



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

On August 25, 2020 @ 6:00 PM  
Via Teleconference and Video Conference

**Teleconference Toll Free Number – 1-833-311-4101  
Access Code: 132 379 2702**

1.	<b>Call Meeting to Order</b>
2.	<b>Adoption of the Agenda</b>
3.	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof</b>
4.	<b>Approval of Minutes – July 28, 2020</b>
5.	<b>Deputations – None</b>
6.	<b>Reports/New Business</b>
	1. Development Permit Amendment Application – DP2020-11 – 80 King Street East
7.	<b>Correspondence/Other</b>
	1. LPAT Update – 575 King Street East
	2. Terms of Reference Update
8.	<b>Next Regular Meeting – September 22, 2020</b>
9.	<b>Questions From the Media</b>
10.	<b>Adjournment</b>

The Town invites and encourages people with disabilities to attend and voice their comments in relation to accessibility related reports. For those who are unable to attend, the Town encourages the use of the Customer Feedback Form found on the Accessibility Page on the Town's website.



5.	Deputations – None
6.	Reports/New Business
<b>Consent Application – B03-20 – Washburn – 833/835 Queen Street</b>	
	<p>Staff summarized the application for the Committee of Adjustment and the Public Property Owners, Curtis Washburn and Adam Abrams were on the line. Abutting Property Owner, Crystal Dano (830 Stone Street N) was on the line. The application proposed a severance of the subject property to allow an existing semi-detached unit to be freehold units. The application meets the site provisions and setbacks for a semi-detached dwelling unit. Conditions of approval would include new deeds, new survey, cash in lieu of parkland, separate water and sewer services for each unit and all costs associated.</p> <p>Staff noted that correspondence was received from the property owner at 830 Stone Street N noting that their existing water and sewer connection is from Queen Street and not Stone Street N. Dano had no objection to the severance provided the existing services would be dealt with.</p> <p><u>Public Comment</u>  The Applicant addressed concerns related to the existing services (Dano property) and confirmed that they would be relocating the services for 830 Stone Street N from Queen Street to Stone Street N at their cost (Owners' of 833/835 Queen Street)</p> <p>The property owner, Crystal Dano, at 831 Stone Street North noted that Staff spoke to her letter submission well and requested that the minutes reflect the owner's agreement to bare the costs associated with relocation of water and sewer services.</p> <p><u>Committee Comment</u>  Members of the Committee discussed the requirement for site servicing plans to be included on all future consent applications. Staff agreed that this would be of benefit to applications.</p> <p><b>PAC-COA-PSC Motion #2020-08</b>  <b>Moved By:</b> Chris McDonald                      <b>Seconded By:</b> John Beddows  <b>THAT COMMITTEE OF ADJUSTMENT APPROVE CONSENT APPLICATION B03-20 FOR THE PROPERTY AT 833/835 QUEEN STREET PROVIDED THE FOLLOWING CONDITIONS ARE MET:</b></p> <ol style="list-style-type: none"> <li>1. THAT A REFERENCE PLAN AND DEED BE PROVIDED TO THE TOWN,</li> <li>2. THAT INSTALLATION OF SEPARATE WATER SERVICE AND SEWER LATERAL CONNECTION FOR EACH DWELLING UNIT BE FINALIZED TO THE SATISFACTION OF PUBLIC WORKS,</li> <li>3. THAT PAYMENT BE MADE FOR CASH-IN-LIEU FOR EACH NEW LOT,</li> <li>4. THAT BALANCE OF ANY OUTSTANDING TAXES, INCLUDING PENALTIES AND INTEREST SHALL BE PAID TO THE TOWN OF GANANOQUE, IF APPLICABLE,</li> </ol>

