



PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/ PROPERTY STANDARDS COMMITTEE AGENDA

On November 26, 2019 @ 6:00 PM

At Council Chambers – Second Floor, 30 King Street East, Gananoque

Item	Title/Description	Recommended Action/ Attachment	Draft Motion
1	CALL TO ORDER		
2	ADOPTION OF THE AGENDA		Motion
3	DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF		
4	MINUTES OF COMMITTEE (ADOPTION) Minutes of October 22, 2019		Motion
5	DEPUTATIONS None		
6	REPORTS/NEW BUSINESS Development Permit Application: ✦ DP2019-06 Pavarani Holdings Inc. – 575 King Street East		Motion
7	CORRESPONDENCE/OTHER Updates: ✦ Short Term Accommodations (Verbal Update) ✦ LPAT Decision – 175 St. Lawrence Street		
8	MEMBERS OF THE PRESS QUESTIONS OR COMMENTS		
9	ADJOURNMENT		Motion



**PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/
PROPERTY STANDARDS COMMITTEE
MINUTES**

Tuesday, October 22, 2019 @ 6:00 PM
At Council Chambers – Second Floor, 30 King Street East, Gananoque

Item	Title/Description	
1	<p>CALL TO ORDER Vice Chair Chris McDonald called the meeting to order at 6:00 pm.</p> <p>Chair: Chris McDonald (Vice Chair)</p> <p>Members: John S. Beddows Lynda Garrah Emery Groen Bernie Latremouille Jana Miller</p> <p>Regrets: Councillor Dave Anderson Mayor Ted Lojko Angie Tingren-Watkins</p> <p>Staff: Brenda Guy, Manager of Planning and Development Chanti Birdi, Assistant Planner</p>	
2	<p>ADOPTION OF THE AGENDA</p> <p>MOTION No. 2019-29 Moved by: Emery Groen Seconded by: Bernie Latremouille</p> <p>BE IT RESOLVED THAT PAC/COA adopt the agenda dated October 22, as posted.</p>	Carried.
3	DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF	None.
4	<p>MINUTES OF COMMITTEE (ADOPTION)</p> <p>MOTION No. 2019-30 Moved by: Emery Groen Seconded by: Bernie Latremouille</p> <p>BE IT RESOLVED THAT PAC/COA/PSC hereby adopt the minutes dated August 27, 2019, as posted.</p> <p>MOTION No. 2019-31 Moved by: Emery Groen Seconded by: Bernie Latremouille</p> <p>BE IT RESOLVED THAT PAC/COA/PSC hereby adopt the minutes dated September 24, 2019, as posted.</p>	Carried. Carried.

5	REPORTS/NEW BUSINESS	
	<p>Consent Application: B05/2019 1873279 Ontario Inc. c/o Dillon Consulting Limited</p> <p>Gareth Mogg of Dillon Consulting Limited was present on behalf of the applicant.</p> <p>Staff provided a summary of Consent Application #B05-19, being an application for consent to register a lease over part of the subject lands for a period of 21 years or more, including renewal options. The application pertains to the existing restaurant and surrounding drive-through facility located at 709-713 King Street East, Gananoque (Tim Horton's).</p> <p>The Committee noted that the area proposed under the agreement included the restaurant building and surrounding drive-through but not a driveway or connection to King Street East. Mr. Mogg confirmed that while the agreement would be registered over the restaurant and drive-through, access to the public road would be secured within the lease agreement between the land owner and lessee.</p> <p>Committee Member noted that, while the overall site plan could not be addressed under the consent application, the congestion created by the drive-through facility poses safety and traffic concerns on King Street being a highly travelled roadway. It was requested that Mr. Mogg convey this information with the property owner.</p> <p>Motion No. 2019-32 Moved by: John S. Beddows Seconded by: Lynda Garrah</p> <p>THAT COMMITTEE OF ADJUSTMENT grants consent to register a lease over part of the subject lands for a period of more than 21 years, provided the following conditions are met:</p> <ul style="list-style-type: none"> • The balance of any outstanding taxes, including penalties and interest shall be paid to the Town, if required, • Deposited Registered Plan, and • That all conditions of this decision be fulfilled and the documents presented to the Town for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision. 	<p>Carried.</p>

7	CORRESPONDENCE/OTHER	
	<p>Staff Report:</p> <ul style="list-style-type: none"> ✦ Short Term Accommodation – Discussion Paper <p>The Committee received the above-noted report for consideration and discussion. Council is implementing a MAT Tax and consideration is required to the Development Permit Bylaw definitions and terms for the regulation and licensing of Short Term Accommodations (STA's).</p> <p>The Development Permit Bylaw currently provides for Bed and Breakfast and Heritage Tourist Inn accommodation in all residential designations.</p> <p>The Discussion included amendments to the definitions, provisions and the permitting of STA's in upper storeys of the commercial designations and in lowertown designations. Citing that Development Permit Approvals would be required for all STA's.</p> <p>The Committee noted:</p> <ul style="list-style-type: none"> • A Licensing or a Development Permit Bylaw amendment may require the inclusion of multiple classes of STA's in order to address a range of types. • Differences in nature of use and level of potential nuisance/concern between the various types. • Potential concerns include parking, guest knowledge regarding local bylaws and regulations, and neighbourhood nuisance i.e: noise/traffic. • The use of residential lands for purposes similar to commercial uses by way of STA rentals. • Impact on the long-term rental market • Potential to provide economic opportunity to local residents. <p>Licensing was considered favourable in addition to Development Permit approvals.</p> <p>Member of the public, Don Matthews, spoke in support of a licensing system. Mr. Matthews additionally provided recommendation that the proposed change of the Bed and Breakfast Establishments remain at 28 consecutive days in keeping with Fire Code regulations and consideration be given to type-of-use, minimum and maximum sizes.</p> <p>The Committee recommended that all STA's be permitted in the Lowertown, Lowertown Residential, Traditional Residential, Residential, Estate Residential designations provided all planning approvals are obtained. Additionally that all STA's be owner-occupied single family dwellings.</p>	

PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE

FROM: CHANTI BIRDI
ASSISTANT PLANNER

MEETING
DATE: NOVEMBER 26, 2019

SUBJECT: DP2019-06 – 575 KING STREET EAST
CLASS III DEVELOPMENT PERMIT

BACKGROUND:

Property: 575 KING STREET EAST

Legal Description: PLAN 225 PT LOT 1104 LOT 1105 LOT 1106

Acreage: 0.72 ACRES

Lot Coverage: 60% MAXIMUM

Official Plan: HIGHWAY COMMERCIAL

Development Permit: PROGRESSIVE COMMERCIAL DISTRICT

PURPOSE AND EFFECT:

The subject property, currently vacant, is proposed to be developed for the purposes of a automobile service station, convenience store and take out restaurant with a second storey residential unit.

SUMMARY:

The proposed use of an automobile service station (gas station), convenience store, take-out restaurant and dwelling unit located on the second storey are permitted uses within the Development Permit By-law, provided these uses meet the criteria and provisions outlined within.

The application as proposed requires relief from Development Permit Bylaw provisions related to driveway widths and distance between the western interior lot line and driveway. Additionally, design and site plan criteria apply for consideration under the Development Permit Bylaw. Details regarding these aspects are discussed below.

PROVINCIAL POLICY STATEMENT:

The proposed development is generally consistent with the policies of Provincial Policy Statement including:

1. Section 1.1.1 which addresses “Healthy, liveable and safe communities” and states that they are sustained by:
 - a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Additionally, policies under Section 1.6.6.7 of the PPS related to stormwater management practices are consistent with the proposed stormwater plans.

OFFICIAL PLAN:

Commercial Lands- Highway Commercial Policy Area

The subject property is designated Highway Commercial within the Official Plan.

The goal of Commercial Lands is to provide supportive land use policy framework which reduces constraints for commercial development while ensuring the existing and future commercial uses will contribute to Gananoque’s small town character.

The objectives of Commercial Lands are to:

1. Support a diverse range of commercial uses that meet the existing and future needs of the community and reduces the need for residents to shop elsewhere;
2. Accommodate a range of commercial formats from smaller pedestrian-oriented stores in the central King Street area to highway commercial type uses near Highway 401;
3. Enhance the form and character of each commercial area in the Town and work to create a distinct community identity for each;
4. To encourage the maintenance and improvement of existing commercial buildings.

The Highway Commercial Policy Area is intended for large format retail and service commercial development aimed to serve the Town, the region and the traveling public. It serves as an important commercial gateway to the Town and as such, Council may undertake the preparation of design guidelines to address the potential for entry features, streetscape designs, signage, lighting, landscaping, and architecture. The Highway Commercial development shall occur in manner, which minimizes potential off-site impacts on adjacent residential neighbourhoods or other sensitive land uses through buffering and screening.

Development Criteria

As per Section 5.4.4 of the Official Plan, the following criteria shall be considered when reviewing compatibility and appropriateness of any new development and/or site plan control:

1. The provision of safe access onto or from a local or Town road or provincial highway.
 - o **The proposed development has direct access to King Street East. A Traffic Study has been provided.**
2. Adequate access to, and provision of, off-street parking.
 - o **Off-street parking is proposed in conformity with the requirements of the Development Permit Bylaw.**

3. Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
 - **AODA has been considered in design including ramp and walkway detail.**
4. Access and maneuvering of emergency vehicles in providing protection to public and private properties.
 - **No comment or objection received from emergency services.**
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.
 - **Municipal services are available.**
6. Adequate grade drainage or storm water management and erosion control.
 - **Drainage and Stormwater Management Plans have been peer-reviewed and are subject to final approval by the Department of Public Works.**
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.
 - **Rear and side yards to be fenced. Garbage enclosure is additionally fenced.**
8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.
 - **Existing (where possible) and new natural plantings are proposed along required setbacks, as per the Landscape Plan.**
9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
 - **Under-canopy and post lighting proposed, as per Site Plan.**
10. The control of signs and advertising such that they are in sscape with the intended use and with surrounding uses.
 - **Sign Permit required separately under the Sign and Merchandise Bylaw, No. 2005-41.**
11. Protection of the environment by avoiding air, soil or water pollution.
 - **The Cataraqui Region Conservation Authority has noted no concerns/objections.**
12. The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest.
 - **Trees are proposed in the front yard setback, shown on Landscape Plan.**
13. The adequacy of school board facilities to accommodate new development or redevelopment and the provision of school bussing.
 - **Not Applicable.**
14. Protection or enhancement of natural resource values.
 - **The Tree Inventory Report indicates that there are no tree specimens that require preservation.**
15. Conserving cultural heritage resources.
 - **Not applicable.**
16. The physical suitability of the land for the proposed use.
 - **The subject property is not subject to known constraints such as watercourses, slopes or contamination.**

17. Safety and Security Criteria.

- **Safety and security measures include parking lot lighting, clear building entrance, and identified pedestrian routes.**

COMMENT: The proposed development is consistent with the intended uses of the Highway Commercial Policy Area and the Development Criteria as outlined above.

