
Committee Members

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Councillor J. Baker
Councillor D. Beatty
Councillor J. Earle
Mayor D. Henderson,
Ex-Officio

Areas of Responsibility

Economic Development
Planning
Chamber of Commerce
DBIA
Heritage Brockville

Museum Board
Library Board
Arts Centre
Tourism

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DISCLOSURE OF INTEREST

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Upper Canada Condominium Approvals
137 George Street

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1. 2011-035-04
Pre-servicing Agreement
Lot 3 and Part of Lots 1, 2, 4 and
Part of Glasford Place, Registered Plan 380
Concession 2, City of Brockville
(Liston Avenue Subdivision)
Owner: 1178420 Ontario Ltd.
Agent: Paul Veenstra

CONSENT AGENDA



IBI Group
400–333 Preston Street
Ottawa ON K1S 5N4 Canada
tel 613 225 1311
fax 613 225 9868

April 1, 2011

M. Maureen Pascoe-Merkley, MCIP, RPP
Director of Planning
City of Brockville
1 King Street West
Brockville, ON K6V 7A5

Dear Ms. Pascoe-Merkley:

**UPPER CANADA CONDOMINIUM APPROVALS – IMPACTS OF TARION DECISION ON
PROPOSED ZONING**

As discussed in our meeting with you on March 28, 2011, a recent decision by Tarion Warranty Corporation will impact the proposed zoning for the Upper Canada Condominium project at 137 George Street.

As you know, Tarion warrants new home construction in the Province of Ontario. Homes built on a portion of an existing foundation are not generally covered by the Tarion warrantee. However, in a review of the proposed Upper Canada Condominium project, Tarion has indicated that the new home warrantee will apply. Tarion has also indicated that the new construction cannot be physically connected to any existing structure—in this case Trinity Church—and that the lot upon which the new construction will be located must be severed.

As discussed, the proposed amendment to the City's Zoning By-law is based on the assumption that the entire property at 137 George Street will be rezoned from I1 General Institutional to R9 Multiple Residential. It was agreed that despite the need to sever the proposed development site for the purposes of meeting the requirements of Tarion, the proposed zoning would continue as is. However, it was also agreed that in order to determine the effects of the severance on the proposed development concept and zoning, the applicant would analyze and present the findings to the City.

Revised Development Concept

The revised development concept is appended to this document. The concept shows that the main entrance to the residential building will remain on George Street between the new building and the existing Trinity Church building; however, the two buildings will not be physically linked. Instead, a lobby/common lounge area would be provided in the new building in-lieu of this area being provided in the Trinity Church building as originally proposed. As with the tower portion of the new building, the lobby/common lounge would be built on the parking podium and would be set back 1.5 metres from the severance line. This setback meets Ontario Building Code and Ontario Fire Code requirements.

Zoning Impacts

As noted, the proposed zoning is based on using the entire 137 George Street property to determine if the lot, yard, and open space requirements of the R9 Multiple Residential zone are achievable by the proposed development. The table below is an update of Table 2 on page 32 of the Planning Rationale prepared by IBI Group and submitted in support of the planning approvals sought for the proposed development.

M. Maureen Pascoe-Merkley, MCIP, RPP

The updated table assumes the smaller lot area that would result from the severance of the development area from the larger property. As with the original Table 2, the italicized text forms the basis of the requested Zoning By-law Amendment. The bold text indicates a change from the findings of the original Table 2.

Zoning Provisions – R9 and Proposed Development on Severed Lot

<i>Key Zoning Provisions</i>	<i>R9 Zone</i>	<i>Proposed Development</i>
Minimum lot area (m ²)	1000.0	2215.7
Minimum lot frontage (m)	25.0	31.9
Minimum lot depth (m)	25.0	68.0
Minimum front yard setback (m)	8.0	13.5
Minimum exterior side yard (m)	6.0	0.0
Minimum interior side yard setback (m)	5.0	0.0
Minimum rear yard setback (m)	7.5	1.5
Maximum building height (m)	22.5	36.6
Maximum residential units	n/a	94
Minimum landscaped open space (percent)	30	35
Minimum amenity area (m ² / unit)	One bedroom: 10 Two bedroom: 20 Total: 1480	One bedroom: 10 Two bedroom: 20 Total: 2884
Minimum unit size (m ²)	n/a	500
Parking rate (spaces/unit)	1.25	<i>0.89 (1.21 with VRTUCAR)</i>
Location of parking	Prohibited in front and exterior side yards	<i>Proposed in front yard (adjacent Gilmour Street)</i>

Source: IBI Group, 2011.

