

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-048

Date: September 11, 2019

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: 2 - Verulam

Title: An application to amend the Township of Verulam Zoning By-law 6-87 to convert the temporary use permissions on the portion of land zoned General Rural Exception Eighteen (A1-18) Zone to a permanent use with specific zoning standards. The rezoning will delete the current temporary use zone provisions for staging of outdoor role playing games including hosting of Live Action Role Playing (LARP) games for commercial uses, and replace it with new textual amendments that will permit the LARP use on a permanent basis on lands described as Part of Lot 26, Concession 6, geographic Township of Verulam, now City of Kawartha Lakes, identified as 36 Walker's Road (William Ashby and Joseph McGale – Planning File D06-2019-018)

Author and Title: Quadri Adebayo, Planner II

Recommendation(s):

That Report PLAN2019-048, respecting Part of Lot 26, Concession 6, geographic Township of Verulam, and identified as 36 Walker's Road; Application No. D06-2019-018, be received; and

That a Zoning By-law Amendment respecting application D06-2019-018 be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, have been addressed.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The A1-18 Zone was applied to a portion of the property on May 24, 2016 (By-law 2016-114) by Council, for application D06-16-016 which established the LARP use on a temporary basis for a period of three (3) years to determine if the business is economically viable. The LARP business was to function during the weekends (Friday to Sunday) between May and October. Although temporary tents and huts formed part of the activity, no permanent buildings or structures were proposed at the time.

On April 23, 2019 By-law 2019-076 was passed by Council to extend the temporary A1-18 Zone provisions for a further period of 1-year with a text amendment to include activity occurring on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November.

As the owners have determined the commercial viability of the LARP use, the temporary use extension was considered necessary in order to ensure the LARP business maintains an active status during the period when background documentation is being compiled for a submission to convert the business to a permanent use, including enabling a thorough review of the submission to be completed by staff, and to allow enough time for the processing of the rezoning application under the timeframes of the Planning Act. The permanent use rezoning application was deemed complete June 10, 2019.

This rezoning application proposes to amend By-law 2019-076 that would replace the temporary use provisions with the following textual amendments that would allow the LARP use to continue on a permanent basis:

1. permit the staging of outdoor recreation activity and role playing games including the hosting of the LARP games for commercial purposes within a dedicated 1-storey building of approximately 90 square metres in size;
2. permit an approximately 60 square metre single-storey administrative building;
3. permit the use of temporary and permanent structures such as tents and huts not exceeding 10 square metres in size provided they are ancillary to the commercial role playing venue and erected in accordance with applicable laws, and provided the maximum building area for all buildings (main and accessory) shall not exceed 300 square metres;
4. permit the use of trailers only during gaming events and within the timeframe identified above.
5. permit a gravel surface area of approximately 3,660 square metre for parking lot use having 120 parking stalls, together with a 7.2 metre wide two-lane entrance with gravel surface; and
6. permit the LARP activity occurring on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November.

Owner:	William Ashby and Joseph McGale
Applicant:	Kevin M. Duguay – KMD Community Planning and Consulting Services Inc.
Legal Description:	Part of Lot 26, Concession 6, geographic Township of Verulam
Designation:	Rural and Environmental Protection with Significant Woodlands in the City of Kawartha Lakes Official Plan
Zone:	General Rural Exception Eighteen (A1-18) and Open Space (OS) within the Township of Verulam Zoning By-law No. 6-87
Lot Area:	Total - 40 hectares (Approximate) A1-18 Zone (Less than 40 ha), OS Zone (Less than 1 ha)
Site Servicing:	Private individual well for the Administrative Building only, and Privy - Portable toilets secured from a qualified firm and under maintenance contract
Existing Uses:	Accessory Buildings - Series of structures not exceeding 10 square metres and ancillary to the commercial role playing venue
Adjacent Uses:	North, South, East and West: Large rural lots including agricultural operations and rural residential uses.

Rationale:

The portion of the subject property under the lens of the rezoning is less than 40 hectares in size. It is bounded on the west by Walker's Road and on the south by Cedar Tree Road. One of the owners, Mr. Ashby operates Underworld LARP, a company that organizes and administers live action role playing events around the world. LARP events involve participants who pay a fee for entry, playing characters in a scripted role-playing event and immersing themselves in a fictional 'universe' (i.e. medieval-style) that has been created and scripted by the game organizers. Players act according to the parameters that they have been given but have the freedom to make choices that contribute to the outcome of the game. Players dress in clothing and apparel that is in keeping with the description of their character, including armour and/or weapons that are safe for recreational use (soft - styrofoam or plastic). A 90 square metre gaming facility building is proposed for the LARP activities. A 60 square metre administrative building is also proposed on the north side of the property entrance for logistics purposes. The development includes a 7.2 metre wide two-lane entrance off Walker's Road (a reduction to the original 7.5 metre entrance passed by Council in April) that links to a gravel surface parking area with 120 parking stalls. The

parking area is an improvement from the original grassed parking area allocated to accommodate up to a 100 vehicles only.

