



Regular Council Meeting

To:	Mayor and Council
Date:	January 15, 2018
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2018-01
Subject:	Towerhill Commercial OPA and ZBA

Recommendations:

1. That Council review and consider all verbal and written comments received at the public meeting;
2. That the draft Official Plan Amendment and Zoning By-law Amendment be presented to Council at a future date for consideration.

Overview:

The Township of Cavan Monaghan received Official Plan and Zoning By-law Amendment applications for lands at 919 Fallis Line and a portion of the adjacent land identified as Block 302 on Subdivision Plan 15T-14001 in part of Lot 12, Concession 5 of the Cavan Ward. The Amendments are required to introduce planning policies and regulations into the Township's planning documents to permit business, professional and medical offices and to prohibit automobile retail facilities, hotels, motels and convention centres on the subject property.

A key map showing the location of the subject lands is provided as Attachment No. 1 to this Report.

In addition to the complete application form, the supporting documentation for the proposed amendments includes a Planning Justification Report, a Traffic Impact Brief, a Servicing Brief and a Concept Plan. The Concept Plan is provided as Attachment No. 2 to this Report.

The subject lands are within the northern portion of the Millbrook Settlement Area. The lands subject to the application are approximately 0.93 hectares (2.29 acres) in size and have frontage on Fallis Line, County Road 10 and Horizon Avenue (Local Street "I" in the Plan of Subdivision). Existing structures on the site include one (1) single detached dwelling and one (1) accessory shed. Adjacent land uses include future residential

(draft plan approved subdivision) to the south and south-west, institutional (cemetery and municipal office), recreational (future community centre), and future residential lands to the north. Existing residential and agricultural lands are located to the east. These lands are designated for employment land uses in the Township's Official Plan.

The development proposal includes a local commercial building approximately 1,246 square metres (13, 412 square feet) in size and a drive-thru restaurant approximately 230 square metres (2476 square feet) in size. The buildings will be serviced with piped water and sanitary sewer systems. Stormwater from the buildings and parking areas will be managed through the stormwater management system for the residential subdivision.

A total of ninety-three (93) parking spaces are proposed and of those spaces, six (6) are to be accessible. Six (6) loading spaces are proposed for the development – four (4) at the commercial building and two (2) at the drive-thru restaurant. Landscaped space is proposed for the periphery of the site.

The commercial development will be serviced by a proposed water service connection to the 250m diameter Fallis Line watermain located north of the subject site. This service connection will supply both the proposed restaurant and the retail/office building via a site watermain. A sanitary service connection will be provided from the 200mm diameter sanitary sewer located on Horizon Avenue to the south of the subject site.

The site will be provided with a storm service connection to the 375 mm diameter storm sewer on Horizon Avenue, located south of the subject lands. On-site detention is required to restrict discharge to the allowable release date in accordance with the subdivision engineering design. The consultants anticipate that the onsite detention can readily be accommodated using roof top, ground surface and/or underground storage with an orifice restrictor installed in the control manhole. There is sufficient permanent pool volume to provide treatment for the proposed commercial development in the stormwater facility for the subdivision.

A Traffic Impact Study was completed in 2013 for the residential subdivision to the south and west. The scope of the Study included an analysis of the weekday morning and afternoon peak hour for the existing (2014) and horizon year (2021, 2026 and 2031) scenarios. The Study included recommendations for improvements to accommodate the traffic generated by the development and future infrastructure considerations for the development of the parcel north of Fallis Line.

The Traffic Brief prepared for the proposed commercial development built upon the 2013 Traffic Impact Study and identifies local improvements required to convey the traffic from the proposed commercial development. The Study authors concluded that:

1. the proposed development is expected to generate a total of 90 morning, 131 afternoon and 76 Saturday primary peak hour trips;

2. an estimate of the amount of traffic that would be generated by the subject site was prepared and assigned to the study area streets and intersections;
3. the proposed North Access and South Access driveways will operate efficiently with one-way stop control for northbound and southbound traffic respectively. A single lane for ingress and egress movements for both accesses will provide the necessary capacity to convey the traffic volume generated by the proposed development;
4. the requirement for lane improvements on Fallis Line at the North Access will be reviewed as part of the forthcoming Millbrook Traffic Impact study Update;
5. the sign distance and corner clearance available for the North Access and South Access are acceptable for the intended use; and
6. the proposed development will not cause any operational issues to the local roadway network.

