

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-001

Date: January 16, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 2 - Bobcaygeon

Subject: An application to amend the Village of Bobcaygeon Zoning By-law 16-78 to rezone the portion of the property containing the business known as the Bobcaygeon Inn from Commercial Recreation (C3) Zone to a Commercial Recreation Special Zone to recognize the reduced on-site parking available and prohibit residential use. The balance of the property is to be rezoned from Commercial Recreation (C3) Zone to an Urban Residential Type Two Special Zone to recognize the duplex use within the building on the east side of the property. The property is described as Block A and Part of Block B, S/S Front Street, Plan 70, former Village of Bobcaygeon, City of Kawartha Lakes, identified as 31 Main Street (Rasmussen) – Planning File D06-2018-027.

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2019-001, respecting Block A and Part of Block B, S/S Front Street, Plan 70, former Village of Bobcaygeon, and identified as 31 Main Street – Planning File D06-2018-027, be received;

That a Zoning By-law Amendment respecting application D06-2018-027, substantially in the form attached as Appendix D to Report PLAN2019-001, be approved and adopted by Council; 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:

On February 15, 2018, provisional consent was granted by the Committee of Adjustment for application D03-2018-027 to sever an approximately 297 square metre residential lot containing a duplex and retain approximately 2,311 square metres of commercial land containing the operation currently known as the Bobcaygeon Inn.

As a condition of provisional consent, the lot to be created must be rezoned for residential use, and the commercial lands rezoned to remove the potential to create dwelling units within the commercial buildings. The applicant has also applied to recognize the deficient parking available on-site.

Due to a change to a condition of consent, provisional consent approval shall now lapse December 11, 2019 instead of February 15, 2019.

The applicant has submitted the following report and plan in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by Kevin M. Duguay, Community Planning and Consulting Inc., dated September 4, 2018. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan(s) and Zoning By-law.
2. Draft Reference Plan prepared by Elliott and Parr (Peterborough) Ltd., dated August 24, 2018. This document records the placement of buildings and structures in relation to existing and proposed lot lines.

Owner:	Elizabeth Rasmussen
Applicant:	Kevin Duguay, Kevin M Duguay Community Planning and Consulting Inc.
Legal Description:	Block A and Part of Block B, S/S Front Street, Plan 70, former Village of Bobcaygeon
Official Plan:	"Urban" in the County of Victoria Official Plan
Zone:	"Commercial Recreation (C3) Zone", in the Village of Bobcaygeon Zoning By-law 16-78, as amended
Site Size:	Severed – 297 square metres Retained – 2,311 square metres
Site Servicing:	Municipal water and sewer to each lot
Existing Uses:	Residential (Duplex), Commercial (Bobcaygeon Inn)
Adjacent Uses:	North: Residential, Telecom Utility Building East: Big Bob Channel South: Open Space, Marina West: Residential, Commercial

Rationale:

The applicant has submitted an application to amend the Zoning By-law that will, if granted, fulfill condition 2 of provisional consent application D03-17-008.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017 (GP):

Relevant Policies: 2.2.1 Managing Growth

Relevant Sections: 2.2.1.2(d), 2.2.1.4

The Growth Plan (GP) provides that development is to be directed to settlement areas. A mix of housing options are encouraged to support the development of complete communities. The application conforms to the GP in that it is proposing to separate an existing residential building from a commercial use in a settlement area.

Provincial Policy Statement, 2014 (PPS):

Relevant Policies: 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, 1.1.3 Settlement Areas, 2.2.2 Managing Growth, 3.1 Natural Hazards

Relevant Sections: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.6.6.2, 3.1.2

The subject property is within a settlement area. The PPS directs growth, development, and intensification to settlement areas for the efficient use of land, municipal services and infrastructure and to promote vitality. The duplex building on the eastern portion of the property is existing, and the building has separate water and sanitary services from the Bobcaygeon Inn.

The PPS also encourages a range and mix of residential units, and duplex units to add to the housing stock options within the community.

To address concerns put forward by the Kawartha Region Conservation Authority over the possibility that the property may be within a potential flood risk area, the Committee of Adjustment required the proposed retained lands be rezoned to prohibit the creation of a dwelling unit accessory to the commercial use.

Therefore, this application is consistent with the PPS as the application is recognizing the uses within the existing built form on the property and removing the potential to situate a new residential unit within a potential natural hazard area.

