

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-067

Date: December 6, 2017

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 13 - Bobcaygeon

Subject: An application to amend the Village of Bobcaygeon Zoning By-law to add a microbrewery as a permitted use and amend the development standards for the property identified as 30 King Street East, Bobcaygeon (Nichol)

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendations:

RESOLVED THAT Report PLAN2017-067, respecting **Plan 11, Range 7 Part of Lot 9 East William Street, Former Village of Bobcaygeon, “Nichol – Application D06-17-030”**, be received; and

THAT Report PLAN2017-067 respecting Application D06-17-030 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Central Commercial (C1) Zone” to a “Central Commercial Exception ** (C1-S**) Zone” on this property. The intent of the change is to permit a microbrewery as a permitted use, and to amend some of the development standards for the property subject to this application. The “C1” zone permits a range of similar commercial uses, including bakeries, restaurants, soda fountains, lunch counters, and liquor licenced establishments. A microbrewery is not a permitted use in any zone category. As such, a site-specific rezoning is required.

Owner:	Scott Nichol
Applicant:	Landmark Associates Limited – Darryl Tighe
Legal Description:	Plan 11, Range 7 Part of Lot 9 East William Street, former Village of Bobcaygeon
Designation:	“Urban Settlement Area” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan; subject to the “Urban” designation policies of the Victoria County Official Plan
Zone:	“Central Commercial (C1) Zone” on Schedule ‘A’ of the Village of Bobcaygeon Zoning By-law No. 16-78
Lot Area:	659.0 sq. m. [6,970.0 sq. ft. – MPAC], of which the entire site is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Vacant Retail Commercial Store With Dwelling Unit Above
Adjacent Uses:	North: Trinity United Church; Low Density Residential East: Commercial Plaza South: King Street East; LCBO; Commercial Plaza; Beer Store West: William Street; Commercial; Residential

Rationale:

The property is located on the northeast corner of King Street East and William Street, in the central area of Bobcaygeon. See Appendix ‘A’. It contains an existing two storey stone building on the southwestern portion of the property, and a detached garage on the northwestern portion of the property. The proposed development is to construct a one storey addition to the north of the existing building, and to change the use of the property to a microbrewery with the associated parking on the northeast portion of the site and an accessible parking space in the front yard. See Appendix ‘B’. The lot subject to this proposal is located in the “Urban Settlement Area” designation in the City of Kawartha Lakes Official Plan (City OP), which requires the designations and associated land use policies of the Victoria County Official Plan (VCOP) apply until such time

as the Bobcaygeon Secondary Plan (SP) is in force and effect. The “Urban” designation in the VCOP allows residential, recreational, institutional, cultural, commercial, and industrial uses.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by Landmark Associates Limited, dated August 2017. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, 2017 Growth Plan, the City of Kawartha Lakes and Victoria County Official Plans, and the Village of Bobcaygeon Zoning By-law 16-78.
2. Functional Servicing Report prepared by Landmark Associates Limited, dated August 2017. The report examines the existing municipal water and sanitary servicing options for the property as well as stormwater management impacts.
3. Zoning By-law Amendment Concept Sketch prepared by Landmark Associates Limited, dated September 2017.
4. Topographic Plan prepared by Lejan Land Surveying Inc., dated July 13, 2017.

Staff have reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. An application for site plan approval (SPA) has been submitted, and is being reviewed concurrently. At this time, staff cannot determine the appropriateness of the proposal as the first review of the SPA has not been completed. Additional amendments to development standards may be identified through the review of the SPA. As such, staff recommend that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Bobcaygeon. The development will be serviced by the existing municipal roads, sewage, water and stormwater services. This application facilitates the efficient use of existing building stock within a designated settlement area.

Therefore, this application conforms to the policies of the GP.

Provincial Policy Statement, 2014 (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.

Redevelopment and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development is not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

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.

Full consistency with the PPS will be established through the complete review of the application.

Official Plan Conformity:

As noted in the Rationale above, the lot subject to this proposal is located in the “Urban Settlement Area” designation in the City OP. The land use policies of the VCOP apply until such time as the SP is in force and effect. The VCOP designation of “Urban” applies to this property. Within this designation, development should proceed on the basis of the full range of municipal services provided.

Based on the location of this property, it is located in the business core area, which includes King Street East between Bolton Street (to the west) and the Legion (to the east). The ‘General Commercial’ policies shall also apply to this property. The predominant use of land in the ‘General Commercial’ shall be retail and service commercial facilities including retail and service operations, clubs, places of amusement and recreation, and institutional uses. Dwellings shall also be permitted.

