



Planning Advisory Committee Report

Report Number:	PLAN2021-041
Meeting Date:	July 14, 2021
Title:	Amend the Bobcaygeon Zoning By-law 16-78 at 12 Mansfield Street, Bobcaygeon – Harper
Description:	An application to amend the Village of Bobcaygeon Zoning By-law to add accessory commercial uses and amend the development standards to facilitate the addition of a 'Bruncheonette' on the property identified as 12 Mansfield Street, Bobcaygeon (Harper)
Type of Report:	Public Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2021-041, **Plan 70 Fourth Range Part of Lots 7 and 8; 57R-8768 Parts 1 and 2, Former Village of Bobcaygeon, Harper – Application D06-2021-013**, be received; and

That PLAN2021-041 respecting Application D06-2021-013 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.

Acting Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted an application for a zoning by-law amendment. The proposal is to change the zone category from the 'Urban Residential Type Two (R2) Zone' to an 'Urban Residential Type Two Exception ** (R2-S**) Zone' to permit a range of accessory commercial uses appropriate for the site, including a bruncheonette and other similar commercial uses, subject to site-specific development standards.

Owner: Jodi Harper

Applicant: D.M. Wills Associates Limited c/o Emma Drake

Legal Description: Plan 70 Fourth Range Part of Lots 7 and 8; 57R-8768 Parts 1 and 2, Former Village of Bobcaygeon

Designation: 'Urban' on Schedule 'A-2' of the Victoria County Official Plan

Zone: 'Urban Residential Type Two (R2) Zone' on Schedule 'A' of the Village of Bobcaygeon Zoning By-law Number 16-78

Lot Area: 1,780 square metres [0.44 acres]

Site Servicing: Full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses: Low Density Residential

Adjacent Uses: North: Park Street; Bobcaygeon Beach Park; Medium Density Residential

East: Institutional (Christ Anglican Church)

South: Low and Medium Density Residential

West: Mansfield Street; Low Density Residential

Rationale:

The property is located on the southeast corner of Mansfield Street and Park Street, opposite the Bobcaygeon Beach Park in the southwest portion of Bobcaygeon. See Appendix 'A'. The subject property is located in a mixed use area with single detached dwellings on the south side of Park Street; medium density dwelling units and a waterfront park on the north side of Park Street; a church (Christ Anglican Church) to the east; and single detached dwellings to the south. See Appendix 'B'.

The property is currently developed with a single detached dwelling and two accessory structures, and consists of approximately 1,780 square metres. The applicant is applying on behalf of the owner to rezone the property to permit accessory commercial

uses appropriate for the site, including a bruncheonette and similar uses such as a bed and breakfast, bistro, bakery, coffee house, diner, snack bar and tea room, subject to site-specific development criteria. See Appendix 'C', 'D' and 'E'.

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 Letter prepared by D.M. Wills Associates Limited, dated May 3, 2021. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the Victoria County Official Plan, and the Village of Bobcaygeon Zoning By-law 16-78.
2. Traffic Letter prepared by D.M. Wills Associates Limited, dated December 7, 2020. The letter discusses and assesses the proposal in context of parking, deliveries, and traffic impacts.
3. Species at Risk (SAR) Assessment email from the Ministry of the Environment, Conservation and Parks (MECP), dated June 4, 2020. The email confirms that the proposal should not contravene the Endangered Species Act (ESA).
4. Entrance Review email from Public Works-Roads and Operations, dated November 13, 2020. The email confirms the existing entrance is approved for access for the proposed bruncheonette.
5. Draft Zoning By-law Amendment prepared by D.M. Wills Associates Limited.
6. Concept Plan prepared by D.M. Wills Associates Limited, dated December 18, 2020.
7. Zoning By-law Amendment Sketch prepared by D.M. Wills Associates Limited, dated December 18, 2020.
8. Elevations prepared by Limestone Trail Classic Garden Structures, dated October 16, 2019.
9. Restricted Land Use Notice to Engage in an Activity in a Vulnerable Area for a Municipal Drinking Water Supply, Section 59 (2) (a) Notice, dated October 13, 2020.

All the reports and drawings have been circulated to the applicable City departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment, and until such time as all commenting agencies and/or City departments comments/concerns have been addressed.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):

These lands are identified as being within the 'Settlement Area' of Bobcaygeon. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The proposed development is not anticipated to negatively affect the existing municipal services.

The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The applicant has submitted the appropriate technical reports for consideration and review. Through a full detailed review and any appropriate revisions to the technical reports and plans, conformity with the Growth Plan should be demonstrated.

Provincial Policy Statement, 2020 (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.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). There are no natural heritage or hydrologic features present on the property, and no natural or man-made hazards present. In addition, a Species at Risk (SAR) Assessment has been provided, indicating the proposal would not likely contravene the Endangered Species Act (ESA).

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.

The applicant has submitted the appropriate technical reports for consideration and review. Through a full detailed review and any appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be demonstrated.

Trent Source Protection Plan (TSPP):

The property is located within the Kawartha-Haliburton Source Protection Area (SPA). The property is located within the Bobcaygeon Surface Water Intake Protection Zone 1 (IPZ-1). Therefore, the applicant was required to obtain a Section 59. (2) Notice under the Clean Water Act (2006), prior to submission of this application. The applicant will be required to submit a request to the Risk Management Official (RMO) for a new Section 59. (2) Notice prior to each application at every stage of the development (eg. Site Plan, Building, etc.), before the City is in a position to deem the respective application complete.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the entire subject property within the Urban Settlement Boundary of Bobcaygeon as recommended by the City's 2011 Growth Management Study (GMS).