Parking

It is understood that the City's position is to reduce the parking rate from 1.25 spaces/unit to 1.1 spaces/unit for a requirement of 103 spaces for the 94 units proposed. As 84 spaces are provided, the City is requesting that cash-in-lieu of parking be paid the City for the 19 spaces required but not provided.

It is the City's position that a parking rate of 1.1 spaces/unit is necessary since recent developments approved by the City, including Tall Ships Landing and Brockville Landings, were required to park at this rate. However, neither of these developments is proposing a car-share program to support mobility while reducing the need for car ownership and thus the demand for parking. The proposed car-share program is an integral component to the LEED® certification of the new building, a first in Brockville. It should be pointed out that unlike Tall Ships Landing and Brockville Landings, the Upper Canada Condominium development is not a waterfront project and its potential buyers are more likely to consider forgoing the costs of car ownership. As such, we would suggest that cash-in-lieu of parking be paid the City for the 10 spaces required but not provided at a rate of 1.0 spaces/unit.

M. Maureen Pascoe-Merkley, MCIP, RPP

Residential Use

The proposed zoning sets the maximum number of apartment dwellings to 94 units. Although, there is the possibility that the Trinity Church building could be converted for residential purposes at some point in the future, it is understood that residential use of the church building would require a rezoning largely to address the parking impact of this use. As such, the proposed uses originally sought in the application to rezone (assembly hall, church, day nursery, museum/art gallery, private club, and theatre) remain unchanged.

Community Benefit

As you know, significant community benefits would result from the proposed development, including: preservation of the Trinity Church building (1877) and its potential use by the community; provision of six units meeting the County's definition of affordable; a LEED® certified building (the first in Brockville); and the provision of public parking improvements along the south side of George Street from Gilmour Street west to the western end of the existing curbed parking area. This parking would benefit the proposed improvements to Rotary Park and would be available to the public for use by park goers, visitors to the proposed Upper Canada Condominium development, and users of the Trinity Church building. It is estimated that between 26 and 28 vehicles could be accommodated in this area where 8 vehicles are currently accommodated in parallel.

It is understood that this off-site contribution would be made in exchange for the removal of any cash-in-lieu requirement associated with the permitted future uses of the Trinity Church building. Considering the potential usable floor area of the church building (about 870 m² or 9,400 ft²), the nature of the proposed permitted uses, and the proximity to King Street, it is unlikely that the demand for parking cannot not be easily accommodated on surrounding streets and municipal lots.

It should be noted that the permitted uses proposed were selected with parking impact in mind. These uses are not employee intensive and would not generate significant traffic and parking demand during business hours such that retail, office, or clinic uses would. These uses would generally result in "event" traffic and parking demand in the same manner the current uses of the church building do now. It should also be noted that these "events" generally occur outside regular business hours and thus do not compete with the demand for on-street parking generated by downtown shoppers and employees. As such, the provision by the applicant of additional public on-street parking within one block of the church building is a reasonable exchange for the removal of any cash-in-lieu requirement associated with the permitted future uses of the Trinity Church building.

Preservation of Trinity Church Building

It is important to reiterate the difficulty of preserving historic architectural landmarks such as Trinity Church. Such buildings are typically located in downtown areas and can be adaptively reused to accommodate a range of urban uses, including residential. However, many of these buildings pre-date the automobile and have always relied on street parking for employees and visitors. When the adaptive reuse of these buildings is proposed, municipalities often require significant cash-in-lieu contributions that make reuse financially infeasible. As such, many of these buildings remain vacant, fall into disrepair, and are removed to make way for new development. In short, municipal flexibility in parking projects that involve adaptive reuse will increase the potential for the preservation of historic architectural landmarks.

M. Maureen Pascoe-Merkley, MCIP, RPP

With respect to Upper Canada Condominium project, we believe that the proposed arrangement with the City to remove the cash-in-lieu requirement on permitted future uses of the Trinity Church building represents the flexibility that is necessary to adaptively reuse this historic building.

Conclusion

It is understood that in exchange for the community benefits provided, the applicant will be granted by a bonus provision the ability to build to a maximum height of 37.0 metres which exceeds the 45 degree angular plane for the subject property.

