



Economic Development and Planning Committee

Tuesday, March 4, 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

Page

COMMITTEE AGENDA

Disclosure of Interest

Delegations and Presentations

1. Inventory of City's Heritage Resources
(Mr. Paul Bullock, Chair Heritage Brockville)

Mr. Bullock will address the Committee regarding the changes to the proposed designation of additional properties as cultural heritage value or interest. (This matter was referred from the November EDP meeting.)

Correspondence

6 - 8

1. Inventory of the City's Heritage Resources
Heritage Brockville

(This matter was deferred from the November EDP meeting to permit further review of the list of proposed properties.)

THAT Council hereby designate the following properties to be of cultural value or interest:

- 2 King St. E
- 6/10 King St. E.
- 10/12 King St. E.
- 18-22 King St. E.
- 25 King St. E.
- 44 King St. E.

Economic Development and Planning Committee
March 4, 2014

- 62, 64 King St. E.
- 65 King St. E.
- 67-75 King St. E.
- 68 King St. E.
- 70 King St. E.
- 77, 79 King St. E.
- 80 King St. E.
- 82/84 King St. E.
- 86/88/90 K. E.
- 87 King St. E.
- 92 King St. E.
- 95 King St. E.
- 100 King St. E.
- 108 King St. E.
- 112 King St. E.
- 126 King St. E.
- 127 King St. E.
- 129 King St. E.
- 131-135 King St. E.
- 132-140 King St. E.
- 149 King St. E.
- 151 King St. E.
- 152 King St. E.
- 164 King St. E.
- 166 King St. E.
- 176 King St. E.
- 181 King St. E.
- 196 King St. E.
- 222 King St. E.
- 223 King St. E.
- 236 King St. E.
- 252 King St. E.
- 254 King St. E.
- 272 King St. E.
- 276 King St. E.
- 280 King St. E. ; and

THAT the City Clerk be directed to add the above noted properties to the Municipal Register of Cultural Heritage Properties; and

THAT the necessary by-law be enacted.

Economic Development and Planning Committee
March 4, 2014

- 9 - 11 2. The Thousand Islands Area Residents' Association
Request for Support to nominate Upper St. Lawrence River as a Canadian
Heritage River

(This matter was deferred pending further information.)

THAT the Council of the Corporation of the City of Brockville confirm its endorsement of the submission by the Thousand Islands Area Residents' Association (TIARA) nominating the Upper St. Lawrence River as a Canadian Heritage River.

Staff Reports

- 12 - 24 1. 2013-097-09
Revised Policy - City Property Transactions

Note: This matter was referred to this meeting from the September 3rd meeting to permit revisions to the form as per the Committees comments. Please refer to the revised Property Term Sheet attached.

THAT the Economic Development and Planning Committee recommend to Council the endorsement on the revised policy of the process associated with City property transactions inclusive of the revised Purchase of Sale Agreement.

- 25 - 37 2. 2014-018-03
Proposed Amendment to Zoning By-law 194-94
72,74,76, and 78 Murray Street, City of Brockville
Owner: William & Lesia Maxwell
Agent: Bob Jordan, Jordan-Bennett Geomatics Inc.

THAT Zoning By-law 194-94 be amended to rezone lands with municipal address 72, 74, 76 and 78 Murray Street from R2 — General Residential Zone to R3 — General Residential Special Exception Zone which would permit the semi-detached dwellings located on the property and would establish site-specific provisions in accordance with existing conditions, to facilitate severance into four (4) separate lots each containing one (1) semi-detached dwelling unit.

- 38 - 64 3. 2014-019-03
Proposed Amendment to the Official Plan and Zoning
By-law 194-94, 1365 California Avenue, City of Brockville
Owner: 1365 California Limited
Agents: Deborah Stagg & Lisa Cassidy, 2341246 Ontario Ltd.

THAT the application to amend Section 4.7.4 of City of Brockville Official Plan respecting lands described as Part of Lot 9, Concession 2, City of Brockville, County of Leeds, with municipal address 1365 California Avenue, to add a new site specific policy to permit a Health Club in addition to all other uses permitted within the Employment Area Designation, be denied; and

THAT the application for amendment to Zoning By-law 194-94 to rezone lands described as Part of Lot 9, Concession 2, City of Brockville, County of Leeds, with municipal address 1365 California Avenue, to permit the development of a Health Club in addition to all other uses permitted within the MI — Industrial Park Zone be denied.

- 65 - 69 4. 2014-020-03
Proposed Amendment to Sign By-law 84-89
2438 Parkedale Avenue, The Barley Mow
Owner: 2343674 Ontario Inc.
Agent: Eastern Engineering Group Inc.

THAT City of Brockville Sign By-law 84-89 be amended to permit the existing ground sign located at 2438 Parkedale Avenue to be altered to add an electronic message board with a total sign area of 4.6 square metres (50.0 square feet).

- 70 - 76 5. 2014-021-03
Request to Deem Lots Not Registered Parts of Bridlewood
Subdivision, Registered Plan 375, City of Brockville
Owner: 653973 Ontario Ltd.
Applicant: Wilson/Evely

THAT Lots 149, 150, 155 to 174, inclusive, Lots 181 to 185, inclusive, and Lots 245 to 249, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered; and

THAT Lots 1, 2, 3, 132, 133, 134, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered upon completion of a turnaround built to the City's satisfaction at the west end of Fitzsimmons Drive.

- 77 - 81 6. 2014-022-03
Request to Eliminate Required Sidewalk North Side
of Fitzsimmons Drive, Bridlewood Subdivision, Plan 375
Owner: 635973 Ontario Ltd.

THAT the petition received from residents of Bridlewood Subdivision requesting elimination of the required sidewalk on the north side of Fitzsimmons Drive west of Montrose Street, be received; and

THAT, while the sidewalk is not warranted at this time, the request to eliminate the sidewalk be denied.

82 - 83

7. 2014-023-03
Small Rural and Northern Municipal
Infrastructure Fund/Bethune Street

THAT Council authorize the Mayor and City Clerk to enter into a transfer payment agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Rural Affairs for infrastructure funding for the reconstruction of Bethune Street from King Street to Pearl Street.

84

8. 2014-024-03
Regulation of a Public Market
Brockville Farmers' Market Association

1. *The hours of operation be amended from "7:00 am until 1:00 pm on Tuesday, Thursday and Saturday of each week" to "8:00 am until 1:00 pm on Tuesday, Thursday and Saturday of each week"; and*
2. *That seasonal vendors be required to be on the Market by 8:30 am (currently 9:00 am) on designated market days or his/her stand may be reallocated to another vendor.*

New Business - Reports from Members of Council

Nil.

Brainstorming

Consent Agenda

Adjournment

THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for April 1, 2014.

HERITAGE BROCKVILLE

Brockville's Municipal Heritage Advisory Committee



Brockville City Hall, P.O. Box 5000, 1 King St. West, Brockville, ON, Canada K6V 7A5

February 4, 2014



Mrs. S. Seale,
City Clerk,
City of Brockville,
1 King St. West,
Brockville, ON
K6V 7A5

Dear Mrs. Seale;

SUBJECT: Inventory of the City's Heritage Resources .

We request that the revised attached list of buildings become a part of Brockville's Inventory of Heritage Resources, to be kept on file by the City Clerk. This revised list represents a reduction of fifteen buildings from the list originally presented to the EDP Committee in November. A public meeting was held on December 3, 2013 when the Municipal Register was explained and questions answered. Any building owner who asked to be let off of the Register has been accommodated.

Municipal council's approval (normally given by resolution) is required to add cultural heritage properties that have not been designated, to the register.

I wish to appear as a delegation at the EDP meeting on Tuesday March 4, 2014.

Sincerely yours,

Paul Bullock
Chair, Heritage Brockville

cc: Ms. M. Pascoe Merkley
Mr. J. Faurschou

REGISTRY - King St. East						
ADDRESS	BUILT	NAME	BUILD. MAT'L	ARCH. VALUE	HISTORIC VALUE	CONTEXTUAL VALUE
2 King St. E			stone			x
6/10 King St. E.			brick			x
10/12 King St. E.			stone			x
18-22 King St. E.	c.1842	Charles Field House & Shop	stone	x	x	x
25 King St. E.			wood			x
44 King St. E.	1862	East Ward Fire Engine House	brick/ stone	x	x	x
62,64 King St. E.	c. 1820	Jonas Jones House	stone	x	x	x
65 King St. E.	c. 1890	Minister's Manse for St. John's United Church	stone	x	x	x
67-75 King St. E.	1894	Cossitt Terrace	brick	x		x
68 King St. E.	c. 1895	Dr. Nelson Horton House	brick	x	x	x
70 King St. E.	1900	St. John's United Church	stone	x		x
77,79 King St. E.	c. 1851	Robert Bowie House	stone	x	x	x
80 King St. E.	c. 1826	Paul Glasford House	stone	x	x	x
82/84 King St. E.			stone			x
86/88/90 K. E.			brick			x
87 King St. E.	c. 1847	Steacy House	stone	x	x	x
92 King St. E.			brick			x
95 King St. E.	c. 1830	Thomas & Christina Campbell House	stone	x	x	x
100 King St. E.	1871	William & Augusta Swift House	wood	x		x
108 King St. E.	1890	Richard & Eliza Blake House	brick	x	x	x
112 King St. E.	1880	Alexandra & Eva Allan House	wood	x	x	x
126 King St. E.	c. 1863	Sheffield-Senkler House	stone	x		x
127 King St. E.	c. 1830	Charles & William Dyer House	stone	x	x	x
129 King St. E.	c. 1852	Richard Bradfield House	stone	x	x	x

REGISTRY - King St. East						
131-135 King St. E.	c. 1895	Brace Terrace	brick	x	x	x
132-140 King St. E.	c. 1894	St. Lawrence Terrace	brick	x		x
149 King St. E.	c. 1880	David & Elizabeth Simpson House	brick	x		x
151 King St. E.	c. 1876	Henry & Ellen Soper House	brick	x	x	x
152 King St. E.	c. 1884	Catherine & Edward York House	brick	x		x
164 King St. E.	c. 1844	Joel P. Easton House	stone	x		x
166 King St. E.	1883	Robert Easton's Blacksmith Shop	stone	x	x	x
176 King St. E.	c. 1833	Samuel Reynolds House	stone	x		x
181 King St. E.	c. 1840/ 1878	John & Mary Gill House	brick	x	x	x
196 King St. E.			brick			x
222 King St. E.	c. 1830	Patrick Murray House	stone	x	x	x
223 King St. E.	c. 1867	William H. Jackson House	stone	x		x
236 King St. E.			Wood			x
252 King St. E.	c. 1887	Mary Jane Reynolds House	wood	x		x
254 King St. E.	c. 1887	Thomas Sheridan House	wood	x		x
272 King St. E.	c. 1895	William Evans House	wood	x		x
276 King St. E.	c. 1895	Charles Evans House	wood	x		x
280 King St. E.	1917	Fulford Home for Ladies	stone	x	x	x



December 2, 2013

Ms. Sandra Seale
 City of Brockville
 1 King St. W
 Brockville ON K6V 7A5

Directors

Laura Bell

Michael Bell

Pamela Bliss

Martin Bordt

David Bull
 Executive Director
 & Acting President

Joy Macklem

Marion MacLeod
 Secretary/Treasurer

Dr. Harry McAdie

Michael McCarthy

Margot Miller

Brian Reynolds

Dear Ms. Seale,

During 2007, we made a presentation to Brockville City Council seeking its support for our project to designate the St. Lawrence River, between Kingston and the Quebec border, a Canadian Heritage River. We are re pleased to report that after much work over several years, the process is nearing completion. TIARA (The Thousand Islands Area Residents' Association) undertook the project feeling strongly that the St. Lawrence, bound up closely with so much of Canada's proud history, and with its outstanding natural and cultural values, richly deserves such a nomination. There are currently 37 designated "Heritage Rivers" in Canada and it was inconceivable to us that the Upper St. Lawrence should not be among them.

Following our presentation in 2007, we were encouraged and grateful to receive a letter of support from your municipality for our initiative. Since then, after several years of research, our nomination document was prepared and formally presented to the Canadian Heritage Rivers Board of Directors in May 2011. (This document is attached if you wish to review it.) **The Board's final requirement is that TIARA ask each municipality along the river to confirm its endorsement of our nomination by a Motion of Council.** (We have attached a draft motion which Council may wish to consider.)

Our volunteers would be very glad to answer any further questions you may have about the designation or the process. We can perhaps accomplish this by correspondence, or we would be happy to attend one of your Council meetings for this purpose, if you wish.

As a last step, the Canadian Heritage Rivers Board will present our nomination to the Minister of Environment Canada for final approval. We are looking forward to the day when the St. Lawrence can officially join this "hall of fame" of Canadian rivers, a designation of which we will all be proud.

Yours sincerely,

Blu Mackintosh

St. Lawrence Heritage River Project Committee

Sandra Seale

From: Mackintosh <mackintosh@1000island.net>
Sent: February-10-14 1:04 PM
To: Maureen Pascoe Merkley
Cc: Sandra Seale
Subject: TIARA nomination of St. Lawrence as a Canadian Heritage River
Attachments: SLHR Letter to Brockville.docx; St Lawrence Project Final to CHRS 5 May, 2011.pdf

Dear Ms. Pascoe Merkley,

To introduce myself, I am a volunteer member of TIARA, the Thousand Islands Area Residents' Association. I am writing to you as a member of the committee seeking nomination of the St. Lawrence River as a Canadian Heritage River. We are following up on the support that the City of Brockville gave our project in 2007. The attached letter will give you the background. The Nomination document has now been prepared (also attached), and part of the process requires re-affirmation from each of the riverside municipalities that they continue to support the nomination.

I understand that you are away for a few weeks, but I thought I would send you some information now about this initiative (which I have already sent to Sandra Seale), and when you return, I'd be very happy to discuss it with you, and answer any questions you may have prior to the March 4 2014 meeting of the Economic Development and Planning Committee meeting.

We understand that at its February 4 2014 meeting, the Economic Development and Planning Committee asked for a little more information about TIARA's nomination of the St. Lawrence as a Canadian Heritage River, and that one concern was whether it would impact the Town's Official Plan.

The short answer is that, no, there will be no conflict with the Official Plan, nor with any other by-laws the City might have. I quote from the Canadian Heritage River's own website:

Legislation: No new legislation is created when a river is designated to the CHRS. All protective actions on Canadian Heritage Rivers depend on existing laws and regulations, and respect the rights of Aboriginal peoples, communities, private landowners, and other stakeholders. Governments retain their jurisdictional powers and management responsibilities throughout the nomination and designation process.

Mandate: The Canadian Heritage Rivers System (CHRS) was established in 1984 by federal, provincial and territorial governments to conserve rivers with outstanding natural, cultural and recreational heritage, to give them national recognition, and to encourage the public to enjoy and appreciate them.

