

COMMUNICATION 130203

Received from Joanna Bowes, Manager of Development Services
Addressed to Committee of the Whole
Date November 12, 2019
Topic DP2-05-2019, Rental Village

SUMMARY

An application has been submitted for a Class 2 Development Permit for the property legally described as Plan 27R-8431, Part 6, Part of Lot 16, Concession 11 in the Geographic Township of Beckwith, now in the Town of Carleton Place and locally known as 10348 Cavanagh Road. The property is designated as Highway District in the Town of Carleton Place Official Plan and Development Permit By-law. The applicant is proposing to add a temporary building measuring 133.8 square metres through the addition of a portable to the existing building as well as to gain approval for the existing five (5) shipping containers on site. The proposal is to have surface level parking. Six (6) of the existing parking spaces are within the front yard and will be recognized as non-conforming through this application

Site access is provided from both Cavanagh Road and Hooper Street.

The applicant is requesting relief from the following Development Permit Provisions:

1. A variation for parking location due to six (6) of the existing parking spaces being in the front yard.
2. To recognize the five (5) existing shipping containers on site as non-conforming and non-complying.
3. To recognize the temporary use of the modular structure currently placed onsite and attached to the existing building for no more than three (3) years. This modular structure has no formal permissions granted to date.

COMMENT

Higher level documents, such as the Provincial Policy Statement, the County Official Plan and the Town of Carleton Place Official Plan include policies and directions to consider while evaluating any development proposal. The development generally meets the requirements of these documents.

Provincial Policy Statement:**Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

This project meets these requirements of Section 1.1.1. This project promotes efficient development and land use patterns which sustain the financial well being of the Province and Municipality over the long term. It further provides employment for the

Town and efficiently uses existing infrastructure and prevents the need for expansion of the Town's boundaries.

1.3 Employment

This project meets Section 1.3 Employment lands by providing a range of employment to meet long term needs. Further, it provides opportunities to support a wide range of economic activities and ancillary uses and takes into account the needs of existing businesses.

The proposal is not located near any natural or man-made hazards, nor any areas of archeological significance or prime agricultural land. As such, this development is in compliant and consistent with the Provincial Policy Statement.

Lanark County Sustainable Communities Official Plan:

2.3 Settlement Area Policies

Section 2.3.1 General Policies

"Lanark County is home to many thriving Towns, Villages and Hamlets which provide a place to live, work and play. The following shall apply:

- 5) Efficient development patterns will be encouraged in Settlement Areas to optimize the use of land, resources, infrastructure and public service facilities....
- 6) Local land use policies shall provide for...commercial lands".

This project meets these requirements.

2.6.2 Local Planning Framework

2.6.2.4 (4) "identify and zone an appropriate range of commercial, institutional and employment lands".

This project meets these requirements.

Town of Carleton Place Official Plan

Section 1.3 Guiding Principles

This section of the Town's Official Plan lists principles to guide development. The Town is directed to maintain and increase the employment base through supporting commercial, institutional and industrial opportunities.

The guiding principles also note that the Town is to ensure that effective infrastructure services will be provided in a cost-efficient manner. This project meets the guiding principles.

Section 2.3 General Design Policies

The General Design Policies outlined in Section 2.3 state:

1. "Proposed developments shall enhance the image of the Town of Carleton Place by complementing and contributing to:
 - The character of the area;
 - Local landmarks;
 - The consistency and continuity of the area within its surroundings;
 - The edges of the area;
 - Linkages within, to and from the area".

This application is for a temporary addition to an existing structure. The intent of the temporary use and building is to plan for a larger scale project as a formal addition to the building within 3 years. This future proposal will be required to complement the surrounding neighbourhood and the existing structure.

2. No significant views and vistas of landmarks and features shall be obstructed or dominated by this project.
6. "Development or redevelopment design shall strive to achieve the following:
 - Provide a development pattern that supports a range of uses;
 - Provide transportation connections to adjacent areas; and
 - Maintain and enhance valued historic development patterns and resources".

This application has provided some bicycle parking for active transportation. However, given the nature of this business it is anticipated that this will not be used often.

10. "The Town shall promote and encourage building facades to be visually interesting through extensive use of street level entrances and windows. Functions that do not directly serve the public such as loading bays and blank walls, should not be located directly facing the street."

