

THE CORPORATION OF THE CITY OF BELLEVILLE

ADDENDUM AGENDA

JUNE 27, 2011

Starting
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7. Correspondence (Cont'd)

- 7.3 June 24, 2011 letter to Council from Michael Bowman of Osler, Hoskin & Harcourt LLP on behalf of Imperial Oil Limited objecting to revised applications by Geertsma Homes Ltd. and 1472543 Ontario Inc. for Official Plan/Zoning By-law Amendment and Subdivision Approval for 15 Lot Residential Development (Files B-77-887 & 12T-11501) for Cannifton Road North and Tank Farm Road (Academy Place)
Consent Items 8. b. 2 and 8. b. 3 refer

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RESOLUTION

“THAT the June 24, 2011 letter to Council from Michael Bowman of Osler, Hoskin & Harcourt LLP on behalf of Imperial Oil Limited objecting to revised applications by Geertsma Homes Ltd. and 1472543 Ontario Inc. for Official Plan/Zoning By-law Amendment and Subdivision Approval for 15 Lot Residential Development (Files B-77-887 & 12T-11501) for Cannifton Road North and Tank Farm Road (Academy Place) be received and referred to Consent Items 8. b. 2 and 8. b. 3.”

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OSLER

Toronto

June 24, 2011

Montréal

Michael Bowman
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Our Matter Number: 1127837

Ottawa

SENT BY E-MAIL

Calgary

Mayor Neil Ellis and
Members of Council
City of Belleville
City Hall
169 Front Street
Belleville, ON K8N 2Y8

New York

Attention: Julie Oram, Director of Corporate Services
and City Clerk

Dear Mayor Ellis and Members of Council:

Re: Objection By Imperial Oil Limited to File No. B-77-887 & 12T-11501

**Revised Applications By Geertsma Homes Ltd. And 1472543 Ontario Inc. for
Official Plan/Zoning By-law Amendment and Subdivision Approval For 15
Lot Residential Development (Academy Place) (the "Revised Applications")**

**Part 2, Registered Plan 21R-21822; Part of Lot 7, Concession 3, Former
Township of Thurlow (the "Subject Lands")**

Council Meeting June 27, 2011

We are again writing to Council on behalf of Imperial Oil Limited ("Imperial") with respect to the above-referenced revised applications for an official plan and zoning by-law amendment and subdivision approval (the "Revised Applications"). Further to our attendance at the June 13, 2011 Council meeting, we understand that Council deferred consideration of the Revised Applications in order to review and consider the implications of the April 13, 1995 Decision of the Ontario Municipal Board respecting the Subject Lands (the "1995 OMB Decision").

Council should carefully consider the implications of the 1995 OMB Decision, which was not previously brought to its attention by either the Applicant or planning staff. As is evident from the 1995 OMB Decision, Imperial was a party to the OMB hearing, where it opposed the proposed residential development, consistent with its position with respect to the current Revised Applications. In the context of the 1995 application for residential development that was objected to by both Imperial and local residents, the Board endorsed a settlement that designated and zoned the Subject Lands as General

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Commercial. Significantly, in endorsing this planning result, the Board referenced the evidence of “the objectors’ planning consultant, Ms Ruth Ferguson Aulhouse, intended to give me a better understanding of the planning ramifications associated with her alternative recommendations for General Commercial rather than a continuation of Community Facilities or Medium Density Residential.” The Board went on to note that “the evidence of the objectors’ planning consultant was quite convincing, leading the Board to be inclined, at least on a preliminary basis, to be on guard concerning approval of residential use for these lands...”

In view of the evidence that was submitted to the Board, it is difficult to reconcile a planning opinion that now supports a re-designation of the Subject Lands from General Commercial in order to permit residential uses that were previously rejected. It is also significant that in the context of the comprehensive planning review a few years after the 1995 OMB Decision that led to the adoption of the City’s current Official Plan, the General Commercial designation on the Subject Lands was maintained.

In making its final decision with respect to the Revised Applications, Council should also give weight to the disclosure (again, apparently for the first time) at the June 13, 2011 Council meeting that the Subject Lands are “For Sale”, and that the Applicant only has an option agreement that is conditional upon Council’s approval of the Revised Applications. The concern voiced by some members of Council that a sale of the Subject Lands could result in an application for amended planning approvals is valid, and highlights the planning uncertainties inherent in this site-specific application.

Finally, Council should also consider the concerns of the local residents who spoke at the June 13th meeting. The theme of these deputations was that the Revised Applications, even reduced to 15 lots, do not conform to local zoning standards or the character of the historic neighborhood. Although Imperial continues to maintain that no residential development is appropriate for the Subject Lands, Council should also consider whether the planning and aesthetic merits of this compromised development proposal outweighs the additional risks and potential liabilities that the City could face.

Imperial continues to rely on its previous correspondence and deputations made in opposition to both the original and Revised Applications, which are now a matter of public record. Consistent with its historic position that it expressed as a party before the OMB in 1995, Imperial continues to oppose the introduction of sensitive residential development on the Subject Lands.

Please be advised that we will again be seeking the opportunity to speak to Council at its June 27, 2011 meeting, should Council allow this opportunity. We have, however, since been advised by the City Clerk, that the Mayor is not inclined to allow any further oral deputations with respect to this matter. If that is the case, it would be our expectation that

representatives of the Applicant will similarly be denied the opportunity to speak to Council at its June 27, 2011 meeting.

Thank you again for your consideration. Please ensure that we continue to receive all notices, reports and decisions with respect to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael Bowman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Bowman
MB/nd