The Planning Justification Report for the proposed Amendments assesses the necessity and feasibility to support local commercial activities on the subject lands. The Report reviews the applicable policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the County of Peterborough Official Plan, the Township of Cavan Monaghan Official Plan, and the Township of Cavan Monaghan Zoning By-law to demonstrate consistency with good planning principles.

Official Plan Amendment

The purpose of Amendment No. 5 to the Township of Cavan Monaghan Official Plan is to change the land use designation on the subject lands from “Residential” to “Community Commercial” and to introduce a new section, namely section 4.4.5 a), which will permit the establishment of business, professional and medical offices in addition to the uses currently permitted in the Community Commercial designation and to prohibit automobile retail facilities, hotels, motels and convention centres. The “Community Commercial” designation will apply to approximately 0.93 hectares (2.29 acres).

The effect of the Amendment is to permit the subject property to be used for all of the uses currently permitted in the Community Commercial designation in addition to business, professional and medical offices and to prohibit automobile retail facilities, hotels, motels and convention centres.

The Planning Justification Report indicates that the proposed commercial building will be occupied by tenants such as medical offices, small-scale retail, convenience stores, and other personal services intended to meet the day-to-day needs of residents. The drive-thru will be a restaurant use.

A Zoning By-law Amendment application is required to implement the Official Plan Amendment. In addition, the development will be subject to Site Plan Approval.

A copy of Official Plan Amendment No. 5 is provided as Attachment No. 3 to this Report.

Zoning By-law Amendment

The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from the 'Rural (RU) Zone', 'Residential Type One Exception Fifteen (R1-15) Zone', 'Residential Type One Exception Fourteen Holding (R1-14-h) Zone', and 'Residential Type Three Exception Five Holding (R3-5-h) Zone' to the 'Commercial Exception Nine (C-9) Zone' to permit the establishment of commercial uses on the subject land within 10 metres of the property line abutting County Road 10 or within 15.5 metres of the centre line of County Road, whichever is the greater.

A copy of the draft Zoning By-law Amendment is provided as Attachment No. 4 to this Report.

Response to Notice

Notice of the Official Plan and Zoning By-law Amendment applications was circulated, by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands affected by the Official Plan Amendment and Zoning By-law Amendment applications, to all required ministries and agencies and to all Township Department Directors. The Notice of Public Meeting was posted on the Township website and signs were posted on the property at both the Fallis Line and County Road 10 frontages. A Notice was also published in the Millbrook Times. The notice complies with the requirements of the Planning Act.

To date, Township Staff have received a number of comments regarding these Applications.

Planning Staff have noted that relief from additional zoning regulations such as, but not limited to, minimum lot frontage, yards where parking areas are permitted and parking area and driveway location may be required. The Official Plan Amendment may require additional uses to be permitted so that the zoning by-law complies with the Official Plan (i.e. banks, personal services).

Kyle Phillips, the Chief Building Official requested more detail on the stormwater retention. He is concerned with the proposed traffic flow and queuing capacity of the drive-thru and the location of the loading space adjacent to the patio.

Gerry Barker, Manager of Parks and Facilities has not comments or objections at this time.

Fire Chief Balfour has noted that the maximum height of the commercial building permitted with the zoning by-law is approaching the upper limit of the Department firefighting capabilities.

Wayne Hancock, the Director of Public Works supports the use of the land but has several suggestions regarding the site plan. The suggestions are:

1. that access to the local street (Horizon Ave.) should be eliminated and there should be two (2) access points to Fallis Line;
2. that road widenings along Fallis Line and Tupper Street are required;
3. that a cash contribution to the Township for sidewalks and street lighting along the Fallis Line and Tupper Street frontage of the property are required;
4. that if the properties are under separate ownership, individual water services and meters are required;
5. that the Developer's consultant must verify that quality and quantity controls for stormwater exist for the site. The Township would like to introduce Low Impact Development measures for this site;
6. that a proper storm water management report is required;
7. that the traffic report must be modified to reflect changes in the driveways; and
8. that the stacking distance in the drive thru and the location of the loading spaces must be addressed.

Yvette Hurley, the Chief Administrative Officer supports Mr. Hancock's comments particularly with regard to the requirement for sidewalks on both sides of Fallis Line.

Enbridge Gas Distribution confirmed, in writing, that they have no objection to the proposed Amendments.

Financial Impact:

None at this time.

Attachments:

- Attachment No. 1: Key Map
- Attachment No. 2: Concept Plan
- Attachment No. 3: Draft Official Plan Amendment No. 5
- Attachment No. 4: Draft Zoning By-law Amendment