The temporary nature of the modular building and sea containers should be noted. It is the intent of the developer to return within the 3-year window as required under Section 38 of the Planning Act, and submit a formal application which will address these, and other issues. Conditions in the Development Permit will be put in place to ensure this occurs.

3.3 Highway District

The Highway District development should “promote the efficient distribution of goods and services and satisfy the consumer needs of the Town’s residents as well as visitors from the greater area while providing local employment opportunities”.

Of the objectives for this the project supports existing and future needs of the community, while decreasing the need for residents to shop in other communities. This project meets the objectives as outlined in this Section of the Official Plan.

4.1.6 Street Trees

This section of the Official Plan is looking to both preserve trees where possible and to plant a sufficient number of trees in order to maintain a high standard of amenity areas and appearance.

Because the intent of this project is for a temporary use/structure, and because the owner does not have a future plan in place with respect to how he would like to move forward, a landscape plan was not a required part of this application. There is no sense in planting trees that will require removal for a building three years down the road. At such time as a formal application is applied for a use that is not temporary in nature, a landscape plan will be requested as part of the application for review by the Urban Forest Committee and Council of the day.

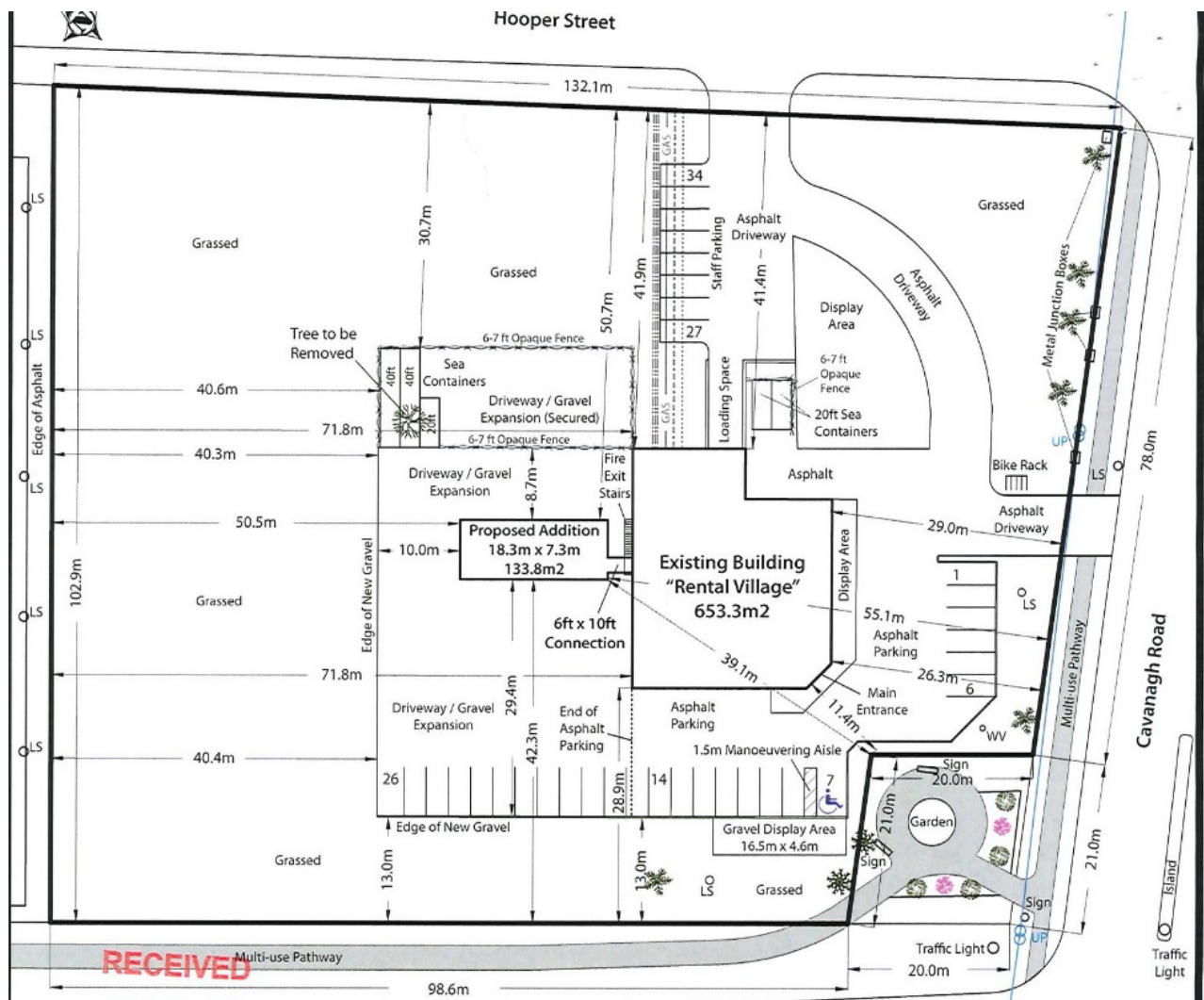
Current landscaping is to remain in place.