Just to clarify a bit further, here is what our committee put together to describe the aim of this designation:

The aim of achieving Heritage River designation is to increase public and private awareness of the current status and great history of the St Lawrence River. This title will help the river acquire its rightful place among the most important and celebrated natural resources that defines eastern North America. Through the title of Heritage River status, the identity of the St Lawrence River will be enhanced, raising its historic, social and environmental profile. The purpose of this designation is primarily symbolic and will support a sense of social responsibility

and collective goodwill towards the river itself. A secondary purpose of this designation is to announce globally that the St Lawrence is amongst the major rivers in the world, allowing all Canadians to reflect on this environmental treasure.

We do not foresee any required further actions, beyond that of building solidarity amongst the various municipalities. Our goal is to collectively recognize and celebrate all the ways that the St Lawrence River sustains diverse communities, both natural and man-made.

So, as you can see, it is primarily a ceremonial title, and it is up to the communities along the shores of the St. Lawrence how they wish to use the designation. Each may wish to highlight it in their community events, or celebrate it on their websites or other promotional places, or in more tangible ways.

I would be happy to answer any further questions that the EDP Committee or Council may have, either by correspondence or in person. I am looking forward to hearing from you.

Blu Mackintosh

TIARA Committee: St. Lawrence Heritage River Project

613-659-2277, mackintosh@1000island.net

August 29, 2013

**REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
September 3, 2013**

2013-097-09

REVISED POLICY - CITY PROPERTY TRANSACTIONS

DAVID C. PAUL

DIRECTOR OF ECONOMIC DEVELOPMENT AND TOURISM

RECOMMENDATION

THAT the Economic Development and Planning Committee recommend to Council the endorsement on the revised policy of the process associated with City property transactions inclusive of the revised Purchase of Sale Agreement.

BACKGROUND

City Property Transactions- Revised Internal Process Policy

Transactions That Comply With City Zoning

1. Economic Development Office (EDO) and purchaser agree to all conditions and covenants associated with the sale/acquisition transaction. The economic development office will secure completed Form A (note attachment) confirming details including seller/purchaser's solicitor and proposed date of closure. Any changes in covenants will require Council approval. Often there are minor changes to the covenants to reflect the nature of the specific industrial development.
2. EDO receives formal agreement of sale from purchaser encompassing points of agreement in **Attachment A**, including deposit of a minimum of \$1000.00. Copy of agreement forwarded to City solicitor to ensure conformity to negotiated agreement and offer advice if required to protect interest of City.
3. EDO presents property transaction recommendation to the Economic Development Planning committee at an closed meeting. City Solicitor may attend depending on complexity of the subject proposed project. Copy of property transaction form circulated to Clerk, Lawyer and City Manager.
4. EDO advises the seller/purchaser in two days following EDP meeting on the acceptance/denial/changes to the earlier agreed recommendation. EDO will confirm agreement with the client prior to the final submission to council for ratification.

5. EDP recommendation on property presented to closed council meeting for ratification and assuming no changes to the document, proceed to open council for bylaw approval at next Council meeting.
6. EDO advises client the following day after a council meeting on the outcome of the recommendation and forwards the letter with attached directive the same day noting outcome and point of contact being the clerk's office for processing.
7. Clerk's office will respond to Purchasers within two working days following the council meeting acknowledging the transaction and ensuring that all documentation is forwarded to the City Solicitor's office by Friday.
8. The City Solicitor to initiate the process for closure within five working days of council ratification.

Transactions That Do Not Comply With City Zoning

1. The EDO will introduce project concept for review with City Manager, the Planning Department and City Solicitor and copy to all city departments on potential impacts, process and additional research or peer review required prior to introduction to EDP at closed meeting.
2. City may wish to securing external review or research necessary to validate the appropriateness of the proposed project for the community and the alignment to the community's strategic direction. Costing of such reviews to be negotiated with purchaser pending the level and extent of the required assessment.
3. EDO will communicate in a timely manner response to the additional requirements to ensure business speed considerations to client's proposed acquisition and development.
4. EDO introduces proposed transaction to EDP at closed meeting with participation of both Planning and City Solicitor pending on the complexity of the project.
5. Pending favourable consideration by EDP, the process will continue as per the standard city property transaction process with the exception of the required planning and rezoning requirements for public notice and statutory meetings.
6. The revised covenant will provide the necessary protection for the Council on the rezoning being considerate of the public inputs and additional assessment as part of the process.

FINANCIAL CONSIDERATION

There is no direct costing associated with the current recommendation.

D. Paul
Director of Economic Development



D. Dick, CA
Director of Corporate Services



B. Casselman
City Manager



**The Corporation of the
City of Brockville**

Property Transaction

BUYER:

Full legal name(s) of Buyer(s)

Address

Telephone Number:

Buyer's Solicitor /name, address and phone number

**REAL PROPERTY:
(the "property")**

Address

(Legal description of land including easements not described elsewhere)

PIN #

ESTIMATED NUMBER OF ACRES:

..... Acres

(The exact acreage shall be determined upon completion of the survey.)

PRICE (PER ACRE): dollars (CDN\$) per acre

PURCHASE PRICE: dollars (CDN\$)

DEPOSIT: dollars (CDN\$)

The deposit to be held in trust without interest pending completion or termination of an Agreement of Purchase and Sale by the Solicitor for the City of Brockville and to be credited toward the Purchase Price on completion.

IRREVOCABILITY: This Offer shall be irrevocable by Buyer until a.m./p.m. on the day of, 20, after which time, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

COMPLETION DATE: The Agreement of Purchase and Sale be completed by no later than 4:30 p.m. on the day of, 20,

GST: This transaction is subject to Harmonized Sales Tax (H.S.T.), and shall be in addition to the Purchase Price.

TITLE SEARCH: Buyer shall be allowed until 6:00 p.m. on the day of, 20, (Requisition Date) to examine the title to the property at his own expense.

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

In addition to the standard conditions applicable to the Ontario Real Estate Associations Agreement of Purchase and Sale, the Buyer hereby agrees to the following additional conditions, where indicated by initialing, to be included on Schedule A to the Agreement of Purchase and Sale to be prepared by the Solicitor for the City of Brockville;

1. The Seller takes no responsibility for the soils, drainage or requirement for fill to meet the requirements of the Seller for its permitted uses or to comply with any statute or by-law either municipal, provincial or federal. Further the Seller takes no responsibility for the actual existence of rights-of-way, ditches, underground streams, gas lines, pipelines, of any kind whatsoever or for the necessity to move or replace any of the foregoing or to fill them or otherwise deal with them. The costs related to the foregoing or the need for the foregoing or the providing of any services whatsoever to the site unless otherwise specifically referred to herein shall be borne by the Buyer.

Schedule A, Clause 1
Initials of Buyer

2. The Buyer or his/her/its Agent warrants that the lands are being purchased for his/her/its own use for industrial purposes and not for speculative purposes.

Schedule A, Clause 2
Initials of Buyer

3. The Seller agrees to secure and provide at the expense of the Buyer, a registrable description and three (3) copies of a plan of survey of the said parcel prepared by an Ontario Land Surveyor. The description and plan shall show the acreage of the parcel to three (3) decimal points and the purchase price herein shall be calculated on the basis of such acreage.

Schedule A, Clause 3
Initials of Buyer

4. The deed shall be prepared and registered by the Buyer at his own expense.

Schedule A, Clause 4
Initials of Buyer

5. The Buyer shall ensure that the gross floor area of the building(s) to be constructed on the subject lands within one (1) year of the date of closing comprises at least twenty-five percent (25%) of the developable area of the subject lands.

Schedule A, Clause 5.....

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

6. The Buyer agrees that the Seller shall have the right to repurchase the property at ninety percent (90%) of the original purchase price within one (1) year of the date of closing and at eighty percent (80%) of the original purchase price within two (2) years from the date of closing should a development project not proceed.

The Buyer shall forthwith re-convey the subject lands to the Seller free and clear of all encumbrances, including all mortgages and liens. The Buyer shall secure and register such Discharges and Releases as are required at his own expense and shall forthwith deliver vacant possession of the subject lands to the Seller.

This right and option shall be exercised by letter delivered personally or by registered mail by the Seller to the Buyer after the expiration of the one (1) year or two (2) year period.

Schedule A, Clause 6
Initials of Buyer

7. The Buyer agrees that the Seller shall have first right of refusal to repurchase any surplus vacant portion of the property at market value for a period of three (3) years from the date of closing, prior to the Buyer offering such surplus vacant portion of the property to any other persons.

The Buyer shall forthwith re-convey the subject lands to the Seller free and clear of all encumbrances, including all mortgages and liens. The Buyer shall secure and register such Discharges and Releases as are required at his own expense and shall forthwith deliver vacant possession of the subject lands to the Seller.

This right and option shall be exercised by letter delivered personally or by registered mail by the Seller to the Buyer after the expiration of the three (3) year period.

Schedule A, Clause 7

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

Initials of Buyer

8. The Buyer covenants and agrees that the following restrictions and covenants shall apply to and be binding upon the Buyer, his or its heirs, executors, administrators, successors, and assigns and subject to the provision of this paragraph contained, the said restrictions and covenants shall run with the land.

Schedule A, Clause 8
Initials of Buyer

9. The parties acknowledge that if rezoning is required the Agreement of Purchase and Sale is conditional upon the rezoning of subject lands. The City can use its unfettered discretion to approve or not approve the rezoning of the subject lands.

Schedule A, Clause 9

By signing this document the Buyer hereby agrees that conditions as agreed upon in this document shall be included in the Agreement of Purchase and Sale to be prepared by the Solicitor for the Corporation of the City of Brockville.

IN WITNESS WHEREOF the Buyer has hereunto set its hand and seal this _____ day of _____, 20 ____.

SIGNED, SEALED AND DELIVERED
In the presence of

Buyer:

)
)
)
)
)

Per: _____

Per: _____

The Corporation of the City of Brockville

Per: _____

David C. Paul
Director of Economic Development

City of Brockville
Property Transaction

BUYER:

INITIALS OF BUYER(S):



INITIALS OF SELLER:





The Corporation of the
City of Brockville

Property Term Sheet

BUYER:

Full legal name(s) of Buyer(s)

Address

Telephone Number:

Buyer's Solicitor

REAL PROPERTY:
(the "property")

Address

(Legal description of land including easements not described elsewhere)

ESTIMATED NUMBER OF ACRES:

..... Acres

(The exact acreage shall be determined upon completion of the survey.)

PRICE (PER ACRE): dollars (CDN\$) per acre

PURCHASE PRICE: dollars (CDN\$)

DEPOSIT: dollars (CDN\$)

The deposit to be held in trust without interest pending completion or termination of an Agreement of Purchase and Sale by the Solicitor for the City of Brockville and to be credited toward the Purchase Price on completion.

IRREVOCABILITY: This Offer shall be irrevocable by Buyer until a.m./p.m. on the day of, 20, after which time, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

COMPLETION DATE: The Agreement of Purchase and Sale be completed by no later than 4:00 p.m. on the day of, 20,

GST: This transaction is subject to Goods and Services Tax (G.S.T.), and shall be in addition to the Purchase Price.

Title Search: Buyer shall be allowed until 4:00 p.m. on theday of, 20....(Requisition Date) to examine the title to the property at his/her own expense.

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

In addition to the standard conditions applicable to the Ontario Real Estate Associations Agreement of Purchase and Sale, the Buyer hereby agrees to the following additional conditions, where indicated by initialing, to be included on Schedule A to the Agreement of Purchase and Sale to be prepared by the Solicitor for the City of Brockville;

1. The Seller takes no responsibility for the soils, drainage or requirement for fill to meet the requirements of the Seller for its permitted uses or to comply with any statute or by-law either municipal, provincial or federal. Further the Seller takes no responsibility for the actual existence of rights-of-way, ditches, underground streams, gas lines, pipelines, of any kind whatsoever or for the necessity to move or replace any of the foregoing or to fill them or otherwise deal with them. The costs related to the foregoing or the need for the foregoing or the providing of any services whatsoever to the site unless otherwise specifically referred to herein shall be borne by the Buyer.

Schedule A, Clause 1
Initials of Purchaser

2. The Buyer or his/her/its Agent warrants that the lands are being purchased for his/her/its own use for industrial or employment purposes and not for speculative purposes.

Schedule A, Clause 2
Initials of Purchaser

3. The Seller agrees to provide at the expense of the Buyer, a registrable description and three (3) copies of a plan of survey of the said parcel prepared by an Ontario Land Surveyor of the sellers choice. The description and plan shall show the acreage of the parcel to three (3) decimal points and the purchase price herein shall be calculated on the basis of such acreage.

Schedule A, Clause 3
Initials of Purchaser

4. The deed shall be prepared and registered by the Buyer at his own expense.

Schedule A, Clause 4
Initials of Purchaser

5. The Buyer shall ensure that the gross floor area of the building(s) to be constructed on the subject lands within one (1) year of the date of closing comprises at least twenty-five percent (25%) of the developable area of the subject lands.

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

6. The Buyer agrees that the Seller shall have the right to repurchase the property at ninety percent (90%) of the original purchase price within one (1) year from the date of closing and at eighty percent (80%) of the original purchase price within two (2) years from the date of closing should a development project that meet the criteria set out in paragraph 5 not proceed.

The Buyer shall forthwith re-convey the subject lands to the Seller free and clear of all encumbrances, including all mortgages and liens. The Buyer shall secure and register such Discharges and Releases as are required at his own expense and shall forthwith deliver vacant possession of the subject lands to the Seller.

This right and option shall be exercised by letter delivered personally or by registered mail by the Seller to the Buyer after the expiration of the one (1) year or two (2) year period.

Schedule A, Clause 6
Initials of Purchaser

7. The Buyer agrees that the Seller shall have first right of refusal to repurchase any surplus vacant portion of the property at market value for a period of three (3) years from the date of closing, prior to the Buyer offering such surplus vacant portion of the property to any other persons.

The Buyer shall forthwith re-convey the subject lands to the Seller free and clear of all encumbrances, including all mortgages and liens. The Buyer shall secure and register such Discharges and Releases as are required at his own expense and shall forthwith deliver vacant possession of the subject lands to the Seller.

This right and option shall be exercised by letter delivered personally or by registered mail by the Seller to the Buyer after the expiration of the three (3) year period.

Schedule A, Clause 7

INITIALS OF BUYER(S):



INITIALS OF SELLER:



City of Brockville
Property Transaction

BUYER:

Initials of Purchaser

8. The Buyer covenants and agrees that the restrictions and covenants in an agreement shall apply to and be binding upon the Buyer, his or its heirs, executors, administrators, successors, and assigns and subject to the provision of this paragraph contained, the said restrictions and covenants shall run with the land.

Schedule A, Clause 8
Initials of Purchaser

9. The parties be acknowledge that if an Official Plan Amendment or Zoning By Law Amendment is required for the contemplated development, the Agreement of Purchase and Sale will be conditional upon the completion of the planning process.

The Buyer acknowledges and agrees that by entering into the Agreement of Purchase and Sale, the Seller is not assuring that the planning approvals sought will be supported by the City of Brockville Planning Department, Economic Development and Planning Committee or City of Brockville Council.

The Buyer further acknowledges that any or all of the planning process will be initiated by the Buyer at the expense of the Buyer. The Seller agrees to appoint the Buyer as its agent for the planning applications.

Schedule A, Clause 9

By signing this document the Buyer hereby agrees that conditions as agreed upon in this document shall be included in the Agreement of Purchase and Sale to be prepared by the Solicitor for the Corporation of the City of Brockville.