I trust this accurately reflects the results of our discussions in recent days. If you have any questions or require anything further to assist in your consideration of this request, please do not hesitate to contact me directly. Thank you.

Sincerely,
IBI GROUP

A handwritten signature in black ink, appearing to read 'K. Harper', with a long horizontal stroke extending to the right.

Kevin A. Harper, MCIP, RPP, LEED® AP
Associate

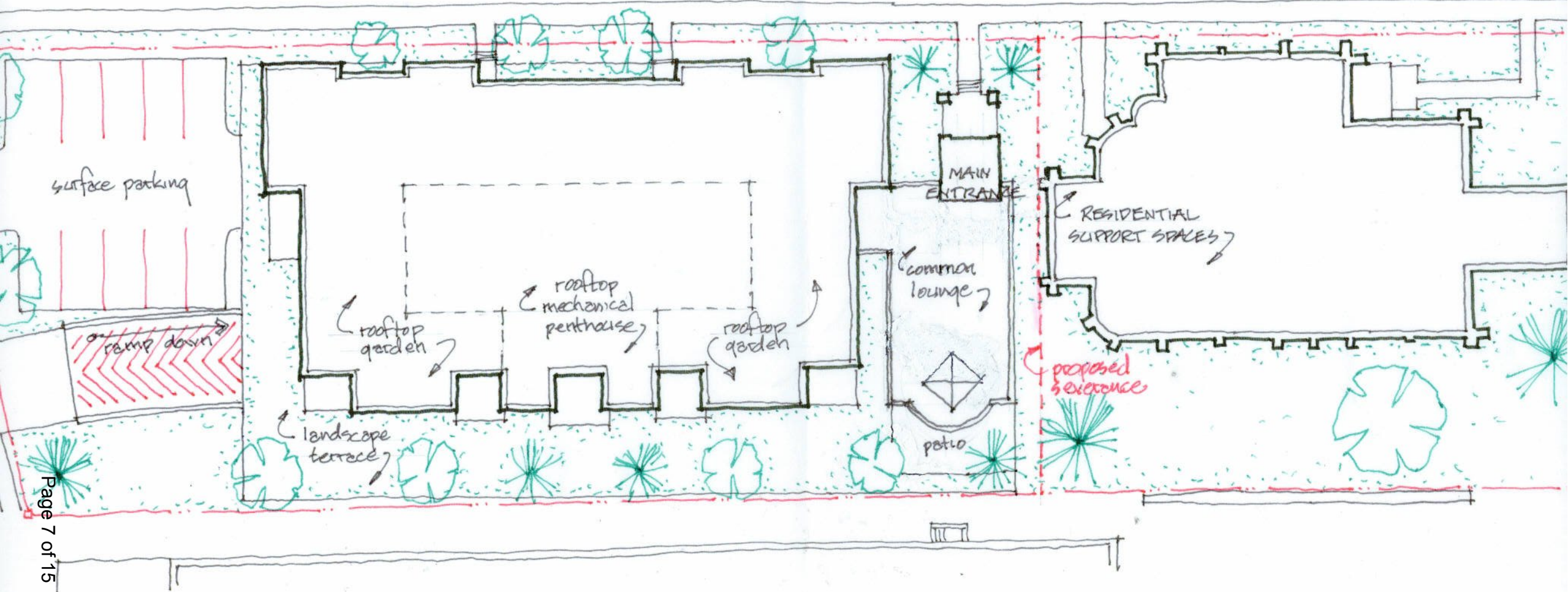
Cc: Rolf Baumann, President, RGB Group
Ralph Vandenberg, Vandenberg & Wildeboer Architects Inc.

FLOORS 1-10: 9 UNITS PER FLOOR: 90
 FLOOR 11: 6 PENTHOUSE UNITS: 6
 TOTAL UNITS: 96

MAIN LEVEL: SURFACE: 10 spaces
 GARAGE: 34 spaces
 LOWER LEVEL: GARAGE: 40 spaces
 TOTAL PARKING: 84 spaces

MARCH 29, 2011

GEORGE STREET



31 March 2011

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 05 April 2011

2011-035-04

PRE-SERVICING AGREEMENT

LOT 3 AND PART OF LOTS 1, 2, 4 AND

PART OF GLASFORD PLACE, REGISTERED PLAN 380

CONCESSION 2, CITY OF BROCKVILLE

CITY OF BROCKVILLE

(LISTON AVENUE SUBDIVISION)

OWNER: 1178420 ONTARIO LTD.

