

Geographic Township of Fenelon

Lot 22

SUBJECT LAND

Lot 21

Concession 9

Concession 10

'Fenelon Falls'

Road #121

West St South

Wychwood Cres

Veterans Way

Murray St

Lindsay St

Moore Cres

North St

Eva St

Green St

# 563 CKL Road 121, Fenelon

APPENDIX " B  
to  
REPORT COA2019-050  
FILE NO. D20-2019-034



## Legend

- Property ROLL#
- Road Centreline (2016 Needs)

## Notes

2013 Orthophoto

0.11

Kilometers



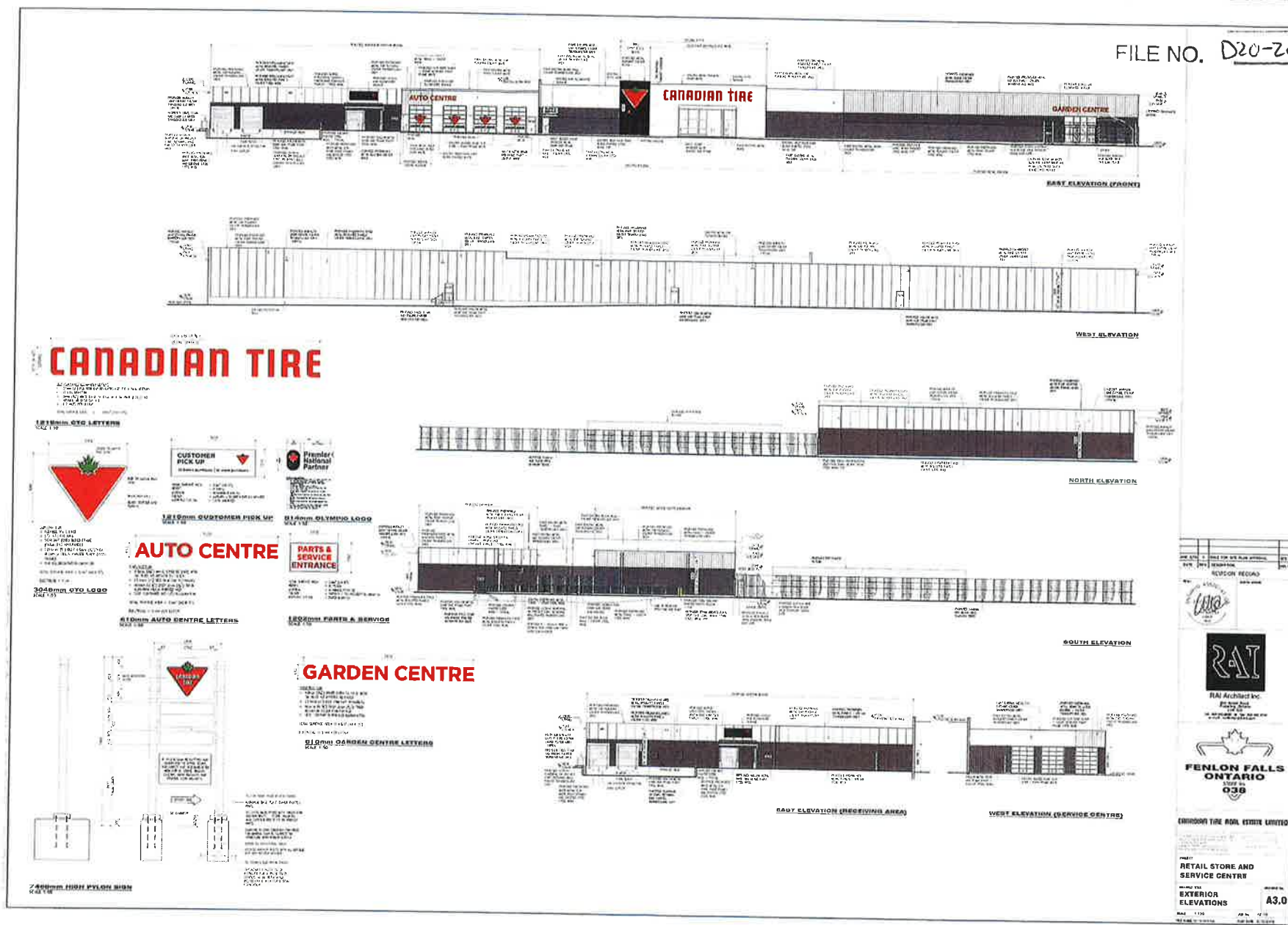
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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FILE NO. D20-2019-034