IN WITNESS WHEREOF the Buyer has hereunto set its hand and seal this _____ day of _____, 20 ____ .

SIGNED, SEALED AND DELIVERED
In the presence of

)
)
)
)
)

Per: _____

Per: _____

City of Brockville
Property Transaction

BUYER:

The Corporation of the City of Brockville

Per: _____
David C. Paul
Director of Economic Development

INITIALS OF BUYER(S):



INITIALS OF SELLER:



20February2014

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE –
4 MARCH 2014**

2014-018-03

PROPOSED AMENDMENT TO ZONING BY-LAW 194-94

72, 74, 76 AND 78 MURRAY STREET

CITY OF BROCKVILLE

OWNER: WILLIAM & LESIA MAXWELL

AGENT: BOB JORDAN, JORDAN-BENNETT GEOMATICS INC.

FILE: D14-171

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 72, 74, 76 and 78 Murray Street from R2 – General Residential Zone to R3 – General Residential Special Exception Zone which would permit the semi-detached dwellings located on the property and would establish site-specific provisions in accordance with existing conditions, to facilitate severance into four (4) separate lots each containing one (1) semi-detached dwelling unit.

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 72, 74, 76 and 78 Murray Street.

BACKGROUND

Mr. Bob Jordan, Jordan – Bennett Geomatics Inc., acting on behalf of William and Lesia Maxwell, owners of lands described as Lots 7, 8 and 9, Part of Lots 5 and 6, Block 3, Plan 67, City of Brockville, County of Leeds, municipal address 72, 74, 76 and 78 Murray Street (as shown on **Schedule “A”**), has submitted an application for an amendment to Zoning By-law 194-94 which would, if approved, rezone the subject lands to establish a zone which permits the existing semi-detached dwellings located on the property and establishes appropriate zone provisions (lot areas, lot frontages, and building setbacks) based on existing conditions.

Over multiple years 1982, 1986, 1989 & 1990, the properties were purchased separately by the Maxwells. Due to the properties being purchased under the same ownership, they have merged and are now considered one parcel of land. The owners intend to sever the property to provide for freehold ownership of each of the four (4) semi-detached dwelling units, however, this is presently precluded because of the current zoning on the subject property.

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
Owner: William & Lesia Maxwell
File: D14-171

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Zoning and Official Plan Information:

Official Plan Designation: Neighbourhood Area
Existing Zoning: R2 – Single Unit Residential Zone
Requested Zoning: R4 – General Residential Special Exception Zone

Zoning Requirements for R4 General Residential Zone					
	Required	Retained Lands "A"	Severed Lands "A"	Retained Lands "B"	Severed Lands "B"
Minimum Lot Area	270.0 m ²	255.56 m ²	353.0 m ²	280.3 m ²	355.2 m ²
Minimum Lot Frontage (Exterior Lot)	12.0 m	N/A	N/A	N/A	11.71 m
Minimum Interior Side Yard to an accessory structure	1.0 m	N/A	0.0 m	0.0 m	N/A

Site Characteristics:

Total Area: 1,244.0 m² (13,393.0 ft²)
Frontage – Murray Street: 43.9 m (144.03 ft.)
Average Depth: 30.48 m (100.0 ft.)

The subject land currently contains two (2) separate semi-detached dwellings (four (4) dwelling units). Photos of the subject property are attached as **Schedule "B"** to this report.

Surrounding Land Use:

North: The lands to the north are zoned R2 – Single Unit Residential, and occupied by single detached dwellings.

East: The land to the east (across Murray Street) is zoned OS – Open Space and is occupied by Butterfield Park.

South: The lands to the south (across Brennan Street) are zoned R2 – Single Unit Residential and are occupied by 1 ½ storey single detached

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
Owner: William & Lesia Maxwell
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dwelling.

West: The lands to the west are zoned R2 – Single Unit Residential and are occupied by 1 ½ storey single detached dwellings.

Public Participation

The application for Zoning By-law Amendment has proceeded through the normal review process. On 4 February 2014, 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 9 January 2014 and was circulated to property owners within 120.0 metres (400.0 feet) 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. An excerpt from the minutes of the Public Meeting is attached as **Schedule “C”**.

Comments Received are summarized below:

1. Steve Allen, Supervisor of Engineering, Environmental Services Department:
 - Provided comment relating to services. Would like to bring attention to the fact that 72 and 74 Murray Street share one (1) sanitary service and one (1) water service, and one (1) sanitary service and one (1) water service for 76 and 78 Murray Street.
2. Conal Cosgrove, Director of Operations, Operations Department:
 - No comments or concerns.
3. Brent Caskenette, Chief Building Official, Planning Department:
 - No comments or concerns.
4. Lynn Murray, Deputy City Clerk, Clerks Office:
 - No comments regarding the proposed applications.
5. Greg Healy, Chief Fire Prevention Officer, Brockville Fire Department:
 - No fire safety concerns at this time.

ANALYSIS/OPTIONS

Provincial Policy Considerations:

2014-018-03

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
Owner: William & Lesia Maxwell
File: D14-171

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 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.”

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 1.4.3 states, among others, that “Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b. Permitting and facilitating:
 - 1. all forms of housing required to meet social, health and well-being requirements of current and future residents; and,
 - 2. all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3

The overall proposal does not change the existing land use, rather, will facilitate the severance of the lands for freehold ownership of each unit. No change to existing municipal infrastructure will be needed. The proposal will add to the mix of housing types available for home ownership within the area.

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
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The proposed zoning amendment, while minor in nature, is consistent with the P.P.S.

Official Plan Considerations

The Official Plan for the City of Brockville provides guidance on how to manage future growth, development, and change within the City of Brockville.

The Official Plan designates the subject property as "Neighbourhood Area".

The 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".

The proposed intensification achieves the above objectives. The proposal legally intensifies existing serviced lots within the urban area; and, is located within walking distance of a number of amenities, services, and recreational facilities that meet residents' daily needs.

Section 3 addresses building a healthy and sustainable City. More specifically, Sections 3.2.4.1 and 3.2.4.3 outline policies for the scope of development within "Neighbourhood Areas" as focusing on low to medium density housing, infilling on existing lots of record and the rounding-out of existing development patterns while ensuring that the character of the neighbourhoods is preserved. More specifically various forms of residential intensification such as infilling and the creation of accessory dwelling units are to be encouraged, where appropriate. These general Neighbourhood Area policies are further refined under Section 3.2.4.3 wherein small scale residential intensification is permitted in all Neighborhood Areas where infrastructure is adequate and where there are no significant physical constraints.

The proposal satisfies all the criteria required within the Official Plan. As the buildings have already been in place for some time and no change to the building footprints has been proposed, it can be concluded that there will be little to no impact on adjacent property owners.

Zoning By-law Considerations:

The current zoning on the property with municipal addresses 72, 74, 76 and 78 Murray Street is R2 – Single Unit Residential Zone under City of Brockville Zoning By-law 194-

94, as amended. The requested Amendment to City of Brockville Zoning By-law 194-94 would, if approved, rezone the subject lands from the current R2 – Single Unit Residential Zone to an R4 - General Residential Zone to permit the semi-detached dwellings currently located on the property to be severed into four (4) separate lots with one residential unit on each. In considering the proposed zoning change, the following items were considered:

1. Lot Area and Frontage:

Zoning by-law 194-94 requires a minimum lot area of 270.0 m² (2,906.3 ft²) for a semi-detached dwelling and a minimum lot frontage of 9.0 metres (29.5 feet) for each unit/lot. The proposed amendment is requesting reductions to these minimums. The lot frontage for Retained Lands "A" is proposed to be reduced by 5.34% (14.44 square metres (155.0 square feet) and the lot frontage by 2.4% (0.29 metres (0.95 feet)).

The requests proposed are minimal decreases, and the proposal is consistent with the Official Plan, and to the Provincial Policy Statement relating to mixed densities.

2. Lot Setbacks:

Zoning by-law 194-94 requires that a minimum interior side yard setback of 1.5 metres (5.0 feet) be followed with the exception of existing structures where legal non-complying status exists.

The initial buildings (garage included) were constructed on or around 1945. Due to the proposed lot line between the two (2) separate dwellings (Proposed Severance "A" and Proposed Severance "B") bisecting the existing driveway and existing garage in the rear of the property, two (2) minor side yard setbacks are needed to be established.

The proposed side yard reductions to an accessory structure (garage) is from the required 1.0 metre (3.3 feet) to 0.0 metres (0.0 feet) as the garage is proposed to be separated by an interior wall and shared by Severed Lot "A" and Severed Lot "B".

3. Requested Zoning:

Staff have reviewed the requested zoning of R4 – General Residential and have examined the uses permitted within the R4 – General Residential Zone and believe that an increase in zoning density and uses from the current R2 – Single Unit Residential to an R3 – General Residential Special Exception Zone is more

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
Owner: William & Lesia Maxwell
File: D14-171

appropriate for the proposed lots. The R4 – General Residential permits more compact form than the R3 – General Residential Zone does (Townhouse Dwellings, Maisonette Dwellings, Boarding/Rooming/Lodging, etc.). Due to the surrounding R2 – Single Unit Residential Zones, staff believe that an R3 – General Residential Zoning will satisfy the requirements for the semi-detached dwellings to be severed. This was communicated to the applicant and the applicant is in agreement with an R3 – General Residential Special Exception Zone.

Reductions of various zone provisions are one of the effects of residential intensification in an older area. Accordingly, it is reasonable to recognize the existing conditions in a new site specific zone.

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

“R3-X3-1

The uses permitted in the R3-X3-1 Zone shall be those permitted in the R3-General Residential Zone.

The zone provisions for the R3-X3-1 Zone shall be the same as for the R3-General Residential Zone, save and except for the following:

	72 Murray Street	74 Murray Street	76 Murray Street	78 Murray Street
Minimum Lot Area	N/A	N/A	N/A	255.56 m2
Minimum Lot Frontage	11.71 m	N/A	N/A	N/A
Minimum Interior Side Yard to an accessory structure	N/A	0.0 m (North)	0.0 m (South)	N/A

POLICY IMPLICATIONS

As noted in the Analysis section of this report, the proposed amendment to Zoning By-law 194-94 for 72, 74, 76 and 78 Murray Street is consistent with the PPS and with the relevant policies of the City's Official Plan.

FINANCIAL CONSIDERATIONS:

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

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Proposed Amendment to Zoning By-Law 194-94
72, 74, 76 and 78 Murray Street, City Of Brockville
Owner: William & Lesia Maxwell
File: D14-171

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CONCLUSION

Following review of the PPS and the Official Plan, as well as the submissions received respecting the request for zoning amendment for 72, 74, 76 and 78 Murray Street, it is reasonable to amend City of Brockville Zoning By-law 194-94 to permit the semi-detached dwellings located on the property with site-specific provisions which recognize existing conditions, and would facilitate severance into four (4) separate lots. This is reflected in the recommendation at the beginning of this report.



