

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2019-061

Meeting Date: **November 6, 2019**

Public Meeting

Description: An application to amend the Town of Lindsay Zoning By-law 2000-75 to change the zone category from Mixed Residential Commercial (MRC) Zone to Mixed Residential Commercial Special Exception (MRC**) Zone. The purpose of the rezoning is to facilitate a technical amendment that will permit a supplementary commercial use not included amongst the list of permitted uses in the MRC Zone on the land described as Part Lot 20, Concession 5, Plan 82, Part of Lot 8, Part 1 on 57R-7955, former Town of Lindsay, now City of Kawartha Lakes, identified as 257 Kent Street West (2680749 Ontario Inc.) – Planning File D06-2019-027)

Ward Number: **7 - Lindsay**

Author and Title: **Quadri Adebayo, Planner II**

Recommendations:

That Report PLAN2019-061, respecting Part Lot 20, Concession 5, Plan 82, Part of Lot 8, Part 1 on 57R-7955, former Town of Lindsay, and identified as 257 Kent Street West; Application No. D06-2019-027, be received;

That a Zoning By-law Amendment respecting application D06-2019-027, substantially in the form attached as Appendix E to Report PLAN2019-061, 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:

The inherent zone category permits a variety of residential and commercial uses, including residential dwelling units above a permitted commercial use. The existing single storey building on the property (built circa 1925 – MPAC) already functions as the latter, containing a dwelling above the ground floor commercial space. According to information provided by the applicant, it is understood that the ground floor was an office space formerly occupied by Coe, Fisher, Cameron Ontario Land Surveyors for approximately 50 years. Given that the permitted commercial uses in the Mixed Residential Commercial (MRC) Zone are specific with guiding definitions in the Town of Lindsay Zoning By-law, a rezoning is required in order to permit a home improvement-type use to be operated out of the ground floor space of the building in the form of a showroom for the sale of bathroom and kitchen fixtures with related furnishing. For clarity, the use is to be termed as a 'home improvement showroom' with supplementary definitions.

Owner:	2680749 Ontario Inc.
Applicant:	Don Gordon, Gordon Planning Advisors Inc.
Legal Description:	Part Lot 20, Concession 5, Plan 82, Part of Lot 8, Part 1 on 57R-7955, former Town of Lindsay
Designation:	Residential-Commercial in the Town of Lindsay Official Plan
Zone:	Mixed Residential Commercial (MRC) Zone within the Town of Lindsay Zoning By-law 2000-75
Lot Area:	1,177.5 square metres (0.29 acres)
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential (Upper Floor) / Commercial (Ground Floor)
Adjacent Uses:	North: Kent Street West, Community Facility (Lindsay Collegiate and Vocational Institute) East: Commercial (Dominion Lending Centres) West: Commercial (Spot Star Restaurant) South: Residential

Rationale:

The property is located on the south side of a major arterial road (Kent Street West) which facilitates access to and from the mix of land use offerings that abuts this road. Similar semi-repurposed residential buildings (ground floor commercial spaces with residential above) exists along the south side of Kent Street West between Sussex Street South and Angeline Street South. The architectural-style of these buildings also suggests that they were probably developed around the same period as the subject site in the 1900s.

The commercial use established by the former occupant of the ground floor space is proposed to be maintained. Likewise, the residential functionality of the upper floor is proposed to be preserved.

The proposed use (Crystal Bath and Plumbing) specializes in kitchen and bathroom renovations. The owners have operated the business in Toronto for considerable number of years and have now decided to relocate the venture to City of Kawartha Lakes. It is a business where customers view and select products from options displayed in the showroom. The selected products are then shipped to individual work sites from a separate warehouse for installations. Adequate parking is available and no new additions or alterations are proposed to the external built form that would necessitate further parking requirements.

The applicant submitted a Planning Brief with Traffic Letter prepared by Gordon Planning Advisors Inc. in support of the application. This document discusses the appropriateness of the proposal as good planning and in keeping with both provincial and local planning policies. The proposal was justified in the document as follows:

1. That the property has always maintained mixed residential-commercial functionality prior to the adoption of the Town of Lindsay Zoning By-law in the 1978. Since the proposal is focused on adding a use only, any other zoning standard deficiencies within the MRC Zone provisions are considered legal non-complying at this time given no building alteration or additions are proposed;
2. That the business (Crystal Bath and Plumbing) will have one (1) full-time and two (2) part-time staff on site at any one time. And that since the layout space for the day to day business operation comprise of a showroom with accessory office space (a modest gross floor area of approximately 170 square metre), and not operated like a typical commercial business with retail sales, the number of customers on site at any one time is not expected to exceed five (5). Therefore, the vehicular traffic generated by the business will be less than nearby commercial business, particularly of retail variety. Vehicle use on the site will be characterized by cars, SUVs and pick-up trucks used by staff and customers, and small single axle trucks used for deliveries. Deliveries are projected to be sporadic, averaging one per month, to be made by single axle commercial trucks and not tractor trailer type vehicles; and
3. That the current minimum parking requirement of eight (8) parking spaces including a designated accessible parking for the property is met with a total of twelve (12) available parking spaces. The breakdown for the parking requirement constitute one (1) parking space for the residential accessory dwelling, plus one (1) parking space per 25 square metre of the gross floor area of the commercial space with 3% of the total requirement dedicated to accessible parking.