Respectfully Submitted by,

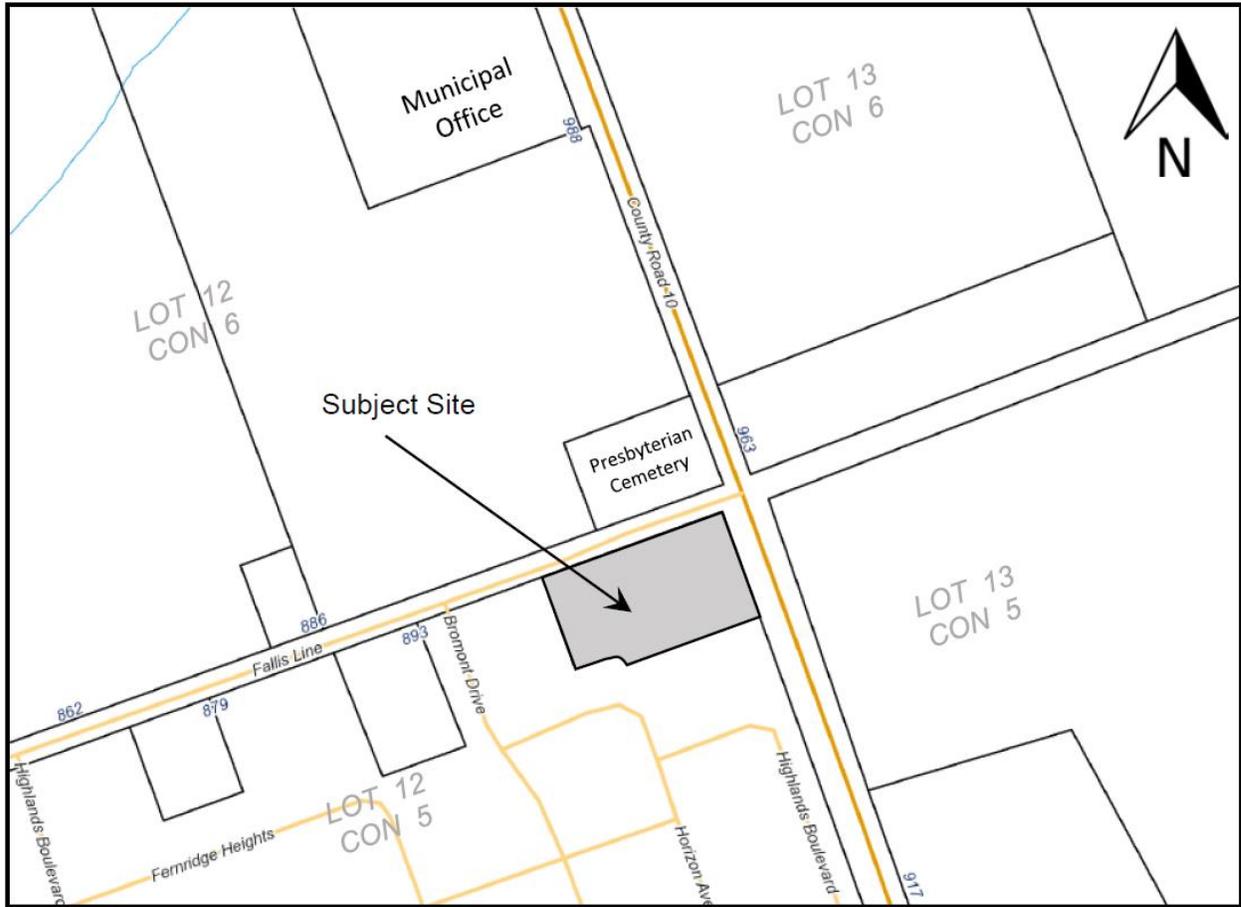
Reviewed by,

Karen Ellis, B.A.A.