It is anticipated that one or two (1 - 2) LARP events will take place during the weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November with a capacity for 300 attendees. It is suggested that about 100-150 participants will be involved per game. Participants stay in character the entire event. It is proposed that participants will stay overnight on the property and are expected to make their own sleeping arrangements which include campers, small trailers and tents. The allowable maximum building area (temporary and permanent) shall not exceed 300 square metres at any point in time.

Other areas of the property not containing accessory structures that are ancillary to the commercial role playing venue are proposed to be utilized for active recreation activity (trails, hiking activities only). Portable toilets secured from a qualified firm and under maintenance contract are also proposed.

In support of the application, the applicant has submitted the following:

1. Traffic Impact Brief (TIB) prepared by C.C. Tatham & Associates Ltd. (Consulting Engineers) and dated July 13, 2018. The study evaluates the potential traffic impacts of the LARP event use along with an evaluation of the site entrance requirements. The study concludes that:
 - The site has a maximum capacity for 300 attendees, and based on past attendance levels; event attendance is expected to be in the order of 100 to 150 persons. With vehicle occupancy of 2 persons per car, it is expected that 50 to 75 vehicles will access the site during weekend events (this translates to a parking requirement of 35 to 52 parking spaces). Of which 75% of the vehicle arrivals on Friday are anticipated to stay on site until Sunday, while the remaining 25% are assumed to be 'drop-off' and 'pick-up' vehicles. Therefore, a one hour peak vehicular traffic-period of arrivals/departure is expected to occur once on Friday and once on Sunday or Monday (during long weekends);
 - Increase in traffic volumes associated with the proposed LARP venue will be readily accommodated and will not have any appreciable impacts on the area road network. With 11 dwellings on Walker's Road (Bury's Green Road to Cedar Tree Road), and 16 dwellings on Cedar Tree Road (Lamb's Road to St. Albans Road), the peak hour volumes during a weekend event is anticipated to reflect 10% of the daily volumes of these dwellings in the order of 11 to 16 vehicles, based on 10 trips per day per dwelling. It is also forecasted that some groups may elect to organize buses to and from the site which will reduce the number of trips to and from the site; and
 - No operational issues are expected at the site access provided the existing access point will undergo structural improvements to ensure that it can accommodate the forecasted traffic volume in accordance with the

minimum driveway width of 7.5 metres as prescribed in the Township of Verulam Zoning By-law 6-87.

2. A Scoped Environmental Impact Study (EIS) report prepared by Niblett Environmental Associates Inc. (Biological Consultants), and dated September, 2018. This document outlines the following:
 - Measures to address potential negative impacts to the nearby natural features (woodlands and wetlands) and /or their functions on the property that may result from the development (pre-construction through post-construction);
 - That the proposed two (2) new buildings and parking area are located outside any environmentally sensitive areas; and
 - Emphasis on consultations with, and obtaining permits from relevant regulatory authorities – Kawartha Conservation (KRCA) and Ontario Ministry of Natural Resources and Forestry (OMNRF).
3. A Planning Justification Report (PJR) prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated January 2019, and revised June 2019. The document justifies the proposal as being in conformity with policy directives.

Staff has reviewed the report and accompanying documentation filed in support of the zoning by-law amendment. All the reports and accompanying documentation have been circulated to the applicable Agencies and/or City Departments for review and comment. In order to fully evaluate this application, Staff will need to review the potential impact(s) to present and future agricultural land uses as no Agricultural Impact Brief was provided as part of the submission.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (GP):

Section 2.2.9 indicates that development outside of settlement areas may be permitted where necessary for the resource-based recreational activities that will not adversely affect the protection of agricultural uses, and limited to tourism-related uses that serves the needs of visitors provided site-specific location with approved zoning is placed. Section 4.2.2 provides for the protection of natural heritage features and biodiversity identified within official plans. The rezoning to convert the LARP use from temporary to permanent is consistent with these policies. An EIS that identifies the protection of key ecological functions, and meets municipal and regulatory authority requirements has also been completed.

Therefore, provided it can be demonstrated that there is no negative impact(s) to agricultural uses, and the concerns raised by other City Departments regarding site servicing can be satisfied, this application would be considered to conform to the policies of the GP.

Provincial Policy Statement, 2014 (PPS):

Section 1.1.4 of the PPS provides that rural assets and the protection of the environment be leveraged as foundation for a sustainable economy and the conservation of biodiversity. The application is consistent with the PPS in that it promotes diversification of the economic base and may provide employment opportunities through goods and services, including value-added products and provides opportunities for sustainable and diversified tourism.

Section 1.1.5.2 states that on rural lands located in municipalities; permitted uses include resource-based recreational uses. Recreation, as defined in the PPS includes leisure time activity undertaken in built or natural settings for the purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential. The proposed LARP venue is a resource-based recreational use that takes advantage of the natural features of the area and landscape to offer opportunity for personal enjoyment and positive social interaction.

As well, Section 1.1.5.8 provides that agricultural uses and agricultural-related uses be protected in accordance with provincial standards. Provided it can be demonstrated that there is no negative impact(s) to agricultural uses, and the concerns raised by other City Departments regarding site servicing can be satisfied, this application would be considered to be consistent with the PPS.

