



Council Report

Report Number: PLAN2021-062
Meeting Date: November 16, 2021
Title: Request for Site Plan Exemption – Derry’s Restaurant
Description: Request to Exempt Derry’s Restaurant from Site Plan Control, 348 Kawartha Lakes Road 36 (Kevin Duguay Community Planning and Consulting Inc.)

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

Recommendations:

That Report PLAN2021-062, **Derry’s Restaurant – Request for Site Plan Control Exemption**, be received;

That the location and size of the existing water service and curb stop be field verified and identified on the Site Plan drawing attached as Appendix “B” to Report PLAN2021-062;

That landscaping along Kawartha Lakes Road 36 be identified on the Site Plan drawing attached as Appendix “B” to Report PLAN2021-062; and

That the replacement building proposed for 348 Kawartha Lakes Road 36 as generally shown on Appendix “B” attached to Report PLAN2021-062 be exempted from Site Plan.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The property is located at 348 Kawartha Lakes Road 36, Ops and contained a commercial building which was destroyed by fire. The applicant is proposing to reconstruct the building in the same location and configuration as the previous building. The proposed building will consist of a main floor restaurant and two (2) residential rental apartments on the second floor. See Appendix "A" and "B" attached.

Owner: Mah Oi Sim c/o Derry's Restaurant

Applicant: Kevin Duguay, Community Planning and Consulting Inc.

Legal Description: Part Lot 21, Concession 7, Part Lot 44 and Lot 45, Plan 44, being Part 2 on Plan 57R3207, geographic Township of Ops, now City of Kawartha Lakes

Designation: "Highway Commercial" on Schedule 'A-3' of the City of Kawartha Lakes Official Plan

Zone: "Highway Commercial (CH) Zone" on Schedule "A" of the Township of Ops Zoning By-law Number 93-30

Lot Area: 0.51 ha. (1.3 ac.)

Site Servicing: Existing municipal water service with no expansion/changes proposed and private on-site septic system which serviced the previous building/use of the property. Any expansion/changes required will be addressed through the application for a Building Permit

Rationale:

The applicant is requesting an exemption from site plan control for the proposed replacement of the building, which was destroyed by fire. The owner's Fire Insurance policy will expire in late December, 2021. The property owners need to proceed with a Building Permit for construction as soon as possible; otherwise the payment from the insurance policy to allow the owner to reconstruct the building will be nullified. In addition, the owners have endured hardship with a loss of revenue for nearly two (2) years.

There is no site plan agreement registered on title that governs the current development on the property. The area is subject to the provisions of Site Plan Control. Under the City's Site Plan Control By-law No. 2016-069, commercial development is subject to site plan control. Pursuant to the Site Plan Control By-law, the Director has

the ability to waive certain expansions/additions but only Council can waive site plan control for the construction or replacement of a building. Appendix "B" attached to this report illustrates the location of the proposed replacement building and the consultant confirms in the request that the proposal is to replace the building as previously existing; containing a main floor restaurant and two (2) residential rental apartments on the second floor.

Other Alternatives Considered:

While Council could require the owners to go through the site plan control process, Staff is recommending that an exemption be granted.

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 request aligns with the Vibrant and Growing Economy priority to allow the owners to rebuild a building, which was destroyed by fire and allow for the business to reopen in a timely manner.

Financial/Operation Impacts:

There are no financial considerations for the City.

Servicing Comments:

The request was circulated to the City's Development Engineering Division for preliminary comment and they advise that the location and size of existing water service and curb stop be field verified and identified on the Site Plan drawing. Additional servicing reviews and approvals will be processed as part of the Building Permit.

Development Services – Planning Division Comments:

The goals of site plan control are:

- To improve the image of the whole City through better individual developments by applying consistent standards and guidelines.
- To improve the quality and aesthetic appearance of developments for greater enjoyment by the users and tenants.
- To ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons.
- To ensure the safety and convenience of automobile and pedestrian traffic to, from and on a new development or redevelopment.
- To continuously develop an efficient transportation system by widening existing roads through land and easement dedications and through different public and private projects related to the specific proposal.
- To ensure that the applicant/owner assumes all of the costs associated with the development.
- To provide a barrier-free environment by applying specific development standards.
- To protect environmental areas (ie areas along the waterways) through the appropriate location of buildings, roads, parking and green spaces.

The above noted goals can be addressed through the replacement of the building with newer materials and current construction methods. The consultant has demonstrated that the proposal meets the development standards for the Highway Commercial (CH) Zone in the Township of Ops Zoning By-law. Staff would also add that the Township of Ops Zoning By-law does permit the same building to be reconstructed in the same location if it was destroyed by fire. Staff is also recommending that landscaping be added along Kawartha Lakes 36. Applying site plan control in this situation would not achieve any useful purpose and staff is therefore recommending an exemption from site plan control.

Conclusion:

On the basis of the comments contained in this report, Staff respectfully recommends that the application be exempted from site plan 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 Sherry Rea, Development Planning Supervisor, srea@kawarthalakes.ca or (705) 324-9411 extension 1331.

Appendix A – Location Map



Appendix A Location
Map.docx

Appendix B – Proposed Site Plan, dated August 20, 2020



Appendix B -
Proposed Site Plan.pdf

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy