

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-002

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

Ward Community Identifier: Ward 1 – Coboconk (Bexley)

Title: Zoning By-law Amendment for Convenience Store

Description: An application to amend the Township of Bexley Zoning By-law to add a drive-through restaurant and convenience store as permitted uses, and to amend the development standards to allow the redevelopment of the property identified as 2926 CKL Road 48, Bexley (2489613 Ontario Inc.)

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

Recommendations:

That Report PLAN2019-002, Part of Lot 18, Gull River Range, Geographic Township of Bexley, 2489613 Ontario Inc. – Application D06-2018-025, be received; and

That Report PLAN2019-002 respecting Application D06-2018-025 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.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The applicant has submitted a Zoning By-law Amendment application on behalf of the owner, to amend the Highway Commercial (C2) Zone to include an exception zone. The intent of the exception zone is to add a drive-through restaurant and convenience store as additional permitted uses, and to amend certain development standards such as allowance of a loading space in a yard fronting a street, and reductions of the required parking, interior side yard setback, aisle width, and aisle width for the drive-through. The proposed rezoning will facilitate the redevelopment of the lot.

Owner:	2489613 Ontario Inc. c/o Jenny Wu
Applicant:	EcoVue Consulting Services Inc. c/o Nolan Drumm
Legal Description:	Part of Lot 18, Gull River Range, Geographic Township of Bexley
Designation:	Hamlet Settlement Area and Environmental Protection on Schedule A-7 of the City of Kawartha Lakes Official Plan
Zone:	Highway Commercial (C2) Zone on Schedule B of the Township of Bexley Zoning By-law Number 93-09
Lot Area:	6,837 square metres [1.74 acres – MPAC]
Site Servicing:	Municipal sanitary sewer, private individual well and ditches
Existing Uses:	Vacant Commercial Motor Vehicle Fuel Bar
Adjacent Uses:	North: CKL Road 48; Antiques Store East: Hwy 35; Motor Vehicle Fuel Bar with Convenience Store and Drive-through Restaurant; Beer Store South: Municipal Parkland West: Royal Canadian Legion Branch 519

Rationale:

The property is located at the southwest intersection of CKL Road 48 and Highway 35. See Appendix A. The property contains a two-storey vacant commercial building and gas pumps. The proposed redevelopment is to remove the existing structures and gas pumps, and construct a new two-storey motor vehicle fuel bar with associated convenience store, a restaurant, a drive-through restaurant, and an accessory dwelling unit on the second storey. See Appendix B. The lot is located within the Coboconk Hamlet Settlement Area designation of the City's Official Plan. The drive-through restaurant and convenience store are not permitted uses in the Highway Commercial (C2) Zone. As such, a rezoning is required.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to the various City departments and commenting agencies for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated June 8, 2018. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2017 Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Bexley Zoning By-law 93-09.
2. Traffic Impact Study prepared by Tranplan Associates Inc., dated May 24, 2018. The report discusses and assesses the proposal in context of any improvements required to the entrances and the intersection for this proposal.
3. Geotechnical Investigation Report prepared by Cambium Inc., dated August 30, 2017. The report examines the existing soil and subsurface conditions of the site.
4. Stormwater Management Design Brief prepared by C.C. Tatham & Associates Ltd., dated March 6, 2018. The report examines the stormwater management impacts.
5. Phase I and II Environmental Site Assessment Report prepared by Geo-Logic Inc., dated March 9, 2016. The report examines the potential for soil contamination from the previous uses.
6. Update to Phase One and Two ESA prepared by GHD, dated January 18, 2018. The report examines additional soil condition samples.
7. Plan Showing Topography prepared by EcoVue Consulting Services Inc., dated July 6, 2017.
8. Plan of Survey prepared by IBW Surveyors, dated October 13, 2017.
9. Elevations prepared by EcoVue Consulting Services Inc., dated August 2, 2018.

Staff recommends that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

Provincial Policies:

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

The Growth Plan provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the Hamlet Settlement boundary of Coboconk. The Growth Plan directs development to settlement areas, with limited growth in areas that are not serviced by existing or planned municipal water and wastewater systems. The lot is serviced by the existing municipal road and sanitary sewer, and private on-site water service. The redevelopment does not require a municipal water service.

Therefore, this application conforms to the policies of the Growth Plan.