Town of Carleton Place Development Permit By-law:

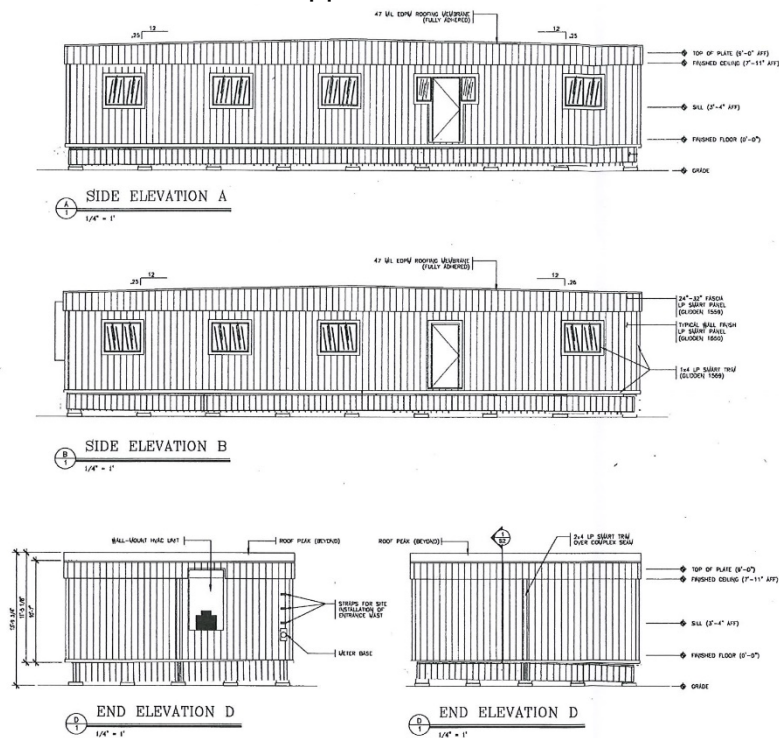
8.0 Highway District

The intent of this designation is to guide development of regional scale commercial/retail along Highway 7. A retail store is listed as a permitted use.

Below is the site plan for the proposed project:



The modular unit is to appear as below:



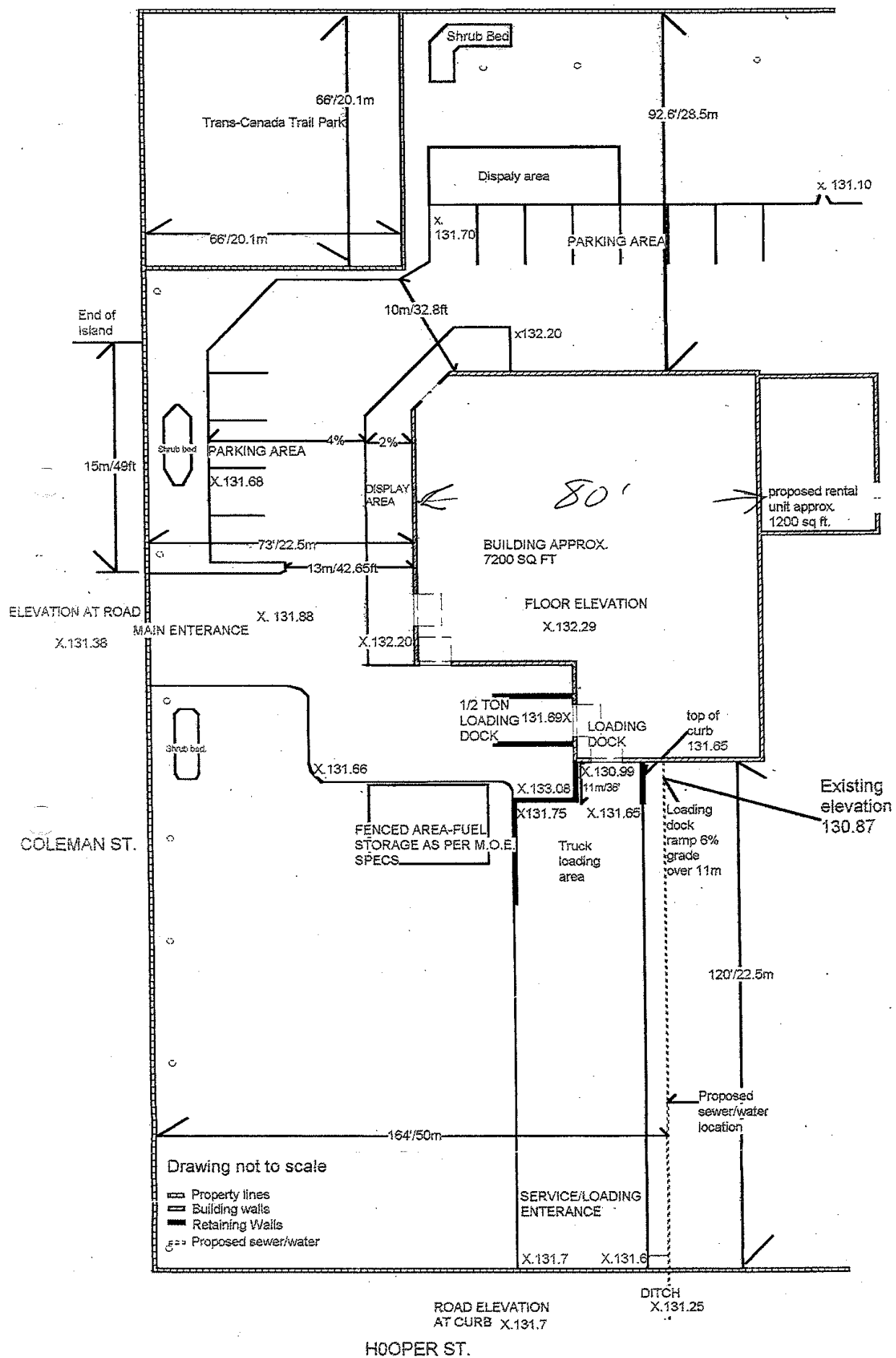
Below is a chart outlining the Development Standards of the Highway District designation.

Site Provisions	Requirements	Provided
Lot Area	Nil	12,188.1 square metres
Lot Coverage (maximum)	60%	7.36 %
Lot Frontage (minimum)	15 m	78 m Cavanagh Road
Front Yard	6.0 m	26.3m
Exterior Side Yard Hooper St	6.0 m	30.7m from shipping container 41.4m from main building
McNeely Ave		13.0m
Interior Side Yard (minimum)	1.2 m	None.
Rear Yard Depth (minimum)	6 m	40.3m from proposed addition
Building Height (maximum)	11m	✓

Site Provisions	Requirements	Provided
Loading Space	Floor area exceeding 250 sq m but less than 1000 sq m requires 1 loading space	✓ 1 loading space provided for total floor area of 943 sq m
Location of loading space	Shall not be located within a front yard or exterior side yard.	<p>Loading space is located in an exterior side yard. **this is an existing issue, under approval SPC-03-2004.</p> <p>It is recommended that at the time of a revised future site plan, this issue be reviewed and determine if there is potential to locate it appropriately.</p>
Parking Spaces	32 spaces	✓ 34 spaces provided, 1 accessible as required
Parking location (Section 14.2)	Parking to be located at rear or side of building. At no time will parking be provided within the front yard setback	<p>6 existing parking spaces located in the front yard, but outside of the front yard setback (6 m) as approved by SPC-03-2004.</p> <p>It is recommended that at the time of a revised future site plan, this issue be reviewed and determine if there is potential to locate it appropriately.</p>
Section 2.16 (3) (d) Temporary Uses for modular building and 5 shipping containers	A development permit Class 2 will be required for temporary uses.	Modular unit and 5 shipping containers to be approved by Committee through the Class 2 process.

