

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-025

Meeting Date: August 20, 2020

Title: Proposed Rezoning to permit the staging of commercial outdoor role playing games at 36 Walker's Road, Verulam

Description: An application to amend the Township of Verulam Zoning By-law to permit the commercial use of hosting outdoor role playing games on a portion of lands described as Part of Lot 26, Concession 6, geographic Township of Verulam, now City of Kawartha Lakes and identified as 36 Walker's Road (William Ashby and Joseph McGale)

Ward Number: 2

Author and Title: Sherry L. Rea, Development Planning Supervisor

Recommendation(s):

That Report PLAN2020-025, **Part of Lot 26, Concession 6, geographic Township of Verulam, identified as 36 Walker's Road, Ashby and McGale - Application No. D06-2019-018**, be received;

That the Zoning By-law amendment, substantially in the form attached as Appendix 'D' to Report Plan 2020-025, be approved and adopted; and

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Background:

The subject land is located in the geographic Township of Verulam, bounded on the west by Walker's Road and on the south by Cedar Tree Road and is approximately 40 ha. One of the owners, Mr. William Ashby operates Underworld LARP, a company that organizes and administers live action role playing (LARP) 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. Participants stay in character for the entire event.

On May 24, 2016 By-law 2016-114 was passed by Council which was a Temporary Use By-law to permit LARP activity on a portion of the property on a temporary basis for a period of three (3) years to determine if the business was economically viable. The LARP business was to function on weekends (Friday to Sunday) between May and October. Although temporary tents and huts formed part of the activity, no permanent buildings or structures were permitted.

On April 23, 2019 By-law 2019-076 was passed by Council to extend the temporary use on the property for a further one (1) year timeframe and with a text amendment to include the activity occurring on weekends (Friday to Monday, if included as part of a Statutory or Civic Holiday) between May and November. The extension was necessary to permit the permanent rezoning application to be processed.

Due to the current Covid 19 Pandemic and with no clear legislation to continue temporary uses under the Planning Act, the Temporary Use By-law, being By-law No. 2019-076 lapsed on April 23, 2020; however, the applicant had filed the current zoning by-law amendment application for the permanent use. The owners have determined that the business is viable and seek the ability to construct permanent structures in the future through phased development. The Zoning By-law application which was originally given Notice to replace the Temporary Use By-law is now being processed as a Zoning By-law amendment to Township of Verulam Zoning By-law to continue the LARP use on a permanent basis.

The statutory public meeting with respect to the permanent use Rezoning application was held by the Planning Advisory Committee on September 11, 2019 and the following resolution was passed:

PAC2019-058

Moved By Councillor Seymour-Fagan

Seconded By M. Barkwell

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.

Carried

This report addresses that direction.

Following the Public Meeting, the owners retained Ecovue Consulting Services Inc. to continue the planning process and make minor amendments to the development proposal. The amendments provided for the following:

1. Year-round use, rather than seasonal use to accommodate single day weekend events during the winter period.
2. Updating the maximum requested total building area from 300 sq.m. to 600 sq.m. in order to reflect additional proposed structures on the property such as:
 - a. three (3) "Town Buildings" on the east side of the property;
 - b. a washroom facility which will serve players during events and eliminating the need to service the 'prop' buildings; and
 - c. temporary structures (less than 10 sq.m.) which will serve as stalls and props in the events.
3. New septic systems, which will service the previous proposed administrative building and the newly proposed washroom facilities on the east side of the property.

Owner:	William Ashby and Joseph McGale
Applicant:	Ecovue Consulting Services Inc. – Beverley Saunders
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 ha. A1-18 Zone (less than 40 ha.), OS Zone (less than 1 ha.)

- Site Servicing: Private individual well and privies secured with a qualified firm and under maintenance contract.
- Existing Uses: Accessory Buildings - series of structures not exceeding 10 sq.m. which are 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:

Further to ongoing discussions between the applicant and staff, there were a number of items/issues that needed, to be addressed. These issues, are outlined below, together with an explanation as to how each issue has or will be addressed:

Confirmation that non-compliant structures would be removed

Concerns were raised that existing on-site structures were constructed without building permits. The sizes of the buildings identified on the Existing Building layout submitted with the application indicated that a couple of buildings were in excess of 10 sq.m. The owners suggested that the measurements taken for the buildings were inaccurate. Building Division requested an updated Existing Building layout, attended the site and confirmed that all existing buildings are under 10 sq.m. and do not require building permits. Please see Appendix 'C' attached.