DEVELOPMENT PERMIT BYLAW:

The subject property is designated Progressive Commercial and permits all of the proposed uses - automobile service station, convenience store, take out restaurant, and dwelling unit located on the second storey or above.

Site Provisions

Please see Attachment #1 - Development Permit Bylaw Criteria Checklist for specifications.

Parking & Queuing

As per the checklist, 17 parking spaces, including 1 accessible space, are required for the proposed uses. A total of 19 parking spaces, including 2 accessible spaces, are proposed.

COMMENT: Parking space #13 on provides for an electric charging station.

It is noted that a surplus of 2 parking spaces exists. The relocation of the accessible spaces (#4 & 5) to the south side of the building (#1-3), would be a good opportunity to provide additional soft landscaping. It is recommended that Parking Space #4 and #5 be replaced with additional soft landscaping and outdoor patio area given there is a proposed use for a take-out restaurant.

Loading

As per Section 3.26 of the Bylaw, no loading space is required where the floor area of the building is less than 250 m². The floor area of the convenience store and restaurant is 204m². The applicant has provided for one loading space in the rear yard which meets the criteria for loading spaces.

Landscaping

The Tree Inventory Report submitted by BT Engineering concluded that *“Based on the size and health of the tree species found within the proposed development lot, it does not appear that any specimen trees exist that require preservation. However, BTE recommends that any healthy trees along the perimeter of the property be preserved to maintain privacy with respect to the adjacent commercial and residential dwellings.”*

COMMENT: Existing trees intending to be preserved and new trees proposed are noted on the Landscape Plan.

Section 7.5 states that a 3m wide landscape buffer strip shall be required adjacent existing residential use which has been provided on the east side of the property. “Where landscaping is required as a buffer, such landscaping shall be continuous except for lanes, driveways, aisles or walkways which provide access to the lot” (Section 3.24). The buffer is interrupted by the proposed exterior stairs, eliminating the buffer to the adjacent residential

COMMENT: It is recommended that the stairs be relocated to the south side of the building not within the buffer area.

The east landscape buffer is primarily grass with trees and shrubs, with the exception of granular landscaping proposed adjacent to the building. The Bylaw requires that 50% of landscaping be soft landscape materials (such as grass).

COMMENT: It is recommended that the granular landscaping within the east buffer be replaced with grass and the proposed trees be maintained.

7.5 *Design Criteria*

Design Criteria	Proposed Design	Recommend
Siting, massing, scale, proportion, composition, building orientation, directional emphasis.	<ul style="list-style-type: none"> • Size of windows on residential unit unproportionate • Height and building size considered appropriate. • Irregular lot shape noted in diagonal building orientation. • Building material on north elevation 	<ul style="list-style-type: none"> • Equal size windows on residential unit to improve visual scale and appeal. • North elevation (being the wall adjacent the accessible parking spaces) be of brick or brick veneer material, matching or accenting brick used on other parts of the building • Parapet accents be added to the residential unit to match commercial detail
Material choice, finish, fit with existing character, design.	<ul style="list-style-type: none"> • Variety in character of existing buildings for surrounding property images. 	<ul style="list-style-type: none"> • Corner brick accent to be added to the residential unit, to match corner brick on the rest of building • Additional brick accents or other material choice or colour to avoid large, uniform design on stucco walls.
Screening of garbage receptacles by wood or planted hedge.	Wood enclosure proposed.	
Parking in the rear or side of building.	Parking located in rear yard, barrier free parking located to side of building	<ul style="list-style-type: none"> • Accessible parking be relocated to south side of building as previously discussed to create additional landscaping
Staggered or undulating natural landscape materials, street trees.	Lot configuration does not lend to staggering of plantings, however, variety of trees and shrubs provide visual interest throughout the site. Street trees are proposed along the frontage of King Street East	

The Committee and Council may also consider the provision of street furniture such as benches or picnic tables should an appropriate area on the site be established.

Auto Service Station – Specific Provisions

The proposed plans meet the requirement for separation between gasoline pumps and lot lines as illustrated in Attachment #1 - Checklist.

Relief is required for the combined width of entrances and the distance of the west driveway to the nearest interior lot line. The Bylaw states that “the combined width of any entrance or exit measured at the front lot line or exterior side lot line shall not be greater than 9 m”. Two 9 meter entrances are proposed for a total combined width of 18 meters.

The Bylaw further states that “the minimum distance between an interior side lot line and any driveway shall be 3 m”. The 1 meter landscape buffer along the western lot line narrows to approx. 0.9 meters at the entrance.

COMMENT: The distance between the two entrances and the location of the west entrance to the west property line are due to the irregular lot and the requirement for proper manoeuvring of fuel tank trucks as illustrated on SP-01.

CIRCULATION AND COMMENTS:

Circulated to agencies, residents within 120m of property and notice posted on-site:

Canada Post	No Comment.	
CRCA	No Concerns/Object	
CBO	No Objections.	
Community Services Dept		
Eastern Ontario Power		
Leeds Grenville EMS		
Fire Department		
LG Health Unit		No objection in principle. Health Unit advises that Food Premises Regulations will apply to convenience store and take out restaurant.
Police Department		
Public Works		Peer review undertaken by JL Richards dated November 8, 2019
Union Gas		
Water/Sewer		
School Board (UCDSB/CDSBEO)		
Ministry of Transportation	No concerns.	Outside permit control area.
Adjacent Property Owners		

Public Works Department and Peer Review by JL Richards outlines the following to be incorporated in the plans and/or reports:

- Downstream analysis, to confirm flow from site into municipal system would have marginal impact, be submitted to the satisfaction of the Manager of Public Works
- Plan MS-1 be updated to reflect correct barrier free parking buffers, consistent with SP-01, and to include tactile walking surface indicators (TWSI) instead of the grooved concrete ramp
- Sanitary Manhole (SAN/MH #1) to be relocated to property line

- Owner to incur all costs if any damages to the fire hydrant adjacent the subject property is caused by trucks entering or existing the premises. Clause to be included in the Development Permits Agreement,
- Fire Hydrant Test Results be submitted.
- Status of Fuel Station permitting/TSSA approvals be submitted.

Under the Development Permit Bylaw, Council may attach reasonable and quantifiable conditions to Development Permit approvals.

RECOMMENDATION:

Overall, staff have no objection to the proposed uses and site plans provided, provided that the following conditions are met:

- The Owner enter into a Development Permit agreement with the Town for the layout as approved by the property Owner within 1 (one) year of approval
- Final Plans for Site plan, Drainage and Stormwater Management and applicable Reports for final approval by the Town.
- Final Plans for Elevation and Renderings pertaining to design criteria:
 - Equal size windows on residential unit to improve visual scale and appeal.
 - North elevation (being the wall adjacent the accessible parking spaces) be of brick or brick veneer material, matching or accenting brick used on other parts of the building
 - Parapet accents be added to the residential unit to match commercial detail
 - Corner brick accent to be added to the residential unit, to match corner brick on the rest of building
 - Additional brick accents or other material choice or colour to avoid large, uniform design on stucco walls.
 - Accessible parking be relocated to south side of building as previously discussed to create additional landscaping
- Landscape plan be amended to replace granular landscaping adjacent building, along east buffer and be replaced with grass. Proposed trees to remain.
- Clearance Letter from Eastern Ontario Power for relocation of lines be submitted
- Clearance Letter from all other utilities and agencies be submitted (i.e. TSSA)

ATTACHMENTS:

- #1. - Development Permit Bylaw – Provision Checklist
- #2. - J.L. Richards Peer Review Letter (November 8, 2019)