A. McGinnis, MCIP, RPP
Planner II

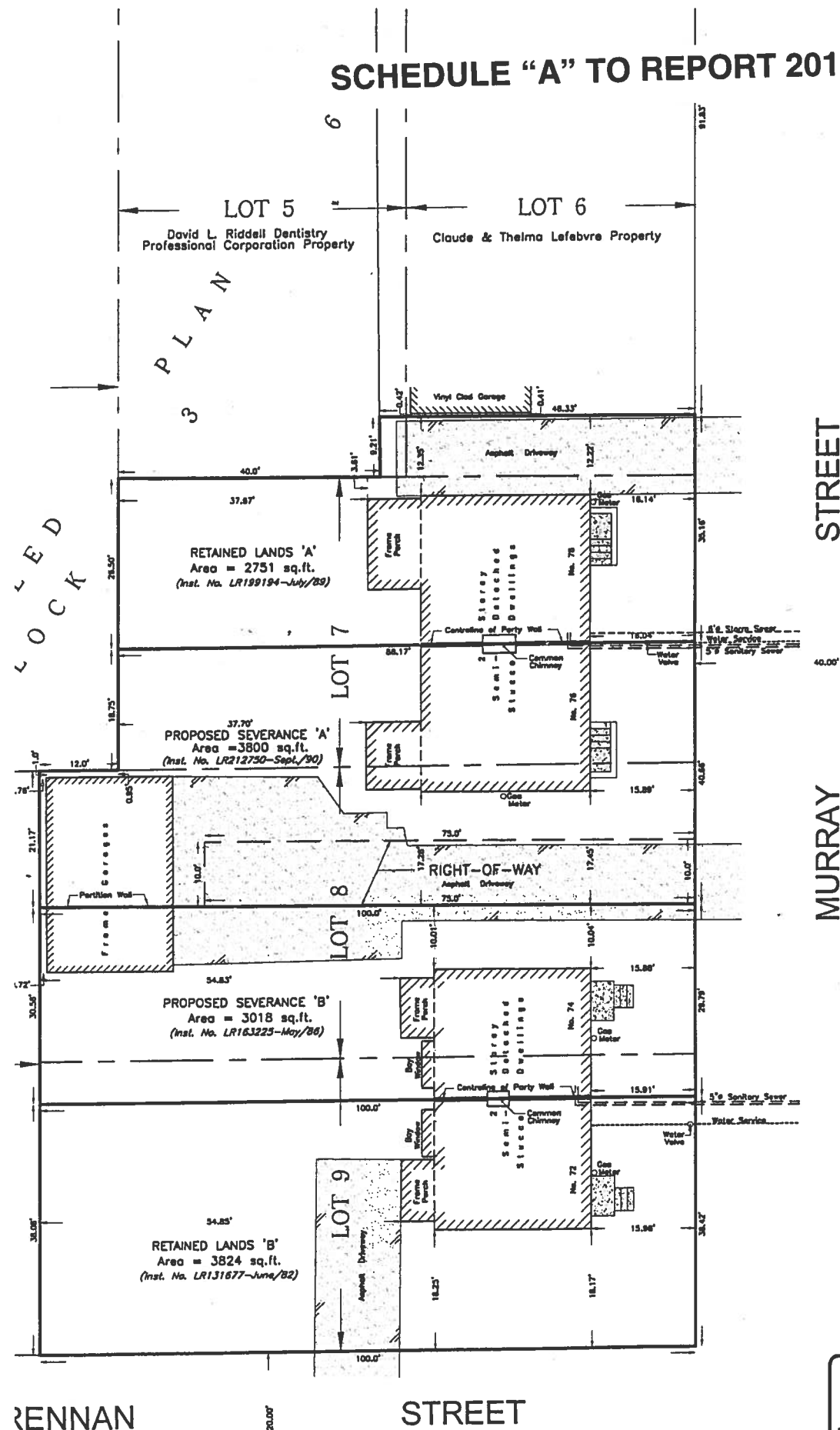


M. Pascoe Merkley, MCIP, RPP
Director of Planning



B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2014-018-03



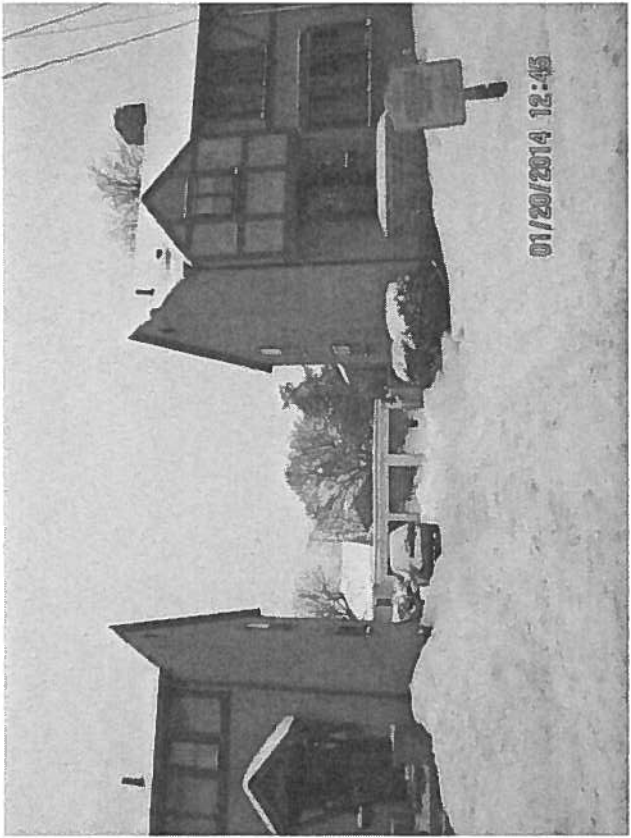
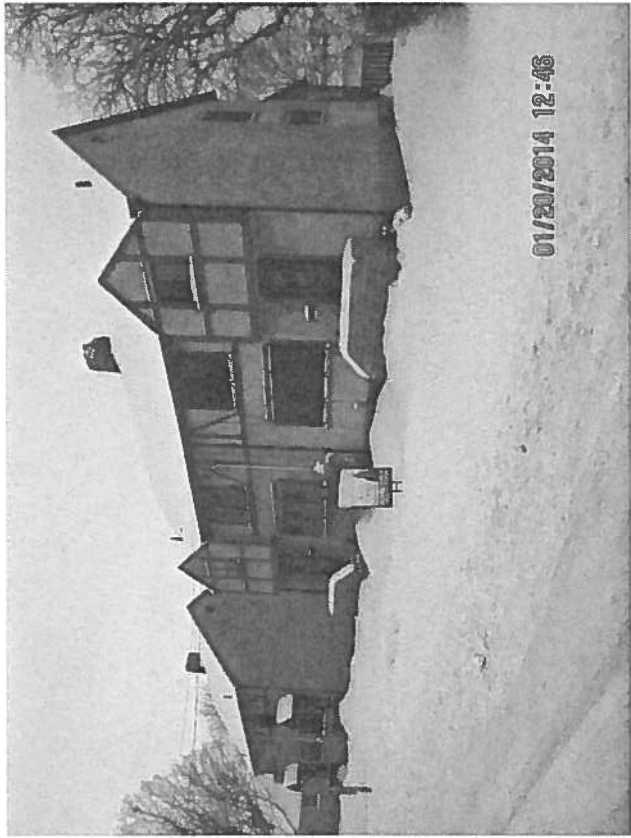
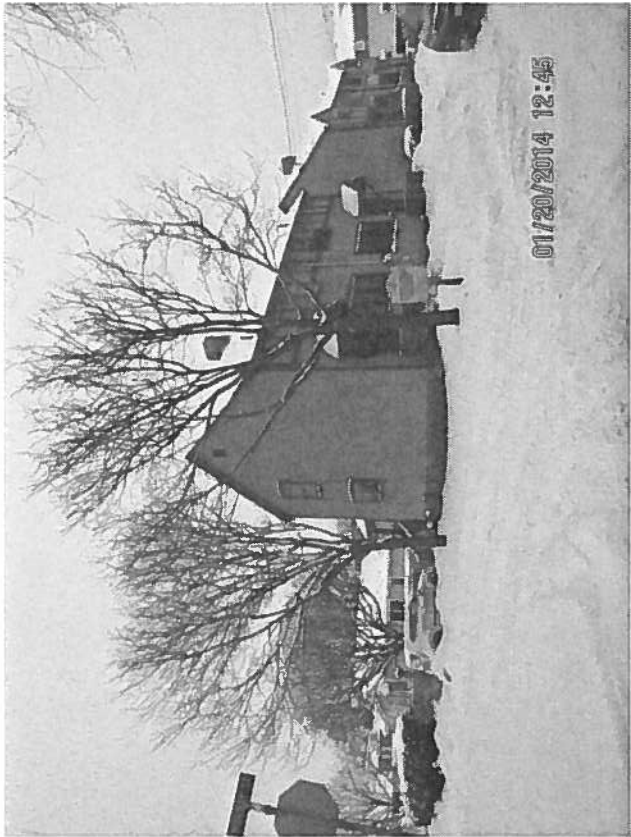
Murray Street, Brockville, Ontario
Address is approximate



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SCHEDULE "C" TO REPORT 2014-018-03



COMMITTEE MINUTES

Public Meeting Economic Development & Planning Committee

Tuesday, February 04, 2014, 6:00 pm
City Hall, Council Chambers

Present:

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

Absent:

Councillor M. McFall

Staff:

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

Others:

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

The Chair called the meeting to order at 6:03 pm.

REPORTS

1. 2014-010-02
Proposed Amendment to Zoning By-law 194-94
72, 74, 76 and 78 Murray Street
City of Brockville
Owners: William & Lesia Maxwell

Moved by: Councillor LeSueur

THAT Report 2014-010-02 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

Mr. A. McGinnis, Planner II, announced that the Notice of Public Meeting respecting the application for Zoning By-law Amendment was advertised in the Brockville Recorder and Times Newspaper on January 9, 2014 and was circulated to property

Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -
Tuesday, February 04, 2014

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.

Councillor Kalivas, Chair, 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.

Mr. McGinnis provided a summary of the application.

Mr. Bob Jordan, Jordan-Bennett Geomatics Inc., who was acting on behalf of the owners, explained that the purpose of this application is just to separate the four properties back to their original freehold state.

Mr. Maxwell, the owner/applicant was present and spoke in favour of the proposed amendment.

No persons spoke in opposition of the proposed amendment.

No person completed the Request for Information form.

2014-011-02

Proposed Amendment to the Official Plan
and Zoning By-law 194-94

1365 California Ave., City of Brockville

Owner: 1365 California Limited

Agents: Deborah Stagg & Lisa Cassidy, 2341246 Ontario Inc.

Moved by: Councillor Beatty

THAT Report 2014-011-02 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

Mr. A. McGinnis, Planner II, announced that the Notice of Public Meeting respecting the applications for amendment to the Official Plan and Zoning By-law Amendment was advertised in the Brockville Recorder and Times Newspaper on January 9, 2014 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 Applications for Amendment to the Official Plan for the City of

24February2014

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 4 MARCH 2014

2014-019-03

**PROPOSED AMENDMENT TO THE OFFICAL PLAN
AND ZONING BY-LAW 194-94**

1365 CALIFORNIA AVENUE, CITY OF BROCKVILLE

OWNER: 1365 CALIFORNIA LIMITED

AGENTS: DEBORAH STAGG & LISA CASSIDY,

2341246 ONTARIO INC.

FILE NOS.: D09-03 & D14-172

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

RECOMMENDED

1. THAT the application to amend Section 4.7.4 of City of Brockville Official Plan respecting lands described as Part of Lot 9, Concession 2, City of Brockville, County of Leeds, with municipal address 1365 California Avenue, to add a new site specific policy to permit a Health Club in addition to all other uses permitted within the Employment Area Designation, be denied.
2. THAT the application for amendment to Zoning By-law 194-94 to rezone lands described as Part of Lot 9, Concession 2, City of Brockville, County of Leeds, with municipal address 1365 California Avenue, to permit the development of a Health Club in addition to all other uses permitted within the M1 – Industrial Park Zone be denied.

PURPOSE

The purpose of this report is to provide recommendation on applications filed respecting 1365 California Avenue, to amend the Official Plan and Zoning By-law 194-94 as they relate to the subject lands.

BACKGROUND

Deborah Stagg and Lisa Cassidy, acting on behalf of 1365 California Limited, have submitted applications for amendment to the Official Plan for the City of Brockville and to Zoning By-law 194-94 with respect to lands described as Part of Lot 9, Concession 2, City of Brockville, County of Leeds (municipal address: 1365 California Avenue), which, if approved, would permit the subject lands to be used for a "Health Club", in addition to all other uses currently permitted within the Employment Area Designation under the Official Plan and the M1 – Industrial Park Zone under Zoning By-law 194-94.

The subject lands are currently occupied by a large warehouse which contains a Scholastic Book Distribution Centre and was the former location of Purolator and the Connection Warehouse. The owner of the property would like to further amend the

2014-019-03
Proposed Amendments to Official Plan and Zoning By-Law 194-94
1365 California Avenue, City Of Brockville
Owner: 1365 California Limited
Agents: 2341246 Ontario Inc.
Files: D09-03 & D14-172

uses permitted to include a “Health Club” as a standalone business. The current policy in the Official Plan, and the current M1 – Industrial Park Zone, permits uses accessory to any of the permitted uses in the Employment Area (example: 3M would be permitted to have a health club or fitness facility as an accessory use for their employees). Therefore, the owner has submitted applications for amendments requesting that a “Health Club” use be permitted as a standalone business at 1365 California Avenue.

Schedule “A” to this report indicates the location of the subject.

Zoning and Official Plan Information:

Official Plan Designation:	Employment Area – OP Policy 4.7.2 (3) restricts the use of a “Health Club” as accessory to any permitted use in the Employment Area.
Proposed OP Amendment:	Amend Policy 4.7.4, as it pertains to 1365 California Avenue only, creating a Site Specific Policy Area to allow a “Health Club” in addition to all other permitted Employment uses.
Existing Zoning:	M1 – Industrial Park Zone
Proposed Zoning:	M1-X9-5 Industrial Park Special Exception Zone (to permit a “Health Club” as a permitted use in addition to all other uses permitted within the M1 – Industrial Park Zone).

Site Characteristics:

Total Area:	3.94 hectares (9.76 acres)
Frontage (California Avenue):	198.12 m (650.0 ft.)
Frontage (Laurier Avenue):	202.49 m (664.3 ft.)

A site plan and photos of the property are attached as **Schedule “B”** to this report.

Surrounding Land Uses:

North:	The lands to the north are zoned M1 – Industrial Park Zone and are occupied by Hansler Smith.
East:	The lands to the east are zoned M1 – Industrial Park Zone and are currently vacant.
South:	The lands to the south (across Laurier Boulevard) are zoned M1 – Industrial Park Zone and are occupied by NewTerra.
West:	The lands to the west (across California Avenue) are zoned M1 –Industrial Park Zone and are occupied by 3M Canada and Canadian Waste Services.

Public Participation

The applications for the Official Plan Amendment and the Zoning By-law Amendment has preceded through the normal review process. On 4 February 2014, 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 9 January 2014 and was circulated to property owners within 120.0 metres (400.0 feet) of the subject property. In addition, two (2) signs were posted on the subject property advising that the lands are the subject of Applications for Amendment to the City of Brockville Official Plan and City of Brockville Zoning by-law 194-94. Comments from City Departments and affected agencies were also solicited. An excerpt from the minutes of the Public Meeting is attached as **Schedule "C"**.

Comments Received are summarized below:

1. Steve Allen, Supervisor of Engineering, Environmental Services Department:
 - Not opposed to the application.
2. Conal Cosgrove, Director of Operations, Operations Department:
 - No comments with respect to the Application.
2. Brent Caskenette, Chief Building Official, Planning Department:
 - No comments or concerns. However, the applicant should be aware that a review of complete construction drawings at the time of application for Building Permit may reveal requirements of the Ontario Building Code, not evident at this time that may affect the site development.
3. David Paul, Director of Economic Development (full comment attached as **Schedule "D"** to this report):
 - Unable to support the subject zoning application
 - Proposed use is aligned to a resident market versus patrons of an existing industrial use within the property.
 - Position is based on the premise that retail/service and commercial uses are not compatible with production processing and warehousing.
 - The presence of such uses, at least in some cases, will deter investment attraction of potential industrial tenants within the subject plant site.
 - Final consideration is the precedent that would be established in providing further concessions for additional retail/service businesses within the John G. Broome Park that could erode the integrity of the park's primary use.
4. Lynn Murray, Deputy City Clerk, Clerks Office:
 - No comments regarding the proposed applications.

2014-019-03

Proposed Amendments to Official Plan and Zoning By-Law 194-94

1365 California Avenue, City Of Brockville

Owner: 1365 California Limited

Agents: 2341246 Ontario Inc.

Files: D09-03 & D14-172

5. Greg Healy, Chief Fire Prevention Officer, Brockville Fire Department:
 - No fire safety concerns at this time.
6. Scott Fraser, Acting Chief of Police, Brockville Police Department:
 - No issue from Police.
7. Amelia Sloan, Planner, Ministry of Municipal Affairs and Housing
 - Reviewed the file and have no comments.

ANALYSIS/OPTIONS

Provincial Policy Statement 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.

The applications propose to amend the City of Brockville Official Plan and Zoning By-law 194-94 to permit a health club in addition to the permitted uses at 1365 California Avenue.

From a review of the PPS, there are some relevant statements/policies under Part V, Section 1 "Building Strong Communities". The preamble in this section is a general statement which reads as follows:

"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth."

This general statement is followed by more specific policies, including the following references which are of relevance to this application for zoning by-law amendment:

"1.1.1 Healthy, livable and safe communities are sustained by:

....

b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns:

....."

Section 1.3.1, states that Planning Authorities shall promote economic development and competitiveness by:

1. providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
2. 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;
3. planning for, protecting and preserving *employment areas* for current and future uses; and
4. ensuring the necessary *infrastructure* is provided to support current and projected needs.

Section 6.0, defines Employment Areas as those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing warehousing, offices, and associated retail and ancillary facilities.

The Provincial Policy Statement encourages municipalities to be concerned about the needs of existing and future businesses that would establish in our business parks. The availability of vacant space in a fully serviced building may be suitable from the health club operator's perspective. However, when examining Policy 1.3.1, subsections 2 and 3 above, consideration should be given to protecting and preserving employment areas by providing for the establishment of appropriate land uses. As stated by the Director of Economic Development, the proposed commercial use is not compatible with production processing and warehousing and that the presence of such uses, at least in some cases, will deter investment attraction of potential industrial tenants within the subject plant site and area.

Being Brockville's primary Business Park, many commercial vehicles and transports make their way through this area on a daily basis. However, due to other uses within the close proximity, passenger vehicle traffic has become more significant as people are using California Avenue and Laurier Boulevard as bypass routes. The proposal may cause even more of an increase in relation to traffic and congestion. Traffic counts supplied by the City of Brockville Operation Department revealed an average of 26,143 vehicles per day (2010 data) at this intersection.

Official Plan Considerations

The Official Plan for the City of Brockville provides guidance on how to manage future growth, development, and change within the City of Brockville.

The Official Plan designates the subject property as "Employment Area".