Additional information regarding the use of existing structures on site

Concerns were raised regarding human habitation in the temporary structures. Following site visits and discussions with the applicant and owners, it was agreed to that no human habitation would be permitted in the existing structures and that on site accommodation would be limited to tent camping. Please see the draft zoning by-law attached as Appendix 'D'. One (1) recreational vehicle subject to appropriate servicing under the Ontario Building Code will be permitted.

Request for continued use without site plan approval

Staff through the initial planning report requested that a Holding (H) provision be applied until such time that the owners had entered into a site plan agreement with the City. Concerns were raised by the owners that unforeseen costs and delays in the processing of the permanent use zoning by-law have resulted in financial hardships in moving towards the site plan submission. The applicant proposed a two (2) phase zoning by-law that permits the continued LARP use on the property with limited activity and no permanent structures until such time that site plan approval has been granted. Limited camping is proposed under the continued use scenario. Please see Appendix 'B' attached.

Additional information regarding phasing of the development

The applicant has advised that proposed permanent structures on the site, being the administrative building, comfort station and three (3) mock 'town-buildings' will be considered the maximum build-out of the site. No timeline was provided for the maximum build-out. Staff is not supportive of an open-ended timeline. The applicant is suggesting 3 years for site plan approval and staff is accepting of the proposal.

Additional information on site servicing

Further to concerns raised through the public process regarding site servicing, the applicant submitted two (2) Servicing Plans, each prepared by Cambium Environmental. The initial Water and Waste Water Servicing Plan was dated November 22, 2019 and provided a sewage servicing concept and a water servicing concept based on 100 overnight attendees and 50 daytime attendees. On February 25, 2020, the Water and Waste Water Servicing Plan was updated to include an Interim Servicing Concept to support the request for the continued use scenario until such time that site plan approval has been granted. The Servicing Plans were reviewed by the City's Part 8 Sewage Systems Division and comments provided to support the continued use scenario. The Sewage Division comments are as follows:

1. Recommend the use of portable sanitary units (portable privy) for events along with portable sanitary units to be equipped to handle both greywater and sanitary waste to ensure appropriate disposal of all sanitary waste.
2. That the HKPR District Health Unit be contacted, for further comment as the property will not fall under the jurisdiction of the Building Division through the Ontario Building Code, for sanitary requirements. No building permits are required for the existing buildings.
3. The establishment of any recreational vehicle on the property will require connection to an on-site sewage disposal system approved and permit issued by the Building Division under the minimum requirements of the Ontario Building Code.
4. Outdoor showers were observed, on the property during a recent site visit. The establishment of any outdoor shower will require connection to a sewage disposal system approved and permit issued by the Building Division under the minimum requirements of the Ontario Building Code.
5. For any future construction of buildings exceeding 10 sq.m., plumbing in a building regardless of the size, plumbing not contained within a building and sewage systems will require the owner to obtain building permits prior to commencement of construction.

6. Sewage Division reserves the right to comment on the Site Plan submission. Planning confirms that the Sewage Division is a circulated department through the site plan process.

Curve Lake First Nations comments

Concerns, were raised by the First Nations regarding the absence of any archaeological assessment prior to any development on the site. The applicant and owners have agreed that the Zoning By-law will contain a Holding (H) provision that requires the owner to file an Archaeological Assessment prior to any soil disturbance and to satisfy the Ministry of Heritage, Sport, Tourism and Culture (MHSTC) and Curve Lake First Nation requirements. Please see Appendix 'D' attached.

Provincial Policies:

Provincial Policy Statement (PPS) 2020

The PPS 2020 was released, on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the Council of a municipality shall be consistent with the policy statement that is in effect on the date of the decision. Therefore, the zoning by-law application is now subject to the policies in the PPS 2020.

