

# The Corporation of the City of Kawartha Lakes

## Planning Advisory Committee Report

Report Number PLAN2018-016

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Regular Meeting**

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**Ward Community Identifier:** Ward 13 – Bobcaygeon

**Subject:** An application to amend the Village of Bobcaygeon Zoning By-law to add a microbrewery as a permitted use and amend the development standards for the property identified as 30 King Street East, Bobcaygeon (Nichol)

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### Recommendations:

**RESOLVED THAT** Report PLAN2018-016, respecting **Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, “Nichol – Application D06-17-030”**, be received;

**THAT** the zoning by-law amendment respecting application D06-17-030, substantially in the form attached as Appendix ‘C’ to Report PLAN2018-016, be approved and adopted by Council;

**THAT** in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The statutory public meeting was held by the Planning Advisory Committee on December 6, 2017 and following resolution was passed:

### **PC2017-049**

**Moved By** Mayor Letham

**Seconded By** Councillor Miller

**Recommend That** Report PLAN2017-067, respecting **Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, Nichol – Application D06-17-030**, be received; and

**That** Report PLAN2017-067 respecting Application D06-17-030 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**CARRIED**

This report is in response to that direction.

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Central Commercial (C1) Zone” to a “Central Commercial Exception \*\* (C1-S\*\*) Zone” on this property. The intent of the change is to permit a microbrewery as a permitted use, and to amend some of the development standards for the property subject to this application. The “C1” zone permits a range of similar commercial uses, including bakeries, restaurants, soda fountains, lunch counters, and liquor licenced establishments. A microbrewery is not a permitted use in any zone category. As such, a site-specific rezoning is required.

Owner:	Scott Nichol
Applicant:	Landmark Associates Limited – Darryl Tighe
Legal Description:	Plan 11, Range 7 Part of Lot 9 East William Street, former Village of Bobcaygeon
Designation:	“Urban Settlement Area” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan; subject to the “Urban” designation policies of the Victoria County Official Plan
Zone:	“Central Commercial (C1) Zone” on Schedule ‘A’ of the Village of Bobcaygeon Zoning By-law No. 16-78
Lot Area:	659.0 sq. m. [6,970.0 sq. ft. – MPAC], of which the entire site is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply

Existing Uses: Vacant Retail Commercial Store With Dwelling Unit Above  
Adjacent Uses: North: Trinity United Church; Low Density Residential  
East: Commercial Plaza  
South: King Street East; LCBO; Commercial Plaza; Beer Store  
West: William Street; Commercial; Residential

## **Rationale:**

The property is located on the northeast corner of King Street East and William Street, in the central area of Bobcaygeon. See Appendix 'A'. It contains an existing two storey stone building on the southwestern portion of the property, and a detached garage on the northwestern portion of the property. The revised proposal would convert the existing building to a microbrewery use, with the construction of a one storey addition on the north side of the existing building. The detached garage would be used for storage space, and the driveway and parking would traverse the eastern and northern portion of the site. See Appendix 'B'.

The original concept has been amended, to reduce the request for some of the reliefs being sought through the Zoning By-law amendment, and to bring the design into alignment with other City By-laws, including By-law 2017-151, A By-law to Regulate Access to Municipal Right of Ways. As not all of the technical issues have been addressed to date, including confirmation that the lot grading and drainage will not impact on abutting properties or the municipal road right-of-way, a Holding (H) provision has been introduced.

The applicant has submitted a Planning Justification Report (PJR); a Functional Servicing Report (FSR); an amended Zoning By-law Amendment Concept Sketch and covering letter noting the modifications and rationale; and a Topographic Survey in support of the application. Staff has reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. The Engineering and Corporate Assets Department have reviewed the Functional Servicing Report (FSR); and Kawartha Region Conservation Authority (KRCA) has reviewed the Topographic Survey filed in support of this application.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Bobcaygeon. The development will be serviced by the existing municipal roads, sewage, water and stormwater services. This application facilitates the efficient use of existing building stock within a designated settlement area.

Therefore, this application conforms to the policies of the GP.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Redevelopment and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development is not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

The applicant will be required to address stormwater management to the satisfaction of the City, for this application to be consistent with the PPS. At this time, the applicant is preparing a submission which must address this criteria, consistent with the PPS.

