan Approval, Aspen Drive (East Side)

Part of Blocks A & B, Registered Plan 375, City of Brockville


Owners: 653973 Ontario Ltd.

Applicant: Mr. J. Malovic

File: 08T-10501

The proposed extension is recommended by Planning Department Staff and is reflected in the recommendation at the beginning of this report.

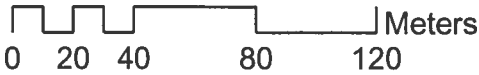


M. Pascoe Merkley, MCIP, RPP
Director of Planning

Andrew McGinnis, MCIP, RPP
Planner II

B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2014-001-01



SCHEDULE "B" TO REPORT 2014-001-01**Andrew McGinnis**

From: Jon Faurschou
Sent: Friday, November 15, 2013 8:52 AM
To: Andrew McGinnis
Cc: Maureen Pascoe Merkley
Subject: Joe malovic

Andrew,

Mr. Josip Malovic attended the Planning Department on 13 November 2013 to the following effect:

- Mr. Malovic directed the Planning Department to cash the application fee cheque and proceed with his verbal request for extension of the Draft Approval for the Aspen Drive Subdivision.
- Mr. Malovic stated that the reasons for his request for extension are based on the following:
 - An on-going need to maintain an inventory of building lot for his company to continue to build in Brockville;
 - All of the design work and drawings have been completed at significant cost and time commitment and Mr. Malovic does not want the money and time to have been wasted or to have to be re-done in the future;
 - The Brockville building market has a slow uptake rate so the typical 3 year period to obtain final approval is too short.

Jonathan

J. Faurschou, MCIP, RPP

Planner I (Senior)
City of Brockville
P.O. Box 5000
Brockville, Ontario
K6V 7A5
Fax (613) 498-2793
Tel (613) 342-8772, ext 449

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12Dec2013

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE
7 JANUARY 2014**

2014-002-01

**PROPOSED AMENDMENT TO ZONING BY-LAW 194-94
241 PARK STREET
CITY OF BROCKVILLE
OWNER: 1522868 ONTARIO LIMITED
AGENT: SURINDER GILL
FILE: D14-170**

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

RECOMMENDATION

THAT City of Brockville Zoning By-law 194-94 be amended respecting lands described as Lots 1 and 2, Part Lots 17 and 18, being Part 3, Reference Plan 28R-11690, City of Brockville, County of Leeds, with municipal address 241 Park Street, to modify the C1-X4-1 Local Commercial Special Exception Zone to add an Eat-In Restaurant as a permitted use.

PURPOSE

The purpose of this report is to provide recommendations for amendment to City of Brockville Zoning By-law 194-94 respecting the property with municipal address 241 Park Street, City of Brockville.

BACKGROUND

Mr. Surinder Gill, acting on behalf of 1522868 Ontario Limited, owner of Lots 1 and 2, Part Lots 17 and 18, being Part 3, Reference Plan 28R-11690, City of Brockville, County of Leeds, municipal address 241 Park Street (as shown on **Schedule "A"**), has submitted an application for an amendment to Zoning By-law 194-94 which would, if approved, amend the current special exception zoning on the subject property to add an Eat-In Restaurant as a permitted use in addition to those uses currently permitted in the C1-X4-1 Local Commercial Special Exception Zone.

The proposal for the lands is to utilize part of the existing building for a proposed Eat-In Restaurant with a proposed outdoor patio and barrier free ramp to be located on the north side of the building which will provide access to the building as well as additional seasonal seating for the proposed restaurant. A copy of the proposed Site Plan is attached as "**Schedule A-1**" to this report.

The existing commercial building located at 241 Park Street is occupied by Cowan's Dairy Bar and The Cutting Edge Meat Shop.

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Proposed Amendment to Zoning By-law 194-94, 241 Park Street

Owner: 1522868 Ontario Limited

Agent: Surinder Gill

File: D14-170

Zoning and Official Plan Information:

Official Plan Designation: Neighbourhood Area within Mixed Use Corridor

Existing Zoning: C1-X4-1 Local Commercial Special Exception Zone
(attached as **Schedule "B"**)Proposed Zoning: C1-X4-1 Local Commercial Special Exception Zone –
amended to add "Reataurant – Eat-In" as a permitted use.Site Characteristics:Total Area: 1,950.96 m² (21,000.00 ft²)

Frontage: 30.48 m (100.00 ft.)

Depth: 64.0 m (210.0 ft.)

The subject land is currently occupied by an older commercial building containing a convenience store and one retail store.

The property also consists of a green area with mature trees in the northwest corner of the property, with entrances from Amy Street, Park Street and Front Avenue all leading to paved parking areas (23 spaces) surrounding the building to the north, west and south.

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

Surrounding Land Use:

The subject land is located with frontage on Park Street; Amy Street borders the property to the north; and Front Avenue borders the property to the south.

North: Lands to the north of Amy Street are zoned R2 - Single Unit Residential Zone with a legally non-conforming commercial use on the property at the north east corner of Park and Amy Street.

East: The lands to the east (south side of Amy Street and north side of Front Avenue) are zoned R2 - Single Unit Residential Zone and are occupied by a mix of older residential dwellings.

South: The lands to the south (south side of Front Avenue) are zoned I1 - General Institutional Zone and are occupied by the Thousand Island Baptist Church.

The lands to the south west (west side of Park Street) are zoned R7- Mutliple Residential Zoned and are occupied by a four level apartment building.

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Proposed Amendment to Zoning By-law 194-94, 241 Park Street

Owner: 1522868 Ontario Limited

Agent: Surinder Gill

File: D14-170

West: The lands to the west (west side of Park Street) are zoned R2 - Single Unit Residential Zone and are occupied by a mix of residential dwellings.