The PPS 2020 was reviewed, for changes as they relate to the zoning by-law application and staff confirms that there are no applicable changes in the PPS 2020 that affect the zoning by-law application. Staff is satisfied that the zoning by-law application is consistent with the PPS 2020.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan)

The 2019 Growth Plan is part of the Provincial Government's More Homes, More Choice: Housing Supply Action Plan, which aims to address the needs of the Province's growing population, its diversity, its people and local priorities, and its local growth context. Conformity with the 2019 Growth Plan was demonstrated through Planning Report PLAN2019-048 prepared for the September 11, 2019 Public Meeting and staff remains supportive that the rezoning application conforms with the 2019 Growth Plan.

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. A Scoped EIS has been completed for the proposed new buildings and structures, which demonstrates no negative impacts. KRCA has not indicated concern with the findings and recommendations contained in the Scoped EIS.

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 continues to recommend site plan approval for the property to identify location of buildings, parking and to regulate the permanent outdoor games venue use.

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 of the OP. 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. An Agricultural Impact Assessment and Minimum Distance Separation was prepared by Clark Consulting Services and reviewed by the City's Agricultural Development Officer. Additional information regarding placement of buildings and future development plans will be part of the subsequent site plan submission.

As a result of the above, the zoning by-law application conforms with the OP.

Zoning By-Law Compliance:

The land is zoned General Rural Special Requirement Eighteen (A1-18) and Open Space (OS) in the Township of Verulam Zoning By-law No. 6-87. The OS zone is located in the south-east corner of the property which includes the small portion of the Hawkers Creek Provincially Significant Wetland.

The application proposes to delete the temporary zone provisions in the A1-18 Zone and replace it with standards that would permit the LARP use on a permanent basis and apply development standards as part of the continued use scenario until such time that the site plan agreement has been entered into. The A1-18 Zone also includes a maximum total gross floor area of all structures of 600 sq.m. and applies minimum yard setbacks of 50 m. for all structures, a recreational vehicle and tents.

A Special Requirement Open Space (OS-17) Zone has been applied to a portion of the property which permits uses ancillary to the LARP use on the balance of

the property and permits pathways, trails and any temporary structures less than 10 sq.m. which were existing at the time of passing of the by-law. No new structures, site alteration or tents are permitted in the OS-17 Zone.

All other development standards of the A1 and OS Zones in the Township of Verulam Zoning By-law are maintained and the application complies with the By-law.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their 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 Recommendations to the 2020 – 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

The zoning by-law application aligns with a Vibrant and Growing Economy priority along with an Exception Quality of Life and a Healthy Environment priorities. The proposal seeks to make permanent a new tourism venue which offers a creative recreational activity in a rural setting. Appropriate and limited activity is permitted in the Open Space which protects the natural features of the Provincially Sensitive Wetland.

Review of Accessibility Implications of Any Development or Policy:

There are no immediate accessibility implications for the City. Accessible standards will be implemented through an application for site plan approval subdivision and site plan agreements and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

As noted above, two (2) Water and Waste Water Servicing Plans were prepared by Cambium Environmental which outlines services for the continued use scenario and the permanent use. These Servicing Plans were reviewed by the Part 8 Sewage Systems Division. Additional review and comment will be undertaken at the time of site plan application.

Consultations:

Public Comments:

Subsequent to the Public Meeting held September 19, 2019, Larry Junkin contacted staff requesting confirmation of the maximum proposed capacity of participants, officials, and organizers that would be on site during an event along with the maximum proposed capacity of the campground, including tents and trailers. Mr. Junkin was provided with both of the Water and Waste Water Servicing plans which speak to participants and accommodation on the site.

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. The application conforms to the 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards to permit the LARP use on a permanent basis. The property will be subject to site plan approval prior to any further development or redevelopment on the site.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be approved.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor, 705.324.9411 x 1331.

Appendix 'A' – Location Map



Appendix A -
Location Map.pdf

Appendix 'B' – Proposed Continued Use Sketch



Appendix B -
Continuing Use Sketch

Appendix 'C' – Existing Buildings



Appendix C - Existing
Buildings.pdf

Appendix 'D' – Draft Zoning By-law



Appendix 'D' - Draft
Zoning By-law.pdf

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Department Head: Chris Marshall

Department File: D06-2019-018