### **Official Plan Conformity:**

The lot subject to this proposal is located in the “Urban Settlement Area” designation in the City of Kawartha Lakes Official Plan (City OP), which requires the designations and associated land use policies of the Victoria County Official Plan (VCOP) apply until such time as the Bobcaygeon Secondary Plan (SP) is in force and effect. The “Urban” designation in the VCOP allows residential, recreational, institutional, cultural, commercial, and industrial uses, and development should proceed on the basis of the full range of municipal services provided.

Based on the location of this property, it is located in the business core area, which includes King Street East between Bolton Street (to the west) and the Legion (to the east). The ‘General Commercial’ policies shall also apply to this property. The predominant use of land in the ‘General Commercial’ shall be retail and service commercial facilities including retail and service operations, clubs, places of amusement and recreation, and institutional uses. Dwellings shall also be permitted.

Section 5.3 of the VCOP encourages expanding and diversifying commercial developments to promote employment opportunities, and encourages the redevelopment of urban areas. The PJR notes that the proposal conforms to the

relevant policies of the VCOP and maintains compatibility with surrounding land uses. Planning staff accept this analysis.

### Zoning By-Law Compliance:

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned “C1” zone in the Village of Bobcaygeon Zoning By-law 16-78. The application, as proposed, would implement a site-specific “C1-S13” zone which permits the use of the property for a microbrewery, and recognizes site-specific development standards for the property. The applicant has amended the proposed development standards as indicated in the table below. Staff is providing an alternate recommendation in the draft By-law amendment, attached as Appendix ‘C’. Both the applicant proposed and staff proposed standards are shown in comparison to the existing “C1” zone standards in the table as follows:

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
Definition (in Section 2): “Microbrewery” means	None	“A building or part thereof used for the brewing and retail sale of beer for public consumption on or off the premises; and includes the following as accessory uses: areas for sampling, retail display and retail sales”.	As requested. Definition to be added to Section 2 of the By-law
“C1” zone uses (in Section 11.1)	A range of commercial uses	Add a microbrewery as a permitted use	As requested. Use added to “C1-S13” zone
Minimum lot area (in Section 11.2)	N/A	658.0 sq. m.	Not included – Default to “C1” zone
Minimum lot frontage (in Section 11.2)	N/A	18.7 m.	Not included – Default to “C1” zone
Minimum front yard (in Section	Nil	5.5 m.	Not included – Default to “C1”

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
11.2)			zone
Minimum easterly side yard (in Section 11.2)	Nil (abutting commercial use)	8.8 m.	Not included – Default to “C1” zone
Minimum westerly side yard (in Section 11.2)	Nil (abutting roadway)	0.0 m.	Not included – Default to “C1” zone
Maximum lot coverage (in Section 11.2)	60 %	30 %	35 % - Current proposal has approximately 33% lot coverage
Maximum number of dwelling units (in Section 11.3)	6	Not noted	Maximum of 1, due to parking reduction
Minimum rear yard – detached garage (in Section 3.1 b.)	1.2 m.	0.35 m.	Not included – Existing accessory structure legal non-complying. Default to “General Provisions” for new construction
Minimum interior side yard – detached garage (in Section 3.1 b.)	1.2 m.	10.8 m.	Not included – Default to “General Provisions” for new construction
Minimum flankage yard – detached garage (in Section 3.1 b.)	0.0 m.	0.50 m.	Not included – Default to “General Provisions” for new construction
Minimum Parking Requirements based on existing and proposed building area (in Section 3.13 a.)	A total of 11 spaces are required for all permitted uses, based on the Planning analysis	Requested: 6 (A minimum of 6 on-site spaces. A municipal parking lot is located within 85 m. of the subject lot).	A minimum of 6 spaces are required for the proposed uses
Minimum Loading	1 loading space is	Requested: 1	1 loading space

