

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Zelinka Priamo Limited
Report Number COA2018-028

Public Meeting

Meeting Date: May 17, 2018

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 11 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from: Section 5.12(k)(ii) to reduce the minimum required parking spaces from 391 spaces to 333 spaces in order to permit a temporary garden centre use from April 1st to July 31st, annually.

The property is located at 400 Kent Street West, Town of Lindsay (File D20-2018-021).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-028 Zelinka Priamo Limited, be received;

THAT minor variance application D20-2018-021 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the operation of the seasonal garden centre. The parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” submitted as part of Report COA2018-028, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable; and
- 2) **THAT** a Site Plan Amendment related to the minor variance shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon registration of an amending Site Plan Agreement.

- 3) **THAT** the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the merger with the vacant lands within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon registration of an amending Site Plan Agreement.

Background:	The applicant obtained a Zoning By-law Amendment (By-law 2015-067), that facilitated the establishment of the two restaurants (Swiss Chalet and Harveys) at the southeast corner of the property as illustrated in Appendix 'C'. In order to fast track the restaurant approval process, the seasonal garden centre, which had been in operation for a number of years, was removed from the site plan as it was deemed none compliant with the Zoning By-law. With the addition of the restaurant uses, the 333 remaining parking spaces will not comply with the required minimum of 391 parking spaces. As such, a variance was granted on April 21, 2016 (application D20-16-012) to permit the seasonal reduced number of parking. The relief was also supplemented with a condition mandating the applicant to obtain a Site Plan Amendment that incorporates the seasonal garden centre along with the restaurant use. The applicant correspondingly submitted an amending Site Plan on March 28, 2017, and was refused by staff as it did not include the merging of the westerly vacant lands on the subject property. Hence, the revised relief sought through this application to recognize the seasonal reduced parking together with the restaurant use. This minor variance application was deemed complete on April 6, 2018.
Proposal:	To decrease the minimum required parking spaces from 391 spaces to 333 spaces in conjunction with the annual temporary garden centre use, from April 1 st to July 31 st , inclusive.
Owner:	CP REIT Ontario Properties Limited
Applicant:	Zelinka Priamo Limited – Heather Garrett
Legal Description:	Concession 4, Part Lot 21, former Town of Lindsay, City of Kawartha Lakes
Official Plan:	“General Commercial” – Town of Lindsay Official Plan
Zone:	“General Commercial Special Six (GC-S6) Zone”, Town of Lindsay Zoning By-law 2000-75
Site Size:	6.37 hectares (15.06 acres)
Site Servicing:	Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Retail Commercial (Loblaws Food Store and Gas Bar); and Restaurant (Harveys/Swiss Chalet)

Adjacent Uses: North: Vacant Institutional; Wilson Fields Park
South: Kent Street West; Commercial (Lindsay Square Mall)
East: St. Joseph Road; Commercial (Whitney Town Centre)
West: Institutional (Provincial Court House, OPP Station)

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

Currently, 391 parking spaces are required, and there is a surplus of 10 spaces for a total of 401 spaces. The proposed reduction from the 391 minimum required parking spaces to 333, although temporary, had been customarily operated seasonally and decommissioned during the months of April through July annually. The proposed variance accounts for a 14.8% decrease in the available parking spaces. Based on the 2015 parking survey submitted by the applicant, at the peak demand time, 200 parking spaces were occupied, with 136 remaining vacant. The uses established on-site at that time included: the supermarket with mezzanine, the temporary garden centre, and the fuel bar. A forecast for a full development that accounts for the restaurants in conjunction with the above mentioned established uses projected that 245 parkings will be occupied at the peak demand time, with 85 stalls remaining vacant. The analysis and conclusions of the LEA parking study suggests the practicability of the proposal with a lower parking supply than the by-law requires for a full development. Therefore, no negative impacts are anticipated.

It is unlikely that the temporary decrease in parking spaces will cause any incompatibility issues between the subject lot and abutting institutional and commercial uses.

The temporary garden centre use is accessory to and operates in conjunction with the permitted food store. The lots to the east and south are developed with various commercial uses. Based on the parking survey, the reduction in parking should not affect the flow of traffic along the adjacent public roads or access to/from adjacent properties.

Based on this, the requested variance is considered minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The subject lot is zoned "General Commercial Special Six (GC-S6) Zone". With the exception of the reduced number of parking spaces, the proposed temporary annual garden centre will comply with all other provisions of the Zoning By-law. Based on the 2015 parking survey, a variance for a temporary

14.8% reduction in the required parking spaces is not considered significant and may well be indiscernible.

As a result, the proposed variance maintains the general intent and purpose of the Zoning By-law.

4) Do the variances maintain the intent and purpose of the Official Plan? Yes

This lot is designated “General Commercial” within the Lindsay Official Plan. Special policy Section 4.3.5.3 b) applies to this lot. The subject land has been developed in accordance with the requirements of the General Commercial designation. Required off-street parking and loading spaces have been provided. Through the completion of the LEA Consulting Ltd. parking study, the applicant has demonstrated the existing development accommodates adequate off-street parking and loading spaces.

As such, the proposed variance maintains the general intent and purpose of the Lindsay Official Plan

Other Alternatives Considered:

The applicant has submitted a parking survey, completed by LEA Consulting Ltd., dated January 5, 2016. The consultant completed parking surveys on two peak weekends during the temporary garden centre use in 2015: Mother’s Day, and Victoria Day. Upon factoring a fully developed site that accounts for the two new restaurants, the peak demand during the survey occurred on May 10, 2015 occupying 245 spaces, with 85 spaces remaining. The applicant proposes a temporary reduction to the required parking spaces, based on the demand ratio calculated in the parking survey. Relief from the parking requirements of the Zoning By-law is required to permit the continued operation of the temporary annual garden centre on the lot.

Servicing Comments:

The property is serviced by full municipal services within the Lindsay municipal service area.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Engineering & Corporate Assets (May 8, 2018): No objection to the proposed variance.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendices A-E to
Report COA2018-028

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Parking Study
Appendix "E" – Department and Agency Comments

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-021