Site Provisions	Requirements	Provided
		<p>All shipping containers are to be screened.</p> <p>**To be noted that both the shipping containers and temporary structure will be removed once the construction of the proposed permanent structure is completed.</p>
Outside Storage and Display	Shall not be permitted within any front yard and exterior side yard.	<p>Located in both the front yard and the exterior side yard setback.</p> <p>**this is an existing issue, under approval SPC-03-2004.</p> <p>It is recommended that at the time of a revised future site plan, this issue be reviewed and determine if there is potential to locate it appropriately.</p>
Bicycle Parking	2	2+

Below is the 2004 site plan approved under SPC-03-2004 indicating approvals of loading spaces in the exterior side yard, existing parking in front but outside of the 6 m setback and outside storage and display areas (permitted in a smaller area than is currently being used).



The Planning Department recognizes that there is a previous Site Plan Control Agreement in place (SPC-03-2004) which granted permissions for one loading space, in the exterior side yard, six (6) parking spaces within the front yard (but out of the front yard setback), and outside storage and display areas within an area outlined in both the rear and exterior side yard. The request for this application is to recognize five (5) shipping containers and a modular unit as an addition onto the existing building.

The Planning Department also recognizes that a formal application for a more permanent structure will be forthcoming. The intent is to provide compliance and approval for all these items on a temporary basis, with the expectation that when a formal application for a permanent building is made, these items will be reviewed to determine if it is possible to bring at least a portion of these items into compliance with the Development Permit By-law.

As mentioned above, one loading space was recognized within the exterior side yard in the original Site Plan Application. The Planning Department recognizes that this is a legal non-conforming space but asks that the developer review the location for this space, and potentially an additional space, if required to ensure it meets the Development Permit By-law of the day, if possible.

There are currently six (6) parking spaces approved within the front yard but located out of the front yard setback. The Planning Department recognizes that this is a legal non-conforming space but asks that the developer review the location of these spaces, and potentially additional spaces, if required, to ensure they meet the Development Permit By-law of the day, if possible.

Outside Storage and Display is not a permitted use within the Highway Commercial Use under By-law 15-2015. However, permission for this use was granted under SPC-03-2004. Only a small area within the front yard setback, and exterior side yard was outlined in that agreement. As with any expanding business, through the course of the years, this outside storage and display area has become larger than the permissions that were provided under the 2004 agreement. The outside storage and display area is now located on every side of the building, on a larger scale than approved.

A condition of the approval of this Development Permit Class 2 agreement will be to decrease the outside storage display to what was approved in the 2004 agreement. It is anticipated that through the application to come forward for a permanent structure, that all outside storage and display area will remain a permitted use as granted in 2004, but that the developer will ensure that the display will match the 2004 approved site plan. The Planning Department recognizes that this is a legal non-conforming, non-complying outside storage and display, but asks that the developer review the location for these areas to ensure they meet the Development Permit By-law of the day, if possible.

A total of five (5) shipping containers have been added to the site over the course of several years. As per Council's direction, the application is seeking approval for the existing location of these shipping containers which are located in two different areas within the exterior side yard along Hooper Street. These containers are to be fenced with opaque fencing. The developer has noted that these locations help with the functionality of the operations of the property and as such requests that these be recognized and approved in the exterior side yard. As per Section 3.2 Accessory Uses, Buildings and Structures, accessory structures are not permitted within the exterior side yard. Given the fact that the location of the containers help the functionality of the business, that they are to be screened, and that in a new application the majority of items are to be located in the rear yard, and the Planning Department will request the removal of the five (5) shipping containers, staff feels they can support leaving the containers in their current location until then provided they are to be screened. If the developer is requesting to keep these shipping containers permanently, then the Planning Department will require that they be located in the rear yard to ensure conformity with the By-law moving forward.