Public Participation

The application for Zoning By-law Amendment has proceeded through the normal review process. On 3 December 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 7 November 2013 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 the minutes of the Public Meeting is attached as **Schedule "D"** to this report.

Comments Received:

1. Steve Allen, Supervisor of Engineering, Environmental Services Department:
 - Not opposed to the application.
2. Brent Caskenette, Chief Building Official, Planning Department:
 - No comments or concerns.
- 3.. Greg Healy, Fire Prevention Officer, Brockville Fire Department:
 - No fire safety concerns at this time; however, the Fire Prevention Office wishes to be circulated on any site plan and building changes.
4. Conal Cosgrove, Director of Operations
 - No comments.
5. Sandra Seale, City Clerk
 - Request that the number of parking spaces lost to the outdoor patio be minimal to ensure that parking demand can be met on site. Additionally, a brochure was provided for applicant's consideration with recommendations for accessible outdoor patios.
6. Conseil Des Ecoles Catholiques Du Centre-Est
 - No concern.
7. Bell Aliant
 - No objection.

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Proposed Amendment to Zoning By-law 194-94, 241 Park Street

Owner: 1522868 Ontario Limited

Agent: Surinder Gill

File: D14-170

8. Letter from Neighbour – Amy Street (attached as **Schedule “E”** to this report)
- Hours of operation.
 - Does not believe that there should be a liquor license.
 - Drainage of the site.
 - Concerned with the Waste enclosure location.

In response to the concerns outlined above by a neighbour, the applicant stated at the public meeting of 3 December 2013 that the proposed restaurant will be “Captain George’s Fish and Chips”. The restaurant is a small franchise and will not have a liquor license. This is reflected in the minutes of the Public Meeting attached as **Schedule “D”** to this report.

ANALYSIS/OPTIONS

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.

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

Section 1.1.3.1 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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Proposed Amendment to Zoning By-law 194-94, 241 Park Street

Owner: 1522868 Ontario Limited

Agent: Surinder Gill

File: D14-170

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 a land use pattern, density and mix of uses that minimize the number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

Accordingly, since the conversion of the existing building to add an additional commercial use will be located within close proximity to public transit, and within an existing built-up area, the proposed use further strengthens the area, represents intensification, and brings additional employment opportunities to the City of Brockville, thereby being consistent with the policies within the PPS.

Official Plan Considerations

The Official Plan designates the subject property as "Neighbourhood Area" within the "Mixed Use Corridor".

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, Sections 3.2.2.1 outlines policies for the scope of development for "Neighbourhood

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Proposed Amendment to Zoning By-law 194-94, 241 Park Street

Owner: 1522868 Ontario Limited

Agent: Surinder Gill

File: D14-170

Areas within the Mixed Use Corridor” as envisioned as a City-wide focal point, accommodating a range of commercial / retail / service uses; and non-industrial uses, and population-related employment uses; a mix of residential uses; municipal and community services and facilities; and entertainment and cultural facilities.

There is focus on opportunities for intensification, infilling on existing lots of record and the rounding-out of existing development patterns. Development within these areas is encouraged to be low to medium density housing and local commercial uses. However, the character and identity of existing areas shall be sustained and enhanced.

The general Neighbourhood Area policies are further refined under Section 4.3.2 wherein *“Neighbourhood Commercial uses such as convenience stores, personal service establishments, small-scale eating establishments, and other similar convenience commercial uses that serve the day-to-day needs of the neighbourhood shall be permitted subject to locational criteria”*.

The proposed development satisfies all the criteria required within the Official Plan. As no change to the building footprint is proposed (other than the seasonal patio), there will be little to no impact on adjacent property owners as all policies are being adhered to.

Zoning By-law Considerations:

241 Park Street is currently zoned C1-X4-1 Local Commercial Special Exception Zone (attached as **Schedule “B”**) under City of Brockville Zoning By-law 194-94, as amended.

The property is currently improved with a building occupied by Cowan's Dairy Bar and The Cutting Edge Meat Shop, a small green space area and associated parking.

There is a special exception zone already in place on the subject lands, which allows an expanded range of uses as well as development standards specific to this site.

The proposed amendment to City of Brockville Zoning By-law 194-94 would, if approved, add a “Restaurant-Eat-In” as a permitted use in the C1-X4-1 Zone. This new use is proposed to proceed through renovations to a portion of the existing building, and would be accessed by an independent doorway on the north face of the building. In addition, the owner is proposing minor changes to the exterior of the building for a seasonal patio as well as changes to the parking layout on the north side of the building.

All work associated with the conversion of the property to accommodate the proposed use is subject to review for Building Permit and compliance with applicable legislation. Any changes that are required to the site are subject to the conditions outlined within an existing Site Plan Control Agreement.

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Proposed Amendment to Zoning By-law 194-94, 241 Park Street
Owner: 1522868 Ontario Limited
Agent: Surinder Gill
File: D14-170

This proposal is supportable. If endorsed, the existing special exception zone would be modified simply by adding a new use to those uses permitted in the C1-X4-1 Zone.

POLICY IMPLICATIONS

As stated in the Analysis section of this report, the proposed rezoning of 241 Park Street is consistent with the PPS and the Official Plan for the City of Brockville.

FINANCIAL CONSIDERATIONS:


All costs associated with the redevelopment of the subject property are the responsibility of the Owner.