	<p>5. 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> <p>6. ALL COSTS RELATED TO FULFILLING THE CONDITIONS ARE BORNE BY THE APPLICANT.</p> <p style="text-align: right;"><b>CARRIED</b></p>
<p><b>Committee Mandate – Discussion</b></p>	
	<p>Chair Ted Lojko and member Chris McDonald provided an overview of the proposed Terms of Reference changes.</p> <p>Proposed changes include the ability of the Committee to offer expertise to Council on directed topics of Planning nature, outside of Planning Act application reviews.</p> <p><b>PAC-COA-PSC Motion #2020-09</b>  <b>Moved by:</b> Chris McDonald                      <b>Seconded by:</b> Ted Lojko  BE IT RESOLVED THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE RECOMMENDS TO COUNCIL THAT THE TERMS OF REFERENCE AS AMENDED BE APPROVED BY COUNCIL.</p> <p style="text-align: right;"><b>CARRIED</b></p>
<p><b>7.</b></p>	<p><b>Correspondence/Other</b></p>
	<p>1. Township of Leeds and the Thousand Islands – Notice of Virtual Public Meeting – Proposed Zoning By-law 07-079 Township Initiated Amendments</p> <ul style="list-style-type: none"> <li>• Received for information.</li> </ul>
<p><b>8.</b></p>	<p><b>Next Regular Meeting – August 25, 2020</b></p>
<p><b>9.</b></p>	<p><b>Questions From the Media – None</b></p>
<p><b>10.</b></p>	<p><b>Adjournment</b></p>
	<p><b>PAC-COA-PSC Motion #2020-10</b></p> <p><b>Moved By:</b> John Beddows                      <b>Seconded By:</b> Chris McDonald</p> <p>THAT PAC/COA/PSC BE ADJOURNED AT 7:06 PM.</p>
<p>_____</p> <p>Ted Lojko, Chair</p>	<p>_____</p> <p>Brenda Guy, Committee Secretary</p>

## PLANNING REPORT

TO: Planning Advisory Committee/Committee of Adjustment  
FROM: Planning and Development Department  
MEETING DATE: Tuesday, August 25, 2020  
SUBJECT: DP2020-11 – 80 King Street East  
Class II Development Permit Amendment

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### **Background:**

Property: 80 King Street East  
Legal Description: Plan 86 Lot 7  
Acreage: 7, 200 sq ft  
Lot Coverage: 100% max.  
Official Plan: General Commercial  
DP Designation: Commercial Traditional

### **Purpose and Effect:**

The applicant is proposing to amend the existing site plan to construct a pickup kiosk adjacent the existing driveway. No order window or queuing area is proposed. Orders would be placed by phone or online for pickup by one vehicle at a time at the kiosk.

The proposed use differs from a drive-through operation as there is no on-site ordering or queuing of vehicles waiting for orders. As such, the proposed use is not being considered a drive-through as outlined in the Development Permit By-law. The reason for the current application is driven by the proposed kiosk addition. A Development Permit site plan amendment is required where new additions or structures are proposed to the existing site plan.

### **Provincial Policy Statement:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies applied to specific circumstance.

The proposed kiosk does not conflict with the policies of the PPS and in particular, the following policies may be considered in the proposed application:

- 1.1.1 c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- 1.1.1 f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.3.1 b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses.

**Comment:** Policies related to transit-supported development, housing, rural lands or sensitive land uses do not apply to the subject property or proposed use.

**Official Plan:**

The subject property is designated General Commercial within the Official Plan. The goal of this designation is to provide a supportive land use policy framework which reduces constraints for commercial development while ensuring that existing and future commercial uses will contribute to the Gananoque's small town character.

Under this broad goal, the objectives of the designation 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 types 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; and
4. To encourage the maintenance and improvement of existing commercial buildings.

**Comment:** The use of designated pickup areas (such as "curbside pickup") has gained popularity as a way of meeting current and future social distance needs during the COVID-19 pandemic. The applicant is proposing this kiosk as a short- and long-term effort to provide an additional low-contact pickup option for patrons.

**Development Permit:**

The subject property is designated Commercial Traditional Core. The intent of the Commercial Traditional Core is to preserve historical built form and continue to enhance its cultural significant with respect to infill development, expansion and re-development.