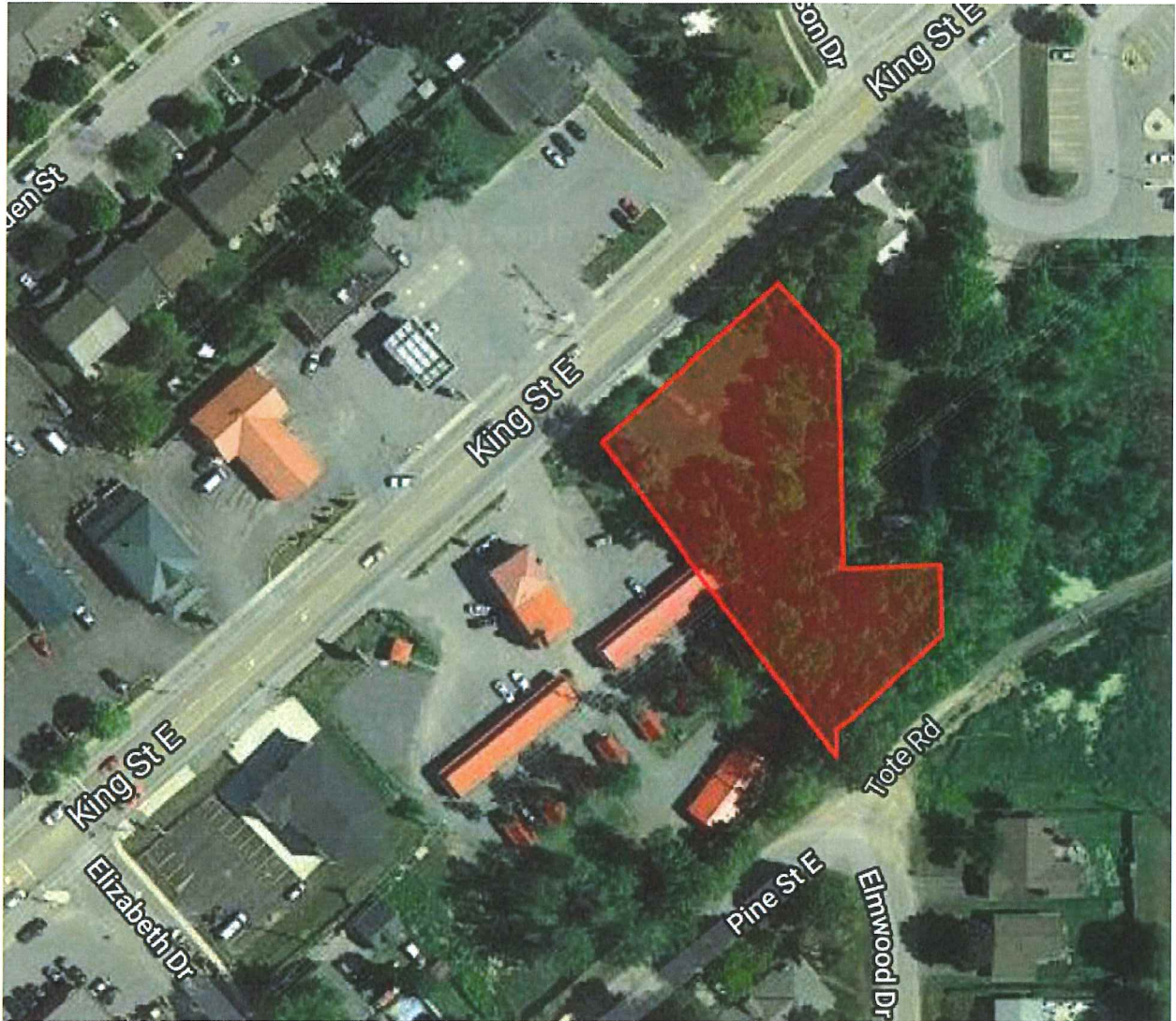
APPROVAL	<hr/> <p>Reviewed By: Brenda Guy, Manager of Planning and Development</p>
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ATTACHMENT #1 - Development Permit By-law Criteria Checklist

DEVELOPMENT PERMIT APPLICATION:		575 KING STREET EAST – Resubmission		
October 16, 2019 Submission		Min. Requirement (unless otherwise noted)	Proposed	Compliant = ✓
DP Requirement	DP Designation of Property	Progressive Commercial		
	Lot Area, As per DP	464 m ² (4995 ft ²).	2902 m ²	✓
	Lot Frontage, As per DP	15 metres (49.2 feet)	48 m ²	✓
	Front Yard Setback, As per DP	7.0 metres (23 feet)	18.64 m bldg. 9.50 m canopy	✓
	Rear Yard Setback, As per DP	6.0 metres (19.6 feet)	33.45 m bldg. 46.98 m canopy	✓
	Interior Side Yard, As per DP (East, Adj RESIDENTIAL)	1.2 metres (3.9 feet)	3.00 m bldg. 19.25 m canopy	✓
	Other Side Yard, As per DP (West, Adj COMMERCIAL)	1.2 metres (3.9 feet)	20.26 m bldg. 7.50 m canopy	✓
	Exterior Side Yard, As per DP	4.5 metres (14.8 feet)	N/A	N/A
	Lot Coverage, As per DP (maximum)	60%	7.04% building only 13.18% building and canopy	✓
	Building Height	12m/39.4' (max)	12.00 m bldg. 5.30 m canopy	✓
	Building Size		204.37 m ² building 78.88 m ²	N/A
	Corner Lot	Min 3 m to sight triangle		N/A
Auto Service Station Section 3.2	Auto service Station, commercial garage, gasoline bar , car washing			✓ Permitted Use
	Distance between pump islands and lot line	6 meters	9.5 m to front line 7.5 m to west line (commercial) 23.43 m to east line (residential)	✓
Access and Egress	Combined width of any entrance or exit measured at the front lot line or exterior side lot line	Max 9 m (29.5 ft.)	18 m (9 m x 2)	Relief required
	Distance of any access from a street intersection	Min 12 m (39.4 ft.)	N/A	N/A
	Distance between accesses	Min 7.5 m (24.6 ft.)	Approx. 26.5 m	✓
	Distance between interior side lot line and driveway(s)	Min 3 m (9.8 ft.)	Approx. 0.9 m west line (commercial) Approx. 3 m east line (residential)	Relief Required to west line
Illumination Section 3.23	No direct or indirect glare on a street		Downward facing floodlight	
	Colour shall not be confused with traffic lights			
	No direct or indirect glare on adjacent properties		Downward/inward facing fixtures to reduce possibility	
Landscaped Open Space Section 3.24	Any portion of front yard not permitted for any other permitted use shall be landscaped open space			✓
	Buffer shall be continuous except for driveways, aisles, walkways			✓
Loading Area	Number of loading areas	Less than 250 sq. m. =	1 provided	✓

Section 3.26	required	none required 250 to 999 sq. m = 1 required		
	Size	14 m x 3.5 m	14 m x 3.5 m	✓
	Height clearance	4.25 m min	Uncovered	✓
	Located in side or rear yard		Rear Yard	✓
	Unobstructed access to public street	6 m min		✓
Outside Storage/ Sales and Display Section 3.31	No front yard storage		No outside storage proposed	N/A
Parking Section 3.32	Number of Parking Spaces required	Gas Bar – 1/employee = 1 Conv. Store – 1/20 m ² = 7 Take-out– 1/10 m ² = 8 Residential – 1/unit (per 7.3) = 1 TOTAL REQUIRED = 17	19 Provided	✓
	Size	2.7 m x 6 m min	2.7 m x 6 m	✓
	Number of Accessibility Spaces	1/20 standard spaces = 1 required	2 provided	✓
	Accessibility Size	2.7 m space x 6 m min 1.5 m buffer each side	2.7 m x 6 m SP-01 buffers correct	✓
	Parking Surface	Year round use	Asphalt paving	✓
	Aisles	6 m min. two-way traffic 3.5 m min.one-way traffic	6-7.5 m two-way aisles	✓
	Entrance	6 m min.two-way traffic 3.5 m min.one-way traffic	9 m x 2 Verify entrance width for entrance/exit only accesses on full-scale	✓
	Queuing Spaces	Gas Bar – 3/pump island = 3 x 4 islands = 12 required	12 provided	✓
PROGRESSIVE COMMERCIAL DISTRICT				
Landscape	Between non-residential and residential, landscaped buffer strip shall be:	3 m min.	North - n/a South - 3.1 m East - 3 m West - n/a	✓
		Trees min. 50mm caliper	Tree species 50 mm caliper, shrubs and perennials also included	✓
	Existing/additions – landscape to 5m to improve streetscape		No existing buildings	N/A
Building Orientation	Building and street assembly Building location along front yard, parking at side/rear	Siting, massing, proportion, material choice, finish	Angled building and pump station	Relief Required
	Where property fabric does not allow – parking to be buffered and screened by all-season landscape materials		Two accessible spaces in front yard, screened from residential use by landscape buffer.	✓
Garbage Storage	Wood screen or planted hedge	Wood, Metal, and/or Shrubbery	Wood	✓
	Rear yard only, soft landscape elements		Rear	✓
Buffers	Not less than 50% landscaped area – natural plantings	Grass, lawns, trees, shrubs and flowers Trees min. 50mm caliper		✓
	Street trees are to be provided. Planters and containers shall be considered as an alternative.		Tress/Grass provided	✓

Elements to Consider	Directional Emphasis to be maintained		Angled building and pump station	Relief Required
	Crosswalks will be defined with prefabricated concrete pavers or poured in place concrete	Consistent materials Regard to accessibility	Painted Markings	✓
	Alterations to barrier free – blend in with original building		N/A – No existing building	N/A
	Site furnishings such as light fixtures, park benches, waste receptacles and street signage shall be in accordance with municipal standards	No municipal standard		N/A
Residential Use Section 7.3	Located only in upper storeys		1 Unit – 68 m ²	✓ Permitted
	1.0 parking space/unit		2 provided	✓
OTHER	Designated Heritage Site:		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	-
	Entrance Overlay		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	-
	Waterfront Overlay		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	-



November 8, 2019
Our File No.: 27038-07

VIA: E-MAIL jrplanner@gananoque.ca

Ms. Chanti Birdi
Assistant Planner
Town of Gananoque
30 King Street East, PO Box 100
Gananoque, On
K7G 2T6

Dear Ms. Birdi,

Re: 575 King Street East – Peer Review – Submittal No. 3

As requested, we have completed our review of the revised submitted plans and reports for consideration of Site Plan Approval including:

- Peer Review Comments Response by Gama Engineering Inc dated October 10th, 2019;
- Peer Review Town Comments by Town of Gananoque dated October 17th, 2019
- GP-1 - Grading Plan by Gama Engineering Inc Revision 3 "Rev'd & Re-Issued for SPA Review & Approval" dated October 8th, 2019;
- GP-2 - Servicing Plan by Gama Engineering Inc Revision 3 "Rev'd & Re-Issued for SPA Review & Approval" dated October 8th, 2019;
- L-1 – Landscape Plan by Vorster Eliason Landscape Architects Revision 1 "Revision" dated August 9th, 2019;
- MS-1 – Site Equipment, Signs Details & Garbage Enclosure by Gama Engineering Inc Revision 2 "Rev'd & Re-Issued for SPA Approval" dated August 16th, 2019;
- SP-01 – Proposed Site Plan Revision 10 "Rev'd & Re-Issued for SPA Review & Approval" dated October 8th, 2019;
- Storm Water Management Study Report by Gama Engineering In. Revision 1 dated October 2019;
- Response to Peer Review Comments by BTE Engineering dated September 26th, 2019;
- Traffic Study Memorandum by BTE Engineering dated September 26th, 2019.

In response to GAMA and Towns Comments, JLR provides the following:

Please note that the Town has reviewed the responses and revisions noted above and has contributed to the comments below. In particular, it is noted that the Stormwater Management Study Report and plan has been updated to reflect the Town's interest in connecting to the storm sewer system on King Street East.

Ms. Chanti Birdi, Town of Gananoque

SP-01 Proposed Site Plan:

1. **JLRs Initial Comment:** There is no identified location for snow storage, however, Plan L-1 indicates 'Sod and Snow' at the rear of the site. Please clarify sufficient storage location on Site Plan.
GAMA: This note is removed from L-1 as there will be no snow storage on site, all snow will be removed off site.
Response: No further comments.

2. **JLRs Initial Comment:** Please relocate SAN/MH #1 to the property line to allow Town access.
GAMA: The Sanitary Manhole is placed in proximity of the property line at the edge of asphalt area to allow un-obstructed access by city crews and machinery. It can be relocated on top of the island, but we don't see any benefit from it.
Response: The sanitary manhole must be moved to the property line for MISA purposes. If not, the Town will require that an easement be granted in favour of the Town in order to inspect and monitor as necessary.

3. **JLRs Initial Comment:** It appears that truck access is limited to westbound King Street access. Please provide commentary on this aspect. In addition, we notice that an existing hydrant is located very close to the west entrance and the necessary truck turning radii. We suggest that the developer coordinate with Town of Gananoque Public Works regarding the need to potentially offset or relocate the hydrant.
GAMA: The truck access is limited to westbound King Street access as the off-loading of fuel is on the right hand side of the truck and the closest exit off the major highway (Hwy 401) is east of this location. In terms of the fire hydrant location, this has been noted being away a meter from the curb line. We suggest if further protection is required, a couple of bollards can be installed in front of the hydrant rather than relocating or offsetting this hydrant's location for concerns of the truck turning radii. Please see revised SP-01.
Response: The Town's position is that if any damage due to trucks entering and exiting the premise exists, that all costs associated of fixing and/or relocating the existing hydrant for extra space will be borne by the owner of the site.

4. **JLRs Initial Comment:** Planning staff should take note that stairs (unknown material type) are proposed within the east yard setback. East yard setback along rear of main building is also not noted. Proponent to provide additional information on stairs and clarify setback distance.
GAMA: The stairs will be constructed out of pressure treated wood and is allow for the access of the second floor unit. East yard setback along the rear of main building is noted as 3.0m and dimensioned on SP-01. Full details will be submitted during building permit application for further review and approval.
Response: Town Planning staff have no further comment.

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5. **JLRs Initial Comment:** Please clarify line painting around barrier free parking spaces, provide signage and note accessible construction requirements of ramps on walkways and entrances. (Drawing MS-1 was not included in the re-submission)
GAMA: Noted. Please see attached MS-1 for required information on ramps and parking spaces.
Response: The ramp details are noted. However, barrier free parking buffers on SP-01 do not match typical design as noted on MS-1L. SP-01 is considered acceptable please provide matching designs. Additionally, please use a tactile walking surface indicator (TWSI) instead of the grooved concrete ramp. TWSI are preferred design within AODA guidelines.

6. **JLRs Initial Comment:** Please clarify the length (extents) of the proposed 2m wood fence on the east property line and the proposed chain link fence on the west property line. It is difficult to determine on the drawing.
GAMA: Please note the new 2.0m high wood fence surrounds the property and ends at the North property line on the west side. The chain-link fence that you have noted is part of the neighbouring property. The start of the fence on the east property has been dimensioned on SP-1.
Response: Thank you for the clarification, no further comment.

7. **JLRs Initial Comment:** Text on building is illegible. Please revise.
GAMA: Noted and enlarged.
Response: Thank you for the clarification, no further comment.

GP-1 Grading Plan:

8. **JLRs Initial Comment:** Please indicate details on drawing for the concrete pad around the proposed canopy and apron above fuel tanks.
GAMA: Noted. Concrete pad Section Detail has been added.
Response: Thank you for the clarification, no further comment.

9. **JLRs Initial Comment:** Has a Geotechnical Report been completed for the proposed development? The granular thicknesses appear irregular. Please also provide comment on groundwater level and/or provision for buoyancy of buried tanks.
GAMA: The site will be cleared of non-suitable top soil and will be raised to subgrade with imported granular fill. Excavation and backfilling will be supervised and certified by the Geotech. Consultant.
Response: Depending on existing geotechnical conditions, the granular thickness (incl. subgrade) may increase or decrease and this is typically performed at the design stage by a geotechnical engineer. Additionally, groundwater conditions may dictate how other design features are dealt with (ie. buried site tankage). This is seen as particularly important for a higher traffic fuel station with buried fuel tanks. The Town will require a report and pavement design completed by a Geotechnical Engineer showing that the

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design will suffice based on the soil conditions on-site. Based on geotechnical investigation, please also provide information on the depth and amount of unsuitable fill that is planned on being removed and what specification of engineered fill will be used in its place.

10. **JLRs Initial Comment:** Drawing to indicate construction details for the "Truck Mountable Island".
GAMA: Noted. All curbs on the surround mountable island is as per OPSD Details shown on SP-01.
Response: Thank you for the clarification. We recommended that detail 2/SP-01 specifically make reference to OPSD 600.060 as barrier curb is located elsewhere. Please also note surface type of the island itself (asphalt, concrete)
11. **JLRs Initial Comment:** Drawing to indicate lengths of curb using standard and non-standard (deep) curbs.
GAMA: There are no deep curbs (detail removed). All curbs are 150mm height per OPSD 600.110.
Response: Thank you for the clarification, no further comment.
12. **JLRs Initial Comment:** Please review ponding elevations on drawing as inferred top of curb elevations are different at the south end of the site potentially changing the major flow path.
GAMA: Ponding limits revised. Major flow path revised for clarity.
Response: Thank you for the clarification, no further comment.

GP-2 Servicing Plan:

13. **JLRs Initial Comment:** The Water Service is labelled as 100 mm dia. at connection to watermain within ROW, however it is labelled as 50 mm dia. on the proposed development property. Please clarify which is required and confirm sizing of pipe material. (100mm PEX is not standard)
GAMA: Water Service size revised (50mm diameter PEX).
Response: Thank you for the clarification, no further comment.
14. **JLRs Initial Comment:** What is the gravel hatch seen at the west entrance? We suspect this is a mud-mat or existing gravel entrance. Please indicate on drawing.
GAMA: Mud-Mat labelled for clarity. Detail added on grading plan.
Response: Thank you for the clarification, no further comment.
15. **JLRs Initial Comment:** Existing overhead hydro lines are present on site. Please comment on clearance and any work required to raise or relocate.

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GAMA: Noted, the existing overhead hydro lines and connections will be re-routed around the site and incorporate new service for the building.

Response: We caution that these lines are main distribution lines for properties all along the south side of King Street East. They are not just service lines and appear to be subject to an existing Hydro easement. Relocation or re-routing of these lines will require coordination with Eastern Ontario Power and potential modifications to the existing easement. Please provide correspondence from Eastern Ontario Power acknowledging the request and plans to accommodate the development.

16. **JLRs Initial Comment:** Services Notes #4 insulation specification makes reference to "Chatham Kent" standard. Please review.

GAMA: Typo note has been revised.

Response: Thank you for the clarification, no further comment.

MS-1 Site Equipment, Signs Details & Garbage Enclosure:

17. **JLRs Initial Comment:** Please forward updated drawing based on revised design.

GAMA: Noted and attached.

Response: Thank you for the clarification, no further comment.

18. **JLRs Initial Comment:** Garbage truck access to enclosure requires truck to back up a fair distance in order to exit the site. Please confirm truck turning requirements on site for this vehicle.

GAMA: Please see revised drawing SP-1 to show Garbage Truck movement in this area.

Response: Thank you for the clarification, no further comment.

Memorandum: Site Development Report Recommendations (from 1st Submission):

19. **JLRs Initial Comment:** Memorandum indicates concurrence with hydrant test results for fire flow but none have been submitted. Developer to submit hydrant test results with commentary on fire flow amounts required on-site.

GAMA: Noted and attached.

Response: Test results and commentary have not been received. Please submit.

20. **JLRs Initial Comment:** JLR agrees with BTE assessment of stormwater arrangement and outlet. Pumped stormwater is generally not advisable as systems in place must be routinely tested and maintained. In addition, no information is provided about the downstream storm collection system and the ability to receive additional pumped water. Please review alternatives and arrange for discussion with Town Public Works Staff about a southern outlet.

GAMA: this has been discussed with town Public Works and they are advising to use the attached storm water plan due to discharge at rear is not favourable.

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Response: The Town is in general agreeance with the plan to convey stormwater drainage to King Street. However, the Town would like some assurances, based on a high level downstream analysis, which confirms that the downstream sewers have been reviewed and the additional contributing flows that are being adding to the system will have marginal impacts to the existing capacity of the sewer system. Plan and profile drawings of the downstream receiving sewers have been provided. Additional information can be received from the Town of Gananoque PW staff (please e-mail pwtech@gananoque.ca).

Stormwater Management Study Report:

21. **JLRs Initial Comment:** As noted above, please review report in light of BTE assessment
GAMA: The Town of Gananoque does not support the drainage option provided by BTE.
Response: Please refer to comments above.
22. **JLRs Initial Comment:** Indicate how offsite drainage from adjacent properties will be handled. Existing drainage from property to the west appears to flow towards the proposed development but will be impeded by curbing and fill placed on site. Stormwater management report must also consider off-site catchments.
GAMA: The property on the west will drain south along the shared property limit.
Response: Please provided statements in the Stormwater Management Study Report that upstream flows have been reviewed and modified flow paths of this flow have been reviewed and confirmed and that no adverse impacts to affected properties are expected.
23. **JLRs Initial Comment:** Weighted runoff coefficient takes into account a landscaped area which is largely graded away from the site. Please review catchment area pre- vs. post-.
GAMA: Catchment areas have been revised as required.
Response: Thank you for the clarification, no further comment.
24. **JLRs Initial Comment:** Ponding elevation indicated in the report does not match drawings.
GAMA: SWM Report revised to reflect the actual controlled area as required. Orifice plate opening reduced to 70mm diameter.
Response: Thank you for the clarification, no further comment.

