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Committee Members

Councillor M. Kalivas, Chair  
Councillor J. Baker  
Councillor D. Beatty  
Councillor L. Bursey  
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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**MOTION TO MOVE INTO CLOSED SESSION (5:00 pm)**

THAT pursuant to Municipal Act, 2001, Sections 239 Sub. 2 (c) Council resolve itself into the Committee of the Whole, In Camera, closed to the public for the purpose of:

1. a proposed or pending acquisition or disposition of land by the municipality or local board (Part of Lot 8, Concession 2, Reference Plan 28R-12356 (Crocker Crescent))

**DELEGATION(S) AND PRESENTATION(S)**

1. Presentation of Upper Canada Condo project  
Mr. Baumann, Architect

**STAFF REPORTS**

1. 2010-164-12  
Extension of Registration of Final Plan of Subdivision,  
Part of Lot 11, Conc. 2, City of Brockville, County of Leeds,  
Flanders Road, Phase II  
Owner: John Cassell, O/A Cass Dev. Ltd.,  
Agent: Eastern Engineering Group
2. Timeframe for Presentation of final  
Official Plan document for adoption by Council

*For discussion.*

**CONSENT AGENDA**

2-7

**29 November 2010**

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 07  
DECEMBER 2010**

**2010-164-12**

**EXTENSION OF REGISTRATION OF FINAL PLAN  
OF SUBDIVISION, PART OF LOT 11, CONC. 2  
CITY OF BROCKVILLE, COUNTY OF LEEDS  
FLANDERS ROAD, PHASE II  
OWNER: JOHN CASSELL, O/A CASS DEV LTD.  
AGENT: EASTERN ENGINEERING GROUP INC.  
FILE: 08T-06501A**

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

**RECOMMENDATION:**

THAT the date for registration for final approval of the Flanders Road-Phase II Plan of Subdivision on lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds be extended for an additional twelve (12) months (March 07, 2012) from the current extended date for registration for final approval, being March 07, 2011.

**PURPOSE:**

The purpose of this report is to make recommendation respecting a request for further extension of the date on which the Flanders Road-Phase II Plan of Subdivision is to be registered.

**BACKGROUND:**

Eastern Engineering Group Inc., acting as Agent for Mr. John Cassell, o/a Cass Dev Ltd., Owner of lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds, made application for a proposed Plan of Subdivision. On 10 April 2007, Council for the Corporation of the City of Brockville passed resolution 2007-064-04 which granted draft approval to a Plan of Subdivision on the subject land, said draft approval being subject to eleven (11) conditions.

On 10 March 2009, Council for the Corporation of the City of Brockville passed resolution 2009-031-03 which granted final approval to a Plan of Subdivision on the subject land. Registration of Final Approval was to be completed within sixty (60) days of the date of final approval.

On 12 May 2009, Council for the Corporation of the City of Brockville passed resolution 2009-061-05 which granted an extension of 120 days for registration of final approval to the Plan of Subdivision.

On 13 October 2009, Council for the Corporation of the City of Brockville passed resolution 2009-161-10 which granted an extension of eighteen (18) months for registration of final approval to the Plan of Subdivision for the subject land. This extension will expire on March 7, 2011.

Extension of Registration of Final Plan of Subdivision  
Block B, Plan 42, Part of Lot 11, Concession 2, City of Brockville  
Owner: John Cassell, O/A Cass Dev Ltd.  
Agent: Eastern Engineering Group Inc.  
File: 08T-06501A

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## ANALYSIS:

Condition 11 of Report 2007-064-04, being the background report to Plan of Subdivision for Cass Dev Subdivision Phase II, reads as follows:

*"11. That the Final Plan, as approved by the City of Brockville, must be registered within sixty (60) 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."*

An initial extension for registration of Final approval was granted based on the need to resolve various title related issues. These issues were resolved.

Three (3) subsequent requests for further extensions were made by the developer and granted by Council for the City of Brockville based on the current economic environment and the developer's inability to secure a buyer for the subject property.

However, the Agreement remains unexecuted and the Final Plan has not been registered. Accordingly, the Agent, being Eastern Engineering Group Inc., has requested a further extension of twelve (12) months. A copy of the request has been and the subdivision layout have been attached as **Schedule "A-1"** and **Schedule "A-2"**, respectively, to this report.

The request for a further extension of twelve (12) months is based on the sale of the subject property. The developer, Mr. Cassell, is continuing with his attempts to sell the property but as yet has been unsuccessful.

The request has been circulated to the Environmental Services Department for comment and received the following response:

*"I have no objection to extend it another year. However, the agreement should contain a clause giving the City the ability to allocate the capacity given to this development to another development should it be needed."*

In consideration of past request for extension, the matter of assigned capacity has been brought forward as a concern in that once a subdivision is approved, typically the allocation is assigned to the subdivision and is difficult to re-assign as once approved. The assumption is that the subdivision will proceed in the immediate future. However, Council does retain the prerogative to re-assign capacity when needed.

However, it is also reasonable to establish that no further extensions shall be considered on this project beyond the twelve (12) months requested in order to ensure that sanitary capacity assigned to this project may be reassigned to another project

Extension of Registration of Final Plan of Subdivision  
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should this project be further delayed. Following the expiry of the extension, the City should consider withdrawing its approval for Final Plan of Subdivision.

Given that the project has complete engineering drawings and appropriate approvals, it is reasonable to grant an extension for the registration of the Final Plan for a period of twelve (12) months. The date for final registration would then be moved forward to 07 March 2012.