Director of Planning

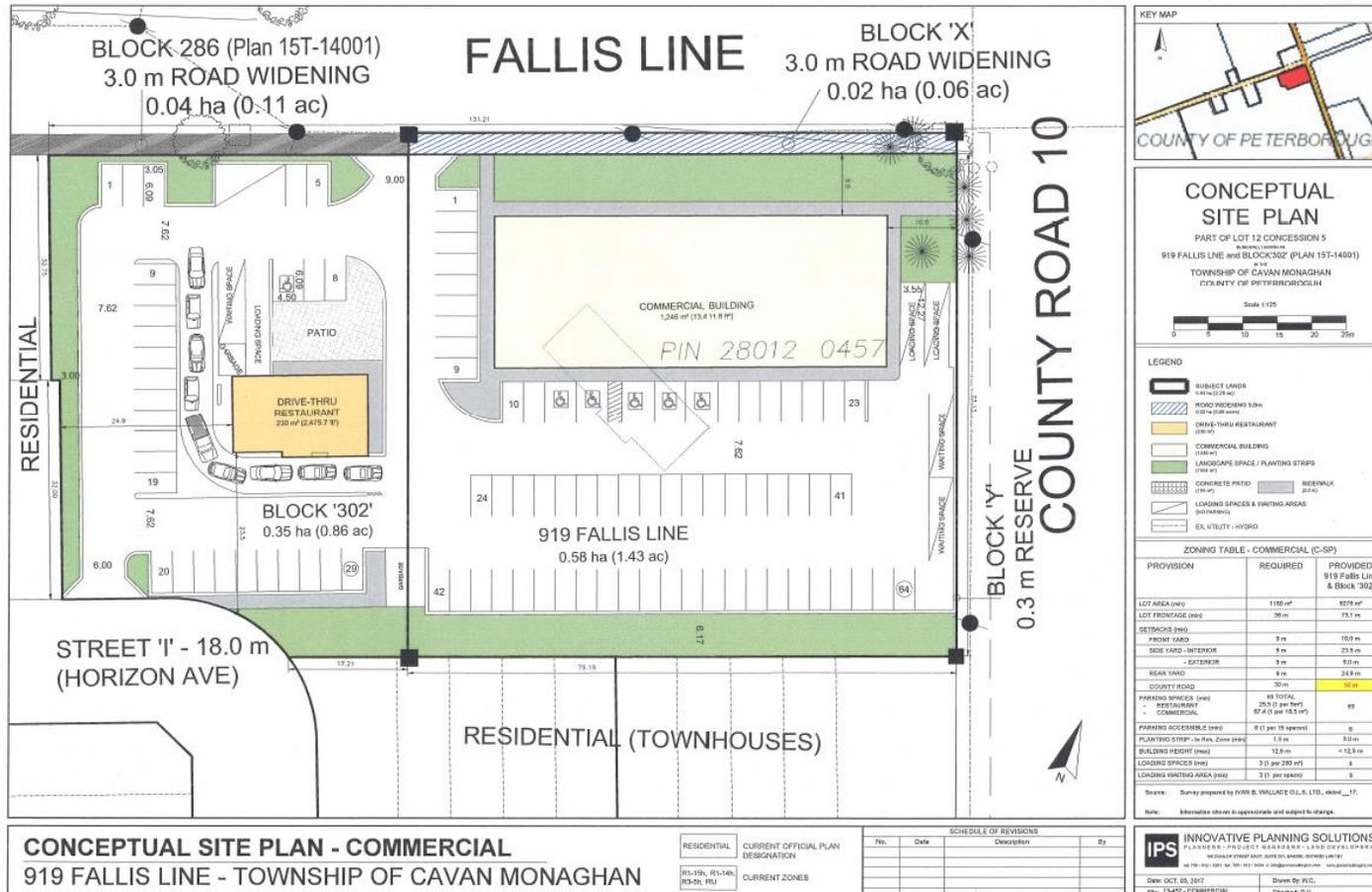
Yvette Hurley
Chief Administrative Officer