CONCLUSION

Following review of the PPS and the Official Plan, as well as the submissions received respecting the request for zoning amendment for 241 Park Street, it is reasonable to amend the existing C1-X4-1 Special Exception Zone to allow the addition of a "Restaurant – Eat-In" as a permitted use. All other uses currently permitted would be unchanged, and all current zone provisions would remain in effect.

This conclusion is reflected in the recommendation section at the beginning of this report.

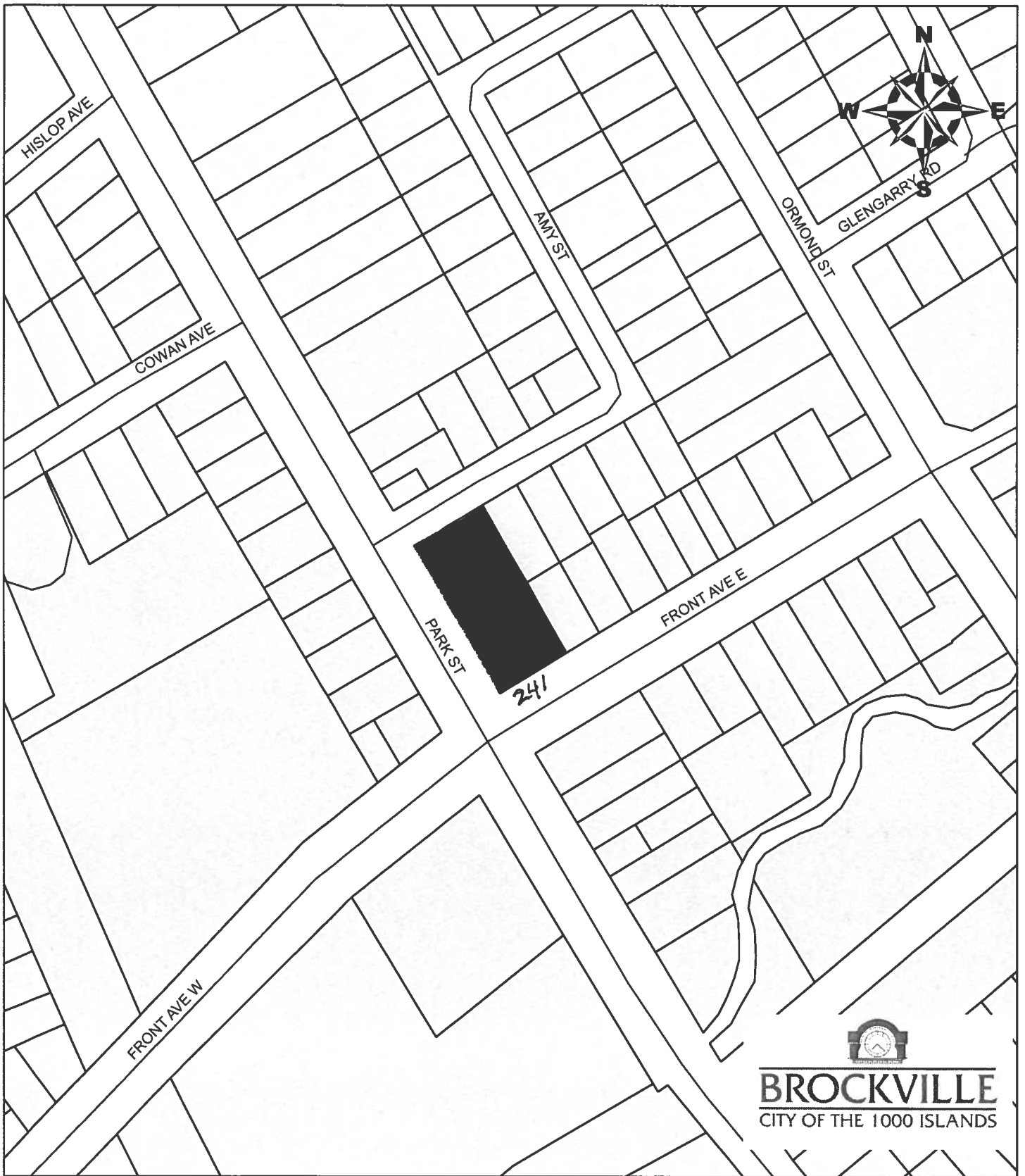


M. Pascoe Merkley, MCIP, RPP
Director of Planning

Andrew McGinnis, MCIP, RPP
Planner II

B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2014-002-01



0 15 30 60 90 Meters

SCHEDULE “B” TO REPORT 2014-002-01

Excerpt from Zoning By-law 194-94, as amended

Section 8.4, Subsection f)

C1-X4-1 Zone (*Front Avenue/Park Street*)

The uses permitted in the C1-X4-1 zone shall be those uses permitted in the C1-Local Commercial Zone, and Service Use, and a retail food store having a maximum gross leasable floor area of 300 square metres (3,220 square feet).

The zone provisions for the C1-X4-1 Zone shall be as follows:

Minimum Lot Area	2,950 sq.m. (31,750 sq.ft.)
Minimum Lot Frontage	29 m (95 ft.)
Minimum Front Yard (Front Avenue frontage)	7.5 m (25 ft.)
Minimum Interior Side Yard	3 m (10 ft.)
Minimum Exterior Side Yard (Park Street frontage)	Nil
Minimum Rear Yard (Amy Street frontage)	6 m (20 ft.)
Maximum Building Height	10.5 m (34 ft.)
Minimum Landscaped Open Space	10%

Buffering of Parking (where parking abuts a residential use) - a solid fence having a minimum height of 2 metres (6.5 ft.) shall be provided where parking abuts a residential use.

Parking may be provided in the required front yard to within 1 metre (3.3 feet) of the Front Avenue right-of-way.