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. A geotechnical investigation report has been submitted and reviewed by Kawartha Conservation (KRCA), to ensure there are no karstic or unstable soil conditions at the site. KRCA has confirmed the property 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.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The lot is designated Hamlet Settlement Area and Environmental Protection on Schedule A-7 of the City's Official Plan (OP). The Environmental Protection designation applies to a watercourse which traverses the north and east lot lines. Permitted uses in the Hamlet Settlement Area designation include commercial, personal service uses that serve the hamlet, surrounding rural areas and tourism in the area. Development on individual services requires a hydrogeological study, to confirm there is an adequate supply of water. Commercial uses are planned as infilling in the existing commercial areas, to prevent infiltration into residential areas. A hydrogeological study was submitted, and the development is proposed in an existing commercial area.

On this basis, the application conforms to the OP.

Zoning By-Law Compliance:

The lot is zoned Highway Commercial (C2) Zone in the Township of Bexley Zoning By-law. The C2 zone permits a motor vehicle fuel bar, a restaurant, and one dwelling unit as part of a building containing another permitted use. A convenience store use and a drive-through restaurant are not permitted uses in the C2 zone. The application, as proposed, would implement a site-specific C2 exception zone which permits the drive-through restaurant and convenience store uses on the property, in addition to recognizing site-specific development standards for the property, as follows:

Development Standard	Requirements: “C2” zone	Requested: “C2-***” zone
Minimum interior side yard setback	12.0 metres	9.75 metres
Minimum aisle width	7.0 metres	5.4 metres
Minimum aisle width for drive-through	Not defined	3.0 metres
Minimum Parking Spaces For All Uses	A total of 74 spaces are required for all permitted uses, based on the Planning analysis	Minimum of 39 parking spaces for all uses
Density/Maximum Uses Per Lot	1.0 Floor Area Ratio (F.A.R.)	4
Loading Space Location	Not in any yard which adjoins or faces a street	In a yard which faces a street

It should be noted that the Planning Justification Report identifies that a total of 73 vehicles can be accommodated on the site: 39 parking spaces, 8 spaces at the fuel pumps, and 26 spaces in the drive-through queue. The property fronts on to a Provincial Highway, and as such, a 14 metre setback is required by the Ministry of Transportation Ontario (MTO).

Zoning By-law compliance will be established through a full review of this application.

Other Alternatives Considered:

No other alternatives have been 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 Local Planning Appeal Tribunal. 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 the Vibrant and Growing Economy and Healthy Environment strategic goals as it provides for a stronger more diversified

economy, enhances tourism, 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 existing dwelling is serviced by an on-site private sanitary sewage disposal system and individual well. No services are proposed for the observation tower structure.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius of the property, agencies, and City Departments which may have an interest in the application. As of January 7, 2019, we have received the following comments:

Public Comments:

No comments received to date.

Agency Review Comments:

- | | |
|-------------------|---|
| December 3, 2018 | The Building Division has no concerns with the rezoning application. There will be issues to resolve at site plan circulation with respect to fire routes and on site water for firefighting. |
| December 13, 2018 | The Kawartha Region Conservation Authority (KRCA) advised that the property is outside of their defined watershed boundary, and therefore not regulated under Ontario Regulation 182/06. The geotechnical investigation report was reviewed and KRCA staff advised they have no issue with the approval of the rezoning. They request to be circulated on the subsequent site plan application to ensure any potential for unacceptable risk to public health or safety is addressed, due to the possibility of groundwater movement through the karst formation, as it may become a pathway for contamination. |
| December 21, 2018 | The Ministry of Transportation Ontario advised that they require an update to the Traffic Impact Study (TIS) in regards to the North Bound Left Turn (on Highway 35) and West Bound Left Turn (on CKL Road 48) lanes, which are |

December 21, 2018 required for a Tim Horton's, but not proposed for this development, to confirm if they are or are not required. The Technical Standards and Safety Authority advised they will not review and respond to the correspondences with respect to planning issues.

January 4, 2019 The Engineering and Corporate Assets Department has no objection to the rezoning from an engineering review perspective. All detailed engineering review comments will be provided at the time of site plan approval.

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. At this time, there are outstanding comments to be addressed by the applicant to address agency comments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

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



PLAN2019-002
Appendix A.pdf

Appendix 'B' – Site Plan, dated June



PLAN2019-002
Appendix B.pdf

Appendix 'C' – North and South Elevations



PLAN2019-002
Appendix C.pdf

Appendix 'D' – East and West Elevations



PLAN2019-002
Appendix D.pdf

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Department Head:	Chris Marshall, Director, Development Services
Department File:	D06-2018-025