## Charlotte Crockford-Toomey

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**From:** Derryk Wolven  
**Sent:** Thursday, August 01, 2019 8:29 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** C of A

APPENDIX " E "  
to 1/4

REPORT CoA2019-050

FILE NO. D20-2019-034

Please be advised building division has the following comments:

D20-2019-034	No concerns
D20-2019-035	No concerns
D20-2019-036	No concerns
D20-2019-037	No concerns
D20-2019-047	No concerns

Kind regards,

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Charlotte Crockford-Toomey**

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**From:** Christina Sisson  
**Sent:** Friday, August 02, 2019 4:44 PM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Charlotte Crockford-Toomey  
**Subject:** 20190802 D20-2019-034 Engineering Review  
  
**Importance:** High

Good afternoon,  
Further to our engineering review of the following:

Minor Variance – D20-2019-034  
563 County Road 121  
Concession 9, Part Lot 22, Plan 49  
Part Block E, F, and G, Part Lot 19 and 20, Part Dick Street, Part 1  
Geographic Township of Fenelon, Ward 3

It is the understanding by Engineering that the purpose and effect is to request relief under Section 45(1) of the Planning Act, R.S.O. to permit an expansion to the existing retail store by requesting relief from:

1. Section 17.2.1.3 (d) to reduce the minimum rear yard requirement from 12.0 metres to 7.0 metres;
2. Section 3.14.1.2 to increase the ratio (reduce the number) of minimum required parking spaces for commercial use from 1 space per 30 square metres to 1 space per 37 square metres;
3. Section 3.14.1.5 to reduce the minimum parking stall length from 6.0 metres to 5.5 metres;
4. And Section 3.14.1.6 to reduce the minimum handicapped parking stall length from 6.0 metres to 5.5 metres.

*From an engineering perspective, we have no objection to the proposed Minor Variance.*

Please do not hesitate to contact our office if you have any questions.

Thanks,

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Via email ccrockford-toomey@kawarthalakes.ca  
Charlotte Crockford-Toomey  
Administrative Assistant  
Planning Department – City of Kawartha Lakes  
180 Kent Street West  
Lindsay ON K9V 2Y6

RECEIVED

AUG 06 2019

City of Kawartha Lakes  
Development Services  
Planning Division

**RE: Minor Variance Application: D20-2019-034**  
**160 Lindsay St - Fenelon Falls, City of Kawartha Lakes**

KRCA has completed the review of the above noted Minor Variance application for the Fenelon Falls Canadian Tire expansion. The applicant is requesting:

- To reduce the minimum rear yard setback from 12m to 7m;
- Reduce the minimum number of parking spaces;
- Reduce the minimum parking stall size; and,
- Reduce the minimum handicapped parking stall size.

KRCA advises the applicant that a small portion of the northern corner of the property is within KRCA's regulated area, due to a presence of a watercourse. No development, including site alteration, grading, structures, etc., is permitted within Kawartha Conservation's regulated area prior to obtaining a Permit pursuant to Ontario Regulation 182/06.

**Natural Heritage Features:**

- Watercourse

**Natural Hazards:**

- Flooding from watercourse

KRCA has concern with reducing the rear yard setback from 12m to 7m. Our mapping shows a watercourse at the rear of the property. Typically, KRCA requires a 30m development setback from water features. If development is proposed within 30 of the watercourse and/or within KRCA's regulated area, we will require the submission of a Scoped Environmental Impact Study (EIS).

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
**KawarthaConservation.com**

**Our Watershed Partners:**

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

The EIS should:

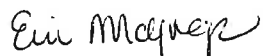
- Determine the presence and significance of the watercourse;
- Determine potential impacts to the watercourse;
- Determine the flooding potential/floodplain of the watercourse
- Delineate appropriate buffers around the watercourse.

KRCA requests to be circulated on future Planning Act applications and completed technical reports/studies.

I trust this meets your information requirements at this time, should you have any further questions do not hesitate to contact this office.

Sincerely,

Erin McGregor



Erin McGregor  
Resources Planner Technician  
KAWARTHA CONSERVATION  
277 Kenrei Road  
Lindsay, ON K9V 4R1





**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
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ibigroup.com

APPENDIX " F " to 1/6  
REPORT COA2019-050  
FILE NO. D20-2019-034

June 10, 2019

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker  
Planning Officer - Large Development  
City of Kawartha Lakes  
26 Francis Street  
PO Box 9000  
Lindsay, Ontario K9V 5R8

**RECEIVED**

**JUN 13 2019**

City of Kawartha Lakes  
Development Services  
Planning Division

Dear Chair and Members of Committee of Adjustment:

**APPLICATION FOR MINOR VARIANCE  
160 LINDSAY STREET, FENELON FALLS**

On behalf of the owner, Canadian Tire Corporation Ltd., we are pleased to submit the enclosed application for Minor Variance, as part of the proposed expansion to the existing Canadian Tire located at 160 Lindsay Street, Fenelon Falls. The proposed expansion will see the store increase in size from approximately 2,230 m<sup>2</sup> to 5,402m<sup>2</sup>. The increase is a mix of retail space, warehousing, automotive repair centre, and garden centre. The increase will allow the store to better serve the community going forward.