SCHEDULE "C" TO REPORT 2014-002-01



SCHEDULE "D" TO REPORT 2014-002-01



COMMITTEE MINUTES

Public Meeting Economic Development & Planning Committee

Tuesday, December 03, 2013, 6:00 p.m.
City Hall, Council Chambers

Committee Members:

Councillor M. McFall, Chair
Councillor D. Beatty
Councillor M. Kalivas
Councillor D. LeSueur
Councillor Mayor D. Henderson, Ex-Officio

Staff:

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

Others:

Ms. T. Renkema, 104.9 JRfm
Mr. R. Zajac, Recorder & Times

The Chair called the meeting to order at 6:02 p.m.

ITEM

1. **2013-139-12**
Proposed Amendment to Zoning By-law 194-94
241 Park Street, City of Brockville
Owner: 1522868 Ontario Ltd.
File: D14-170

Moved by: Councillor Kalivas

THAT Report 2013-139-12 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

Carried

Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -
Tuesday, December 03, 2013

Councillor McFall, Chair, announced the Public Meeting.

Mr. A. McGinnis, Planner II, announced that Notice of the Public Meeting was advertised in the Brockville Recorder & Times Newspaper on November 7, 2013 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 McFall 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 McFall reviewed the procedures for the Public Meeting.

Councillor McFall 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. Gill was in attendance at the meeting in support of the application. He confirmed that there would not be an application for a liquor license.

Ms. Glenda Froget was in support of the application.

No persons were in attendance who were in opposition to the application.

Note: No persons completed the Requests for Information form.

ADJOURNMENT

Moved by: Councillor Kalivas

THAT the Economic Development and Planning Committee adjourn its meeting.

Carried

The meeting adjourned at 6:14 p.m.

SCHEDULE "E" TO REPORT 2014-002-01

Maureen Pascoe Merkley

From: [REDACTED]
Sent: Tuesday, November 26, 2013 10:24 PM
To: Maureen Pascoe Merkley
Subject: Zoning By-Law Amendment 241 Park St D14-170

Director of Planning
 City Hall
 One King St.
 Brockville, ON
 K6V 1V9



Re: File No.D14-170 Zoning By-Law Amendment at 241 Park St. Brockville.

The proposed amendment to add a permitted use of an eat-in restaurant to the uses currently permitted is not an unfavourable addition.

However the generality of the description of an eat-in restaurant leaves a few questions. The site specific zoning should be specific to list how the business is to operate, to ensure the commercial activity of the eat-in restaurant remains within the currently residential neighbourhood, friendly uses, as listed in the C1 Zoning. Hours of operation could be limited to ensure late night operations do not deter from the peaceful nights currently enjoyed in our neighbourhood. Also a liquor licence would not be in keeping with the current uses at this location.

A site plan forms part of this site specific zoning and upon review of that site plan it appears a mistake has been made by the engineer designing the plan. As I was advised the drainage of the paved area was to result in deposit into the grass area within the property at the north west side. The elevations shown on the plan, which are existing, would direct all flow from the paved services to the east side of the property and result in depositing the run off precipitation on to the vacant lot to the east. A solid curb is proposed along the east side and space parking curbs along the north and west side of the pavement area. The design of the parking lot would result in all the run off precipitation flowing into Amy St and run easterly to the catch basins in front of 17 Amy St, 2 lots away. This area of Amy St is already flooded during the winter as the street is narrow and the plow pushes snow onto the sidewalks and the sidewalk plow pushes it back into the street and covers the catch basins. Drainage of the parking area should be retained within the property of 241 Park St.

The wood fence proposed along the east property line is a compromise to the existing zoning by-law by not requiring a buffer zone as was required in a earlier site plan agreement at this property. The buffer zone could be less of an issue if the wood fence was required to cover the full length of the east commercial property line as the plan shows an area at the south end by the proposed waste enclosure where there is no fence shown along the property line. The full commercial property line should be fenced.

The proposed waste enclosure is proposed to be only 1 meter from the property line. As the north side yard of the building is consumed by this proposal it would be a better location for the waste enclosure on the south side against the building on either side of the existing wooden landing which accesses the commercial operation associated to this application.

Thank you for the opportunity to comment on the Zoning By-Law Amendment for 241 Park St.

December 19, 2013

REPORT TO ECONOMIC DEV. & PLANNING COMMITTEE – JAN. 7, 2014

**2014-003-01
ISLAND BREAKFAST**

**C. J. COSGROVE, P.ENG.
DIRECTOR OF OPERATIONS**

RECOMMENDED

THAT the Island Breakfast Committee be designated as a Committee of Council; and

THAT the 2014 Island Breakfast be designated as a City-sanctioned event.

PURPOSE

The purpose of this report is to recommend the actions necessary to have the Island Breakfast covered by the City's municipal liability insurance.

BACKGROUND

The Island Breakfast was held for several years in conjunction with Riverfest. A committee comprised of community volunteers and staff from Tourism and the Operations Department desire to hold an event in 2014. The event provides an opportunity for the public to enjoy breakfast on Refugee Island, and it is hoped that funds can be raised for a picnic shelter on Refugee Island.

ANALYSIS/OPTIONS

The Committee has members responsible for all aspects of the event which is proposed to be held on June 25 – 28, 2014. A key consideration, however, is insurance coverage. The Committee has requested that the event be covered under the City's municipal liability policy (Attachment 1).

The City's insurer has confirmed that the event would be covered under the City's policy if the Committee is designated as a Committee of Council, and the event is designated as a City-sanctioned event. The coverage would include the ownership, use or operation of any watercraft up to 30 metres in length by or on behalf of the City. This is important as volunteers ferry participants to and from the island on private boats.