**Comment:** The proposed kiosk is an extension of the permitted restaurant use. The design of the kiosk is consistent with the existing built form and would have minimal impact of the historical built form of the neighborhood. Please see 'Conceptual Design 1' within Attachment #1 for visual reference on the proposed look and scale of the kiosk.

**Site Provisions**

The proposed kiosk would measure 6' x 7.5', having a square footage of 45 sq. ft. Note that the placement of the kiosk is partially within the existing patio area, leaving only a small portion protruding from the existing restaurant wall. The kiosk would protrude no further than the existing planter adjacent the driveway, at a sideyard setback of 10' to the west. The Commercial Traditional Core permits a 0 m sideyard setback and 100% lot coverage. As such, the application meets the designation requirements related to setbacks and lot coverage.

**Design Criteria**

The proposed kiosk would match the design and orientation of the existing building. The kiosk would require removal of a small portion (approx. 6 ft) of the existing planter adjacent the building. The remainder of the planter would be maintained.

**Parking**

The previous site plan approved 5 parking spaces consisting of 2 garage spaces and 3 outdoor spaces. The current site plan proposes a reduction of one outdoor space and further proposes that the spaces be angled rather than square to the property line. As per Section 6.4 of the By-law, no parking is required for commercial uses in this designation and 1 parking space is required per residential unit. The four parking spaces proposed are sufficient to meet the requirements of the By-law.

The Applicant has further confirmed that should a vehicle arrive for pickup before the order is ready they will be instructed to wait in one of the parking spaces at the rear of the lot.

**Right-of-Way**

There is an existing private right-of-way (ROW) shared between the subject property and the adjacent property (being 82 King Street East). While the ROW has the appearance of an alley, it is not a public alley or public right-of-way.

The right-of-way is noted on the site plan provided and extends from the building at 82 King Street East, over the shared property line and 2' into the subject property. See

Attachment #2 for an illustration of the ROW. No structures are proposed over the ROW or any portion of the existing driveway.

The effect of the kiosk on the subject property is that traffic flow will be directed from King Street East in a one-way direction to Coopers Alley. As Coppers Alley is a one-way, a right-hand turn is required to exit the property at the rear. In turn, this may impact existing traffic flow habits as previously vehicles accessing the adjacent property may have utilized the driveway at 80 King Street East to exit onto King Street East from the private parking area of 82 King Street East.

The applicant is proposing painted ground arrows to help direct traffic through the site. These markers include a left-turn arrow near the end of the driveway where the property meets Coopers Alley.

Other

As there is no on-site ordering or queuing proposed at this time, the proposed use is not being considered a drive-through facility. Should on-site ordering via a drive-through window be proposed at a later date, an amending application including relevant studies/plans would be required.

Circulation of 120m to adjacent property owners and prescribed agencies, Planning Advisory Committee (comments received to date):

Canada Post		
CAO		
CRCA		
CBO	No Objections.	
Eastern Ontario Power		
Economic Development		
Leeds Grenville EMS		
Fire Department		
LG Health Unit		
Police Department		
Water/Sewer		
Public Works		
Other:		



Should approval of the application be issued, the following conditions of approval are being recommended:

- Owners enter into an amending agreement with the Town within one year of approval.
- Confirmation of Health Unit approval be forwarded to the Town, as applicable.
- All costs associated with fulfilling the conditions of this decision are borne by the Owner.

Attachments

- Attachment #1 – Application and Plans
- Attachment #2 – Right-of-Way Highlights
- Attachment #3 – Property Photographs

APPROVAL	_____
	Chanti Birdi, Assistant Planner
	_____
	Brenda Guy, Manager of Planning and Development



DP 20 20 / 11

**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 Planning and 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: <b>Heung Ryong Woo</b>	Complete Address including Postal Code: <b>80 King St. East Gananoque, ON.</b>	Phone: <b>(613) 463-7118</b> Fax: _____ E-mail: <b>sush-sun@1@gmail.com</b>
Name of Property Owner (if different than applicant):	Complete Address including Postal Code: <b>Rxg 191</b>	Phone: _____ Fax: _____ E-mail: _____
Architect/Designer/Planner:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____
Engineer:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____
Ontario Land Surveyor:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____