2014-019-03

Proposed Amendments to Official Plan and Zoning By-Law 194-94

1365 California Avenue, City Of Brockville

Owner: 1365 California Limited

Agents: 2341246 Ontario Inc.

Files: D09-03 & D14-172

The 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". Specifically, "A High Quality of City Services and Amenities" outlines among others, that the City is to "provide employment lands with access to strategic transportation corridors and other transportation facilities" and "consider the impact of decision making with respect to land use and infrastructure on transportation networks and options".

Section 3.2.5, states that, "the Employment Areas are to promote a diverse economic base by maintaining a range and choice of suitable employment sites that support a range of employment and ancillary uses. The Employment Areas are the focus of major concentrations of industrial-related employment growth and development in the City, which may include manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary commercial uses serving the Employment Area. Employment Areas do not support institutional uses or destination-oriented commercial and shopping uses, such as Large Format Retail uses."

Section 3.2.5 also states among others, that It shall be the policy of the City that:

1. The location of Employment Areas is designated on Schedule 1. In accordance with the policies of Section 4.7, Employment Areas shall be the focus of employment growth and shall accommodate a range of uses including manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary commercial uses serving the Employment Area. Employment Areas shall not support institutional uses or destination-oriented commercial and shopping uses, such as Large Format Retail uses.
2. Employment Areas shall promote economic development and competitiveness by:
 - i. providing a range and mix of employment uses to provide for a diversified economic base;
 - ii. maintaining a range and choice of suitable sites for employment uses to support a wide range of employment activities and related uses to accommodate both local and regional markets;
 - iii. accommodating employment uses on full municipal water, wastewater and stormwater management systems, to the satisfaction of the City;
 - iv. ensuring that certain employment uses are protected from intrusion by incompatible sensitive land uses;
 - v. providing an appropriate level of transportation infrastructure;
 - vi. directing employment related traffic to arterial roads, and away from local residential streets to the extent possible; and
 - vii. protecting significant Natural Heritage Features, areas and their functions.

2014-019-03

Proposed Amendments to Official Plan and Zoning By-Law 194-94

1365 California Avenue, City Of Brockville

Owner: 1365 California Limited

Agents: 2341246 Ontario Inc.

Files: D09-03 & D14-172

-
7. Employment Areas shall be protected and preserved for employment uses and the City shall discourage the conversion of Employment Areas for other uses. The conversion of lands from Employment Areas to non-employment uses shall only be considered through a comprehensive review of this Plan, and only where it is demonstrated that the land is not required for employment purposes over the long-term and that there is a demonstrated need for the conversion. A comprehensive review is an Official Plan review which may be initiated at any time by the City or an Official Plan Amendment which is initiated or adopted by the City in accordance with the policies of Section 6.3, and where it is demonstrated that:
 - iv. the proposed redesignation shall not jeopardize the planned role and function of other land use areas and shall not set a precedent for further redesignation;
 - v. there shall be a demonstrated need for the proposed use(s);
 - vi. the proposed use(s) shall not negatively impact the viability and stability of any of the remaining Employment Areas in the long-term;

Based on policies above as well as comments received from Dave Paul, Director of Economic Development, Planning staff are of the opinion that the proposed health club is not in keeping with the general overall intent of the Official Plan. Mr. Paul states that the use is based on the premise of retail/service, and that commercial uses are not compatible with production processing and warehousing. This statement reiterates the policies in section 3.2.5 that directly states that "Employment Areas do not support institutional uses or destination-oriented commercial and shopping uses, such as Large Format Retail uses". Staffs opinion is that a "Health Club", open to the public, is a destination-oriented commercial use.

Section 4.7.1 deals directly with Employment Areas and states, "Employment Areas are intended to accommodate industrial, manufacturing, logistics and related uses that require separation from sensitive land uses. Existing employment areas include the Broome Business Park, and the Western Industrial Park, which have excellent access to Highway 401, as well as lands along the CN and CP rail lines. The intent of the Employment Areas is to ensure that there are sufficient lands to accommodate a full range of employment uses while ensuring land use conflicts are minimized and separation distances are adhered to.

Section 4.7.2 further refines the general policy listed above and deals directly with Permitted Uses within the Employment Areas. This section states, among others that:

1. The predominant use of land shall be a wide range of office and industrial uses, and ancillary service commercial uses serving the Employment Area employees, subject to the policies of this Section and locational criteria. Heavy industrial uses include manufacturing facilities and uses for storage, processing, refinement or production of hazardous or toxic substances. Light industrial uses include small-scale facilities, warehouses, wholesale establishments, and offices and business services. Prestige employment

2014-019-03
Proposed Amendments to Official Plan and Zoning By-Law 194-94
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- uses include office employment uses and associated accessory uses such as restaurants, parking facilities and business services.
2. Retail and Commercial uses associated with and clearly ancillary to the main employment use shall be permitted.
 3. Uses accessory to any of the permitted uses in the Employment Area shall be permitted.

Based on the above policies and the request to amend Section 4.7.2 to add a site specific policy to allow a Health Club as a permitted use in addition to other permitted uses within the Employment Area designation, staff are of the opinion that there are other more suitable locations for this type of commercial use within the City. Using a location within our Business Park for a commercial use of this nature and encouraging members of the general public into the area may increase the potential for land use conflict and does not warrant a decision in favour of the proposed amendment.

During the Public Meeting of 4 February 2014, the applicants made a presentation (attached as **Schedule "E"** to this report) stating that they had multiple companies within the area interested in the concept of a 24-hour gym and were looking forward to this type of business being available within close proximity. However, these businesses should they be interested, are permitted to have a gym for their employees, accessory to their current use, which in turn is not drawing the public in from other areas within the City.

Staff are of the opinion that this type of use should remain accessory within our industrial park, as increased traffic and non-compatible uses may deter investment and cause future problems with traffic and land use compatibility.

Zoning By-law Considerations:

The current zoning on the property with municipal addresses 1365 California Avenue is M1 – Industrial Park Zone under City of Brockville Zoning By-law 194-94, as amended. The requested Amendment to City of Brockville Zoning By-law 194-94 would, if approved, rezone the subject lands from the current M1 – Industrial Park Zone to M1 – Industrial Park Zone Special Exception Zone to permit a "Health Club" as a permitted use in addition to all other uses permitted within the M1 – Industrial Park Zone.

Based on review of Zoning By-law 194-94 and the request above to permit a health club within the M1 – Industrial Park, it should be noted that a "Health Club" is permitted within most commercial zones with the exception of C1 – Local Commercial Zones and C5 – Office Retail Commercial Zones. The availability of zones that permit a "Health Club" provides ample opportunities for the applicants to establish in other locations that are more suitable for this type of commercial use. Based on 2012 vacancy rates supplied by the City of Brockville Economic Development Office, there is 7.2% of commercial space available for this use. However, a full review of location criteria would need to be conducted prior to establishing in these areas to determine the current zone.

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Proposed Amendments to Official Plan and Zoning By-Law 194-94
1365 California Avenue, City Of Brockville
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POLICY IMPLICATIONS

A review of the Provincial Policy Statement and relevant policies within the Official Plan has been conducted and is provided within the Analysis Section of this report.

FINANCIAL CONSIDERATIONS:

All costs associated with the requested Official Plan Amendment and Zoning By-Law Amendment for the subject property are the responsibility of the Owner and/or Applicant.

CONCLUSION

Following review of the PPS and the Official Plan, as well as the submissions received respecting the request for zoning amendment for 1365 California Avenue, it is concluded the proposal does not follow the general intent of the PPS and Official Plan as they pertain to permitted uses within the employment area. This use has potential to be incompatible with surrounding current and future uses, and is more aligned to a resident market and may cause issues with increased traffic. The recommendations refined at the beginning of this report are to deny the requested amendments to the Official Plan and Zoning By-law 194-94.



M. Maureen Pascoe Merkley, MCIP, RPP
Director of Planning

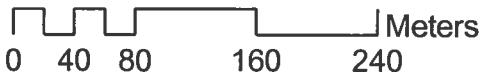


Andrew McGinnis, MCIP, RPP
Planner II



Bob Casselman
City Manager

1365 California Avenue



SCHEDULE "B" TO REPORT 2014-019-03





Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -
Tuesday, February 04, 2014

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.

Councillor Kalivas, Chair, 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.

Mr. McGinnis provided a summary of the application.

Mr. Bob Jordan, Jordan-Bennett Geomatics Inc., who was acting on behalf of the owners, explained that the purpose of this application is just to separate the four properties back to their original freehold state.

Mr. Maxwell, the owner/applicant was present and spoke in favour of the proposed amendment.

No persons spoke in opposition of the proposed amendment.

No person completed the Request for Information form.

2. 2014-011-02

Proposed Amendment to the Official Plan
and Zoning By-law 194-94

1365 California Ave., City of Brockville

Owner: 1365 California Limited

Agents: Deborah Stagg & Lisa Cassidy, 2341246 Ontario Inc.

Moved by: Councillor Beatty

THAT Report 2014-011-02 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

Mr. A. McGinnis, Planner II, announced that the Notice of Public Meeting respecting the applications for amendment to the Official Plan and Zoning By-law Amendment was advertised in the Brockville Recorder and Times Newspaper on January 9, 2014 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 Applications for Amendment to the Official Plan for the City of

Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -
Tuesday, February 04, 2014

Brockville and to Zoning By-law 194-94.

Councillor Kalivas, Chair, 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.

Mr. McGinnis provided a summary of the the application.

Ms. Debbie Stagg, Owner, circulated a report to the committee regarding their application. Ms. Stagg reviewed her report for the committee, emphasizing the fact that this is facility will be open twenty four hours a day seven days a week. She feels this is a perfect fit for an industrial area as so many of the employees in this are work shift work.

Michael Mannella spoke in support of this application.

No persons spoke in opposition of the proposed amendments.

The meeting concluded at 6:25 pm.

SCHEDULE "D" TO REPORT 2014-019-03**City of Brockville****MEMORANDUM**

to: Planning Department – Andrew McGinnis
from: David Paul, Director of Economic Development
re: Note the Application for Zoning Attached
cc: Bob Casselman
date: January 14, 2014

We are unable to support the subject zoning application enabling the inclusion of a health club operation within an M1/industrial zoning planning area. We understand the proposed use is aligned to a resident market versus patrons of an existing industrial use within the property.

The rationale for this position is based on the premise that retail/service and commercial uses are not compatible with production processing and warehousing applications particularly within the same facility. Further, the presence of such uses, at least in some cases, will deter investment attraction of potential industrial tenants within the subject plant site. We have accounts on record to validate this viewpoint.

One final consideration is the precedent that would be establish in providing further concessions for additional retail/service businesses within the John G. Broome Park that could erode the integrity of the park's primary use. Industrial clients tend to prefer uses common to their own operation with the offering of value chain businesses that can provide industrial service offerings to their supply chain.

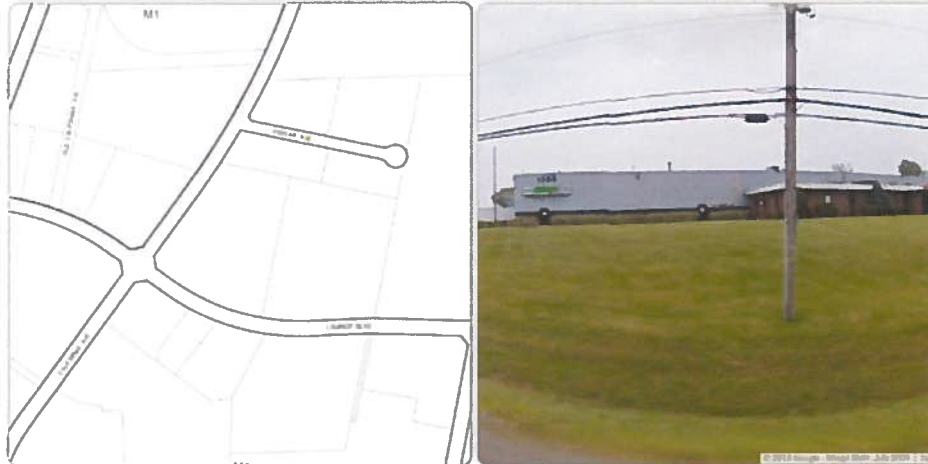
Dave

Amendment to the Zoning of 1365 California Avenue Proposal



Current Zoning

M1 INDUSTRIAL PARK



The Effects of Working Shift Work and Extended hours of Work

- **Fatigue** – especially after a night shift (JM Harrington Environmental Medicine oem.bm.com)
- **Mental Health** – Shift working can be a potential psychosocial stressor (JM Harrington Environmental Medicine oem.bm.com)
- **Cardiovascular Disorder** – Scandinavian Studies suggest that shift workers have a 40% increase in risk of developing Cardiovascular Disorder. Contributors are poor diet, stress, smoking and lack of exercise (JM Harrington Environmental Medicine oem.bm.com)
- **Lack of Family and Social Life** (JM Harrington Environmental Medicine oem.bm.com)
- **Lack of Efficiency or Performance** – Human error is often cited as an important factor in work accidents and this may depend to some extent on fatigue (JM Harrington Environmental Medicine oem.bm.com)
- **Increase Risk of Obesity** (Better Health Channel betterhealth.vic.gov.au)
- **Higher Risk of Mood Changes** (Better Health Channel betterhealth.vic.gov.au)
- **Higher Risk of Motor Vehicle Accidents and Work-related Accidents** (Better Health Channel betterhealth.vic.gov.au)
- **Shift Workers with Diabetes Can Experience Difficulties controlling their Blood Sugar Levels** (Better Health Channel betterhealth.vic.gov.au)

Effects of Regular Exercise (Mentally)

- **You will Improve your memory and Will Help you Learn Better** – Exercise improves learning. It optimizes your mindset, by improving alertness, attention and motivation. It encourages nerve cells to bind to one another, which is the cellular basis for learning new information. It spurs the development of new nerve cells from the stem cells in the hippocampus, an area of the brain related to memory and learning.
- **You will Boost your Confidence** – Look Better, Feel More Accomplished, Feel More Social. The increase of blood flow and endorphins allows your brain a state in which your world feels manageable and hopeful. (fitnessgoop.com)
- **You will De-stress** – Exercise reduces the levels of the body's stress hormones, such as adrenaline and cortisol. It also stimulates the production of endorphins, the body's natural pain killer (health.harvard.edu)
- **You will sleep better** - In a 4 – 24 week study, adults with insomnia that exercised, fell asleep more quickly, slept slightly longer, and had a better sleep quality than before exercising. (sleepfoundation.org)
- **Reduces Anxiety** (healthtips-sastha.blogspot.ca)
- **Helps to Alleviate Depression** (healthtips-sastha.blogspot.ca)
- **Improves Mental Alertness** (healthtips-sastha.blogspot.ca)
- **Improves your Mood** (healthtips-sastha.blogspot.ca)

Effects of Regular Exercise

- **Helps you Lose Weight** (healthtips-sastha.blogspot.ca)
- **Helps relieve many of the Common Discomforts of Pregnancy** (backache, heartburn, constipation etc (healthtips-sastha.blogspot.ca))
- **Enhances Sexual Desire, Performance and Satisfaction** - physical fitness can increase blood flow, which in theory can make sex more pleasurable since sex arousal for both men and women involves increased blood flow. It also boosts endorphins, which lifts your mood and it can increase your energy. (healthtips-sastha.blogspot.ca and health.com)
- **Improves the Function of your Immune System** (healthtips-sastha.blogspot.ca)
- **Helps to better control blood sugar** - particularly if you are Type II diabetic (healthtips-sastha.blogspot.ca)
- **Helps Control Blood Pressure** (healthtips-sastha.blogspot.ca)
- **You will have better posture** core exercise will help strengthen your core muscles. It will slowly undo the damage that has been done by years of incorrect posture. (ehow.com)
- **You will have More Energy** - Exercising at a low to moderate heart rate change will help give you more energy(webmd.com)
- **Reduce Risk of getting Heart Disease** (healthtips-sastha.blogspot.ca)

About Snap Fitness 24/7

- *Snap Fitness was founded in August 2003 and is the fastest growing fitness franchise in the world.*
- *They have clubs in 14 countries (United States, Canada, India, Mexico, Australia, New Zealand, United Kingdom, Egypt, Singapore, Thailand, Hong Kong, Philippines, Indonesia, and Malaysia).*
- *Members in Brockville are also members to the other Snap Fitness 24/7 World Wide! There are over 1400 Snap Fitness 24/7 Clubs and they are still growing!*

Why Snap Fitness 24/7 at the Corner of California and Laurier?