As the City's deductible is \$50,000, it is recommended that a special events rider be added for this event, reducing the deductible to \$500, for a cost of approximately \$150. The cost of the special events rider will be covered by event revenues.

POLICY IMPLICATIONS

Council authorization is required to create a Committee of Council.

FINANCIAL CONSIDERATIONS

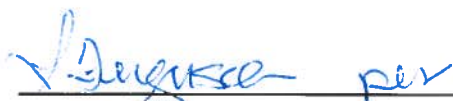
As the event will cover the cost of the special events rider, there is no cost to the City for the event.

CONCLUSION

The Island Breakfast event should be supported by designating it as a City-sanctioned event, and by designating the organizing committee as a Committee of Council.



C.J. Cosgrove, P.Eng.
Director of Operations



D. Dick, CA, CPA
Director of Corporate Services



B. Casselman
City Manager



10 Market St. West
Brockville, ON, K6V 4R7
Tel (613) 342-4357
Fax (613) 342-5314

December 4, 2013

City of Brockville

ATTN: Conal Cosgrove, Director of Operations

Dear Conal

RE: LIABILITY INSURANCE FOR ISLAND BREAKFAST

Please accept this letter on behalf of the 2014 Island Breakfast committee. The committee is looking for support from the City of Brockville to ensure coverage for liability insurance for the four day Island Breakfast event.

The breakfast dates for 2014 are Wednesday, June 25 through to Saturday June 28.

The Island Breakfast net revenue will establish a legacy fund for the city owned islands. The first two projects include a shelter on Refugee island similar to the parks Canada shelter on Picnic Island, and a small storage facility on De Rottenburgh Island for city staff usage.

Thank you for your consideration.

Regards,


Steve Weir, Tourism Manager
Island Breakfast Committee Member

20 December 2013

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 07 January 2014

2014-004-01

**REQUEST FOR EXTENSION OF CONDITIONAL APPROVAL
FOR CONDOMINIUM CONVERSION**

167 PEARL STREET EAST, CITY OF BROCKVILLE

OWNER: 1264165 ONTARIO LIMITED

**AGENT: R.G. BENNETT SURVEYING LTD.,
GRANT BENNETT, O.L.S.**

FILE: 08-CD-10501

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER I**

RECOMMENDATION:

THAT draft approval for the conversion of one (1) rental residential apartment unit on lands described as Part of Lots A and B, Block 3, Plan 67, City of Brockville, County of Leeds, municipally known as 167 Pearl Street East, be extended for a six (6) month period.

ORIGIN:

On 08 February 2011, Council for the Corporation of the City of Brockville granted approval for the proposed conversion of one (1) rental residential apartment unit within 167 Pearl Street East from rental residential apartment to condominium residential apartment. A location plan has been attached as **Schedule "A"** to this report.

The conditions of approval have been attached as **Schedule "B"** to this report. There is a sunset clause/timeframe incorporated into the original conditional approval for meeting all conditions. This date is 08 February 2014.

To-date, the applicant has not completed the conditions.

Department Staff are recommending an extension of six (6) months to enable the conditions to be met. A copy of the applicants request has been attached as **Schedule "C"** to this report.

ANALYSIS/OPTIONS:

The Owner is required to meet the conditions as set out under Report 2011-012-02, and to comply with regulations under the Residential Tenancies Act, S.O., 2006, Chapter 17.

The current status of the outstanding conditions is identified on the attached letter dated 13 November 2013.

2014-004-01

Page 2

Extension of Conditional Approval for Condominium Conversion**167 Pearl Street East, City of Brockville****Owner: Brockville Apartments Ltd.****Agent: G. Bennett, O.L.S.****File: 08-CD-10501**

POLICY IMPLICATIONS:

There are no policy conditions associated with an extension of the time period for which to meet the conditions of approval for condominium conversion of one (1) rental residential apartment unit within 167 Pearl Street East from rental residential apartments to condominium residential apartments.

FINANCIAL CONSIDERATIONS:

All costs associated with conversion of one residential unit within 167 Pearl Street East from rental to condominium tenure are the responsibility of the Developer.

CONCLUSION:

The Planning Department does not have any objection to an extension of the time period from 08 February 2014 to 08 August 2014 to meet the conditions of approval for condominium conversion of one (1) rental residential apartment unit within 167 Pearl Street East from rental residential apartments to condominium residential apartments.