Street or Property Address (if applicable):

**LEGAL DESCRIPTION**

Lot/Con/Plan: **PLAN 86 LOT 7**

Frontage: <b>60 FT</b>	Depth: <b>120 FT</b>	Area (sq.m): <b>7,200 SQ FT</b>	Area (acres): _____
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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:
- Title, location and date of project including legend and scale (graphic bar scale as well as written ratio scale);
  - Dimensions and areas of the site including existing natural and artificial features i.e: buildings, watercourses, wetlands, woodlands.
  - Dimensions and gross floor area of all building and structures to be erected;
  - Existing structures to be retained, removed or relocated;
  - Distances between lot lines and the various buildings, structures, parking areas, driveways and other features;
  - Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches;
  - 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.
  - Access driveways including curbing and sidewalks
  - Proposed fire routes and fire route sign locations
  - Dimensions and locations of loading zones, waste receptacles and other storage spaces;
  - 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;
  - Location of sign (sign permit to be applied for through the Building Permit process) as per By-law 2005-41;
  - Location, type and size of any other significant features such as fencing, gates and walkways.
- Drainage Plan(s)** including scaled accurate measurements of:
- 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:
- 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:
- 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:
- Existing elevations on subject and adjacent lands and long centerline or adjacent street lines, which are to be geodetic;
  - Location of any creeks, ravines or watercourses with elevations and contours;
  - Arrows indicating the proposed direction of flow of all surface water;
  - Location and direction of swales, surface water outlets, rip-rap, catch basins, rock, retaining walls, culverts
  - Existing and/or proposed right-of-ways or easements
- Elevation and Cross-Section Plan(s)** including scale accurate measurements of:
- Drawings that show plan, elevations and cross section views for each building or structure to be erected;
  - Conceptual design of building;
  - Relationship to existing buildings, streets and exterior areas to which members of the public have access to;
  - Exterior design including character, scale, appearance and design features of the proposed building;
  - Design elements of adjacent Town road including trees, shrubs, plantings, street furniture, curbing and facilities designed to have regard for accessibility
  - 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 type="checkbox"/> Servicing options report   | <input type="checkbox"/> Phase I Environmental Study and if investigation as required                                 |
| <input type="checkbox"/> Hydrogeological Study  | <input type="checkbox"/> Noise and/or vibration study   |
| <input type="checkbox"/> Drainage and/or stormwater management report   | <input type="checkbox"/> Source Water protection study  |
| <input checked="" 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 type="checkbox"/> Confirmation of sufficient reserve sewage system capacity and reserve water system capacity  |
| <input 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?  Yes  No

Is the property presently under a Site Plan Agreement?  Yes  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?  
 If yes, provide the file number and the status of the application?  
 Yes  No  
DP2016-06

**Proposed Use(s):** Drive-Thru Pickup Service

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?  
Yes.

Is a variation requested? Demonstrate how the proposed variation meets the criteria as set out in the development permit by-law.

**Abutting Land Use(s):**  
Commercial

Is the Development to be phase?  Yes  No

What is the anticipated date of construction?  
August 1st, 2020

Is the land to be divided in the future?  
No.

Are there any easements, right-of-ways or restrictive covenants affecting the subject land?  Yes  No

**Plan Details:**

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

**Heritage Tourist Inn/Bed and Breakfast:**

<u>N/A</u> an application for a Heritage Tourist Inn? <input type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> Other _____
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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		
	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
*See Plans Attached*	Type of Structure:		
	Proposed Date of Construction:		
	Front Line Setback:		
	Rear Lot Line Setback:		
	Side Lot Line Setback:		
	Side Lot Line Setback:		
	Height:		
	Dimensions:		
	Floor Area:		
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 _____
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Name of Street/Road: King Street East

Entrance Approvals and Permit Number(s):

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 subject land _____
distance from nearest public road _____	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
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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 \_\_\_\_\_ (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.