Attachment No.1: Key Map

Key Map



Attachment No. 2: Concept Plan



Attachment No. 3: Draft Official Plan Amendment No. 5

Part “B” – The Amendment

Introductory Statement

All of this part of the document entitled Part "B" - The Amendment consisting of the following text and attached map designated as Schedule "1" constitute Amendment No. 5 to the Township of Cavan Monaghan Official Plan.

Details of the Amendment

The Township of Cavan Monaghan Official Plan is amended as follows:

1. Schedule A to the Township of Cavan Monaghan Official Plan is amended by changing the designation from "Residential" to "Community Commercial" and by adding a text box reference for Site Specific Policies to Section 4.4 as it applies to the property at 919 Fallis Line and a portion of the adjacent land identified as Block '302' (Subdivision Plan 15T-14001) in part of Lot 12, Concession 5 of the Cavan Ward as shown on Schedule "1", attached.
2. Section 4.4 of the Township of Cavan Monaghan Official Plan is amended by adding a new subsection, namely subsection 4.4.5 (a), which shall read as follows:

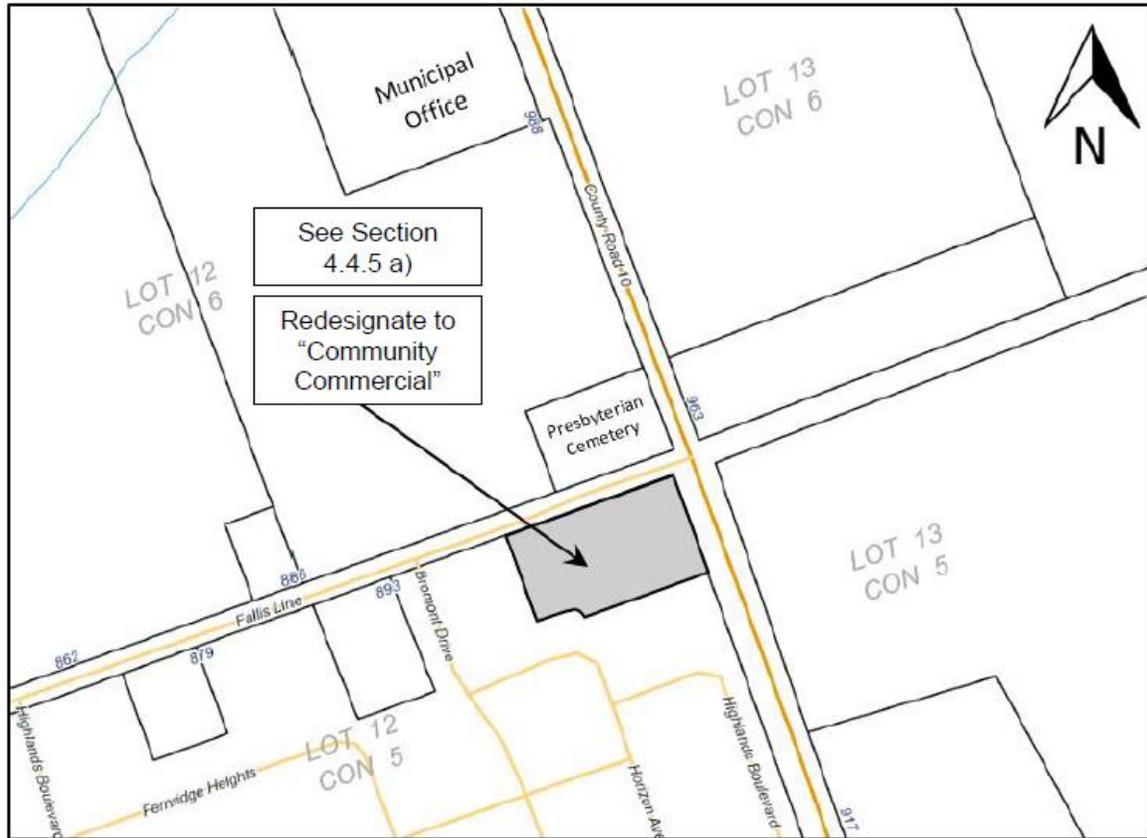
“4.4.5

- a) 919 Fallis Line and a portion of the adjacent land identified as Block '302' (Subdivision Plan 15T-14001) Part of Lot 12, Concession 5, Cavan Ward

In addition to the uses permitted in Section 4.4.2, on lands in part of Lot 12, Concession 5 of the Cavan Ward, being Roll Number 1509-010-020-21104 and municipally known as 919 Fallis Line and a portion of the adjacent land identified as Block '302' (Subdivision Plan 15T-14001), *Business, professional and medical offices*, shall be permitted.

And the following uses permitted in Section 4.4.2, being *Automobile retail facilities, and hotels, motels, and convention centres*, shall not be permitted.”

Schedule "1"



Attachment No. 4: Draft Zoning By-law Amendment

The Township of Cavan Monaghan

By-law No. 2017-xx

Being a by-law to amend By-law No. 2004-62, as amended, otherwise known as “The Township of Cavan-Millbrook-North Monaghan Zoning By-law”.

Whereas the matters herein are in conformity with the provisions of the Official Plan of the Township of Cavan Monaghan;

And Whereas Section 34 of the Planning Act permits the Council of the Township of Cavan Monaghan to pass an amending Zoning By-law;

And Whereas the Council of the Township of Cavan Monaghan deems it advisable to further amend By-law No. 2004-62, as amended.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. The area affected by this By-Law applies to lands as illustrated on Schedule “1”, attached hereto and forming part of this By-law.
2. Map ‘E-2’ of Schedule “A” to By-Law 2004-62, as amended, is hereby amended by changing the zone category on lands known municipally as 919 Fallis Line and a portion of the adjacent land identified as Block 302 on Subdivision Plan 15T-14001 in part of Lot 12, Concession 5 of the Cavan Ward from the ‘Rural (RU) Zone’, ‘Residential Type One Exception Fifteen (R1-15) Zone’, ‘Residential Type One Exception Fourteen Holding (R1-14-h) Zone’, and ‘Residential Type Three Exception Five Holding (R3-5-h) Zone’ to the ‘Commercial Exception Nine (C-9) Zone’ as shown on Schedule “1” attached hereto and forming part of this By-Law.
3. Section 5.2 of By-law No. 2004-62, as amended, is further amended by the addition of a new subsection 5.2.8.9, immediately following subsection 5.2.8.8 ‘Commercial Exception Eight (C-8) Zone’, which shall read as follows:

“5.2.8.9 Commercial Exception Nine (C-9) Zone

All of the provision of Section 5.2 Commercial shall apply, except that in the Commercial Exception Nine (C-9) Zone, the following provisions shall also apply:

a) Regulations

- i. Notwithstanding Section 3.24 Setback Requirements from County Roads, for those lands zoned Commercial Exception Nine (C-9), in the case of non-residential development, no building or structure shall be erected on a lot within 10 metres of the property line abutting the County Road or within 15.5 metres of the centre line of the County Road whichever is the greater.”