AGENT: PAUL VEENSTRA

FILE: 08T-10502

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

**J. FAURSCHOU
PLANNER I**

RECOMMENDATIONS:

THAT the Mayor and Clerk be authorized to enter into a Pre-Servicing Agreement between the Corporation of the City of Brockville and 1178420 Ontario Ltd. for the installation of services on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds, in advance of the final approval and registration of the final plan of subdivision and subject to the following conditions being met by the applicant and approved by the City:

- a) the servicing design is finalized; and
- b) MOE certificates of approval have been issued; and
- c) all other outstanding issues have been resolved.

PURPOSE:

The purpose is to consider entering into a Pre-Servicing Agreement between the Corporation of the City of Brockville and 1178420 Ontario Ltd. for the installation of services on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds, in advance of the final approval and registration of the final plan of subdivision

ORIGIN:

On 30 March 2011, P. Veenstra, acting as Agent for 1178420 Ontario Ltd., Owner of the subject lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds, requested that the City consider entering into a Pre-Servicing Agreement to permit construction of services prior to obtaining final Subdivision Approval. A copy of the request has been attached to this report as **Schedule "A"**. The applicant has advised that the area shall be developed as five (5) lots for twenty (20) townhouse dwelling units, one (1) lot for an apartment building with approximately thirty (30) apartment units, one (1) public street and one (1) 0.3 metre reserve. All development will be on a new street to be accessed from Liston Avenue. All residential lots have frontage on the proposed new street. A sketch showing the lands which are the subject of the application and a sketch showing the preliminary concept for development are attached to this report as **Schedule "B"**.

The subject lands are currently vacant.

ANALYSIS:

On 08 February 2011, Council approved Resolution 2011-017-02 wherein Draft Approval was granted for a red-lined plan of Subdivision to be located on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds. A copy of Resolution 2011-017-02 has been attached to this report as **Schedule "C"** for reference.

The current owner of the lands, being 1178420 Ontario Ltd., has indicated that he is ready to proceed with servicing of the proposed street within the Liston Avenue Subdivision as shown on **Schedule "A"** to this report. Mr. Veenstra is concurrently working towards Final Subdivision Approval for the Liston Avenue Subdivision.

Mr. Veenstra has advised the Planning Department that due to time constraints he wishes to proceed with the installation of services within Liston Avenue Subdivision prior to obtaining Final Subdivision Approval. This approach would enable service work to be undertaken solely at the responsibility of the Owner while concurrently working towards meeting the conditions for Final Subdivision Approval.

Under a Pre-Servicing Agreement, the lands may be fully or partially serviced while the road portions of the subdivision are still under ownership of the developer, being 1178420 Ontario Ltd.

If supported, a Pre-Servicing Agreement would be prepared for execution by 1178420 Ontario Ltd. and the City which would provide 1178420 Ontario Ltd. with permission to commence the construction of services, to be completed in accordance with the design drawings issued by Genivar, set out requirements with respect to inspection of work, and to establish an appropriate stage for registration of the Plan of Subdivision. Upon registration of the Plan of Subdivision, the Subdivision Agreement would replace the Pre-Servicing Agreement, and a letter of Credit in the value of the remaining work would need to be posted.

To ensure on-going compliance with municipal and provincial standards, the Pre-Servicing Agreement cannot be executed and work cannot proceed until the following is in place:

- a) the servicing design is finalized; and
- b) MOE certificates of approval have been issued; and
- c) all other outstanding issues have been resolved.

Proposed Pre-Servicing Agreement
Liston Avenue Subdivision, City of Brockville
Owner: 1178420 Ontario Ltd.
Agent: P. Veenstra
File: 08T-10502

The concept of a Pre-Servicing Agreement was exercised for Cass Dev. Ltd. for Deer Trails Subdivision in 2004 and for Spring Valley Homes Ltd. for Wildwood Subdivision in 2006 and for 1178420 Ontario Ltd. for Millwood East Subdivision in 2006. If the Pre-Servicing Agreement is endorsed, the developer would proceed with servicing as soon as possible.

POLICY IMPLICATIONS:

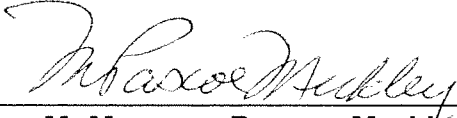
There are no policy implications associated with the subject request to enter into a Pre-Servicing Agreement between the Corporation of the City of Brockville and 1178420 Ontario Ltd. for the installation of services on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds. The onus remains on the developer to ensure that all work is in compliance with municipal and provincial standards.