Owner Name (Please Print)	Owner Name (Please Print)
Signature of Owner	Signature of Owner
Signature of Witness (not applicant)	Date

**CONSENT BY OWNER**

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

I/We, Henry Ryong Woo, 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.

Henry Ryong Woo Signature of Owner

Shin Duk Han Signature of Witness (not applicant)

Signature of Owner \_\_\_\_\_ Date 29/07/2020

**DECLARATION OF APPLICANT**

I, Henry Ryong Woo of the Town of Gananoque in the Province 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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of a Commissioner, etc \_\_\_\_\_ Signature of Applicant Henry Ryong Woo

<b>Office Use Only:</b>		Roll No: <u>08 14 000 015 006 00</u>
Official Plan Designation: <u>General Commercial</u>	Development Permit Designation: <u>Commercial Traditional</u>	Other: <u>Site Plan DP2016-06</u>
Access (Entrance Permits etc): <u>Existing</u>	Water and Sewer Hookup (Permits etc): <u>Existing</u>	Other:
Other Concurrent Applications: <input 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	Fees Received: <u>✓ PAID, FULL</u>
Date Application Received: <u>July 30, 2020</u>	Date Application Deemed Complete:	

For additional details please contact: Brenda Guy, Manager of Planning and Development  
Town of Gananoque, 30 King Street East, Box 100, Gananoque, ON K7G 2T6  
Telephone: (613) 382-2149 ext.1126 Fax: (613) 382-8587 E-mail: bguy@gananoque.ca

**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 Planning and Development or the Director of Public Works, Community Services 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 Planning and 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 Planning and Development, within their respective areas of jurisdiction.

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I, Heng Ryong Woo of the Town of Gananoque in the  
Province of Ontario solemnly declare that:

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

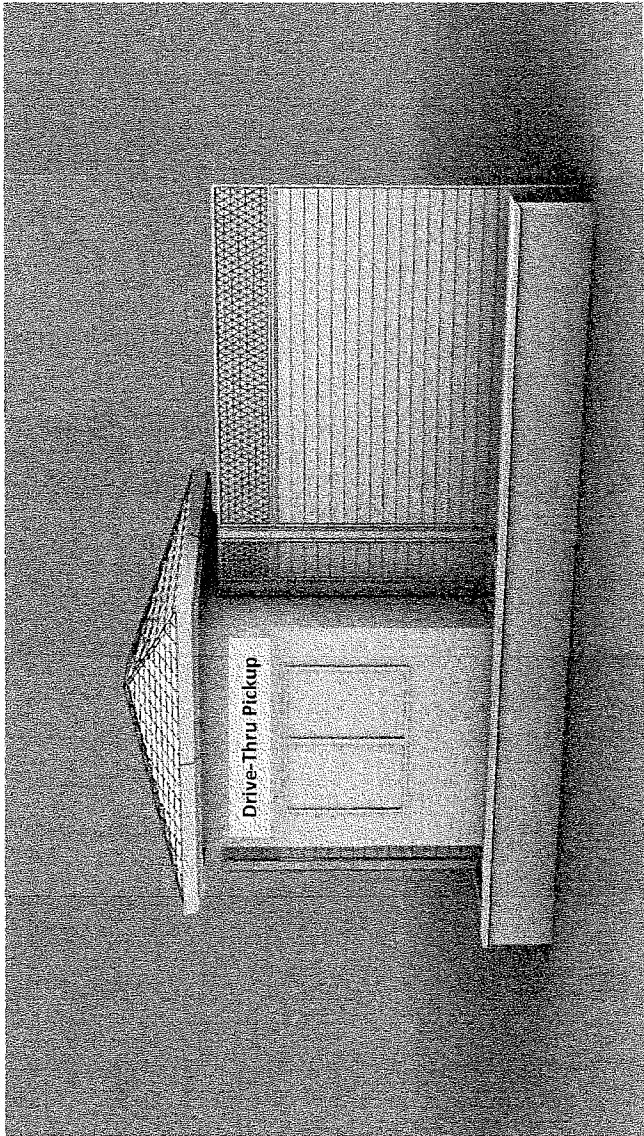
Furthermore, I accept the Town's peer review process whereby I agree to provide the Town of Gananoque with a deposit in the amount of \$2,000 (two thousand dollars) in order to conduct the necessary peer review(s) in the completion of my planning application. In the event that payment is not received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