B. Casselman
City Manager

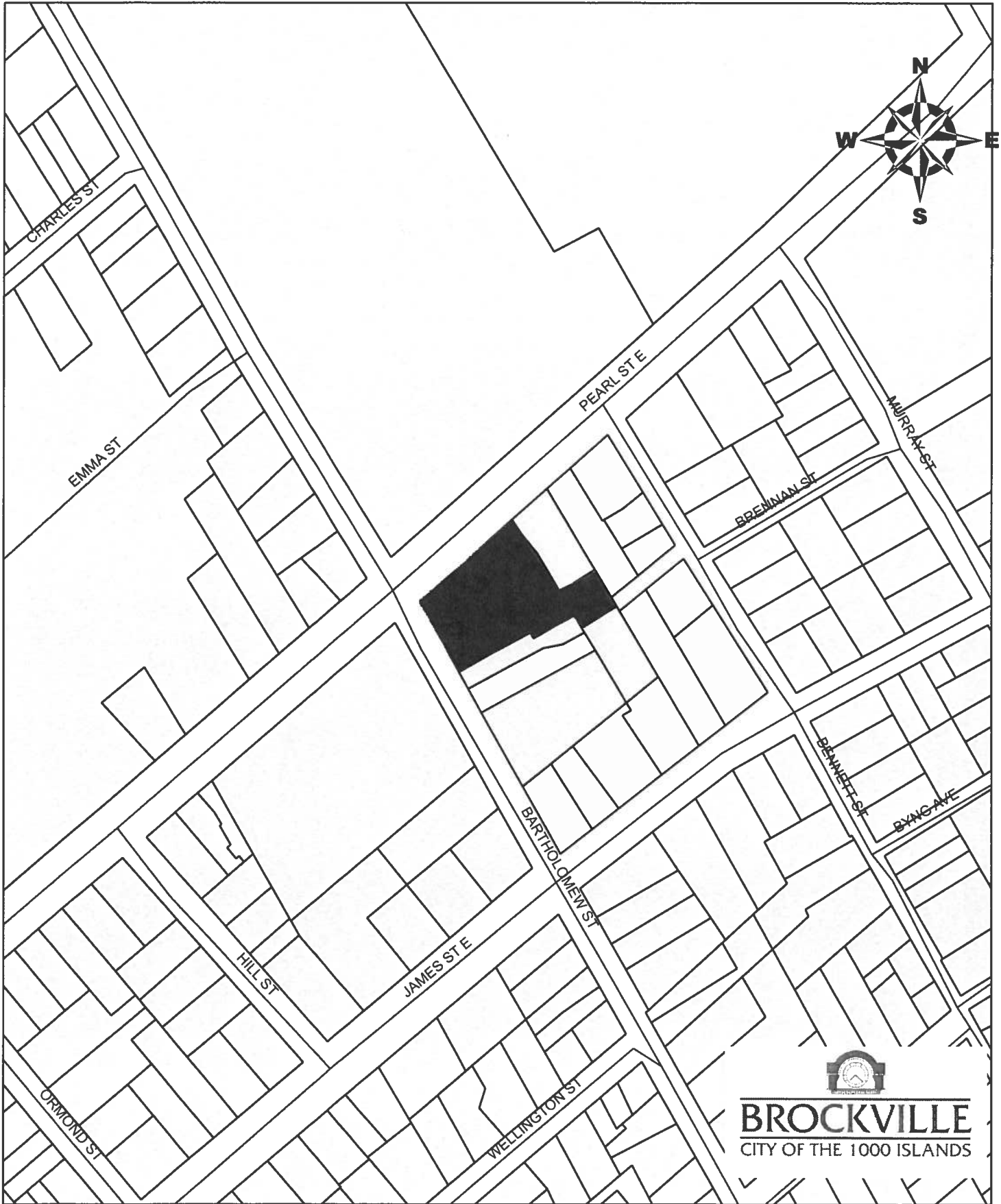
M. Pascoe Merkley, MCIP, RPP
Director of Planning

J. Faurschou, MCIP, RPP
Planner I

for

SCHEDULE "A" TO REPORT 2014-004-01

167 Pearl Street East



SCHEDULE "B" TO REPORT 2014-004-01

City of Brockville

Council Meeting Minutes - Tuesday, February 08, 2011

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REPORTS BOARDS AND COMMITTEES

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

Councillor M. Kalivas, Chair

Councillor J. Baker, Councillor D. Beatty, Councillor J. Earle,
Meeting held February 1, 2011.

EDP - CONSENT AGENDA

Moved by: Councillor Kalivas

THAT the following items, as listed on the Economic Development and Planning Committee agenda are recommended by the Economic Development and Planning Committee to be passed by Consent Agenda

CARRIED

1. 2011-012-02
Encroachment Agreement
29 Buell Street, Brockville

Moved by: Councillor Kalivas

THAT Council authorize the Mayor and Clerk to execute an encroachment agreement with DEGA Holdings (Ontario) Inc., 29 Buell Street, Brockville, for the encroachment a portion of the building eaves and concrete steps that encroach onto the Buell Street road allowance to a maximum of 0.61 metres (2.0 ft.).

CARRIED

2. 2011-013-02
Proposed Condominium Conversion Part Lots A & B,
Block 3, Plan 67, being parts 1 through 8 inclusive,
Plan 28R-6949 City of Brockville,
167 Pearl Street East, Brockville
Owner: 1264165 Ontario Limited

Moved by: Councillor Kalivas

1. THAT Council of the Corporation of the City of Brockville, acting pursuant to Section 51(6) of the Planning Act, R.S.O. 1990, c.P.13, grants conditional approval to conversion of one (1) rental residential apartment unit within 167

Pearl Street East to Condominium status, said lands being described as Part of Lots A and B, Block 3, Plan 67, City of Brockville; and

2. THAT conditional approval be subject to the following conditions:
 - 2.1 THAT written confirmation be provided, in writing, to the Planning Department that:
 - the owners of at least 80% of the units, at the time of the sale have voted in favour of the sale; and
 - at least 80% of persons having registered claims against the property being sold must consent, in writing, if their claims arose after registration of the declaration and description; and
 - each of the owners of designated units having exclusive use of such common elements have consented to the sale of the unit.
 - 2.2 THAT the tenant of the subject unit be given first right to purchase the unit at a price no higher than that price for which the unit is offered to the general public. Confirmation must be provided to the City of Brockville, in writing, that the tenant was given the first right to purchase his/her unit and that, if a purchase was not made, the tenant has declined the offer.
 - 2.3 THAT the subject unit is to be inspected, at the expense of the Owner, by a qualified Professional Engineer, licensed in Ontario, describing the condition of the unit and listing any and all repairs and improvements required to ensure that the building complies with all applicable Provincial and Municipal regulations.
 - 2.4 THAT all common elements of 167 Pearl Street are to be inspected, at the expense of the Owner, by a qualified Professional Engineer, licensed in Ontario, describing the condition of the building and listing any and all repairs and improvements required to ensure that the building complies with all applicable Provincial and Municipal regulations.
 - 2.5 THAT all repairs and improvements identified under the engineer's report(s), as noted above, are to be made at the expense of the Owner prior to final approval with confirmation of completion by a professional engineer.
 - 2.6 THAT a copy of the inspection report(s), pre and post conditions, are to be provided, free of charge, to prospective purchasers before they enter into a binding agreement of purchase and sale. Confirmation must be provided to the City of Brockville, in writing, that the purchaser was provided with a copy of the report(s).