As part of the Site Plan Application, a Minor Variance to the Township of Fenelon Zoning By-law No. 12-95 is required, in order to permit the proposed expansion. The variances are as outlined below.

	SECTION	REQUIRED	PROPOSED
1	17.2.1.3 (d) Minimum Rear Yard	12m	7.0m
2	3.14.1.2 Minimum Number of Parking Spaces Commercial Use	1 space per 30m <sup>2</sup> of gross floor area (180 spaces)	1 space per 37m <sup>2</sup> of gross floor area (149 spaces)
3	3.14.1.5 Minimum Parking Stall Size	2.8m (width) 6.0m (length)	2.8m (width) 5.5m (length)
4	3.14.1.6 Minimum Handicapper Parking Stall Size	4.0m (width) 6.0m (length)	4.0m (width) 5.5m (length)

Planning Act Section 45 (1) Compliance

Section 45(1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided they are meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

Chair and Members of Committee of Adjustment – June 10, 2019

The following will provided an analysis of the proposed variances against the four tests.

**Variance 1: Minimum Rear Yard Setback**

The current zoning by-law requirement is 12.0m to the rear lot line, while 7.0m is being proposed.

**1. Is the Variance Minor in Nature?**

The determination of minor is not a matter of the quantum of the variance but rather a consideration of the overall impact of the proposed variance. At this time the lands to the north have not been developed. However, it is our understanding that there is an approved Draft Plan of Subdivision for a residential development proposed to the north. Considering this future interface, the 7.0m rear yard setback will be augmented with the planting or landscaping in the form of coniferous trees adjacent to the proposed building. Further, there is an existing stream located north of the subject lands, this will act as an additional buffer between the subject lands and the future residential lands. In consideration of the foregoing, it is our opinion that there is no impact associated with the requested variance.

**2. Is the Variance Desirable and Appropriate?**

The proposed reduction to the minimum rear yard is desirable and appropriate, as it will allow for the relocation of the loading dock which is currently located on the western side of the building, to the front of the building, blocking it from view from the adjacent lands to the north. This relocation will also allow for the building to act as a buffer for the loading area, from the residential lands. Further there will not be any commercial business activity going on behind the building after the expansion which allows for more privacy for the proposed future residential, from what is existing today. As such, in our opinion, the proposed reduction to the rear yard setback is desirable and appropriate.

**3. Does the Variance Maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the rear yard setback will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

**4. Does the Variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of the rear yard setback is to ensure that there is adequate separation between the development and the adjacent lands. The proposed reduction maintains separation between the proposed building addition and the lands to the north. The lands to the north are proposed to be developed with residential dwellings. It should be noted that there is also a regulated natural heritage feature which runs adjacent to the north lot line, which will provide additional buffer between the residential lands and the subject lands. Further, the rear of the property does not have any proposed use other than emergency access and landscaping, as such there are no privacy or overlook concerns from the commercial lands to the residential lands. Given the above, it is our opinion that the proposed reduction to the rear yard maintains the purposed and intent of the Zoning By-law.

**Variance 2: Minimum Required Parking**

The current zoning on the subject lands requires commercial developments to provide parking at a rate of 1 space per 30m<sup>2</sup> (181 spaces) of gross floor area. The proposed variance is to provide a rate of 1 space per 37m<sup>2</sup> (149 spaces) of gross floor area.

Chair and Members of Committee of Adjustment – June 10, 2019

The existing commercial building is approximately XXm<sup>2</sup> in size and currently operates with 97 parking spaces. Based on conversations with the store operator, there are no existing concerns with respects to the amount of parking which is currently provided.