Staff has reviewed the planning brief and accompanying documentation filed in support of the proposed zoning by-law amendment and consider the proposal as good planning.

Provincial Policies:

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

Section 2.2.1 promotes the achievement of complete communities in settlement areas that will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities.

The subject site is situated in an established urban built-up area along a major transport corridor and would further ensure Section 2.2.5 policies are met by making efficient use of existing employment density while integrating with other land uses to support the achievement of a complete community.

This application conforms to the policies of the GP.

Provincial Policy Statement, 2014 (PPS):

Section 1.1.3.2 of the PPS provides that land use patterns within settlement areas shall be based on densities and a mix of land uses.

The proposed rezoning would ensure efficient use of available land through intensification and avoid the need for uneconomical expansion.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land designated 'Residential-Commercial' in the Town of Lindsay Official Plan (Official Plan). The designation contemplates a mix of low profile commercial and residential uses in the same building or in separate. Also, single detached dwellings are permitted to be converted for commercial uses provided the external design and residential character of the building is maintained.

This application will preserve and protect the designation policies.

In accordance with Section 4.2.2 and Section 6.2.6 of the Official Plan, the property shall be subject to Site Plan Control. With the proposal having demonstrated regard for the site plan control policy direction of recognizing the sensitivity of neighbouring residential uses by ensuring some landscaped area is available and parking is located at the rear yard of the property, staff is recommending a site plan approval (Plans only) for the property through this rezoning to permit the home improvement showroom use.

Zoning By-Law Compliance:

The property carries a Mixed Residential Commercial (MRC) Zone category in the Town of Lindsay Zoning By-law 2000-75. An array of commercial and residential uses is permitted within the MRC Zone category. However, the commercial use permissions are very specific in the type of retail that can be operated in the MRC Zone. The only permitted retail uses are convenience retail establishments or ones that carry only handicraft works, antiques or clothing. Although a home improvement store is specifically defined in the by-law as retail establishments that offer hardware items for sale, they are only permitted in General Commercial (GC) Zones given that they are typically large scale businesses that generate frequent customer visits, vehicular traffic and truck delivery.

The proposed showroom format is a small scale business where home hardware items are only going to be displayed and not taken away from the display location. As well, the manner of operation described by the applicant demonstrates that it will not involve frequent customer and vehicular traffic that would be obtainable in a typical retail business. Given that this type of use is not identified in the by-law, staff is able to consider the proposed home improvement showroom in the light of a semi home improvement-type use given that it functions as retail but more in an abstract fashion where the retail items are offered in form of a service and not a direct physical item per se. The use can be likened to a combination of retail and personal service establishment. The office component is considered accessory to the home improvement showroom for administrative purposes while the garage is as well considered an accessory component for storage.

Based on the scale and functionality of the proposed use, a technical rezoning to change the zone category of the property from MRC Zone to MRC** Zone is considered suitable in order to add a small scale home improvement-type use (a home improvement showroom) that is less in magnitude and functionality than a typical home improvement store permitted in a GC Zone. The proposed zoning amendment would also ensure that the designation policies in the Town of Lindsay Official Plan are fulfilled. See Appendix E for draft zoning by-law amendment.

Other Alternatives Considered:

No other alternatives have been considered.

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. 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 City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding new business and employment opportunities.

Review of Accessibility Implications of Any Development or Policy:

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

Servicing Comments:

The existing building on the land is serviced by full municipal water and sanitary systems.

Consultations:

Notice of this application was circulated to all land owners of record within a 120 metre radius, plan review agencies, and City Departments which may have an interest in the application. As of October 22, 2019, we have received the following comments:

Public Comments:

No comments were received.

Agency Comments:

On October 8, 2019, the Building Division advised that no fire separation exists between the proposed commercial entity on the ground floor and the residential apartment on the upper floor and that a permit should be applied for to correct the deficiency. Planning staff confirms that the preliminary process of identifying which deficient items need to be clarified in conformity with the Ontario Building Code has been initiated by the applicant as of the writing of the report.

On October 10, 2019, the Engineering and Corporate Assets Department advised they have no objections or engineering requirements to the proposed application.

On October 10, 2019, Enbridge Gas Inc. advised that they do not object to the proposed application, and that they are entitled to amend the development conditions if necessary.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Town of Lindsay Official Plan. The proposed Zoning By-law amendment contained in Appendix E will ensure that the commercial use operated on a modest scale within the confines of the by-law provisions whilst implementing both Provincial and City policies.

Conclusion:

The application conforms to the provincial policies for intensification in settlement areas. The application also conforms to the Residential-Commercial policies in the Town of Lindsay Official Plan. Staff support the application based on the information contained in this report and the comments received as of October 22, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C – Applicant Sketch

Appendix D – Sample Pictures of Applicant's Showroom Items



Appendices A-D to
PLAN2019-061.pdf

Appendix E – Draft Zoning By-law Amendment



Draft Zoning
By-law.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-027