#### **COMMENTS RECEIVED:**

1. P. Raabe, Director of Environmental Services (*Memo dated November 10, 2010*)

*"I would make it so the City at any time over during the year can pull the capacity allocation from the development..."*

2. Eric Jones, Engineering Supervisor – Environmental Services Department (*memo dated November 04, 2010*)

*"The request for an extension seems reasonable at this time, considering the generally slow economy, therefore we have no objection to granting the request for a one year extension."*

#### **POLICY IMPLICATIONS:**

There are no policy implications associated with the proposed extension of the time frame for registration of the Final Plan of subdivision.

#### **FINANCIAL IMPLICATIONS:**

There is a potential financial implication of not proceeding to registration of Final Plan of Subdivision. The subject landholding, being one parcel, would be assessed as vacant residential. Alternatively, should the registration proceed, the lands would be assessed per lot, generally at a higher value, thus exacting more taxation.

Conversely, should the request be denied and the developer fails to proceed with the development, the taxes would remain at the current rate.

Aside from the tax implications, there are no financial implications associated with the proposed extension of the time frame for registration of the Final Plan of subdivision as the financial security required under the Subdivision Agreement is based on current pricing provided by the developer at the time of construction and the City portion of cost

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sharing identified under the Agreement is paid out in the year following completion of the work in order to ensure that funds are included in the budget process.

#### **CONCLUSION:**

The Planning Department is recommending extension of the time frame for registration Final Plan of Subdivision for an additional twelve (12) months in order to ensure that an Agreement is executed, and to enable the developer to arrange the sale of the subject land to another developer. The date for registration of Final Plan of Subdivision would then be moved to 07 March 2012.




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



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**B. Casselman**  
City Manager



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**J. Faurschou**  
Planner I

# SCHEDULE "A-1" - Report 2010-164-12



Brockville Centre  
125 Stewart Blvd., Suite 212  
Brockville, Ontario K6V 4W4  
Tel: (613) 345-0400 Fax: (613) 345-0008  
Web Site: [www.easteng.com](http://www.easteng.com)

File: 3005

October 28, 2010

City of Brockville  
P.O. Box 5000  
Brockville, ON K6V 7A5

Attention: Mr. J. Faurschou.

Dear Sir:

Re: Cass Dev. Ltd.  
Flanders Road, Phase II

This letter supersedes our letter of October 20, 2010.

On behalf of Mr. John Cassell, Cass Dev. Ltd., I am writing to request that the registration of Final approval be extended until March 7, 2012.

Mr. Cassell is attempting to sell the property and does not wish to incur the tax consequences of registering the plan until a sale is imminent.

Yours very truly,

EASTERN ENGINEERING GROUP INC.

BRT: rie

B.R. Tuthill, P.Eng.

c.c. Mr. J. Cassell

**LEGEND**  
N.T.S.

FINAL GROUND ELEVATION AT  
NEAR LOT CORNER GRADE  
EXISTING GRADE  
SHADE GRADE  
LOT NUMBER  
SOIL LOT SHADE TO BE  
EXISTING GROUND CONTOUR  
FINAL GROUND ELEVATION AT  
GRADE BREAKDOWN  
GRADE BREAKDOWN  
GRADE  
FINAL GROUND ELEVATION AT R.O.M.

**PLAN**  
BACK LOT DRAINAGE

**ELEVATION**  
PLAN SHALL BE GROUND ELEVATION  
LOCATED AT LOT CORNER  
LOCATED AT LOT CORNER

**PLAN**  
BACK TO FRONT LOT DRAINAGE

**ELEVATION**  
PLAN SHALL BE GROUND ELEVATION  
LOCATED AT LOT CORNER  
LOCATED AT LOT CORNER

**NOTES:**

- THE TOPOGRAPHY AND LOT ELEVATIONS ON THIS PLAN ARE FOR INFORMATION ONLY. IT SHALL BE THE BUILDER'S RESPONSIBILITY TO THE PLAN IN ACCORDANCE OF ALL INFORMATION OBTAINED BY THE BUILDER.
- UNLESS OTHERWISE INDICATED THE HOUSE LOT ELEVATIONS SHOWN HEREON ARE GENERALLY THE HIGHEST ELEVATIONS FOR THE SPECIFIED DRAINAGE PATTERN.
- GROUND SHADES SHALL BE CONSTRUCTED BY THE BUILDER IN ACCORDANCE WITH THE SPECIFICATIONS INCORPORATED HEREON.
- ALL LOTS SHALL BE GRADED TO EXISTING DRAINAGE IS TOWARDS SOIL SHADES.
- MINIMUM SLOPES OF SHADES TO BE 3:1, MINIMUM DEPTH OF 300MM.
- LOTS WHICH ARE THE SUBDIVISION LOTS SHALL BE GRADED TO PROVIDE A SLOPE SHIP ADJACENT THE LOT WHICH IS AT THE REQUIRED BY LOT CORNER SHALL HAVE SOIL SHADES NOT GREATER THAN 1:1 AND ARE TO BE CONSTRUCTED AT THE FRONT CORNER OF THE LOT. THESE DRAINAGES SHALL BE SHOWN IN THE SLOPES.

**RIC-BAP DETAIL**  
N.T.S.

**BENCHMARK**  
BENCH MARK IN CONCRETE ON SOUTH SIDE OF LAURIER IN FRONT OF HOUSE  
ELEV. 108.74m (RECENT)

**NOTE:**  
CONNECTION TO EXISTING UTILITY LOCATIONS AND CONSTRUCTION OF EXISTING PAVEMENT.

**DEER TRAILS SUBDIVISION  
PHASE II**

**GRADING AND DRAINAGE  
PLAN**

**1**