Traffic Impact Study

25. **JLRs Initial Comment:** Section 2 - Existing Conditions: The report makes reference to traffic counts collected by BTE on April 17, 2019 and counts collected by the Town between August 7 - 14, 2015. Please include this count data as an Appendix.
GAMA: Reviewed and revised. See attached.

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Response: Thank you for the clarification, no further comment.

26. **JLRs Initial Comment:** Section 2 - Existing Conditions: The Town experiences a significant volume of weekend visitors during the summer months. The traffic analysis in the study was carried out for the weekday AM and PM peak hour. Please review the available weekend traffic data and provide discussion in the report whether weekday or weekend volumes should govern the analysis.

GAMA: Reviewed and revised. See attached.

Response: Thank you for the clarification, no further comment.

27. **JLRs Initial Comment:** Section 5 - 2024 Total Traffic: Please confirm the criteria used to determine the LOS for the driveway access (HCM 201 O or other?). A table with the LOS criteria for unsignalized intersections should be included as an Appendix.

GAMA: Noted.

Response: Thank you for the clarification, no further comment.

The following previously requested information remains outstanding:

- Digital copy of elevations (requested by Town on September 30, 2019);
- Status of Fuel Station permitting/TSSA approvals; and
- Hydrant test results and commentary.

- Note that the Town is satisfied with lighting details shown on MS-1 and spacing on SP-01

Please contact the undersigned if you have any questions.

Yours very truly,

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Steve Saxton, P.Eng
Senior Civil Engineer

SS/lm



CPPS 20 19 / 06

**APPLICATION FOR DEVELOPMENT PERMIT APPROVAL
Section 70.2 of the Planning Act, RSO 1990, as amended**

This application form **MUST** be accompanied with **all** the submission requirements in order to be considered a complete application. Incomplete applications will not be processed until all information is provided.

A meeting with Community Development staff is **REQUIRED PRIOR TO SUBMISSION** of this application. At that time, approval stream and submission requirements will be determined. **ALL** applications require the following:

- ✓ Complete application form signed including declaration of applicant.
- ✓ Copy of the deed of property or offer to purchase and sale
- ✓ Two (2) large scale copies of all plans being submitted, two reduced 8.5" x 11" of each plan and one electronic copy in pdf format. Plans are to be in a standard scale format (1:250 1:500)
- ✓ Application fee payable to the Town of Gananoque:
 - Class I \$500
 - Class II \$1,500
 - Class III \$1,700
 - Amendment to Class I, Class II or Class III \$700
- ✓ Deposit fee in the amount of \$2,000 payable to the Town of Gananoque for peer reviews of studies for a Class II/Class III
- ✓ Copy of the most recent survey of the subject property
- ✓ **Cataraqui Region Conservation Authority.** Subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority. See fee schedule. Clearance letter will be required by the Town.

CONTACT INFORMATION

Municipal Freedom of Information and Protection of Privacy Act – Personal Information on this form is collected under authority of The Planning Act and will be used to process this application.

Name of Applicant: WAJID MANSURI GAMA ENGINEERING INC.	Complete Address including Postal Code: 8611 WESTON ROAD, SUITE 35B VAUGHAN, ONTARIO L4L 9P1	Phone: <u>(905) 264-9295</u> Fax: _____ E-mail: <u>wmansuri@bellnet.ca</u>
Name of Property Owner (if different than applicant): PAVARANI HOLDINGS INC. 1096791-2	Complete Address including Postal Code: 138 EARLTON ROAD SCARBOROUGH, ONTARIO M1T 2R9	Phone: <u>(416) 616-3499</u> Fax: _____ E-mail: <u>kuganes4@gmail.com</u>
Architect/Designer/Planner: GAMA ENGINEERING INC.	Complete Address including Postal Code: GAMA ENGINEERING INC. 8611 WESTON ROAD, SUITE 35B VAUGHAN, ONTARIO L4L 9P1	Phone: <u>(905) 264-9295</u> Fax: _____ E-mail: _____
Engineer: GAMA ENGINEERING INC.	Complete Address including Postal Code: GAMA ENGINEERING INC. 8611 WESTON ROAD, SUITE 35B VAUGHAN, ONTARIO L4L 9P1	Phone: <u>(905) 264-9295</u> Fax: _____ E-mail: _____
Ontario Land Surveyor: J.D. Barnes Limited	Complete Address including Postal Code: 140 Renfrew Drive, Suite 100. Markham, ON L3R 6B3	Phone: <u>(416) 568-2647</u> Fax: _____ E-mail: _____

Street or Property Address (if applicable): **575 KING STREET EAST, GANANOQUE, ONTARIO**

LEGAL DESCRIPTION

Lot/Con/Plan: **LOTS 1104 & 1105 & PART OF LOT 1105 REGISTERED PLAN 86 (EAST) & PART OF LOT 1121 PLAN 223**

Frontage: 48.80 m	Depth: 77.11 m	Area (sq.m): 2902.64 sq. m.	Area (acres): 0.72 ac
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SUBMISSION REQUIREMENTS

The applicant/agent is responsible for ensuring that the submission requirements are met, including confirming that all the information listed below is shown on the required plans by checking off each box.

- Site Plan(s)** including scaled accurate measurements of:
 - o Title, location and date of project including legend and scale (graphic bar scale as well as written ratio scale);
 - o Dimensions and areas of the site including existing natural and artificial features i.e: buildings, watercourses, wetlands, woodlands.
 - o Dimensions and gross floor area of all building and structures to be erected;
 - o Existing structures to be retained, removed or relocated;
 - o Distances between lot lines and the various buildings, structures, parking areas, driveways and other features;
 - o Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches;
 - o Parking areas including number, size of spaces and dimensions. The plans shall have regard for **Ontario Regulation 413/12 made under Accessibility for Ontarians with Disabilities Act, 2005**. This shall include, but not be limited to, providing appropriate designated parking spaces and unobstructed building access features.
 - o Access driveways including curbing and sidewalks
 - o Proposed fire routes and fire route sign locations
 - o Dimensions and locations of loading zones, waste receptacles and other storage spaces;
 - o Location, height and type of lighting fixtures including information on intensity and the direction in which they will shine relative to neighbouring streets and properties;
 - o Location of sign (sign permit to be applied for through the Building Permit process) as per By-law 2005-41;
 - o Location, type and size of any other significant features such as fencing, gates and walkways.
- Drainage Plan(s)** including scaled accurate measurements of:
 - o Drainage Plan must demonstrate proposed development is handled on-site and does not infringe on neighbouring properties;
- Landscape Plan(s)** including scaled accurate measurements of:
 - o Landscape Plan showing size, type and location of vegetation, areas to be seeded or sod. Plan to show existing landscape features to be retained, removed or relocated;
- Site Servicing Plan(s)** including scaled accurate measurements of:
 - o Site Servicing Plan (plan/profile) including layout of existing water, sewer, gas lines, proposed connections, utility easements, fire hydrants, hydro poles, lighting, trees, transformers and pedestals.
- Grade Control and Drainage Plan(s)** including scale accurate measurements of:
 - o Existing elevations on subject and adjacent lands and long centerline or adjacent street lines, which are to be geodetic;
 - o Location of any creeks, ravines or watercourses with elevations and contours;
 - o Arrows indicating the proposed direction of flow of all surface water;
 - o Location and direction of swales, surface water outlets, rip-rap, catch basins, rock, retaining walls, culverts
 - o Existing and/or proposed right-of-ways or easements
- Elevation and Cross-Section Plan(s)** including scale accurate measurements of:
 - o Drawings that show plan, elevations and cross section views for each building or structure to be erected;
 - o Conceptual design of building;
 - o Relationship to existing buildings, streets and exterior areas to which members of the public have access to;
 - o Exterior design including character, scale, appearance and design features of the proposed building;
 - o Design elements of adjacent Town road including trees, shrubs, plantings, street furniture, curbing and facilities designed to have regard for accessibility
 - o Photographs of the subject land and abutting streetscape on both side of the street
- Supporting Studies and Reports.** Technical reports/plans or studies may be required to assist in the review process of a Development Permit Application. Applications for Development Permit may be required to submit the following studies or reports. Applicants should consult with Municipal staff to determine site specific requirements:

<input checked="" type="checkbox"/> Servicing options report	<input type="checkbox"/> Phase I Environmental Study and if investigation as required
<input type="checkbox"/> Hydrogeological Study	<input checked="" type="checkbox"/> Noise and/or vibration study
<input checked="" type="checkbox"/> Drainage and/or stormwater management report	<input type="checkbox"/> Source Water protection study
<input type="checkbox"/> Environmental Impact Assessment for a natural heritage feature or area	<input type="checkbox"/> MDS I or II calculation
<input type="checkbox"/> Archaeological Assessment	<input type="checkbox"/> Minimum Separation distance calculation for an industrial use or a waste management facility
<input type="checkbox"/> Influence area study for development in proximity to a waste management facility or industrial use	<input checked="" type="checkbox"/> Confirmation of sufficient reserve sewage system capacity and reserve water system capacity
<input checked="" type="checkbox"/> Traffic Study	<input type="checkbox"/> Vegetation Inventory and/or Tree Preservation Plan
<input type="checkbox"/> Heritage Resource Assessment	<input type="checkbox"/> Supporting Land Use Planning Report
<input type="checkbox"/> Mine hazard rehabilitation assessment	