-
- 2.7 THAT the Owner shall provide, to the existing tenant(s) of the subject unit at the date of granting of Draft condominium conversion approval, active, physical assistance, for a period of three (3) years from the date of Conditional Approval, to each tenant who must relocate as a result of the conversion, in finding alternate comparable accommodation, mutually agreed upon between the applicant and each such tenant, and pay the moving costs of each such tenant to other accommodations within Brockville. Confirmation must be provided to the City of Brockville, in writing, that each tenant was notified of this condition.
- 2.8 THAT prior to the final approval of the Plan of Condominium by the City of Brockville the owners shall bring the lands and premises into conformity with the City of Brockville Zoning By-law 194-94, as amended, including but not limited to, lining and identification of not less than fifteen (15) on-site parking spaces, buffering between parking areas and adjacent residential use and zoned areas, refuse enclosures and landscaping.
- 2.9 THAT all conditions of the site and buildings which are in violation of City of Brockville Zoning By-law 194-94, as amended, applicable by-laws and legislation shall be resolved to the satisfaction of the City of Brockville including, but not limited to, such items as minor variances, consents.
- 2.10 THAT the municipal address for 167 Pearl Street East shall be prominently displayed on the exterior of the building and each interior residential unit shall be clearly identified in the main entrance vestibule and at each dwelling unit for emergency services access and identification.
- 2.11 THAT the customer owned secondary underground hydro which is a non standard conductor be upgraded to the specifications of Hydro One, at the Owners expense.
- 2.12 THAT final condominium drawings prepared by an Ontario Land Surveyor shall be provided for review and comment prior to consideration for final approval of the Plan of Condominium.
- 2.13 THAT the following shall be provided to the satisfaction of the City:
- a) an as-built plan identifying all services;
 - b) a structural plan; and
 - c) a plan identifying all private and communal elements of the condominium.

- 2.14 THAT should the conversion process not be completed within three (3) years of draft approval, the draft approval shall become null and void and a new application, including applicable fees, shall be required to be submitted.

CARRIED

3. 2011-014-02
Draft Subdivision Approval
Part of Blocks A & B, Registered Plan 375
Aspen Drive - East Side, City of Brockville
Owner: 653973 Ontario Ltd.

Moved by: Councillor Kalivas

1. THAT Council of the Corporation of the City of Brockville, acting pursuant to Section 51(6) of the Planning Act, R.S.O. 1990, c.P.13, grant approval to the Draft Plan of Subdivision, as red-lined, on lands described as Part of Blocks A & B, Registered Plan 375, Aspen Drive, City of Brockville, County of Leeds, subject to the following conditions:
 - i. That these conditions shall apply to the Draft Plan, as red lined, prepared by Robert J. Jordan, O.L.S., dated 29 Sept 2010, showing Blocks 1 through 18, inclusive, said Blocks being delineated as to use on the aforementioned Draft Plan;
 - ii. That the proposed Street "A" shown on this Draft Plan, as red lined, shall be dedicated as a public highway to be named to the satisfaction of the City of Brockville;
 - iii. That such easements as may be required for services, drainage purposes and the like shall be granted gratuitously to the appropriate authority or authorities;
 - iv. That prior to final approval of the Plan, the Owner shall enter into a Subdivision Agreement with the City of Brockville which shall specify, among other things:
 - All of the requirements, financial and otherwise, of the City of Brockville concerning the provision of roads, street lighting and the installation of services and drainage;
 - The requirements of Canada Post with respect to the installation of Community Mailboxes;



14 November 2013

08-CD-10501
E-mail and Mail

MR. J. SHERIDAN
227 Brookfield Avenue
Burlington, Ontario
L7N 1T9

Attention: Mr. J. Sheridan

RE: Application for Condominium Conversion
167 Pearl Street East, Brockville

Dear Mr. Sheridan,

Please be advised that the following is an updated summary of the current status of the approved Draft Conditions for Condominium Conversion following submission of additional information in August 2013 and a site inspection completed on 13 November 2013 which found that the parking (Condition 2.8) is now acceptable.

The following is a summary of the current status of the conditions for Draft Approval:

2.1 Complete.

2.2 Complete.

2.3 / 2.4 / 2.5 / 2.6: Incomplete.

See comments from correspondence (Faurschou-Sheridan) dated 11 June 2013.

In addition, no contact whatsoever has been received from Mr. Hafeeze or any representative from EXP since your e-mail dated 11 June 2013 which was cc'd to the Planning Department.