Victoria County Official Plan (VCOP)

Land Use Designation: Urban

As the Bobcaygeon Secondary Plan is under appeal, the County of Victoria Official Plan (VCOP) applies. The property is designated Urban within the VCOP. The designation anticipates a variety of uses to support the diverse needs of a complete community.

The subject property is part of the Bobcaygeon Central Business District, which contains medium density residential uses, institutional, and commercial uses in addition to some low density residential uses.

While the duplex use on the property is classified as a low density residential use, the property is located within an area that has a mix of commercial and residential uses and densities. The proposed residential lot and duplex use is not subject to the density requirement for a low density residential area as the neighbourhood cannot be classified as one.

The application conforms to the applicable policies of the VCOP as it is recognizing the varied uses and density established within the Bobcaygeon Central Business District.

While the Bobcaygeon Secondary Plan (Secondary Plan) is appealed to the Local Planning Appeal Tribunal and is not in effect, conformity with this document will also be reviewed to determine whether the proposal is consistent with Council's direction for the area. Within the Secondary Plan the property is designated Central Business District (CBD). The CBD is identified as a mixed use area where specialized retail commercial, office, and services are located. Improvement and revitalization within the CBD is encouraged by permitting a wide assortment of uses including: commercial, residential, institutional and cultural. The proposal is consistent with the Secondary Plan as it is recognizing the separate and distinct residential and commercial uses currently established on the lot.

Zoning By-law Compliance:

The subject property is zoned "Commercial Recreation (C3) Zone" in the Village of Bobcaygeon Zoning By-law 16-78.

The lot to be severed proposes to continue the duplex use within the residential building, which is currently accessory to the commercial operation, the Bobcaygeon Inn. Portions of the existing residential building partially encroach into the Front Street East municipal road allowance and Big Bob Channel. A condition has been included within the provisional consent approval to address any potential encroachment issues with the Trent Severn Waterway concerning these building/structure overhangs.

The applicant has applied for a site-specific zone category to recognize the residential building as a separate use. As part of the review of the application, the deficient lot area, lot coverage, and setbacks will also be addressed by staff within the draft zoning by-law amendment. The zone category is proposed as an exception to the Urban Residential Two (R2) Zone. The R2 Zone category permits a duplex use, and the proposal would comply with the lot frontage requirement of that zone category. The proposed residential lot complies with the residential parking requirement as four spaces can be provided.

On the portion of the property containing the Inn, the application proposes to remove the potential to establish an accessory residential use and recognize the existing deficient legal non-complying parking in the form of 12 on-site parking spaces. The applicant had applied to allow for 5 additional parking spaces to be permitted on municipal property, providing the Inn with a total of 17 spaces. However, Planning Division staff is of the opinion that if additional dedicated off-site parking spaces are required on municipal property to accommodate additional customer vehicles, this is a matter which should be addressed through Realty Services with possible license agreements rather than by zoning by-law amendment.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. 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:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application does not specifically align with any component of the Strategic Plan since the application is dealing with existing uses and buildings.

Servicing Comments:

The property is within the Bobcaygeon municipal service area. The residential building has municipal water and wastewater service connections independent from the commercial operation.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Community Services Department and Engineering and Corporate Assets Department raised no concerns as a result of the circulation. Parks Canada - Trent Severn Waterway advises that portions of the residential building appear to overhang the property line into the Big Bob Channel. A license is required for this encroachment. Condition 7 of the provisional consent decision addresses this concern.

No comments were received from the public.

Development Services – Planning Division Comments:

The application is consistent with the Committee of Adjustment's decision. The application is consistent with the PPS, and conforms to the GP and VCOP. The proposed Zoning By-law Amendment contained in Appendix D will ensure no future dwelling units may be constructed on the portion of the property to be retained.

Conclusion:

The application conforms to the GP, is consistent with the PPS with respect to their policies respecting settlement areas. The application also conforms with the Urban designation policies contained within the VCOP. Staff supports the application based on the information contained in this report and the comments received as of January 3, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2019-001.pdf

Appendix 'B' – Sketches for Consent Application



Appendix B to
PLAN2019-001.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2019-001.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2019-001.pdf

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Department Head: Chris Marshall

Department File: D06-2018-027