With respect to the temporary use of the modular unit, while it does not meet the design criteria as outlined in Sections 13 and 14 of the Development Permit By-law, it is recognized that this is a temporary structure and that the Developer will be seeking to construct a more permanent acceptable structure within the course of the next three (3) years.

Concessions have been made in terms of requirements for this application, recognizing that this situation is temporary. For example, while the proposed driveway/gravel expansion would typically be required to be paved, is not being requested at this time as the Planning Department acknowledges that a good portion of the paving would have to be removed to locate a new structure in the future. Similarly, trees and other greenspace as required is not expected until such time as an additional application is provided for a new structure. Other considerations that may typically be requested at this stage are not being requested such as grading and drainage and stormwater management studies due to the fact that this is a temporary use and no changes to proposed grading have been suggested.

The completed application studies included a Planning Rationale Report. Drawings include elevation drawings, landscape plan and site plan.

All comments and concerns relating to this project received by August 21st for the first circulation and October 25th for the second circulation or after have been accepted and circulated to both Council and the developer. Responses to those who commented by the deadline were provided by the developer through the Town.

Various comments were received over the two commenting periods and include the following:

1. No comments from Engineering, Mississippi Valley Conservation Authority or Hydro One were received.
2. The Urban Forest Committee notes the removal of one tree and suggests that this tree be replaced with two (2) sugar maples on site. This has been accommodated on revised plans. They further note that in the future they would like to see a fulsome landscape plan at the time of application for a more permanent structure.
3. A member of the public has noted the need for a landscape plan, notes that trees removed should be replaced (this has been amended on the revised plan), and notes that no stormwater or drainage has been reviewed. This is due to the temporary nature of this proposal and was not required by the Planner. The member of the public also asked to see permeable pavement. This could be considered as an option at the time a permanent structure is proposed.

Other comments received in this case were similar concerns to others who provided comments before the deadline.

As with any Development Permit application, Committee has the option of the following decisions:

- (a) refuse the application;
- (b) approve the application and issue a development permit with no conditions attached;
- (c) approve the application and require that conditions be met before issuing a development permit;
- (d) approve the application and issue a development permit with conditions attached; or
- (e) approve the application, require that conditions be met before issuing a development permit and, when the conditions have been met, issue a development permit with conditions attached.

STAFF RECOMMENDATION

THAT Committee hereby approves application DP2-05-2019 and authorizes staff to issue a development permit upon receipt of all required information, fees and securities; and

THAT the development permit includes standard clauses to address servicing, grading, landscaping and utilities requirements as well as the following site-specific conditions:

1. Snow shall be removed from site or located so as to not impede any parking spaces after each snow event;
2. All garbage shall be contained in an enclosed area as per the Development Permit By-law and be removed at a minimum of once per week;
3. That all loading spaces, parking spaces and all outside storage and display areas be considered for relocation in the appropriate areas as outlined in the Development Permit By-Law, and as laid out on a site plan submitted with a Development Permit application for the new structure, if and where possible;
4. That prior to November 12, 2022 the Owner shall submit an application to construct a permanent structure at which time the temporary uses for both the modular building, shipping containers and temporary structures shall cease upon construction of the permanent structure;
5. The gravel parking lot which is to be used temporarily shall be paved at the time of the construction of the new building in accordance with an approved grading and drainage plan submitted and approved by the Town of Carleton Place;
6. That the outside storage and display area be brought into conformity with the approved site plan SPC-03-2004;
7. The height of storage/shipping/sea containers shall be restricted to one level only. No stacking of containers will be permitted in any designation.
8. All storage/shipping/sea containers shall be screened from street view and neighboring properties to the satisfaction of the Town of Carleton Place; in this case through opaque fencing;
9. All storage/shipping/sea containers shall appear so as to match and maintain consistency with the primary structure or building on site;
10. All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same designation as the principal use;
11. All accessory uses, buildings and structures to a permitted principal use shall not take away from the total parking requirement of all permanent uses, buildings and structures on the property;

12. All accessory uses, buildings and structures to a permitted principal use shall not reduce the total landscaped open space requirement for its designation;
13. The use of any storage/shipping/sea containers for human habitation is not permitted.