Convenient - Close to Shift Workers

- 3M – 1245 California Ave 400 m (40 sec)
- Procter and Gamble - 1475 California Ave 550m (42 sec)
- Bridlewood Manor Retirement Residence – 1026 Bridlewood Drive 600m (1 min)
- Axens Canada – 4000 Development Drive 800m (1 min)
- Brockville Police Station – 2269 Parkedale Ave 1.5 km (3 min)
- Brockville General Hospital – 75 Charles St 2.9 km (6 min)

Why Snap Fitness 24/7

Convenient – Located on a Busy Road

- Close to the Superstore and Walmart (1.4 Km)(you can work out and go get groceries with little travel time)
- Close to Industrial Park (On California Ave)
- Close to the new Subdivisions in the North End of Brockville – Spring Valley Homes, Wildwood Subdivision, and Bridlewood Subdivision (many North end residents will pass the Snap Fitness Club on the way to and from work)

Why Snap Fitness 24/7

Convenient

- Brockville's First 24 hour 7 days a week Fitness Club!!
- Offering Group Exercise Class Access 24 hours a day! (Fitness on Demand)
- Over 1400 Locations World Wide! (Remember to pack your gym bag if you are going to Ottawa, Indonesia or Mexico!!)
- Only join for as long as you want your membership – join on which membership type suits your needs and no hassle cancelation.
- Get Help at the Club or Online with exercise and diet tips(Snap Fitness has a customized website for members only, that will make customized health advice for each individual!)

Why Snap Fitness 24/7

Affordable

- We will be the most affordable full fitness facility in Brockville
- We have made contact with many Shift worker's employee to set up an extra discount for them. Onboard already are Procter and Gamble and The Brockville Police Department.

Why Snap Fitness 24/7

CLEAN and Friendly

- Owned and Operated by two local ladies with over 15 years experience combined in the Fitness Industry!
- Our vision; A Clean, Friendly, Safe Environment for our members. It should feel like our member's home away from home.

Brockville's Plan

By Putting Snap Fitness at 1365 California Avenue will Enhance the Brockville City Plan for Development

- By Providing the City with a much needed service as a 24hr Health Club
- Locating a Health Club at the corner of California and Laurier gives easy access to those who need it the most.
- Could attract other companies to the area (With Snap Fitness just seconds away, employers can offer their employees memberships perks to Snap Fitness. We are devoted full time to maintaining a clean, safe, friendly environment, with state of the art equipment.)
- To Employ some of Brockville's Finest Health and Fitness Professionals

20Feb2014

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE –
4 MARCH 2014**

2014-020-03

**PROPOSED AMENDMENT TO SIGN BY-LAW 84-89
2438 PARKEDALE AVENUE
THE BARLEY MOW
OWNER: 2343674 ONTARIO INC.
AGENT: EASTERN ENGINEERING GROUP INC.**

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

RECOMMENDATION:

THAT City of Brockville Sign By-law 84-89 be amended to permit the existing ground sign located at 2438 Parkedale Avenue to be altered to add an electronic message board with a total sign area of 4.6 square metres (50.0 square feet).

PURPOSE:

The purpose of this report is to provide recommendation on an application to consider an amendment to Sign By-law 84-89 respecting the property with municipal address 2438 Parkedale Avenue, City of Brockville.

The application requests that City of Brockville Sign By-law 84-89 be amended to permit the existing ground sign to be altered to add an electronic message board located at The Barley Mow. The sign location and sign format are discussed in more detail elsewhere in this report.

BACKGROUND:

An application for Amendment to City of Brockville Sign By-law 84-89 has been received from Eastern Engineering Group Inc., agent for 2343674 Ontario Inc., owner of the subject property located at 2438 Parkedale Avenue, City of Brockville.

The proposed sign as designed is not permitted under Sign By-law 84-89, as amended. Amendments to Sign By-law 84-89 are required to be granted by Council for the Corporation of the City of Brockville. The application is for the following amendment:

- To permit an Illuminated sign of an animated and/or flashing nature.

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Proposed Amendment to Sign By-law 84-89

Applicant: Eastern Engineering Group Inc.

Owner: 2343674 Ontario Inc.

ANALYSIS/OPTIONS:

Various sections of the Municipal Act provide municipalities with the authority to pass by-laws to control signage and other advertising devices. Signs within the Corporation of the City of Brockville are regulated under City of Brockville By-law 84-89, known as the Sign By-law.

The application requests that City of Brockville Sign By-law 84-89 be amended to grant approval for the existing ground sign at 2438 Parkedale Avenue to be altered and allow an electronic message board (sign) to replace the current letter board signage area as shown on **Schedule "A"** to this report. The electronic message board (sign) is proposed to be 1.91 metres (6.26 feet) by 1.22 metres (4.0 feet) per side for a total area of 4.6 square metres (50.0 square feet). The total area of the entire ground sign is proposed to be 15.8 square metres (170.0 square feet).

The property is zoned C2 – General Commercial Zone and designated as Mixed Use and Commercial Area within the Mixed Use Node under the City of Brockville Official Plan. The ground sign was installed in 1987 and met all by-law regulations relating to location and size at the time. Photos of the site are attached as **Schedule "B"** to this report.

POLICY IMPLICATIONS:

2438 Parkedale Avenue is located along one of Brockville main roadways and is zoned C2 – General Commercial Zone. The proposed sign meets all by-law regulations, however, it is to be of an illuminated and flashing display nature and therefore requires amendment to be permitted.

By-law 84-89, as amended, Part 5, Section 5.10 states that *"Illuminated or luminous signs of an animated and/or flashing nature shall not be permitted."*

To-date, there have been nine (9) electronic message signs authorized within the City:

- 125 Stewart Boulevard, Brockville Shopping Centre (1999)
- 555 Stewart Boulevard, 1000 Islands Toyota (2001)
- 2510 Parkedale Avenue – Thousand Island Secondary School (2004)
- 2288 Parkedale Avenue, St. Lawrence College (2006)
- 103 Broome Road (2012)
- 1515 Kensington Boulevard, Ange-Gabriel (2012)
- 1000 Islands Mall (2012)
- St. Mary's Catholic School (2013)
- Millwood @ Parkedale Avenue for the Memorial Centre (2013)

The above-noted signs were evaluated from safety, traffic, visibility, driver distraction and

2014-020-03

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Proposed Amendment to Sign By-law 84-89**Applicant: Eastern Engineering Group Inc.****Owner: 2343674 Ontario Inc.**

overhead clearance concerns and the final locations were tailored to resolve the concerns brought forward.

The proposed sign design and location has been circulated to the Operations Department, Environmental Service Department, Building Department and the Brockville Police. No objections were received.

Staff would also like to inform Council that no off-site advertising is permitted within the Sign By-law. Therefore, should Council approve the proposed amendment, advertising pertaining to The Barley Mow is the only advertising permitted.

FINANCIAL CONSIDERATIONS:


All costs associated with this application and any further requirements are the responsibility of the Applicant.

CONCLUSION:


The Planning Department has no objections to the proposed amendment to City of Brockville Sign By-law 84-89. The proposed amendment to allow for the existing ground sign to be altered to add an electronic message board (sign) is similar to other approved signage on lands within the City (1000 Islands Mall, Pro Oil Changers, TISS, Memorial Centre). This conclusion is provided in the recommendations section of this report.



M. Maureen Pascoe Merkley, MCIP, RPP
Director of Planning



Andrew McGinnis, MCIP, RPP
Planner II



Bob Casselman
City Manager

SCHEDULE "A" TO REPORT 2014-020-03

GENERAL NOTES

1. ALL WORK ON CITY PROPERTY TO BE PERFORMED BY A CONTRACTOR APPROVED BY THE CITY.
2. CONTRACTOR TO VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO START OF CONSTRUCTION.
3. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS PRIOR TO START OF CONSTRUCTION.

BENCHMARK
BENCHMARK PLAN IS SHOWN IN THE
PLAN OF THE PROJECT AND THE
EXISTING AND PROPOSED
ELEVATION - 100.00

No.	By	Date	Remarks
1	BCA	2014-02-14	FOR ELEVATION BY-LAW AMENDMENT

The contractor shall check and verify all dimensions on the job prior to start of construction.
Dimensions are not to be scaled.

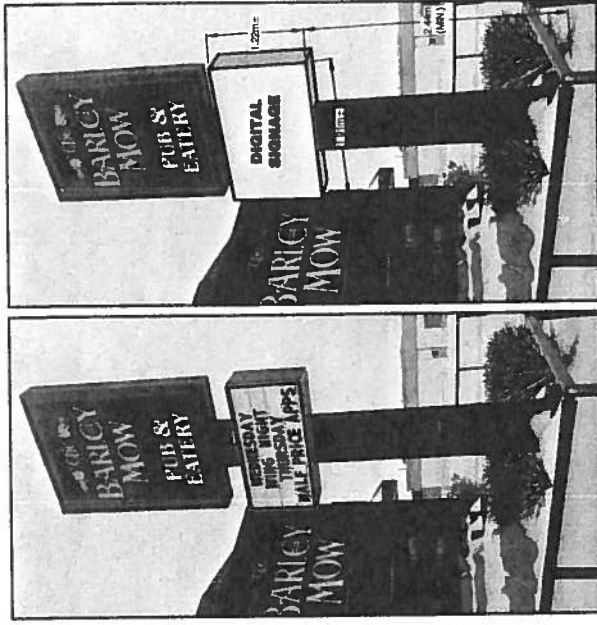
EASTERN
ENGINEERING GROUP INC.
CONSULTING ENGINEERS
188 Bloor Street East, Suite 1114
Toronto, Ontario M5S 1A5
Telephone: (416) 593-4400
Facsimile: (416) 593-4401
Email: info@easternengr.com

BARLEY MOW
2444 Parkdale Ave.
Brookville, Ontario

SITE PLAN

Page	Sheet	Project	Scale	Date	Drawn by	Checked by	ECOS
1	1	BCA	DGP	2014-02-13			

C1



EXISTING SIGNAGE
ELEVATION
N.T.S.

PROPOSED SIGNAGE
CONCEPT ELEVATION
N.T.S.

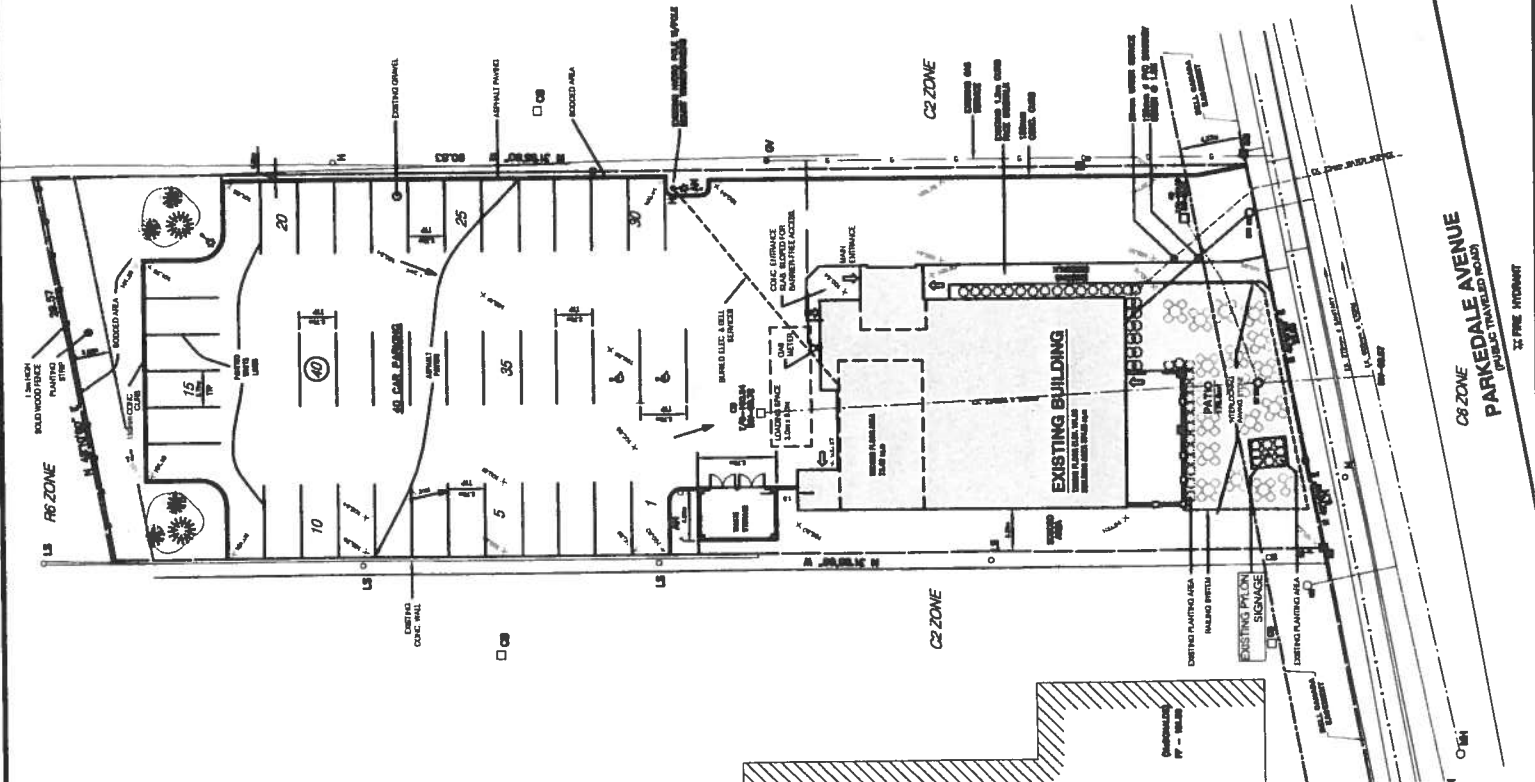
ZONING REQUIREMENTS FOR C2 ZONE

	REQUIRED	PROPOSED
MIN. LOT AREA	6000 sq.	2638 7m sq.
MIN. LOT FRONTAGE	20m	29.57m
MIN. FRONT YARD	7.5m	6.30m
MIN. INTERIOR SIDE YARD	2.0m	3.20m
MIN. REAR YARD	7.5m	51.02m
MIN. LANDSCAPED OPEN SPACE	15%	22.5%
MAX. LOT COVERAGE	40%	14%
PARKING SPACES	30	40
LOADING SPACES	1	1
MAX. BUILDING HEIGHT	13.5m	7.93m
GROSS LEASABLE AREA	7500 SQ.M. MAX.	MAIN FLOOR - 374.85m SECOND FLOOR - 73.48m GROSS AREA - 448.14m

SITE STATISTICS

BUILDING AREA =	374.85 sq. m
TOTAL ASPHALT AREA =	1331 sq. m
TOTAL LANDSCAPED AREA =	732.9 sq. m
RESTAURANT SEATING =	167 MAX.
EXISTING PATIO SEATING =	36 MAX.
PROPOSED PATIO SEATING =	128 MAX.