Existing Use(s):	
Length of time the existing use of the subject lands have continued:	
Has the property been designated as a Heritage Site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property presently under a Site Plan Agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the property ever been subject of an application under Section 34 (Zoning), 41 (Site plan) or 45 (Minor Variance) of the Planning Act?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the file number and the status of the application?	
Proposed Use(s): PROPOSED GAS BAR, CONVENIENCE STORE & RESTAURANT	
Is the Use permitted or permitted subject to criteria as set out in the development permit by-law and how have the applicable criteria have been addressed? PERMITTED USE; ZONING: PROGRESSIVE COMMERCIAL DISTRICT	
Is a variation requested? Demonstrate how the proposed variation meets the criteria as set out in the development permit by-law. PARKING REQUIREMENTS ARE NOT MET AS SET OUT BY BY-LAW. VARIANCE REQUIRED FOR NUMBER OF PARKING SPACES REQUIRED.	
Abutting Land Use(s): EXISTING MOTEL (WEST ABUTTING LOT) RESIDENTIAL 1 STOREY (EAST ABUTTING LOT)	
Is the Development to be phase?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the anticipated date of construction?	
Is the land to be divided in the future?	
Are there any easements, right-of-ways or restrictive covenants affecting the subject land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Plan Details:			
<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
	Lot Area: 2902.64 (sq.m)	Building Coverage: _____(%) _____(sq.m)	Landscape Coverage: _____(%) _____(sq.m)
Building Height: _____	No. of Storeys: 1	No. of Units: _____	Method of Garbage Storage: _____
Parking Surface: Existing: _____ Proposed: _____	Number of Parking Spaces: Existing: _____ Proposed: 9 Total: _____	Dimensions of Parking Spaces: _____	Number of Accessible Spaces: _____
Loading Spaces:	Number of Loading Spaces: 1	Dimensions of Loading Spaces: _____	Other: _____

Heritage Tourist Inn/Bed and Breakfast:			
Is this an application for a Heritage Tourist Inn? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Other _____	Is this an application for a Bed and Breakfast? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> Other _____
A Heritage Tourist Inn will require a Heritage Resource Assessment evaluating the heritage significance of the property including a description of historic features is required with the submission of this application.			

EXISTING BUILDINGS:		Building 1	Building 2
	Type of Structure	N/A	N/A
	Date Constructed:		
	Front Line Setback:		
	Rear Lot Line Setback:		
	Side Lot Line Setback:		
	Side Lot Line Setback:		
	Height:		
	Dimensions:		
	Floor Area:		
PROPOSED BUILDINGS:		Building 1	Building 2
	Type of Structure:	WOOD FRAME CONSTRUCTION	CANOPY STEEL FRAMING
	Proposed Date of Construction:		
	Front Line Setback:	12.17 m	7.00 m
	Rear Lot Line Setback:	7.10 m	22.96 m
	Side Lot Line Setback:	7.27 m	6.40 m
	Side Lot Line Setback:	14.26 m	8.06 m
	Height:	6.00 m	5.30 m
	Dimensions:		
	Floor Area:	240.50 sq. m.	146.42 sq. m.
Attached Additional Page, if necessary			

Access:			
<input checked="" type="checkbox"/> Municipal Street	<input type="checkbox"/> Unopen Road Allowance	<input type="checkbox"/> Existing Right-of-way	<input type="checkbox"/> Other _____
Name of Street/Road: KING STREET			
Entrance Approvals and Permit Number(s): 2			
If the application will result in the creation of a new private road, a request for street naming will have to be submitted in conjunction with this application, to be approved by Council.			

Water Access (where access to the subject land is by water only)			
Docking Facilities (specify)		Parking Facilities (specify)	
distance from subject land _____	distance from nearest public road _____	distance from subject land _____	distance from nearest public road _____

Services:			
<input checked="" type="checkbox"/> Municipal Water and Sewer	<input type="checkbox"/> Municipal Water & Private Sewage	<input type="checkbox"/> Private Well and Municipal Sewage	<input type="checkbox"/> Private Well and Private Sewage
Water and Sewer Hook-up Approvals and Permit Number(s):			

AUTHORIZATION BY OWNER

I/We, the undersigned being the owner(s) of the subject land of this application for a consent, hereby authorize WAJID MANSURI (print name) to be the applicant in the submission of this application. Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purposes of conducting a site inspection with respect to the attached application.

[Signature] _____ Signature of Owner
 _____ Signature of Owner
Chante Budi _____ Signature of Witness (not applicant)
 _____ Date May 6/19

CONSENT BY OWNER

Complete the consent of the owner concerning personal information set out below.

I/We [Signature] am/are the registered owner(s) of the land that is the subject of this application for Development Purposes and for purposes of the Municipal Freedom of Information and Protection of Privacy Act. I/We hereby authorize the use, or disclosure, to any person or public body, of any personal information collected under the authority of the Planning Act of the purpose of processing this application.

_____ Signature of Owner
 _____ Signature of Owner
Chante Budi _____ Signature of Witness (not applicant)
 _____ Date May 6/19

DECLARATION OF APPLICANT

I, WAJID MANSURI of the PRINCIPAL of GAMA ENGINEERING INC. in the VAUGHAN of ONTARIO solemnly declare that:

I understand that the applicant/owner will be required to provide 100% security of the outside works in the form of a Letter of Credit or Certified Cheque until such time as the works are completed. A 15% holdback will be maintained for a period of one year after the works are completed. This will be applicable at the time of agreement.

Furthermore, I, being the applicant of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

All of the above statements contained in the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of *The Canada Evidence Act*.

Declared/Sworn before me at Town of Gananoque this 6 day of May, 2019.

[Signature] _____ Signature of a Commissioner, etc
[Signature] _____ Signature of Applicant

Office Use Only:		Roll No: <u>08 14 000 020 2 90 00</u>
Official Plan Designation: <u>Highway Commercial</u>	Development Permit Designation: <u>Progressive Commercial</u>	Other:
Access (Entrance Permits etc): <u>Required</u>	Water and Sewer Hookup (Permits etc): <u>Required</u>	Other:
Other Concurrent Applications: <input checked="" type="checkbox"/> Cash-in-Lieu of Parking <input type="checkbox"/> Condominium Approval <input type="checkbox"/> Consent/Severance	<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Subdivision Approval	
Date Application Received: <u>May 6/2019</u>	Date Application Deemed Complete: <u>Oct 30/19</u>	Fees Received: <u>\$1700 + \$2000 (deposit)</u>

Peer Review/Consultant Services

In order to streamline the Town of Gananoque's planning process, peer review services may be contracted out by the Town under the current General Fees and Rates Bylaw. These may include but are not limited to the following:

- | | |
|--|---------------------------|
| Official Plan Amendment | Sanitary System Design |
| Condominium Applications | Site Plan Applications |
| Consent Applications | Subdivision Applications |
| Environmental Assessment | Storm Water Management |
| Minor Variance Applications | Traffic Studies |
| Noise Studies | Water Distribution System |
| Ontario Municipal Board Representation | Zoning By-law Amendment |
| Part Lot Control | Other Miscellaneous |

The use of and choice of peer review contract consultants for either planning or engineering on any specific project are subject to the approval of either the Clerk/Manager of Community Development or the Director of Public Works, Culture and Recreation within their respective areas of jurisdiction.

All costs for the peer review consultants shall be fully paid by the applicant/developer.

Upon approval of the use of a peer review consultant, the applicant/developer shall execute the agreement below with the Town and post a security deposit of \$2,000 (two thousand dollars).

All submissions, correspondence etc. shall be directed to the Manager of Community Development, who shall be responsible for distribution.

All invoices from the peer review consultant shall be paid by the Town and subsequently invoiced to the applicant/developer. If payment is not received by the Town within 30 (thirty) days of receipt, then the Town will recover its costs for the security deposit or any other securities which have been posted for the project by the applicant/developer. In that event, the work shall cease on the project and will not commence again until the outstanding invoice has been paid in full, and the securities topped up to their original balance.

The securities will be held by the Town until the component of the project for which they were posted is complete. Authorization for the release of the securities shall be provided to the Treasury Department by either the Clerk or the Manager of Community Development, within their respective areas of jurisdiction.

I, _____ of the _____ of _____ in the _____ of _____ solemnly declare that:

I am aware of the current Town of Gananoque General Fees and Rates for various services provided by the Town.