Section 5.3 of the VCOP encourages expanding and diversifying commercial developments to promote employment opportunities, and encourages the redevelopment of urban areas. The PJR notes that the proposal conforms to the relevant policies of the VCOP and maintains compatibility with surrounding land uses. Planning staff accept this analysis.

Zoning By-Law Compliance:

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The lot is currently zoned “C1” zone in the Village of Bobcaygeon Zoning By-law 16-78. The application, as proposed, would implement a site-specific “C1” exception zone which permits the use of the property for a microbrewery, and recognizes site-specific development standards for the property, as follows:

Development Standard	Requirements: “C1” zone	Requirements: “C1-S**” zone
Definition of “microbrewery”	None	“A building or part thereof used for the brewing and retail sale of beer for public consumption on or off the premises; and includes the following as accessory uses: areas for sampling, retail display and retail sales”.
Minimum lot area	N/A	658.0 sq. m.
Minimum lot frontage	N/A	18.7 m.
Minimum front yard	Nil	5.5 m.
Minimum easterly side yard	Nil (abutting commercial use)	8.8 m.
Minimum westerly side yard	Nil (abutting roadway)	0.0 m.
Maximum lot coverage	60 %	30 %
Maximum number of dwelling units	6	1
Minimum rear yard – detached garage	1.2 m.	0.35 m.
Minimum interior side yard – detached garage	1.2 m.	10.8 m.
Minimum flankage yard – detached garage	0.0 m.	0.50 m.
Minimum Parking Requirements (based on existing and proposed building area)	A total of 11 spaces are required for all permitted uses, based on the Planning analysis	There are a maximum of 7 on-site spaces. A municipal parking lot is within 85 m. of the subject property.
Minimum Loading Space Requirements (based on existing and	1 loading space is required for all permitted uses, based on the	A minimum of 0 loading spaces is requested

Development Standard	Requirements: “C1” zone	Requirements: “C1-S**” zone
proposed building area)	Planning analysis	
Development Standard	Requirements: “C1” zone	Requirements: “C1-S**” zone
Loading Space Location	Not on land that is a highway or street	Internal to the main building
Landscaping	Not less than 6 metres width, reduced to 3 metres where a berm or opaque fence, 2 metres in height are constructed	No landscape buffer is requested
Accessible parking space provisions	N/A (defaults to Site Plan Guide)	3.6 m. width; 5.5 m. length; 19.8 sq. m. area
Parking space provisions	Not less than 2.5 m. width and 17 sq. m. area	2.75 m. width; 5.80 m. length; 15.95 sq. m. area
Access Driveway	N/A	3.0 m width

A copy of the draft amendment provided in the PJR is attached as Appendix ‘C’.

It should be noted that some of the requested provisions to be amended do not require amendment, such as lot area and frontage, as the zone category does not provide minimums. Other requested amendments may affect how the site functions. For example, the loading door for the internal loading space is located in the street right-of-way. The accessible parking space is accessed via the street right-of-way, not from the on-site entrance/driveway. Currently, no access has been identified or provided to the existing garage. As such, Planning staff require further analysis of how the site will function comprehensively. As this may result in modifications to the site layout, additional development standard reliefs may be necessary, or some may be eliminated from the requested amendment.

Zoning By-law compliance will be established through a full review of this application and the concurrent site plan application.

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 amendments are appealed to the Ontario Municipal Board. 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 Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with all three strategic goals as it provides for a stronger more diversified economy, enhances tourism, improves walkability, and can utilize low impact development to retrofit the site.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through the Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The lot is connected to full municipal services within the Bobcaygeon municipal service area.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. As of November 24, 2017, we have received the following comments:

Agency Review & Public Comments:

November 6, 2017	The Building Division has no concerns with this application.
November 15, 2017	The Kawartha Region Conservation Authority (KRCA) has requested a copy of the topographic survey to confirm this property is located outside the regulated area.
November 15, 2017	The Community Services Department has no concerns.
November 16, 2017	The Engineering and Corporate Assets Department has reviewed the FSR and provided a list of requirements to be addressed. A copy of the comments have been attached as Appendix 'D'.

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. At this time, comments have not been

received from all circulated agencies and City Departments, and there are comments received which require addressing, prior to considering the request.

Conclusion:

In consideration of the comments and issues contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-067
Appendix A.pdf

Appendix 'B' – Zoning By-law Amendment Concept Sketch



PLAN2017-067
Appendix B.pdf

Appendix 'C' – Requested Amendment to Zoning By-law



PLAN2017-067
Appendix C.pdf

Appendix 'D' – Engineering Comments



PLAN2017-067
Appendix D.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-030