**1. Is the Variance Minor in Nature?**

In our opinion, the proposed reduction in parking is minor in nature, as the requirement is based on the gross floor area for the development. The reality of a Canadian Tire store however is that the retail area – the prime driver of the need for vehicle parking, is but only one of several components to the store. The other components, comprising the garden centre, automobile service centre, and warehouse and mezzanine space all have lower parking requirements than prime retail space. The floor areas for these uses are as follows:

USE	FLOOR AREA	PARKING REQUIREMENT PER CURRENT ZONING BY-LAW
Retail & Garden Centre	3,174.7m <sup>2</sup>	106
Automobile Service Centre	355.9m <sup>2</sup>	12
Office, Warehouse & Mezzanine	1,868.5m <sup>2</sup>	63

The majority of the parking demand is driven by the retail component, including the garden centre and, to a lesser degree, the automobile service centre. These building areas account for 118 required spaces at 1 space per 30m<sup>2</sup> of gross floor area. The office space, warehousing and mezzanine spaces account for an additional 63 parking spaces for a total of 181 parking spaces. However, the warehouse, office and mezzanine spaces do not produce a requirement for parking spaces at the same rate as the retail portion of the subject lands. Similarly, the garden center only produces a limited seasonal parking requirement.

**2. Is the Variance Desirable and Appropriate?**

In our opinion, the proposed reduction in parking to support the proposed expansion to the store is desirable and appropriate, as there will be adequate parking provided and the reduction is minimal, and will allow for an appropriate expansion of the existing store to better suit the needs of the local residents. Further, it is our experience that Canadian Tire parking lots are typically over parked, and expansions to stores do not result in a proportionate parking demand increase. This is demonstrated in detail under the Previous Expansion Parking Reductions, section of this variance justification, below.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking requirement for a commercial development will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The intent of the zoning by-law minimum parking requirements is to ensure that there is adequate parking made available for the use of the lands. In the case of Canadian Tire, it has been our experience that the site are generally over parked due to the parking requirements including the warehouse and mezzanine area which do not draw the same traffic as the retail portion of the development. Evidence of this can be seen under the

Previous Expansion Parking Reductions section, below. Further, Canadian Tire monitors the sales of stores, and has found that typically expansions do not result in a significant increase in customers, but rather an increase in the overall transaction amount, as a result of increased inventory.

### **Previous Expansion Parking Reductions**

Below are some examples of stores in various locations where similar parking reductions have been approved, as a result of a store expansion or increase in commercial uses on the property.

#### Canadian Tire, Midland, Ontario

Canadian Tire in the Town of Midland is currently undergoing a Site Plan Amendment to permit a building addition. The proposed Existing Site has approximately 8,910 m<sup>2</sup> of floor area, which is comprised of Retail, Warehouse, Office, Auto Service Centre, Garden Centre, and a Gas Bar. The existing store requires 378 spaces, while 275 parking spaces are provided, which results in an existing deficit of 103 parking spaces.

A parking study was undertaken, which monitored the site in 20 minute intervals between 10am and 8pm on Thursday June 14, 2018 through Saturday, June 16, 2018. This study found that the peak parking demand occurred on Saturday, June 16, at 11:00am. The demand at this time was 145 parking spaces, resulting in a 53% utilization (1 space per 61.45m<sup>2</sup> of floor area) under current conditions. Based on the utilization of the current parking, a parking ratio of 1 space per 48m<sup>2</sup> was proposed for the proposed expansion.

The proposed expansion of the retail store was for an additional 4,282m<sup>2</sup> of combined retail, garden centre and warehousing. In this case a total for 597 parking spaces would be required after the renovation. The proposed site plan provides 280 parking spaces. The reduction in parking to a ratio of 1 space per 48m<sup>2</sup> gross floor area was approved by Minor Variance in February 2019.

#### Canadian Tire, Waterdown, Ontario

In 2015, Canadian Tire in the Settlement Area of Waterdown (Hamilton), Ontario underwent a Site Plan Amendment and Minor Variance application to permit an addition to the existing Canadian Tire and for the construction of two new commercial buildings on the subject lands. The existing Canadian Tire store had a gross floor area of 7,695m<sup>2</sup>, which includes a 748m<sup>2</sup> garden centre and a 108m<sup>2</sup> gas bar. The existing development required 405 parking spaces based on the Zoning By-law and the site provided 423 parking spaces, a surplus of 18 spaces.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 10:00am and 9:00pm on Thursday, October 2, 2014 and between 9:00am and 6:00pm on Saturday, October 4, 2014. The study found that peak utilization occurred on Saturday, between 1:30pm and 2:00pm. The utilization at this time was 120 spaces, or 28% of the provided parking (1.29 spaces per 100m<sup>2</sup> GFA). Based on this demand it was anticipated that peak demand after build out would be approximately 162 or 47% of the provided parking, based on 347 spaces being provided. A parking ratio of 2 spaces per 100m<sup>2</sup> GFA was recommended, through the report.