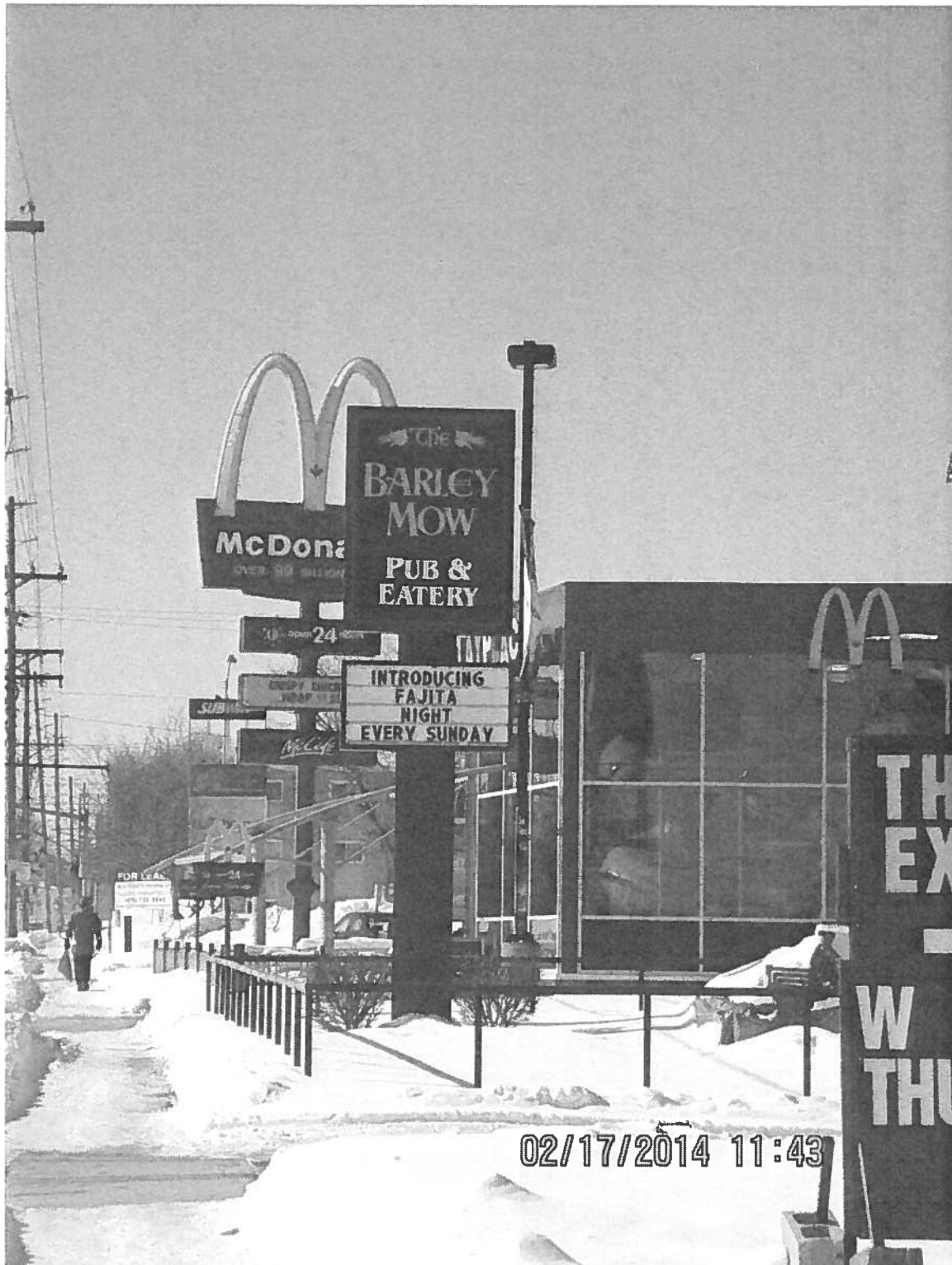
136 TOTAL PROPOSED
30 PROPOSED
90 PROPOSED
110 TOTAL PROPOSED



LEGEND

EXISTING BUILDING	PROPOSED SIGNAGE
EXISTING DRIVE	PROPOSED DRIVE
EXISTING SIDEWALK	PROPOSED SIDEWALK
EXISTING CURB	PROPOSED CURB
EXISTING FENCE	PROPOSED FENCE
EXISTING LIGHT	PROPOSED LIGHT
EXISTING TREE	PROPOSED TREE
EXISTING PLANT	PROPOSED PLANT
EXISTING PAVEMENT	PROPOSED PAVEMENT
EXISTING GRAVEL	PROPOSED GRAVEL
EXISTING SAND	PROPOSED SAND
EXISTING DIRT	PROPOSED DIRT
EXISTING ROCK	PROPOSED ROCK
EXISTING CONCRETE	PROPOSED CONCRETE
EXISTING BRICK	PROPOSED BRICK
EXISTING TILE	PROPOSED TILE
EXISTING STONE	PROPOSED STONE
EXISTING METAL	PROPOSED METAL
EXISTING GLASS	PROPOSED GLASS
EXISTING WOOD	PROPOSED WOOD
EXISTING PLASTER	PROPOSED PLASTER
EXISTING GYPSUM	PROPOSED GYPSUM
EXISTING CEMENT	PROPOSED CEMENT
EXISTING ASPHALT	PROPOSED ASPHALT
EXISTING GRAVEL	PROPOSED GRAVEL
EXISTING SAND	PROPOSED SAND
EXISTING DIRT	PROPOSED DIRT
EXISTING ROCK	PROPOSED ROCK
EXISTING CONCRETE	PROPOSED CONCRETE
EXISTING BRICK	PROPOSED BRICK
EXISTING TILE	PROPOSED TILE
EXISTING STONE	PROPOSED STONE
EXISTING METAL	PROPOSED METAL
EXISTING GLASS	PROPOSED GLASS
EXISTING WOOD	PROPOSED WOOD
EXISTING PLASTER	PROPOSED PLASTER
EXISTING GYPSUM	PROPOSED GYPSUM
EXISTING CEMENT	PROPOSED CEMENT
EXISTING ASPHALT	PROPOSED ASPHALT
EXISTING GRAVEL	PROPOSED GRAVEL
EXISTING SAND	PROPOSED SAND
EXISTING DIRT	PROPOSED DIRT
EXISTING ROCK	PROPOSED ROCK

SCHEDULE "B" TO REPORT 2014-020-03



20 February 2014

REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

04 MARCH 2014

2014-021-03

REQUEST TO DEEM LOTS NOT REGISTERED

M. MAUREEN PASCOE MERKLEY

PARTS OF BRIDLEWOOD SUBDIVISION

DIRECTOR OF PLANNING

REGISTERED PLAN 375, BROCKVILLE

J. FAURSCHOU, PLANNER I

OWNER: 653973 ONTARIO LTD.

APPLICANT: WILSON/EVELY

FILE: 267-10

RECOMMENDATION:

1. THAT Lots 149, 150, 155 to 174, inclusive, Lots 181 to 185, inclusive, and Lots 245 to 249, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered.
2. THAT Lots 1, 2, 3, 132, 133, 134, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered upon completion of a turnaround built to the City's satisfaction at the west end of Fitzsimmons Drive.

ORIGIN:

Wilson/Evely, acting on behalf of 653973 Ontario Ltd. (Mr. Joe Malovic), has requested that various lots within Registered Plan 375, known as "Bridlewood Subdivision" be deemed not registered. The letter of request, dated 30 January 2014, has been attached as **Schedule "A"** to this report.

The lots which are the subject of this request are described as follows:

- Lots 1, 2, 3 located on the south side of the west end of Fitzsimmons Drive;
- Lots 132, 133, 134, located on the north side of the west end of Fitzsimmons Drive;
- Lots 149, 150, located on the east side of Dobbie Street;
- Lots 155 to 174, inclusive, located on the future Ascot Street;
- Lots 181 to 185, inclusive, located on the west side of the northerly extension of Bridlewood Drive; and
- Lots 245 to 249, inclusive, located on the south side of Crestwood Drive.

The subject lots are identified on **Schedule "B"** to this report.

ANALYSIS/OPTIONS:

The Ontario Planning Act, 1990, c.P. 13, Section 50. (4) addresses the matter of the designation of a plan or subdivision or part thereof as not being deemed registered as

follows:

"50 (4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4)."

The underlying registered plan of subdivision for the lands subject to this application was created in 1981, and is subject to a Subdivision Agreement between Dodge and Dodge Corporation Limited and the Corporation of the City of Brockville authorized by By-law 234-81. This Agreement has been the subject of various amendments through the years which have addressed the on-going development of various phases of the subdivision and change of ownership from Dodge and Dodge Corporation Limited to 653973 Ontario Ltd.

Accordingly, the plan of subdivision exceeds the required minimum of eight (8) years to permit a portion of the subdivision to be considered as not being registered.

Since 1981, the subdivision has been under development in various phases. **Schedule "C"** to this report illustrates development to-date within the subdivision.

On 30 January 2014, the Planning Department received a request for various lots to be deemed not to be registered. These lots have been determined by the developer to be beyond the scope of his planned development at this time. In discussions with Planning Department staff, Mr. Malovic has expressed his concern with the ongoing property tax burden from carrying certain lots in Bridlewood Subdivision which have no foreseeable development potential.

Lots Within Registered Plan 375 To Be Deemed Not Registered:

The lots which have been requested to be deemed not to be registered are described and located as follows:

- Lots 149 and 150, located on the east side of Dobbie Street;
- Lots 155 to 174, inclusive, located on the future Ascot Street;
- Lots 181 to 185, inclusive, located on the west side of the northerly extension of Bridlewood Drive;
- Lots 245 to 249, inclusive, located on the south side of Crestwood Drive;
- Lots 1, 2 and 3, located on the south side of the west end of Fitzsimmons Drive; and
- Lots 132, 133 and 134, located on the north side of the west end of Fitzsimmons Drive;

Lots 149 and 150, located on the east side of Dobbie Street, Lots 155 to 174, inclusive, located on the future Ascot Street and Lots 181 to 185, inclusive, located on the west side of the northerly extension of Bridlewood Drive all lie within an area subject to redesign of the subdivision wherein the lots and street patterns have been amended by By-law 20-2000 such that the existing lots are no longer viable for development. Accordingly, these lots should be deemed not to be registered.

Lots 245 to 249, inclusive, located on the south side of Crestwood Drive, east of Bridlewood Drive, are somewhat isolated in an area initially proposed for development of multiple residential development on the north side of Crestwood Drive with the remaining portion of the south side of Crestwood Drive east of Bridlewood Drive, being parkland. As no easterly extension of Crestwood Drive is anticipated by the developer at this time, these lots could be deemed to not be registered.

Lots 1, 2, 3, 132, 133 and 134 are located at the west end of Fitzsimmons Drive. These lots and the associated extension of Fitzsimmons Drive represent the southern link to the former Registered Plan 271 (Darling Eastern Resources Ltd. lands). Given that development of the adjacent lands is not anticipated in the foreseeable future and that a pumping station is required to service the six (6) lots, it is not feasible to develop these lots. The Operations Department and Environmental Services Department have submitted comments, requiring that the street be concluded with a turnaround built to the City's satisfaction prior to deeming Lots 1, 2, 3, 132, 133 and 134 not to be registered. Accordingly, it is recommended that these lots be deemed to not be registered only upon completion of the required cu-de-sac.

Previous Release and Return of Street Right-of-Ways to the Developer:

With the original registration of the Registered Plan 375, the right-of-way for all future streets within the subdivision were conveyed to the City of Brockville as well as various required easements and reserves to facilitate the subdivision of land for residential development.

By By-law 20-2000, all of Ascot Street and parts of Bridlewood Drive were authorized to be conveyed to 653973 Ontario Ltd. as part of a process which resulted in various changes to the north end of Bridlewood Subdivision. Accordingly no additional lands need be conveyed back to the developer as a result of the request for deeming various lots in this vicinity not to be registered.

POLICY IMPLICATIONS

The Official Plan for the City of Brockville Policy 6.4.5.1.14. addresses the matter of deeming lots not to be registered as follows:

"14. The City may consider passing a By-law under the provisions of the Planning

Act deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered."

Given that the lots in question consist of undeveloped lots which cannot or will not be developed in the foreseeable future based on unsuitable access, undesirable location and previous realignment of part of the subdivision which was undertaken in 2000 through By-law 20-2000, the request is considered by the Planning Department to be reasonable.

FINANCIAL CONSIDERATIONS

Financial considerations to the City of Brockville would consist of the potential for reduced taxation should reassessments by MPAC occur as expected upon completion of the deeming process.

CONCLUSION:

It is appropriate for Council to support the following recommendations, and for the necessary by-laws to be enacted:

1. Lots 149, 150, 155 to 174, inclusive, Lots 181 to 185, inclusive, and Lots 245 to 249, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered; and
2. Lots 1, 2, 3, 132, 133, 134, inclusive, Registered Plan 375, City of Brockville, County of Leeds, be deemed not registered upon completion of a turnaround at the west end of Fitzsimmons Drive.



J. Faurschou, MCIP, RPP
Planner I



M. Pascoe Merkley, MCIP, RPP
Director of Planning



B. Casselman
City Manager

WILSON/EVELY

Barristers & Solicitors

W. Robert Wilson, B.A., LL.B (deceased)
Brian G. Evely, B.A., LL.B

P.O. Box One
3 Court Terrace
Brockville, Ontario
K6V 5T7
Tel: (613) 345-1907
Fax: (613) 345-4604
Wilson-Evely@Bellnet.ca

January 30, 2014

City of Brockville
1 King Street West
P.O. Box 5000
Brockville, Ontario
K6V 7A5

Attention: Maureen Pascoe-Merkley

Dear Madam:

RE: 653973 ONTARIO LTD.