Please note that contrary to your e-mail of 15 May 2013, which states that "*Catherine Johnston has contacted Jon regarding the marketing package*", Ms. Catherine Johnston has Not been in contact Jonathan. A package was delivered by someone – no cover letter was provided with the material submitted and I was not in the office at the time, containing the following information:

- Letter, Armstrong / Diaz – Faurschou. dated November 2, 2010, including:
- a "**Structural Inspection Report**" dated December 7, 1987;
- **Plan CD R-1199**. dated 8 May 1975;
- **Plan 28R-6949**;
- **Sketch Prepared for Consent, Part of Level 1, Leeds Condominium, City of Brockville, County of Leeds**. Prepared by R.G. Bennett Surveying Ltd., OLS, undated;

-
- **Sketch Showing Leeds Condominium No. 24, City of Brockville, County of Leeds**, Prepared by R.G. Bennett Surveying Ltd., OLS, undated;
 - **Reserve Fund Study, Leeds Condominium Corporation No. 24. 167 Pearl Street, Brockville, Ontario**. Issued by Trow Associates Inc., dated September 2010.
 - **Phase I Environmental Site Assessment, 167 Pearl Street East, Brockville Ontario**, Issued by Trow Associates Inc., dated June 2010.

The above-noted documents do not satisfy the conditions as set out under Conditions 2.3 / 2.4 / 2.5 / 2.6.

In addition, contrary to your e-mail statement, no "Marketing Package" has been provided to the Planning Department.

What you need to provide is the following:

- Proposed price of the unit;
- Details of the Condominium Agreement as it applies to the unit, including, but not limited to, common elements and parking. How is the condominium document from the existing 11 unit condominium to be amended to host the 12th unit. To-date, only a draft amendment to the drawing for Leeds Condominium #24 has been provided by Grant Bennett;
- Written confirmation from the board for Leeds Condominium No. 24 to any changes in the condominium agreement to accommodate the 12th dwelling unit.
- Confirmation from an engineer that the deficiencies identified for Unit 4 in the inspection report from EXP dated November 2, 2012, have been re-inspected and confirmed as complete and in compliance with applicable legislation. Confirmation should be correlated to each of the report items.
- Confirmation, in writing, that a prospective buyer shall be provided with the following documentation:
 - inspection report from TROW dated November 2, 2010;
 - inspection report from EXP dated November 2, 2012;
 - copy of confirmation of completion of outstanding items as noted in the inspection report from EXP dated November 2, 2012

2.7 Complete.

2.8 Complete.

2.9 Incomplete.

A review of permits issued for 167 Pearl St. E. has failed to locate any building permit(s) having been issued for work on the subject dwelling unit, being unit 4.

J. Sheridan
14 November 2013

Page 3

Should you have any information to the contrary, please provide a copy of the building permit(s) or a building permit number(s) from which we can determine the status of the permit.

If you do not have evidence of such a permit, please confirm the nature and extent of work done on the subject unit for review by the Building Division to determine if any permit is/was required.

See Items 2.3, 2.4, 2.5, 2.6, and 2.8, inclusive, above.

2.10 Complete.

2.11 Complete.

2.12 Complete.

2.13 Complete.

2.14 No change.

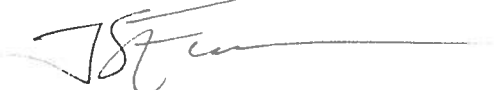
The deadline for completion of the conversion process remains 08 February 2014.

Bell Canada: Complete.

Please contact the Planning Department should you have any questions.

Yours sincerely,

PLANNING DEPARTMENT



**J. Faurschou, MCIP, RPP.
Planner I**

Copy: R.G. Bennett Surveying Limited.

SCHEDULE "C" TO REPORT 2014-004-01

Andrew McGinnis

From: Sheridan, Jim <jim.sheridan@rbc.com>
Sent: Friday, December 20, 2013 4:22 PM
To: Jon Faurschou
Cc: Maureen Pascoe Merkley; john@highlandassociates.ca; Andrew McGinnis; Catherine Johnston Brockhaven Realtor (brockhaven@ripnet.com); Grant Bennett (grant@rgbennett.com)
Subject: RE: bill for bachelor from four o one

Hello Andrew.

Please accept this request for extension of our application of Draft Conditions for severance of the bachelor unit at 167 Pearl St Brockville. We have not been able to complete the final inspection of the building and we anticipate this to be completed once we are able to secure an qualified Engineer. Sincerely, Jim Sheridan

Jim Sheridan
 Vice President & Investment Advisor & Portfolio Manager
 RBC Dominion Securities
 435 North Service Road W
 Oakville, Ontario, L6M 4X8
 Phone (905) 469-7040
 Toll Free 1 800 567 5615
 Fax (905) 469-7005
 www.jimsheridan.ca

From: Jon Faurschou [mailto:jfaurschou@brockville.com]
Sent: Friday, December 20, 2013 3:46 PM
To: Sheridan, Jim
Cc: Maureen Pascoe Merkley; john@highlandassociates.ca; Andrew McGinnis; Catherine Johnston Brockhaven Realtor (brockhaven@ripnet.com); Grant Bennett (grant@rgbennett.com)
Subject: FW: bill for bachelor from four o one
Importance: High

Jim,

It is now 3:45 and I will be leaving the office at 4:00 p.m. today returning 06 January 2014.

If I was not clear enough in past e-mails, your best approach is to request and extension of Draft conditions.

The next and only available EDP Committee meeting date in which to submit a report for final approval is 07 January 2014.

If successful, it would be forwarded to the following meeting of Council for consideration and assumed approval. This would meet the 08 February deadline for meeting draft conditions.

The EDP report needs to be prepared and submitted not later than noon on Monday 23 December 2013.

It is apparent that you will miss this deadline to meet all of the draft conditions as the same date and meeting apply to obtaining final approval.

As such, you may either let the application lapse or request an extension, including rationale for such extension.

There is no fee for requesting an extension and it would provide additional time to meet the conditions.

Please contact Andrew McGinnis with your request for extension if this is the route you choose to follow.