FINANCIAL CONSIDERATIONS:

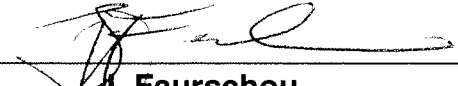
The developer is responsible for all costs associated with the Pre-Servicing Agreement. All other costs associated with development of the lands within the subdivision are the responsibility of the developer. No financial security is required to be provided to the City at the pre-servicing stage. However, upon execution of final Plan of Subdivision, financial security will be required to be provided to the City.

CONCLUSIONS:


The Planning Department has no concerns with entering into a Pre-Servicing Agreement to provide for the installation of services on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds in advance of the registration of the Plan of Subdivision, subject to: the servicing and subdivision design being finalized; MOE certificates of approval being issued; and all other outstanding issues have been resolved.



M. Maureen Pascoe Merkley
Director of Planning



J. Faurschou
Planner I



B. Casselman
City Manager



Adult LifeStyle Bungalows

P.O. Box 275 Brockville, ON K6V 5V5
(613) 498-0780 Fax: (613) 498-2332
email: coombecustomhomes@cogeco.ca

2011-017-02

Proposed Plan of Subdivision Lot 3 and
Part of Lots 1,2 and 4 and Part of
Glasford Place, Registered Plan 380, City of Brockville
Liston Ave- South Side

March 30th, 2011

RE: Request for Pre-Servicing Agreement

I would like to request that this be presented at the EPD
Committee meeting scheduled for April 5th, 2011 with the anticipation of being forwarded onto Council
April 12th, 2011 for approval.

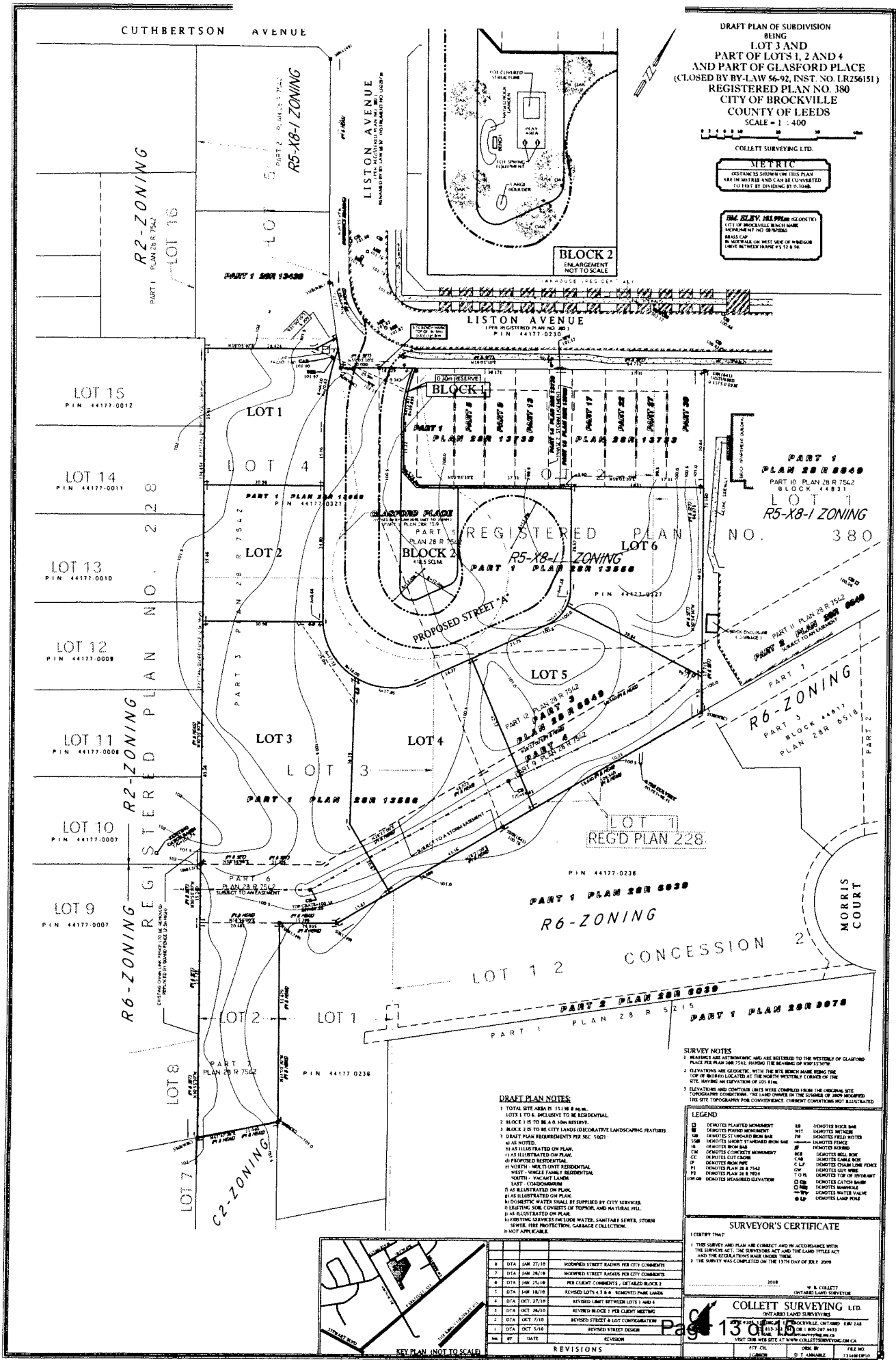
The rationale for this timing is that the Spring Market for
Brockville is now upon us, hopefully aiding with increased sales and furthering the construction time
schedule. We will assure that all remaining conditons will be met prior to the end of May, beginning of
June allowing for us to enter into the final Subdivison Agreement. A cheque has been forwarded onto City
Hall this afternoon.