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
Space Requirements based on existing and proposed building area (in Section 3.14)	required for all permitted uses, based on the Planning analysis. It can be an existing parking space.	space equal to one parking space	equal to one parking space with 2.75 m. width; 5.8 m. length; and 15.95 sq. m. area
Loading Space Location (in Section 3.14)	Not on land that is a highway or street	Utilizing a proposed parking space	Not included – Default to “General Provisions” which allows use of one of the parking spaces as a loading space
Landscaping Between Commercial zone and “O2” zone (in Section 3.15 a.)	Not less than 6 metres width; is reduced to 3 metres where a berm or opaque fence, 2 metres in height are constructed in conjunction with the landscaping	A 0 metre landscape buffer is requested	No reduction to the minimum required landscape buffer (*NOTE: Unless it can be demonstrated to the satisfaction of the City that lot grading and drainage can be properly handled with a reduced buffer)
Accessible parking space provisions (no applicable Section)	N/A (defaults to Site Plan Guide)	3.6 m. width; 6.0 m. length; 21.6 sq. m. area	3.6 m. width; 5.8 m. length; 1.2 m. aisle width
Definition of “Parking Space” (in Section 2.92)	Not less than 2.5 m. width and 17 sq. m. area	2.75 m. width; 5.80 m. length; 15.95 sq. m. area	2.75 m. width; 5.80 m. length; 15.95 sq. m. area
Access Driveway (no applicable Section)	N/A	3.0 m width	Not included – No dimension required in By-law
Holding Provision (in Section 3.25)	N/A	Only existing legal uses as of	As requested. Removal of

<b>Development Standard Relief Requested:</b>	<b>Existing Standards:</b>	<b>Applicant Modified Request for “C1-S13” zone Standards:</b>	<b>Staff Draft By-law “C1-S13” zone Standards:</b>
		the date of passing of the By-law. Removal of the hold subject to satisfying lot grading and drainage issues to the satisfaction of the City	holding provision subject to the satisfaction of the City based on lot grading and drainage and stormwater issues

Staff note that some of the requested provisions to be amended do not require amendment, such as lot area and frontage, as the “C1” zone category does not provide minimums. In addition, the existing detached accessory structure was constructed circa 1950 (MPAC), and would therefore be legal non-complying. Staff do not recommend reducing setbacks for the existing accessory building, as this would provide reduced setbacks “as a right”. The “General Provisions” section of Zoning By-law 16-78 provide certain rights for legal non-complying buildings or structures to be repaired and/or added to.

As the previously requested lot grading and drainage details have not been provided by the applicant as of the date of preparing this report, a holding symbol (H) has been applied to the proposed amendment. This is at the request of the applicant, to facilitate returning to the February Planning Advisory Committee (PAC) meeting, with the anticipation of a proposed By-law being presented to Council for approval. The holding symbol is subject to the applicant submitting lot grading and drainage details which satisfy the City with respect to stormwater management for the site. In the absence of this information, staff cannot determine if it will be appropriate to reduce the minimum landscape buffer as requested. Staff anticipate that the applicant will submit the appropriate plans for consideration, prior to the PAC meeting.

The proposed concept of the new development has not changed since the application was submitted. Through a full zoning compliance review, additional minor development standards have been identified which require relief in the proposed respective zone categories. Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

The “C1-S13” exception zone would recognize site-specific development standards for the proposed microbrewery use, and all other provisions of the “C1” zone will apply.

## **Other Alternatives Considered:**

The applicant has provided an alternative to include a Holding (H) provision which requires that all lot grading and drainage issues are resolved to the satisfaction of the City, prior to Council's consideration of removing the (H).

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with all three strategic goals as it provides for a stronger more diversified economy, enhances tourism, improves walkability, and can utilize low impact development to retrofit the site.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented through the Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

## **Servicing Comments:**

The lot is connected to full municipal services within the Bobcaygeon municipal service area.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting was held on December 6, 2017. As of February 2, 2018, we have received the following comments:

### Agency Review & Public Comments:

November 6, 2017	The Building Division has no concerns with this application.
November 15, 2017	The Community Services Department has no concerns.
December 12, 2017	The Kawartha Region Conservation Authority (KRCA) has confirmed based on a topographic survey that this property is located outside the floodplain and outside the regulated area. No KRCA permits are required for the proposed development.
January 31, 2018	The Engineering and Corporate Assets Department has previously reviewed the FSR and provided a list of requirements to be addressed on November 16, 2017. A lot grading and drainage design submission which addresses the stormwater management requirements is needed.

### **Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2017 Growth Plan, and with the proposed holding symbol (H), will be consistent with the 2014 Provincial Policy Statement. Conformity with the City's Official Plan has also been demonstrated. The rezoning will facilitate the development of a microbrewery with a residential apartment above on the lot. All other zoning provisions within the "C1" zone will be maintained.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

#### Appendix 'A' – Location Map



PLAN2018-016  
Appendix A.pdf

## Appendix 'B' – Zoning By-law Amendment Concept Sketch – February 1, 2018



PLAN2018-016  
Appendix B.pdf

## Appendix 'C' – Proposed Zoning By-law Amendment



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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D06-17-030