



Planning Advisory Committee Report

Report Number:	PLAN2021-056
Meeting Date:	October 6, 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:	Regular Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2021-056, **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;

That the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2021-056, be referred to Council for approval and adoption; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on July 14, 2021 and the following resolution was passed:

PAC2021-051

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Seymour-Fagan

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.

Carried

This report addresses that direction.

The applicant 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 the 'Urban Residential Type Two Exception Fifteen (R2-S15) 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 and west.

The property is currently developed with a single detached dwelling and two accessory structures, and consists of approximately 1,780 square metres. The applicant applied on behalf of the owner to rezone the property to permit a bruncheonette as an accessory commercial use, along with other similar accessory commercial uses appropriate for the site such as a bed and breakfast, a bistro, a bakery, a coffee house, a diner, a snack bar, and a tea room. See Appendix 'B'. The proposed development is subject to site-specific development criteria, including allowing for an accessory commercial use in the front yard; a reduction of the minimum number of parking spaces and loading spaces; and not requiring a landscape buffer or visual screening.

Prior to and including the public meeting on July 14, 2021, a number of interested parties inquired about the proposal or identified concerns from their perspective. The applicant was provided an opportunity to address these comments and concerns. Staff are now satisfied that the applicant has responded to all of the interested parties' comments, concerns and questions to the best of their ability.

Provincial Policies:

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

The land is 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 connected to municipal services (water and wastewater), and 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. This application serves to permit a new small-scale accessory commercial business and contribute to a mix of development in the settlement area.

The applicant has submitted the appropriate technical reports for consideration and review. Staff are of the opinion this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement, 2020 (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.

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 proposed development will utilize the existing municipal infrastructure.

Development and site alteration shall 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 on the site, and no natural or man-made hazards present. A Species at Risk (SAR) Assessment indicates the proposal would not likely contravene the Endangered Species Act (ESA).

The applicant has submitted the appropriate technical reports for consideration and review. On this basis, staff are of the opinion the application is consistent with the policies of the PPS.

Trent Source Protection Plan (TSPP):

The property is located within the Kawartha-Haliburton Source Protection Area (SPA), and 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) from the Risk Management Official (RMO), prior to submission of this Zoning By-law Amendment application to the City.

For each and every consecutive application stage related to this proposal (i.e. Site Plan, Building Permit, etc.), the applicant will be required to submit a new request for review to the RMO. For each request, the RMO will review the request to ensure there is no harmful impact on the Bobcaygeon drinking water source based on the proposed activity. The City will require the owner or applicant to submit a new Section 59. (2) Notice to the City as part of any complete application package at each future step.

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.

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 are similar to a restaurant use, which is encouraged to locate along arterial roads. The property fronts on Park Street, which is identified as a County Road on Schedule 'C-3' – Transportation Schedule mapping in the VCOP. Given the compact nature of the proposal and the proximity to the Bobcaygeon Beach Park and downtown, the site is also accessible by pedestrian traffic. Commercial uses are controlled through zoning, to ensure adequate control over the location and number of uses. The implementing Zoning By-law will control the size and scale of the business as an 'accessory use', and the proposal is subject to site plan control. Features such as the elevation plans and site plan will be approved through the subsequent site plan control application, which will help ensure that the accessory use is in keeping with the established character of the community.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the VCOP. On this basis, conformity with the policies of the Official Plan have been demonstrated.

Zoning By-Law Compliance:

The lot is zoned 'Urban Residential Type Two (R2) Zone' in the Village of Bobcaygeon Zoning By-law 16-78 (the 'Zoning By-law'). The applicant has requested to change the zone category to the 'Urban Residential Type Two Exception Fifteen (R2-S15) 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-S15' zone will continue to permit all uses listed above ('R2' and 'R1' zone), and in addition, permits the additional accessory commercial uses and site-specific development standards as follows:

Zone Standard:	'R2' Zone (including existing General Provisions):	New 'R2-S15' Zone:
Permitted Uses	As listed, including 'R1' uses subject to the 'R1' zone development standards	Accessory commercial uses, including a bruncheonette; bed and breakfast; bakery; bistro; coffee house; snack bar; and tea room
Permitted Yards for Accessory Uses	Side or Rear Yard	Front, Side or Rear Yard

Zone Standard:	'R2' Zone (including existing General Provisions):	New 'R2-S15' Zone:
Minimum Parking Spaces	8 spaces for all uses	5 spaces for all uses (which includes 3 spaces for the Accessory Use)
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 or not required
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.