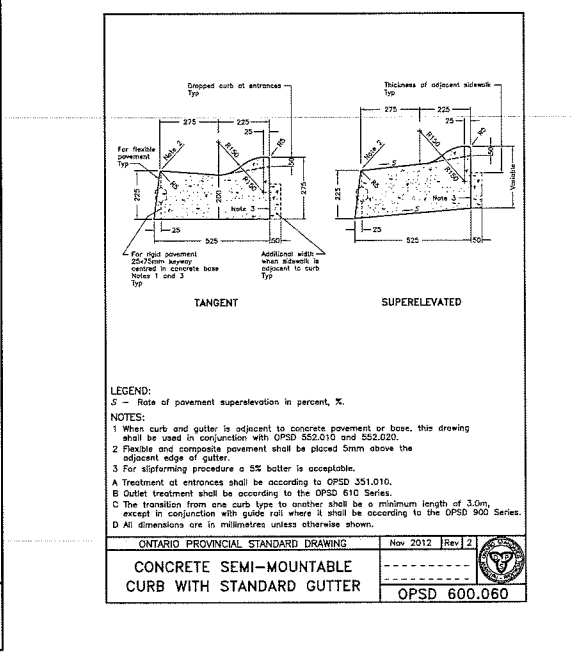
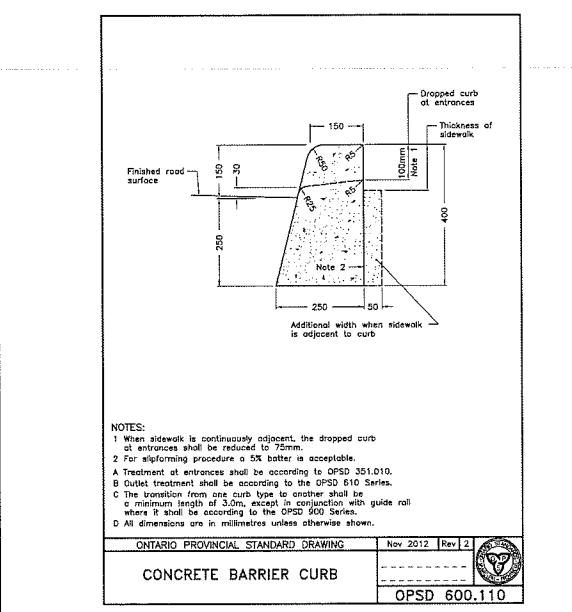
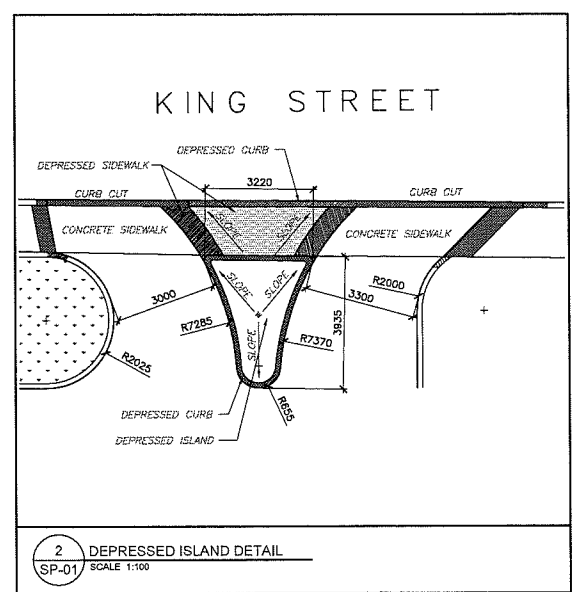
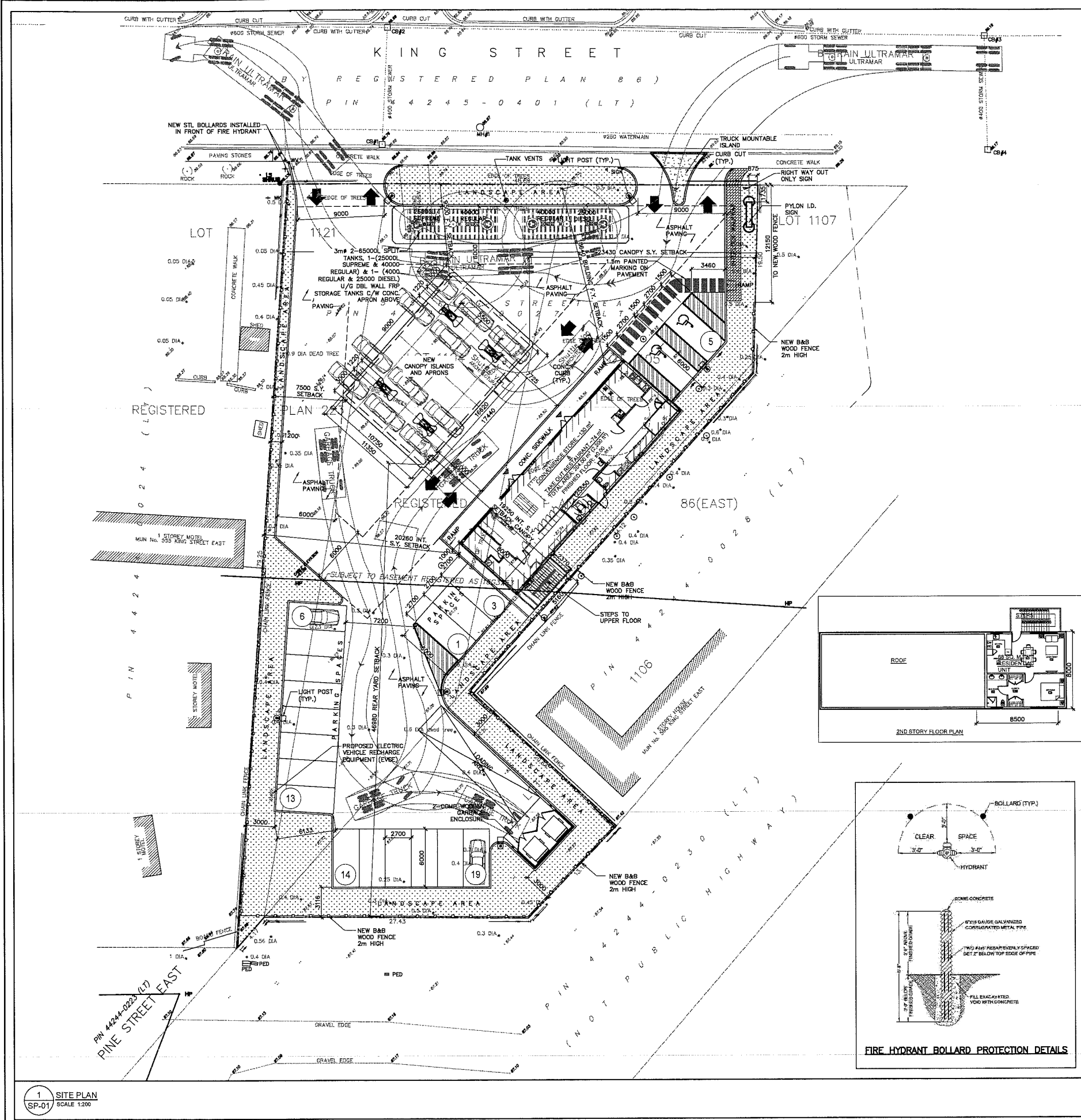
Furthermore, I accept the Town's peer review process whereby I agree to provide the Town of Gananoque with a deposit in the amount of \$2,000 (two thousand dollars) in order to conduct the necessary peer review(s) in the completion of my planning application. In the event that payment is not received for such peer reviews, the Town may use the deposit to do so or any other securities being held.

Print Name – Owner/Applicant

Signature – Owner/Applicant

Date

Clerk or Manager of Community Development



KEY PLAN
 PLAN OF SURVEY OF
 LOTS 1104 & 1105 AND PART OF LOT 1106
 REGISTERED PLAN 86 (EAST) AND
 PART OF LOT 1121, REGISTERED PLAN 223
 CITY OF GANANOQUE, COUNTY OF LEEDS

ZONING: PROGRESSIVE COMMERCIAL DISTRICT	PROVIDED	BY-LAW REQUIREMENT
TOTAL LOT AREA	2902.64 m ²	484.00 m ² (min)
TOTAL DEVELOPMENT AREA	2902.64 m ²	-
AREA (% OF TOTAL)	100.00 %	-
LOT FRONTAGE	48.80 m	15.00 m (min)
LOT DEPTH	77.11 m	-
GROSS FLOOR AREA	204.37 m ²	-
LOT COVERAGE	TOTAL (SQM) 204.37 m ²	-
	TOTAL (% OF DEV)	7.04 %
	C-STORAGE/RESID.	204.37 m ²
	CANOPY	178.88 m ²
FRONT YARD SETBACK (King Street)	C-STORAGE/RESID. 18.64 m	7.00 meters (min)
	CANOPY 9.50 m	-
REAR YARD SETBACK (Residential)	C-STORAGE/RESID. 33.45 m	Rear Yard Depth (6.00 meters)
	CANOPY 46.98 m	-
INTERIOR SIDE YARD SETBACK (EAST) (Residential)	C-STORAGE/RESID. 3.00 m	1.20m, if abutting site be residential
	CANOPY 19.25 m	-
INTERIOR SIDE YARD SETBACK (WEST) (MOTEL)	C-STORAGE/RESID. 20.28 m	1.20m, if abutting site be residential
	CANOPY 7.50 m	-
HEIGHT	C-STORAGE/RESID. 12.00 m	12.0 meters
	CANOPY 5.30 m	12.0 meters
LANDSCAPED OPEN SPACE	AREA (SQM) 622.03 m ²	-
	AREA (% OF DEV.) 21.42 %	-
ASPHALT AREA	AREA (SQM) 1717.91 m ²	-
	AREA (% OF DEV.) 59.18 %	-
GARBAGE ENCLOSURE	25 m ²	-
PARKING SPACES	19 (INCL. 2 BIF)	PARKING REQUIREMENTS AS PER SECTION 3.12: GAS BAR - 1 EMPLOYEE = 1 RES'D RETAIL/COM. STORE - 1000 + 1 RES'D RESIDENTIAL - 1 UNIT = 1 RES'D TOTAL PARKING SPACES REQUIRED: 17
BARRIER FREE PARKING SPACES	2	1
LOADING AREA DIMENSIONS	4.00 x 14.0 m	-
ENTRANCE AND EXIT WIDTHS	9.00 m	-

ONTARIO PROVINCIAL STANDARD DRAWING
 Nov 2012 | Rev 2
 OPSD 600.110

No.	DATE	REVISIONS	INITIAL	CHECKED
10	OCT.08.19	REV'D & RE-ISSUED FOR SPA REVIEW & APPROVAL	WT	WAM
9	AUG.16.19	REV'D & RE-ISSUED FOR SPA	WT	WAM
8	AUG.01.19	REV'D AS PER TOWN COMMENTS	WT	WAM
7	JUL.25.19	REV'D AS PER TOWN COMMENTS	WT	WAM
6	JUL.19.19	REV'D AS PER TOWN ZONING BY-LAW	WT	WAM
5	JUL.09.19	REV'D AS PER TOWN COMMENTS	WT	WAM
4	JUN.24.19	REV'D AS PER TOWN COMMENTS	WT	WAM
3	MAR.21.19	ISSUED FOR STARBUCKS REVIEW	WT	WAM
2	SEP.28.18	ISSUED TO TOWN FOR COMMENTS	RS	WAM
1	JUL.14.18	REV'D AS PER CLIENT COMMENTS	AA	WAM

GAMA Engineering Inc.
 8611 Weston Road, Suite 35B - Vaughan, Ontario - L4L 9P1
 Tel: 905-264-9295 www.gameng-inc.com

CLIENT/OWNER:
PAVARANI HOLDINGS INC. 1096791-2
 138 EARLTON ROAD
 SCARBOROUGH, ONTARIO M1T 2R9

PROJECT/ADDRESS:
**575 KING STREET EAST,
 GANANOQUE, ONTARIO**

TITLE:
PROPOSED SITE PLAN

DESIGN: WM	DWN BY: AA	DRAWING No. SP-01
SCALE: AS SHOWN	DWG. FILE: 1830-SP-01	
DATE: JUL.10.18	PROJ. No. 1830	

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: November 07, 2019

CASE NO(S): MM190012

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 12(2) of Ontario Regulation 173/16:
COMMUNITY PLANNING PERMITS

Applicant and Appellant:	Island Harbour Club Inc.
Subject:	Community Planning Permit
Property Address/Description:	175 St. Lawrence Street
Municipality:	Town of Gananoque
Municipal File No.:	DP-2019-03
OMB Case No.:	MM190012
OMB File No.:	MM190012
OMB Case Name:	Island Harbour Club Inc. v. Gananoque (Township)

Heard: October 17, 2019 in Gananoque, Ontario

APPEARANCES:

Parties

Island Harbour Club Inc.