4. All other relevant provisions of By-Law 2004-62, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective upon the approval of Official Plan Amendment No. 5 to the Township of Cavan Monaghan Official Plan.

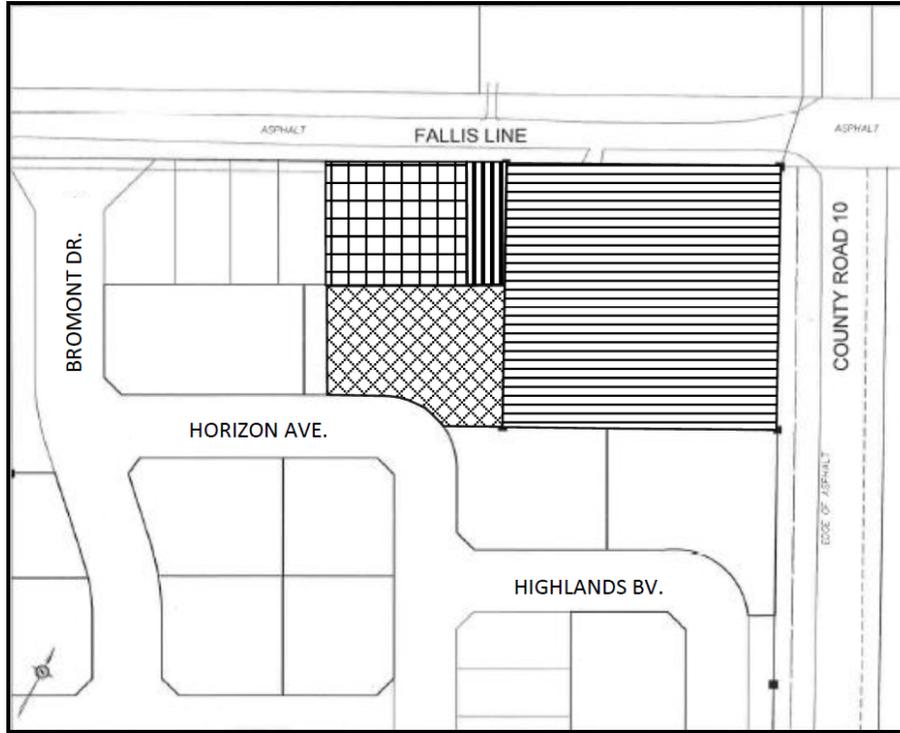
If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this day of,
2018.

Scott McFadden
Mayor

Elana Arthurs
Clerk

Schedule "1" to By-Law No. 2018-XX



Area Affected By This By-Law
 919 Fallis Line and a portion of Block
 302 on Subdivision Plan 15T-14001,
 Part Lot 12, Concession 5
 Cavan Ward,
 Township of Cavan Monaghan

Certificate of Authentication
 This is Schedule "1" to By-Law
 No. 2018-XX passed this
 ___ day of ____, 2018.

-  Rezone from 'Residential Type One Exception Fifteen (R1-15) Zone' to 'Commercial Exception Nine (C-9) Zone'
-  Rezone from 'Residential Type One Exception Fourteen Holding (R1-14-h) Zone' to 'Commercial Exception Nine (C-9) Zone'
-  Rezone from 'Residential Type Three Exception Five Holding (R3-5-h) Zone' to 'Commercial Exception Nine (C-9) Zone'
-  Rezone from 'Rural (RU) Zone' to 'Commercial Exception Nine (C-9) Zone'

_____ Mayor

_____ Clerk