

The Corporation of the City of Kawartha Lakes

Special Planning Advisory Committee Report

Report Number PLAN2018-029

Date: March 28, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular Meeting

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

Recommendations:

RESOLVED THAT Report PLAN2018-029, 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 PLAN2018-029, 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

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

A second regular meeting was held by the Planning Advisory Committee on February 14, 2018 and following resolution was passed:

PAC2018-012

Moved By Mayor Letham

Seconded By Councillor Junkin

Recommend 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; and

That the matter be referred back to staff for further review.

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 was amended to reduce the request for some of the reliefs being sought through the Zoning By-law amendment. To date, the applicant has submitted a Planning Justification Report (PJR); a Functional Servicing Report (FSR); an amended Zoning By-law Amendment Concept Sketch, a Grading Plan, a Stormwater Management Report (SWM); 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 FSR, SWM and Grading Plan; 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 has now demonstrated that the stormwater management can be properly handled through the use of low impact development techniques.

Therefore, this application is consistent with the policies of 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 amended, will implement a site-specific “C1-S13” zone which permits the use of the property for a microbrewery, and recognizes several site-specific development standards for the property. See Appendix ‘C’. The proposed development standards are indicated in comparison to the existing “C1” zone standards in the table as follows:

| Development Standard Relief Requested: | Existing Standards: | Applicant Modified Request for “C1-S13” zone Standards: |
|--|----------------------------|---|
| Definition (to be added to Section 2): “Microbrewery” means | Currently no definition | “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”. |
| “C1” zone uses (in Section 11.1) | A range of commercial uses | Add a microbrewery as a permitted use, in addition to the existing permitted commercial uses |
| Maximum lot coverage (in Section 11.2) | 60 % | 35 % |
| Maximum number of dwelling units (in Section 11.3) | Maximum of 6 | Maximum of 1, due to parking reduction |

| Development Standard Relief Requested: | Existing Standards: | Applicant Modified Request for “C1-S13” zone Standards: |
|---|---|---|
| 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). |
| Minimum Loading Space Requirements based on existing and proposed building area (in Section 3.14) | 1 loading space is required for all permitted uses, based on the Planning analysis. It can be an existing parking space. | 1 loading space equal to one parking space with 2.75 m. width; 5.2 m. length; and 14.3 sq. m. area |
| 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 0.9 metre landscape buffer is requested with an opaque fence, 2 metres in height |
| Accessible parking space provisions (no applicable Section) | N/A (defaults to Site Plan Guide) | 3.6 m. width; 6.0 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; except where adjacent to a landscape buffer between the “C1-S13” zone and an “O2” zone, then reduced to: 5.2 m. length; 14.3 sq. m. area |

The revised grading plan has demonstrated that a 0.9 m. buffer between the “C1-S13” zone and the “O2” zone on the abutting property can adequately address an existing drainage concern; therefore staff is supportive of the proposed reduction to the landscaping buffer.

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:

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 Recommendations 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, and a subsequent Planning

Advisory Committee Regular Meeting was held on February 14, 2018. As of March 19, 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. |
| March 15, 2018 | The Engineering and Corporate Assets Department has reviewed the current submitted materials, and advised that the post-development peak flows are similar to the pre-development peak flows. Based on the information provided, the Department can support the zoning by-law amendment. |

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 is 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



PLAN2018-029
Appendix A.pdf

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



PLAN2018-029
Appendix B.pdf

Appendix 'C' – Proposed Zoning By-law Amendment



PLAN2018-029
Appendix C.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-030