The Bobcaygeon Secondary Plan (BSP) was adopted by Council in July of 2015 and is currently under appeal to the Ontario Land Tribunal (the 'Tribunal'). Due to the appeals, the subject land remains under the jurisdiction of the Victoria County Official Plan (the 'VCOP'), where the subject lands are designated 'Urban' on Schedule 'A-2' of the VCOP. The 'Urban' designation permits a full range of land uses, including residential, commercial, industrial, and institutional uses.

The proposal generally adheres to the 'Urban' designation policies as they relate to the former Village of Bobcaygeon. The proposed accessory uses would be similar to a restaurant use, which are encouraged to locate along arterial roads. Given the compact nature and proximity to downtown, the site is also accessible by pedestrian traffic. Through the implementing Zoning By-law and subject to site plan control, the proposed uses should be adequately buffered and compatible with the neighbouring uses. The land fronts on Park Street, which is identified as a County Road on Schedule 'C-3' – Transportation Schedule mapping in the VCOP.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through a full detailed review and any appropriate revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

Zoning By-Law Compliance:

The lot is zoned 'Urban Residential Type Two (R2) Zone' in the Village of Bobcaygeon Zoning By-law 16-78 (Zoning By-law). The applicant has requested to change the zone category to an 'Urban Residential Type Two Exception ** (R2-S**) Zone' to permit accessory commercial uses appropriate to the site, including a bruncheonette and other similar uses. The Exception provision would allow for the additional uses, and also permit for site-specific development standards, such as: allowing accessory buildings in the front yard; decreasing in the minimum number of required parking and loading spaces; and removing the provisions relating to requirements for a landscaped buffer.

The 'R2' zone permits the following uses:

- Duplex, Triplex, Converted, Semi-Detached and Fourplex Dwelling; and
- All uses in the R1 zone, subject to the R1 zone standards.

The 'R1' zone permits a single detached dwelling; a home occupation; a Doctor, Dentist, or other professional office, as a secondary use to the residence, but not a medical clinic; and a park.

Exception Zone:

The 'R2-S**' zone as proposed would continue to permit all uses in the 'R2' zone (and 'R1' zone) listed above, and in addition, permit the additional accessory commercial uses and site-specific development standards as follows:

Zone Standard:	'R2' Zone:	Proposed 'R2-S**' Zone:
Permitted Uses	As listed	Accessory commercial uses, including a bruncheonette; bed and breakfast; bakery; bistro; coffee house; diner; snack bar; and tea room
Permitted Yards for Accessory Uses	Side or Rear Yard	Front, Side or Rear Yard
Minimum Parking Spaces	8 spaces for all uses	5 spaces for all uses (3 spaces for Accessory Use)

Zone Standard:	'R2' Zone:	Proposed 'R2-***' Zone:
Minimum Loading Spaces for Accessory Uses	1 space	0 spaces
Landscaping (Section 3.15)	6.0 metres in a Commercial zone abutting an Open Space Special Use (O2) Zone (reduced to 3.0 metres where a berm or opaque fence 2 metres in height provided)	0 metres
Definition of 'Bruncheonette'	N/A	A building or structure or part thereof in which primarily light breakfast and lunch fare is prepared and associated dining facilities provided.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through the appropriate revisions to the technical reports and plans, full compliance with the provisions of the Zoning By-law should be achieved.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with the Vibrant and Growing Economy priority by attracting new business and expanding local employment opportunities and enhancing tourism.

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 Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The property is currently serviced by full urban municipal services, including water, sanitary sewer and storm sewer.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of the property; and a sign was posted on the property. As of June 30, 2021, we have received the following comments:

Public Comments:

To date, public comments have been received from three (3) parties. One party is in support of the proposal; one party objects to the proposal, and a third party has asked a number of questions about the proposal, including issues such as traffic, pedestrian movements, refuse, etc. The public comments have been circulated to the applicant to provide a comprehensive response, and to address any concerns.

Agency Review Comments:

June 16, 2021	Alderville First Nation is not concerned with the application. They do not see how the proposed changes would impact their Treaty rights.
June 18, 2021	The Engineering and Corporate Assets Department advised they have no objection or comments to the proposed Zoning By-law amendment, but request if additional information is brought forward through this process that changes the intent of the application, further review may be required. Detailed Engineering review and comments will be provided at the time of Site Plan Approval, and preliminary submission requirements have been provided.

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. Staff recommends that the application be referred back to staff until such time as all 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 all 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 email or call Ian Walker, Planning Officer – Large Developments, iwalker@kawarthlakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-041
Appendix A.pdf

Appendix B – Surrounding Land Uses Plan, dated December 18, 2020



PLAN2021-041
Appendix B.pdf

Appendix C – Applicant Proposed Draft Zoning By-law Amendment



PLAN2021-041
Appendix C.pdf

Appendix D – Proposed Concept Plan, dated December 18, 2020



PLAN2021-041
Appendix D.pdf

Appendix E – Proposed Elevations, dated October 16, 2019



PLAN2021-041
Appendix E.pdf

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(Acting) Department Head: Richard Holy

Department File: D06-2021-013