The proposed site plan included a 1,394m<sup>2</sup> addition to the existing store, a 289m<sup>2</sup> garden centre, and two new commercial buildings with 2,043m<sup>2</sup> of gross floor area. The total floor area for the site is 11,421m<sup>2</sup>. The proposed development required parking to be provided at a rate of 1 space per 19m<sup>2</sup>, or 548 parking spaces. A minor Variance was approved to



Chair and Members of Committee of Adjustment – June 10, 2019

permit a minimum parking ratio of 1 space per 33m<sup>2</sup> of gross floor area (a total of 347 parking spaces) was approved in April 2016.

#### Canadian Tire Ancaster, Ontario

In 2017, Canadian Tire in the Town of Ancaster (Hamilton) underwent a site plan amendment to permit the construction of a 490m<sup>2</sup> restaurant on the same property as the existing Canadian Tire. Although there was no expansion to the existing Canadian Tire, the new restaurant required a minor variance to the minimum number of parking space required for the development. The existing Canadian Tire has a floor area of 9,747m<sup>2</sup> including the garden centre and provided 378 parking spaces. Whereas, 390 spaces were required based on the existing zoning. Parking for the redeveloped property was to be provided based on use. The retail parking rate was 1 space per 25m<sup>2</sup> gross floor area, while the restaurant use required 1 space per 2 person capacity.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 5:00pm and 7:30pm on Thursday, January 12, 2017 and Friday, January 13, 2017 and between 10:00am and 1:30pm on Saturday, January 14, 2017. Peak utilization occurred between 12:30pm and 1:00pm, on Saturday, January 14. The utilization at this time was 65 spaces, or 18% of the provided parking.

As noted the site plan amendment was for a 490m<sup>2</sup> restaurant, with 234 person capacity. The required parking for the site was 507, for both the restaurant use and the existing retail store. A minor variance was obtained to reduce the required parking to 385 parking spaces for the entire development, a 122 space deficiency.

#### Variance 3 & 4: Minimum Parking Stall Length

The current zoning by-law requires a minimum parking stall length of 6.0m, while a minimum length of 5.5m is being proposed.

##### **1. Is the Variance Minor in Nature?**

In our opinion the proposed reduction in the length of the parking stalls is minor in nature. The parking stalls will continue to be functional and the drive aisle will be 7.0m in width, allowing for adequate maneuvering space in the parking lot. Canadian tire strives for an 18.0m combined width for double loaded drive aisles across all sites, which is being achieved at this site. Further, wider parking spaces are available at the south end of the aisles. It is anticipated that should vehicle require additional length they would likely require additional width (eg. truck and trailers) and would utilize these spaces.

##### **2. Is the Variance Desirable and Appropriate?**

The proposed reduction to the parking stall length allows for the site to accommodate more parking stalls, allowing the proposed development to provide parking at a ratio closer to the zoning requirements. Further, the reduction does not impact the functionality of the parking lot, and therefore is desirable and appropriate.

##### **3. Does the variance maintain the intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking stall length will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

Chair and Members of Committee of Adjustment – June 10, 2019

**4. Does the variance maintain the intent and purpose of the Zoning By-law?**

The purpose of the minimum stall length is to ensure that adequate space is being provided for parking and maneuvering within a parking lot. The proposed reductions maintains this intent. The proposed 5.5m stall length is a prototype length found across Canadian Tire stores in Ontario. The proposed aisle width is 7.0m, which complies with the minimum width for drive aisle in Fenelon Township. The stall and aisle width results in a combined width of 18.0 metres, which is a standard generally followed in most development. Further there are larger stalls (increased width) which have been provided. The intention of these stalls is to allow for larger vehicles to park, and use two spaces length wise should it be necessary. As such, the proposed reduction to the parking stall length maintains the intent and purpose of the Zoning By-law.

**Submission Materials**

In support of the proposed minor variance application, please find enclosed the following:

- Two (2) copies of the completed application form;
- Two (2) copies of the proposed Site Plan;
- Two (2) copies of the proposed Building Elevations; and,
- One (1) cheque in the amount of \$1,320.00, made payable to the City of Kawartha Lakes, which represents the application and circulation fee.

We trust that the enclosed is in order. However, should you have any questions or require further information, please do not hesitate to contact the undersigned.

Regards,  
IBI Group



Tracy Tucker, BAA, CPT  
Project Coordinator

Cc: Ms. Veronik Manolova, Canadian Tire Real Estate Limited;  
Ms. Emily Chow, Canadian Tire Real Estate Limited