Counsel

Emma Blanchard

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER AND
STEVEN COOKE ON OCTOBER 17, 2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION AND HEARING

[1] Island Harbour Club Inc, ("Applicant") submitted an Application for a Class III Development Permit ("DP") to the Town of Gananoque ("Town") pursuant to the Town's Development Permit By-law No. 2010-65 (the "DPBL") to seek relief that would permit the use of a "clinic" in the commercial portion of the site located at 175 St. Lawrence Street (the "Property") and specifically in one suite on the ground level of the Property.

[2] Planning Staff for the Town recommended approval of the Application. The Planning Advisory Committee accepted the recommendation and approved the Application but on May 7, 2019 the Application was denied by Town Council on a 4 to 3 vote. In their reasons, Council indicated that the proposed use was not considered suitable on the Property, was "not consistent with the vision of the waterfront" and that the omission of the proposed use under the designation was considered appropriate. The Applicant then appealed the decision of Council pursuant to s. 12(2) of Ontario Regulation 173/16 under the *Planning Act*.

[3] Town staff confirmed that the Town did not intend to appear in the proceedings.

[4] One individual, Dr. Darryl Smith, was granted Participant status by the Tribunal. Dr. Smith, an orthodontist, is one of the intended tenants of the Property who proposes, with his spouse Dr. Crawford, a dentist, to relocate their existing practice to the Property from its current location in Gananoque.

[5] In addition to the Participant, the Tribunal heard evidence from two witnesses. The first was Ms. Theresa Gilchrist, who was qualified by the Tribunal to provide expert land use planning evidence. The second witness, Ms. Brenda Guy, the Manager of Community Development for the Town, appeared under summons issued by the Tribunal upon the request of the Applicant.

[6] After hearing the evidence and the submissions of the Applicant, the Tribunal was satisfied that the Application met the criteria set out in the DPBL and represented good

planning and allowed the appeal and directed that the DP should issue without condition. The Panel provided a brief Oral Decision with this Memorandum of Decision to follow.

CONTEXT AND CRITERIA FOR APPROVAL

[7] The Town's Official Plan ("OP") designates the Property location as part of the Lowertown Neighbourhood. The goal of the Lowertown designation is to create a year-round mix used neighbourhood with an active waterfront "where people live, work, and play". The same designation under the DPBL allows for a range of mix uses for residential, commercial, and institutional that support a vibrant, active, liveable community.

[8] The whole of the Property in which the use is to occur is known as the Island Harbour Club, which development was the subject of a previous DPBL application, DP and Development Permit Agreement. The Tribunal was provided with an overview of the Property and the location of the proposed dental clinic in the Property, which is to be located within ground floor suite number 111. It is clear that a "clinic" that would permit the operation of the dental practice is currently not a permitted use.

[9] Any change of use for properties that are subject to the Waterfront Overlay must meet the criteria of the DPBL. Section 2.17.3 of the DPBL sets out the criteria for a Class III Development permit where relief, such as a change in use, is required. That section provides that there are three requirements to the issuance of a Class III DP:

- (a) Impact(s) on adjacent properties can be mitigated through on-site and/or off-site works; and
- (b) The development proposal is an appropriate land use within the designation; and
- (c) The development proposal is in conformity with the Official Plan and the Provincial Policy Statement as amended.

[10] Section 3(5) of the *Planning Act* also requires that the decision of the Tribunal must be consistent with policy statements and conform with provincial plans, or not conflict with them.

EVIDENCE AND ANALYSIS

[11] Dr. Smith provided the Tribunal with background to the Application. While Dr. Smith is an Orthodontist practicing in Kingston, he has also been involved in the management and development of his spouse, Dr. Crawford's dentist office, in the community. Dr. Crawford had purchased the practice four and a half years ago that is currently located in the Lowertown planning designation. The current location is small for a growing practice and not fully accessible for the many patients they have that live in the immediate area. Dr. Smith informed the Tribunal that they had previously made application for the same proposed use in another property located in the Lowertown Neighbourhood that was not objected to by the Town. Unfortunately, the renovation required to make it fully accessible and significant remediation necessary to make it a healthy environment makes the move cost prohibitive. The Property, still under construction, would make an ideal ready-made location that would not require renovations or the disruptions that occur during renovations to the future residents.

[12] Dr. Smith also pointed out the numerous commercial uses that would be acceptable on the Property including an office, auto repair shop, and restaurants to name a few. He explained that in his view a Clinic would be open during regular business hours, not burden the neighbours with excessive noise, and would help attract individuals to the Lowertown Neighbourhood all year fitting in with the goals of "Live, Work, and Play".

[13] Ms. Gilchrist was qualified by the Tribunal as an expert planning witness. Ms. Gilchrist has outlined why, in her opinion, the Application is consistent with the Provincial Policy Statement, 2014 ("PPS"), conforms to the Town's OP, satisfies the requirements of the DPBL, and represents good community planning.

[14] In providing an overview of the area, Ms. Gilchrist identifies numerous properties in the Lowertown Neighbourhood designation that currently provide medical services that would be considered, in the Town's OP, to be defined as a clinic. Therefore, giving relief to the Class III Application would not, in Ms. Gilchrist's opinion, set a precedent. Ms. Gilchrist's opinion supports the determination originally made in the Planning Staff report

to the Planning Advisory Committee and to Council that the proposed use as a dentist's clinic is of a type similar to those uses already permitted within the Lowertown's broad designation of mixed use. With respect to the second test/criteria under s. 2.17.3, Ms. Gilchrist was therefore of the opinion that such mixed uses, inclusive of the clinic, advance the intent of the Lowertown mixed use designation to "allow for commercial, residential and institutional uses that will result in a vibrant, active livable community." Notably, the intent does not, as counsel submits, and Ms. Gilchrist indicates, speak to a tourism playground but instead to a year round mixed use that keeps the Lowertown vibrant and active for live, work and play. Ms. Gilchrist has concluded that the Clinic use is therefore appropriate as it will meet the needs of the community and the intent of the permitted uses in the designated area.

[15] Ms. Gilchrist also gave evidence as to one of the tests in s. 2.17.3 of the DPBL, stating that approval of the Application would have no unacceptable adverse impacts on any adjacent properties. As the Property is currently under construction, and when complete, will require no immediate renovations, and no other relief from any other performance standard in the DPBL, there will be no disruptions to other residents or occupants of the development in which the Property is located. The use as a Clinic will also indirectly result in a parking advantage to the whole of the development as the parking spaces needed for the Property were limited.

[16] The expert opinion of Ms. Gilchrist is that the Property also meets the applicable requirements in s. 1.1.1 of the PPS relating to "Healthy, liveable and safe communities" since the use of a Clinic in a mixed use development such as the Island Harbour Club development would help sustain a long term financial well-being to the Town by creating year-round foot traffic to the Lowertown Neighbourhood. A ground level Clinic, that would also be fully accessible, and local, would help remove barriers for seniors and persons with disabilities.

[17] Under summons the Town's Manger of Planning, Ms. Guy, appeared before the Tribunal. Ms. Guy confirmed that on April 30, 2019 staff recommended to the Planning Advisory Committee that Application for DP No. 2019-03 be approved to include a clinic as

a permitted use on the Property. It was confirmed that staff noted to the Planning Advisory Committee that similar uses within the Lowertown designation currently exist.

[18] Additionally, staff noted that the initial requirements for the commercial property are more favourable in terms of relief. The Property provides for 67 commercial parking spaces. The proposed 211.7 square metre ("sq m") dental clinic would require six commercial parking spaces for each doctor. On the Property, in one of the units close to Suite 111 there is a planned 101.9 sq m coffee shop/bistro that will require 11 parking spaces with a ratio of one parking spot for every 10 sq m or part thereof. With the clinic being approved, only 47 of the 67 commercial parking spots in the Property would be required, thereby allowing for more general public parking for Waterfront use.

[19] Ms. Guy also confirmed that comments had been received that there were no objections to the Application from the Ministry of Transportation, the Chief Building Officer, and the Cataraqui Conservation Authority.

FINDINGS

[20] The Tribunal accepts the uncontroverted expert planning evidence provided by Ms. Gilchrist in relation to the Application for the DP and finds that the proposed amendment adding a Clinic as a permitted use satisfies the three criteria set out in s. 2.17.3 relating to a Class III Development Permit and finds that:

- (a) There are no unacceptable adverse impacts arising from the approval of the Application on any adjacent properties;
- (b) The proposed change in use to include a clinic within the Property is an appropriate land use within the designation
- (c) The Application and the amended permitted use as a clinic is in conformity with the OP which states the goal of the OP's policies is to create a vibrant, year-round, mixed-use Lowertown neighbourhood on an active waterfront

where people live work and play. The Tribunal finds that Amendment is also consistent with the PPS.

[21] The Tribunal accordingly finds that the Application and the addition of the permitted use of a clinic on the Property represents good planning in the public interest and should be approved.

ORDER

[22] The Tribunal orders that the appeal is allowed and the Application for Development Permit No. 2019-03 by Island Harbour Club Inc. is approved such that a “clinic”, as it is defined in the Development Permit By-law, is a permitted use on the subject property located at 175 St. Lawrence Street in the Town of Gananoque. In accordance with s. 14(3) of Ontario Regulation 173/16 under the *Planning Act*, the amended Permit shall issue without condition.

“David L. Lanthier”

DAVID L. LANTHIER
MEMBER

“Steven Cooke”

STEVEN COOKE
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248