



## Council Report

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<b>Report Number:</b>	<b>PLAN2025-020</b>
<b>Meeting Date:</b>	April 22, 2025
<b>Title:</b>	<b>Request for Site Plan Exemption, Edgewater Grill, 4027 Highway 121, Kinmount</b>
<b>Description:</b>	Report prepared in response to a deputation from property owner Jeff Hancock regarding a request to Council for site plan exemption
<b>Author and Title:</b>	Leah Barrie, Director of Development Services

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### Recommendations:

**That** Report PLAN2025-020, **Request for Site Plan Exemption, Edgewater Grill, 4027 Highway 121, Kinmount**, be received; and

**That** the Request for Site Plan Exemption, Edgewater Grill, 4027 Highway 121, Kinmount, be denied.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the January 14, 2025 Committee of the Whole Meeting Mr. Hancock provided an overview of the renovation that he is planning for his property. In his deputation, Mr. Hancock indicated his desire to expand the building, which would allow an opportunity for indoor seating. Mr. Hancock noted that the proposed expansion would be less than 1,000 square metres, but it would be more than a 25% increase in the usable area of the building, which is the threshold for the site plan exemption criteria. Mr. Hancock asked Council to consider providing an exemption to the site plan requirement for his proposed renovation.

The Committee passed the following motion:

### **CW2025-008**

Moved By Councillor Warren

Seconded By Councillor Yeo

**That** the deputation of Jeff Hancock, **regarding a Request for Site Plan Exemption for 4027 Highway 121, Kinmount**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

At the January 28, 2025 Council Meeting, Council passed the following resolution:

### **CR2025-016**

Moved By Councillor Warren

Seconded By Councillor Perry

**That** the deputation of Jeff Hancock, **regarding a Request for Site Plan Exemption for 4027 Highway 121, Kinmount**, be received and forwarded to Staff for review and report back to Council by the Regular Council Meeting of April 22, 2025.

**Carried**

This report address that direction.

## **Rationale:**

Section 41 of The Planning Act, R.S.O. 1990, c. P.13, empowers municipalities having an Official Plan in effect to pass By-laws designating Site Plan Control Areas. In areas so

designated, no development shall be undertaken until the municipality has approved plans and agreements where necessary, pursuant to Section 41 of The Planning Act. The City of Kawartha Lakes exercised its powers under Section 41 by passing By-law 2003-21 on February 11, 2003, and passing an amending By-law 2007-209 on September 25, 2007 and a further amending By-law 2016-069 on March 22, 2016.

The property is subject to By-law 2016-069, A By-law To Establish Site Plan Control And Procedures In The City Of Kawartha Lakes And To Delegate Site Plan Control Approval To The Director Of Development Services In The City Of Kawartha Lakes and the City's Guide to the Site Plan Approval Process (Appendix 'A').

Within the areas under site plan control, certain uses are exempt from site plan control, including the following at Section 1.2.1:

g) Any addition or alteration to a building or structure affected by this by-law, if the addition or alteration is considered minor by the Director of Development Services, and has the effect of increasing the useable area of the building or structure or the use of the structure by twenty-five (25%) or less of the building's or structure's Gross Floor Area, but in no case more than 1,000 square metres.

The proposed expansion exceeds the Director's Approval Authority. Through his deputation to Council, Mr. Hancock has exercised the approach outlined at Section 1.2.2:

Any addition or alteration that has the effect of increasing the useable area of the building or structure or the use of the structure by more than twenty-five (25%) percent of the building's or structure's Gross Floor Area, and/or more than 1,000 square metres, is considered to be "substantial" and any exemption from the Site Plan Approval Process would be subject to Council approval.

## **Site Plan Review**

In 2022 initial discussions with Planning staff led Mr. Hancock to file a request for exemption from site plan control for consideration by the former Director of Development Services. The former Director concluded the proposal exceeded the exemption criteria and denied the request (Appendix 'B').

In 2023 two (2) additional development concepts were filed; both exceeded the exemption criteria (Appendix 'C'). The former Development Supervisor circulated the proposals to internal staff and external agency partners to ascertain their site plan submission requirements in the event the owner pursued site plan approval through the

required site plan control application process in order to facilitate construction. The submission requirements were provided to the owner (Appendix 'D'). No application was filed.