I understand that Joe Malovic has contacted you regarding a request deeming certain lots within the registered plan of subdivision not to be registered. The lots that are in question are as follows:

Fitzsimmons Street - Lot 1, 2, 3, 132, 133, 134

Dobbie Street - Lot 149, 150

Ascot Street - Lot 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174

Bridlewood Drive - Lot 181, 182, 183, 184, 185

Crestwood Drive - Lot 245, 246, 247, 248, 249

Kindly advise should require anything further from our office.

Yours very truly,

WILSON/EVELY



Brian G. Evely
BGE:jb



**21 February 2014
REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
04 MARCH 2014**

2014-022-03

**REQUEST TO ELIMINATE
REQUIRED SIDEWALK
NORTH SIDE OF FITZSIMMONS DRIVE
BRIDLEWOOD SUBDIVISION, PLAN 375
OWNER: 653973 ONTARIO LTD.
FILE: 267-10**

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

RECOMMENDATION:

1. THAT the petition received from residents of Bridlewood Subdivision requesting elimination of the required sidewalk on the north side of Fitzsimmons Drive west of Montrose Street, be received, and
2. THAT, while the sidewalk is not warranted at this time, the request to eliminate the sidewalk be denied.

ORIGIN:

Mr. J. Malovic, representing 653973 Ontario Ltd., the developer of Bridlewood Subdivision, has submitted a petition from fifteen residents of lots located on or near Fitzsimmons Drive requesting that the required sidewalk planned for the north side of Fitzsimmons Drive west of Montrose Street be deleted. The petition reads as follows:

"We the undersigned property owners in Bridlewood Subdivision, north side of Fitzsimmons Drive, in the City of Brockville, respectfully petition the construction of a sidewalk on the north side of Fitzsimmons drive. We feel that the existing sidewalk on the south side of Fitzsimmons Drive already addresses the need for a safe and easily accessible walking route, and that an additional sidewalk on the north side of Fitzsimmons Drive would unnecessarily decrease driveway and front yard size."

ANALYSIS/OPTIONS:

Bridlewood Subdivision, Registered Plan 375, was created in 1981 with terms and conditions for development specified in the Subdivision Agreement between Dodge and Dodge Corporation Limited and the Corporation of the City of Brockville under By-law 234-81. This Plan of Subdivision and associated Subdivision Agreement has been the subject of various amendments throughout the years which have addressed the on-going development of various phases of the subdivision and change of ownership from Dodge

2014-022-03
REQUEST TO REDUCE SIDEWALK REQUIREMENT
BRIDLEWOOD SUBDIVISION, PLAN. 375
CITY OF BROCKVILLE
OWNER: 653973 ONTARIO LTD.
FILE: 267-10

Page 2

and Dodge Corporation Limited to 653973 Ontario Ltd. Amongst many other requirements, the developer's responsibility to construct sidewalks in various locations throughout Bridlewood Subdivision is specified.

Schedule "B", Clause 4 of the Subdivision Agreement addresses sidewalk requirements within the subdivision. Specifically, it states that:

"Concrete sidewalks 1.5 metres in width shall be constructed on both sides of Bridlewood Drive, Aspen Drive, Crestwood Drive, Fitzsimmons Drive, Shearer Drive and Dobbie Street within the limits of the Plan."

There are currently sidewalks on Fitzsimmons Drive as follows:

- the entire length of the south side of Fitzsimmons Drive from Bridlewood Drive to the last house on the west end;
- the north side of Fitzsimmons Drive from Bridlewood Drive west to Montrose Street; and

All existing sidewalks constructed within Bridlewood Subdivision are illustrated in **Schedule "A"** to this report.

On 11 February 2014, the Planning Department received a petition from fifteen residents of the Fitzsimmons Drive area requesting that the required sidewalk planned for the north side of Fitzsimmons Drive west of Montrose Street be deleted. The fifteen (15) signatories to the petition represent owners/occupants of 12 dwellings on Fitzsimmons Drive and one on Kingswood Street, and all but two (2) of the fifteen (15) would have the yet-to-be built sidewalk located in front of their property.

The request has been circulated to various City Departments with the following results:

- i. Police Department: "No issue".
- ii. Environmental Service's Department:

"Our experience has been that although there currently may not be any appetite for a sidewalk on the north side, in the future when there has been a turn-over in ownership that attitude may change. Secondly, the design of Bridlewood has always included sidewalks on both sides of Fitzsimmons Drive, this in anticipation of it becoming more of an arterial road than local once the property to the west is developed."

Should the request be supported, the Subdivision Agreement, Scheduled "B", Clause 4 a) and b) must be amended to reflect the change to the sidewalk requirement.

2014-022-03
REQUEST TO REDUCE SIDEWALK REQUIREMENT
BRIDLEWOOD SUBDIVISION, PLAN. 375
CITY OF BROCKVILLE
OWNER: 653973 ONTARIO LTD.
FILE: 267-10

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POLICY IMPLICATIONS

The Official Plan for the City of Brockville, Policy 5.2.2.4 subsection 3, addresses the matter of sidewalks as follows:

"It shall be the policy of the City that:

3. Sidewalks shall generally be required on one side of Local Roads. In instances where Local Roads lead directly to a school, park, community facility or other facility which generates pedestrian traffic, or where the safety of pedestrians is of particular concern, sidewalks shall be considered on both sides of the road."

Fitzsimmons Drive is currently classified as a Local Road under the Official Plan, as it is only serving lots with Bridlewood Subdivision. However, since the time of Subdivision approval in 1981, the intention has been for Fitzsimmons Drive to connect through to a future subdivision to be developed on the vacant lands abutting Bridlewood Subdivision to the west. When this land is developed, Fitzsimmons Drive will likely be upgraded to a Collector Road. As such, Fitzsimmons Drive will be required to have sidewalks on both sides as per the Official Plan for the City of Brockville Policy 5.2.2.3 subsection 4 which addresses the matter of sidewalks as follows:

"It shall be the policy of the City that:

4. Sidewalks shall generally be constructed on both sides of Collector Roads."

FINANCIAL CONSIDERATIONS

There are no financial considerations to the City of Brockville with regard to construction of sidewalks in developing areas, as the developer is held responsible for construction of all new local infrastructure to meet City standards.

Although snow clearing is performed by the City upon completion of construction of sidewalks, any further sidewalk maintenance only becomes the responsibility of the City once the subdivision or phases thereof are accepted by the City.

If sidewalks are not constructed on both sides of Fitzsimmons Drive at this time, and the request to eliminate the requirement for the additional sidewalk is supported, it may fall to the City in the future to construct the length of sidewalk currently under consideration.

2014-022-03
REQUEST TO REDUCE SIDEWALK REQUIREMENT
BRIDLEWOOD SUBDIVISION, PLAN. 375
CITY OF BROCKVILLE
OWNER: 653973 ONTARIO LTD.
FILE: 267-10


Page 4

CONCLUSION:

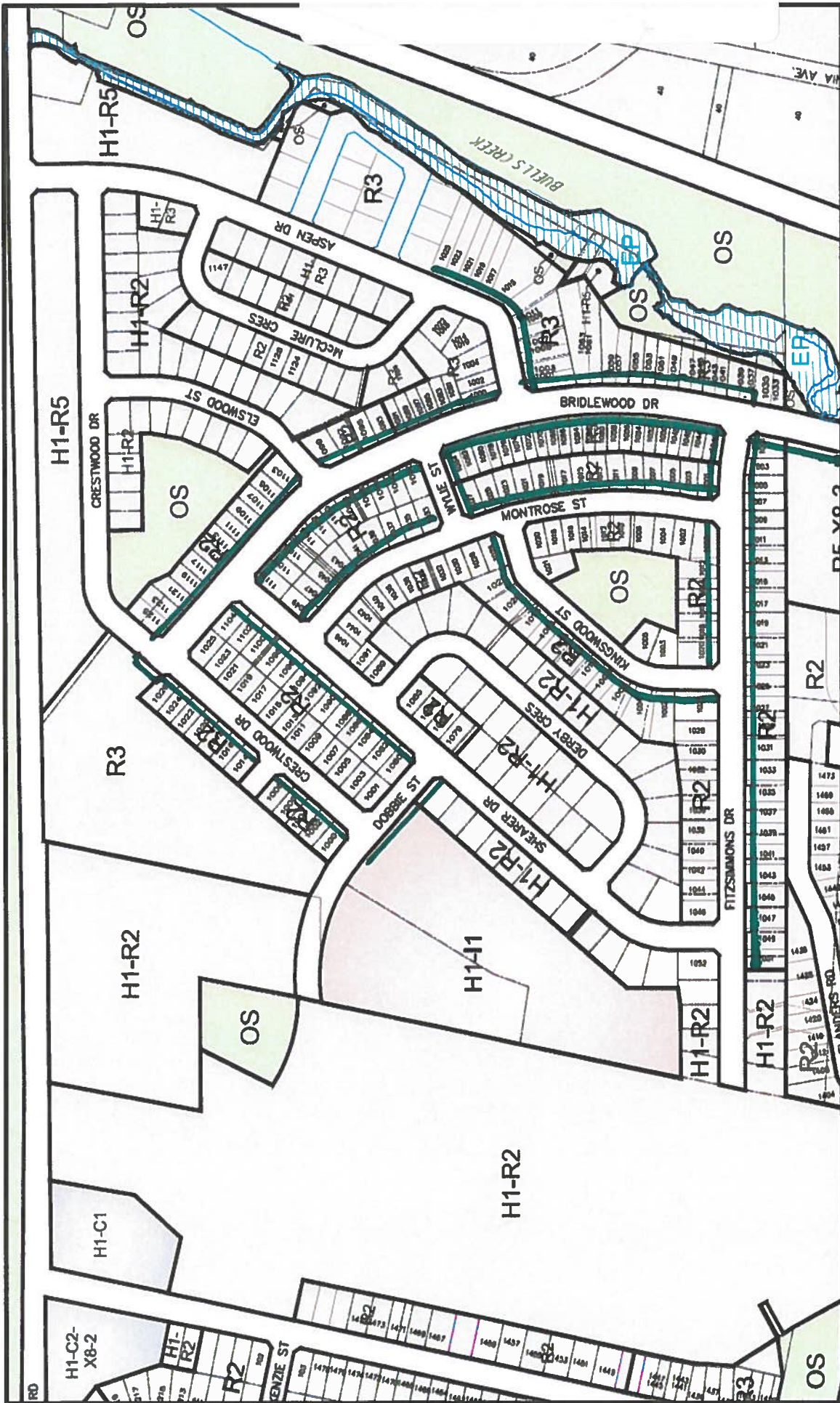
It is acknowledged that a second sidewalk is not warranted at this time on Fitzsimmons Drive west of Montrose Street. However, with consideration to future needs, it is recommended that no action be taken to eliminate the requirement for sidewalks on both sides of Fitzsimmons Drive as specified in the Subdivision Agreement for Registered Plan 375 (Bridlewood Subdivision). This is consistent with the relevant policies contained in the Official Plan.



J. Faurschou, MCIP, RPP
Planner I

M. Pascoe Merkley, MCIP, RPP
Director of Planning

B. Casselman
City Manager



Location of existing sidewalks in Bridlewood Subdivision: February 2014

February 24, 2014

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE – March 04, 2014

2014-023-03

**SMALL RURAL AND NORTHERN MUNICIPAL
INFRASTRUCTURE FUND – BETHUNE STREET**

**P. RAABE, P.ENG.
DIRECTOR OF
ENVIRONMENTAL SERVICES**

RECOMMENDED

THAT Council authorize the Mayor and City Clerk to enter into a transfer payment agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Rural Affairs for infrastructure funding for the reconstruction of Bethune Street from King Street to Pearl Street.

PURPOSE

In order for the City of Brockville to receive funding from the Ministry of Rural Affairs for the reconstruction of Bethune Street, City Council must authorize the Mayor and City Clerk to enter into a transfer payment agreement.

BACKGROUND/ANALYSIS

In 2013, the Province of Ontario announced \$100 million for small, rural and northern municipalities for a dedicated fund for municipal roads, bridges and other critical infrastructure.

The program has a two stage project selection process. First, eligible municipalities were to submit an Expression of Interest (EOI) by November 1, 2013. If successful, municipalities were then required to submit a more detailed application by January 10, 2014. Final decisions on funding recipients were to be made by mid-February.

In October, through report 2013-122-10, 2013 Small, Rural and Northern Municipal Infrastructure Fund – Capital Program, Council gave staff direction to submit an EOI for the reconstruction of Bethune Street from King Street to Pearl Street. The City was successful in its EOI application and then submitted a full application by the January 10, 2014 deadline. The City was recently informed that it has been successful in its full application and is now eligible to receive funding up to \$765,000 or 70% of the eligible costs for the Bethune Street project.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL CONSIDERATIONS

Report 2014-023-03
Small Rural and Northern Infrastructure
Fund – Bethune Street

In the City's 2014 Capital Budget the reconstruction of Bethune Street has a budget cost of \$1,095,000 and was originally proposed to be funded as follows:

Federal Gas Tax	\$ 297,000
Wastewater Fund	85,000
Water Debentures	330,000
Tax Rate Debentures	208,000
Wastewater Debentures	<u>175,000</u>
	\$1,095,000

The following funding summary is now being proposed:


Federal Gas Tax	\$ 180,000
Water Fund	150,000
SRNMIFC	<u>765,000</u>
	\$1,095,000

The Small, Rural and Northern Municipal Infrastructure Fund Capital Program (SRNMIFC) will provide 70% of the eligible costs up to a maximum of \$765,000.

CONCLUSION

It is recommended that City Council enter into the agreement to receive the funds.


 B. Casselman
 City Manager


 P. Raabe, P.Eng.
 Director of Environmental Services


 D. Dick, CA, CPA
 Director of Corporate Services

Report to Economic Development and Planning Committee – March 4, 2014
February 24, 2014

2014-024-03
Regulation of a Public Market
Brockville Farmers' Market Association

S.M. Seale
City Clerk

Recommended

THAT Council authorize the following amendments to By-law 014-1997, A By-law to Regulate a Public Market in the City of Brockville:

1. The hours of operation be amended from "7:00 am until 1:00 pm on Tuesday, Thursday and Saturday of each week" to "8:00 am until 1:00 pm on Tuesday, Thursday and Saturday of each week"; and
2. That seasonal vendors be required to be on the Market by 8:30 am (currently 9:00 am) on designated market days or his/her stand may be reallocated to another vendor.

Background

Under the *Municipal Act*, 2001, as amended, municipalities regulate farmers markets, flea markets or other similar types of markets including regulating the hours of operation of a market. Brockville Council has regulated a farmers market since 1832.


At a meeting held on November 21, 2013, the Brockville Farmers' Market Association (BFMA) Board of Directors passed a motion to request the above noted amendments to the Public Market By-law by City Council.

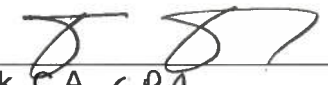
Analysis

City Council in accordance with the *Municipal Act*, 2001, as amended, regulates farmers markets. The BFMA Board requested the changes to the by-law as a result of a survey of their membership and a change in the operation of the Market.

Financial Considerations

The proposed changes will have no financial consequence.


S. M. Seale
City Clerk


D. Dick, C.A. CPA
Director of Corporate Services


B. Casselman
City Manger