Official Plan Conformity:

The land is designated Rural and Environmental Protection in the City of Kawartha Lakes Official Plan (OP). The Environmental Protection designation delineates a small portion of the Hawkers Creek Provincially Significant Wetland located in the south east corner of the property which also features Significant Woodlands.

Permitted uses in the rural designation include active and passive recreational uses and facilities, golf courses, ski resorts, ecotourism and agri-tourism. An outdoor games (LARP) venue would be considered an active and/or passive recreation which does not have the land requirement or site alteration of a golf course or ski resort. The LARP venue will operate, for the most part, outside of the Environmental Protected lands although trail use is permitted in accordance with Section 17.3 of the OP. An EIS scoped by the KRCA has been completed for the proposed new buildings and structure that comes with the permanent use which demonstrates no negative impacts.

Section 34.7 established the entire City of Kawartha Lakes as a Site Plan Control Area applying to all uses except for agricultural, aggregate extraction, forestry, open space and single detached residential uses. Staff is recommending a site plan control for the property through this rezoning to permit the permanent outdoor games venue use.

As well, the appropriate cash-in-lieu of parkland dedication will be required for the development: 2% for the commercial uses in accordance with Section 34.7. The value will be determined by a qualified land appraiser, based on the timelines established by the Planning Act, as amended.

The rural designation primarily classified as class 4-7 agricultural production soils promotes the protection of these lands from fragmentation or non-agricultural uses. As the potential impact(s) of the LARP venue to surrounding agricultural uses has not been justified, and the service levels for the recreational activities that would account for the wise management of the soil has not been clearly defined, this application has not been demonstrated to conform to these specific sections of the OP.

Zoning By-Law Compliance:

The portion of the land is zoned General Rural Exception Eighteen (A1-18) in the Township of Verulam Zoning By-law No. 6-87. The application proposes to delete the inherent temporary zone provisions and replace it with new zoning standards that would permit the LARP use on a permanent basis and still allow the hosting of the LARP games for commercial uses, this time with two (2) permanent buildings along with temporary tents, huts, and trailers forming part of the activity. Also, following the Township of Verulam Zoning By-law 6-87 minimum requirement for driveways, Staff note that the gravel driveway access leading up to the gravel parking area need to be revised to 7.5 metre width.

At this time, it is premature to consider the rezoning until the proposal is revised to reflect an updated driveway/access, supplemented with other outstanding items identified in this report.

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal (LPAT). 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 three main Strategic Goals:

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

This application aligns with the Vibrant and Growing Economy in that residents and visitors to the City will have the opportunity to continue to experience a new tourism event. In addition, new events provide opportunity to develop business partnerships with local area hotels and restaurants.

Review of Accessibility Implications of Any Development or Policy:

Should a need arise; the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

Servicing Comments:

The proposed servicing is a private individual well for the Administrative Building only and portable toilets which will be secured from a firm and under maintenance contract.

According to the Building Division – Part 8 Sewage Systems, under the requirements of the Ontario Building Code, buildings used for administration and assembly purposes require bathrooms as part of the construction use. As such, on-site sewage disposal systems will be required to service the proposed buildings.

Consultations:

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application in accordance with the requirements of the Planning Act. As of August 29, 2019, we have received the following comments:

Public Comments:

No comments were received.

Agency Comments:

On August 16, 2019, the Building Division advised that they have no concerns with the application.

On August 19, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

On August 19, 2019, the Enbridge Gas Inc. advised that they have no objections to the application.

On August 23, 2019, the Agricultural Development Officer – Economic Development advised of their concern, that no documentation (Agricultural Impact Brief or Study) reviewing the potential impact(s) from the proposed activities and building plans was provided. And that no report justifying that the

proposal will comply with Minimum Distance Separation (MDS) requirement from neighbouring livestock facilities was provided.

On August 29, 2019, the Part 8 Sewage Systems – Building Division advised that they cannot support the proposal as presented. The provision of temporary and permanent accommodation will require adequate servicing to ensure appropriate health requirements can be met. The plan does not indicate the location or accommodation of servicing for the proposal. As such, this information would need to be outlined in overall plan for consideration.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment is subject to further requirements to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and City of Kawartha Lakes Official Plan. At this time, the potential impact(s) of the LARP venue to surrounding agricultural uses has not be justified, and the proposed servicing has been deemed unsatisfactory.

Based on the Traffic Impact Brief and requirements of the Township of Verulam Zoning By-law 6-87, planning staff will require that the gravel driveway access leading up to the gravel parking area be revised to 7.5 metre width. As well, staff cannot fully determine the appropriateness of the proposal as not all concerns raised by City Departments appear to have been satisfied.

Staff recommends that the application be referred back to staff until such time as the additional requirements requested by planning staff and the concerns raised by other City Departments have been addressed.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommends that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, 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 Quadri Adebayo, Planner II, and (705) 324-9411 ext. 1367.



Appendices A-C to
PLAN2019-048.pdf

Appendix A – Location Map
Appendix B1 – Aerial Photograph
Appendix B2 – Zoning Schedule
Appendix C – Proposal Sketch

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Department Head: Chris Marshall

Department File: D06-2019-018