In 2024 Mr. Hancock requested that staff review the file again. Staff reiterated that the proposed expansion exceeded the exemption criteria, but should he pursue the required site plan control application process, that a streamlined 'Plans Only' approach was recommended (and at a reduced fee), instead of collecting securities through a registered site plan Agreement approach. A site plan Agreement is otherwise used to ensure the proper completion of all services and works in accordance with the approved Plans. Based on the extent of anticipated works, staff were satisfied that the improvements could be addressed through the 'Plans Only' approach without the need to collect securities.

The submission requirements to support a 'Plans Only' site plan approval would remain as before, with the exception of the engineering design cost estimate which would not be needed.

The following additional details were provided to Mr. Hancock to clarify the reasons for certain submission requirements:

**1) Regarding the site plan:**

The site plan sketches provided do not have any confirmation of surface type, drainage and grading, topographic information, flow arrows, or any design elements for staff to review. The property abuts the Burnt River. There is no floodplain information. Drainage confirmation is required to ensure there is no impact to neighbouring properties, including municipal property. There do not appear to be any ditches on this section of Highway 121.

Lot grading and drainage guidelines are available on the City's website, and represent the requirements of the DS-Building and Septic Division and ECA-Development Engineering Division.

**2) Regarding Entrances:**

Existing entrances appear to be in place on site. Given the proposed intensified commercial use, staff recommended that the owner follow the City's procedures for existing entrance review under By-Law 2017-151, A By-law to Regulate Access to Municipal Right of Ways in the City of Kawartha Lakes, through the Public Works-Roads Division, and with the ECA-Technical Services Division for Traffic Management

in accordance with the Transportation Master Plan. Staff also noted that sight lines must be confirmed.

### **3) Regarding the survey:**

The previous owner filed a 2002 survey to support a building permit application for interior renovations of the existing building at that time. A 2002 survey is not acceptable for a building permit application filed in present day, and for a different construction project. A letter from an engineer substantiating a 2002 survey does not suffice.

In December 2024 Mr. Hancock revised his proposal by reducing the expansion. At approximately 67 square metres (720 square feet) the proposed size is well below the 1,000 square metres maximum in the By-law. However, as the existing building appears to be 75.7 square metres (814.8 square feet), in order to remain under the 25% cap in the By-law, the addition would need to be at or below 19 square metres (204.5 square feet).

### **Other Alternatives Considered:**

Even as reduced, the proposed expansion is not considered 'minor' in accordance with the By-law and should be evaluated through the list of plans and details provided to supplement a site plan control application.

The list of plans and details are standard requirements that are legislated (whether through site plan control or through the building permit process), and are not considered discretionary.

A site plan Agreement is not required to secure the works, and a 'Plans Only' approach to site plan approval ensures that the expansion and overall development of the site contributes to the orderly and harmonious development of the community.

### **Alignment to Strategic Priorities**

The four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

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

The proposal contributes to a vibrant and growing economy and an exceptional quality of life through the proposed expansion of commercial uses. Development of the property through site plan control achieves all of the Strategic Plan priorities.

### **Financial/Operation Impacts:**

Exempting the property from site plan control could result in undesirable development. Council's decision to deny an exemption request is not subject to appeal.

### **Consultations:**

DS-Building and Septic Division

ECA-Development Engineering Division

Kawartha Region Conservation Authority

### **Attachments:**

#### **Appendix A – A Guide to the Site Plan Approval Process and By-law 2016-069**



Site-Plan-Guide-Process.pdf

#### **Appendix B – 2022 Site Plan Sketch**



SP1 - Edgewater Grill.pdf

#### **Appendix C – 2023 Site Plan Sketches (A1 option; A2 option larger parking area)**



SP1A1 - Edgewater Grill no Aerial.pdf



SP1A1 - Edgewater Grill.pdf



SP1A2 - Edgewater Grill no Aerial.pdf



SP1A2 - Edgewater Grill.pdf

#### **Appendix D – Site Plan Submission Requirements**



Site Plan Submission Requirements - 4027

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**Department Head:** Leah Barrie, Director of Development Services