Thank-you very much,


Tracey Veenstra



SCHEDULE "B" - REPORT 2011-035-04



4. 2011-017-02
Proposed Plan of Subdivision Lot 3 and
Part of Lots 1, 2 and 4 and Part of
Glasford Place, Registered Plan 380, City of Brockville
(Liston Avenue - South Side)
Owner: 1178420 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 Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds subject to the following conditions:
 - i. That these conditions shall apply to the red-lined Draft Plan prepared by Brent Collett, O.L.S., dated October 29, 2010, showing Lots 1 through 6, inclusive, and Blocks 1 and 2, inclusive, said Blocks being delineated as to use on the afore-mentioned Draft Plan, as revised;
 - ii. That the proposed Street "A" shown on the red-lined Draft Plan, 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, including an easement in favour of the City over Lot 3 to provide access from the public highway to the existing storm sewer easement located on proposed Lots 3, 4, 5 and 6.
 - 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, sidewalks, street lighting and the installation of services and drainage;
 - All of the requirements, financial and otherwise, of the City of Brockville concerning ensuring unobstructed access to all municipal services and easements;
 - The dedication of lands within the subdivision for public purposes;
 - The elimination of the existing private equipped children's play area and easement therefore;

- The requirements of Canada Post with respect to the installation of Community Mailboxes and the installation of a centralized mail facility for the apartment building;
 - The requirements of Enbridge Consumers Gas, with respect to an overall distribution plan, installation strategy and installation standards;
 - The requirements of Hydro One Networks Inc. with respect to the installation of electrical servicing;
 - The requirements of Bell Canada with respect to the installation of Bell servicing;
 - The requirements of Cogeco Cable Canada Inc. with respect to the installation of Bell servicing;
 - The requirements of the Fire Department to ensure emergency services access and fire fighting capabilities and access;
 - The developer's responsibility to prepare a Tree Saving Plan and Tree Planting Schedule for review and approval by the City of Brockville.
- v. That prior to final approval of the red-lined Plan, lot grading, drainage, erosion and sediment control, and services plan(s) with best management practices be prepared by the Owner for inclusion in the Subdivision Agreement, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority;
- vi. That prior to the final approval of the Plan, a Stormwater Management Brief shall be prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority, and that appropriate text to implement its findings shall be included in the Subdivision Agreement;
- vii. That, if final approval of the Plan is not granted within three (3) years of the date of approval of the red-lined Draft Plan, 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; and
- viii. That the Final Plan, as approved by the City of Brockville, must be registered within thirty (30) days of the date of final approval or the City's approval may be withdrawn in accordance with Section 51(59) of the Planning Act, R.S.O. 1990, c.P.13.

CARRIED