As the proposed commercial uses are 'accessory' to the residential use, they are subject to the 'Accessory Buildings, Structures and Uses' Section in the General Provisions of the Zoning By-law. The location, lot coverage and height are controlled by Section 3.1 of the Zoning By-law, which states that the maximum lot coverage for all accessory buildings shall not exceed 8% of the lot area (for this property, that works out to be a maximum of 142.4 square metres or 1,532.8 square feet).

In relation to the proposed reliefs requested through this application, the applicant has requested relief from the following:

- A reduction to the required parking for all uses;
- A reduction to the required loading spaces;
- A reduction of the minimum landscaping requirement abutting an 'O2' zone; and
- Permission for the accessory commercial buildings to be located in the front yard.

The applicant has requested reductions to the parking and loading space requirements noted above. A Traffic Letter has been submitted in support of the request, noting that 3 spaces would be dedicated to the bruncheonette use, with 1 space acting as a temporary loading space and 1 space dedicated to the residential use. The Traffic Letter and Planning Justification Letter note that they anticipate this will not create off-site

impacts due to the restricted size of the delivery vehicles; the limited area devoted to the use (8 dining tables); the availability of nearby parking alternatives (including underutilized on-street parking); and the expectation that many of the patrons will access the brunchette on foot (within walking distance of downtown). Planning staff accept this rationale.

This application proposes the commercial use as a small-scale accessory use to the primary use of the property as a residence for the owner. The proposal is to utilize a portion of the front and exterior side yards for the use – a significant distance from the neighbouring institutional use to the east. Section 3.15 a. states ‘...Where a Commercial zone abuts a Residential Open Space Special Use (02) Zone, a landscaped buffer not less than six (6) metres (20 ft.) in width within the Commercial zone boundary shall be provided. Notwithstanding the above, a landscaped buffer may be reduced in width to three (3) metres (9.8 ft.) where a berm or opaque fence, two (2) metres (6.6 ft.) in height is constructed in conjunction with the landscaping’. As the property will remain subject to a residential zone category with an accessory commercial use, and depending on the interpretation of the wording above, it could easily be considered that this provision may not apply. Notwithstanding, including the provision exempting this requirement in the ‘R2-S15’ zone will provide clarity that based on the accessory commercial use, this provision will not apply. By allowing for the accessory commercial use to be placed in the front yard, this also allows the use to be placed further away from the institutional use.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. On this basis, full compliance with the provisions of the Zoning By-law have been demonstrated.

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 amendment 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 September 29, 2021, we have received the following comments:

Public Comments:

To date, public comments have been received from a total of seven (7) parties. One party expressed support for the proposal. The remaining six parties have asked a number of questions within the following main themes: traffic related issues (such as traffic, parking, pedestrian movements); waste management issues (water use, garbage, etc.); stormwater management issues (impacts on lake health, drainage, etc.); and impact on the residential character of the neighbourhood (by introducing the commercial uses). Two of these six parties have noted an objection to the proposal. One objector is concerned with setting a precedent for zoning exceptions, noted they feel there is sufficient nearby space in the commercial district, and is concerned about the financial impact of a business on the neighbouring property values; while the second objector did not provide a specific reason for the objection. The applicant has provided responses to the public queries to the best of their ability, however the two objecting parties have not withdrawn their objections, nor provided any further questions to be addressed. Staff consider that it is now appropriate for Council to consider this matter.

Agency Review Comments:

No agencies or City Divisions/Departments have expressed concerns with the rezoning. Additional details regarding stormwater management and lot grading and drainage will be provided and reviewed through the subsequent site plan application.

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 Growth Plan, and is consistent with the Provincial Policy Statement. Conformity with the Victoria County Official Plan has also been demonstrated.

The rezoning will permit the addition of accessory commercial uses and amend the development standards for the accessory commercial uses. The accessory commercial uses will be subject to Site Plan Control.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred to Council for **Approval**.

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@kawarthalakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-056
Appendix A.pdf

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



PLAN2021-056
Appendix B.pdf

Appendix C – Proposed Elevations, dated October 16, 2019



PLAN2021-056
Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



PLAN2021-056
Appendix D.pdf

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Department File: D06-2021-013