Heng Ryong Woo  
Print Name – Owner/Applicant

Heng Ryong Woo  
Signature – Owner/Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk or Manager of Planning and Development

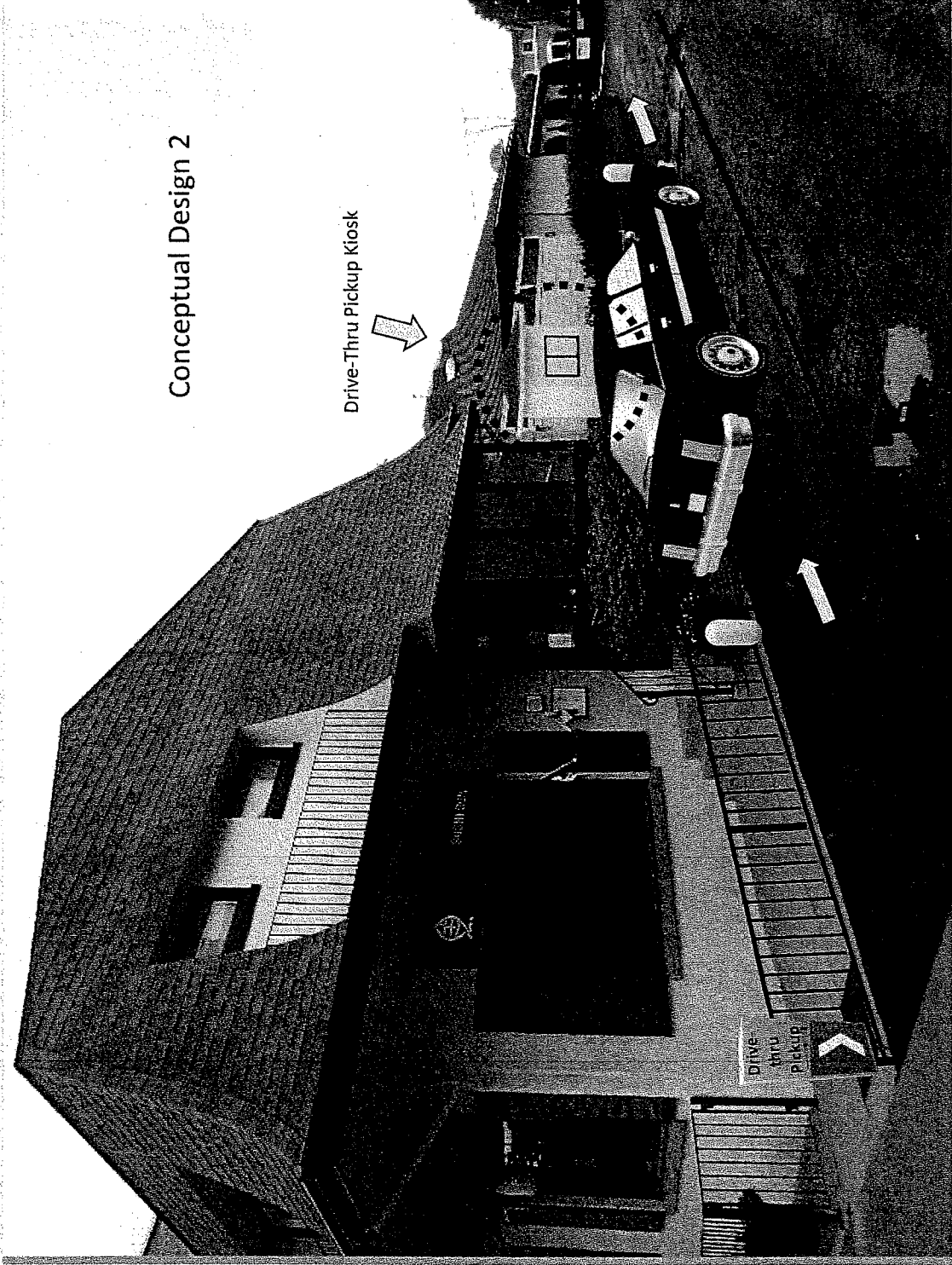


Conceptual Design 1

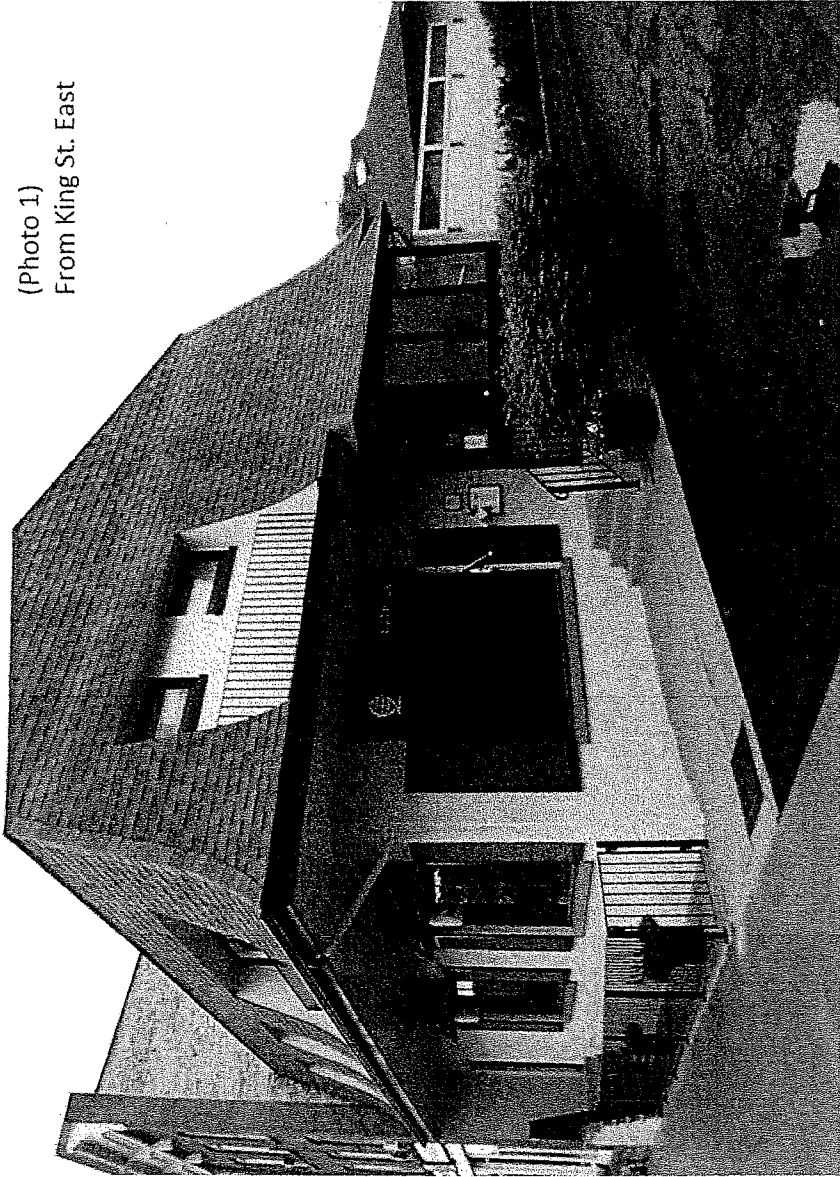


Conceptual Design 2

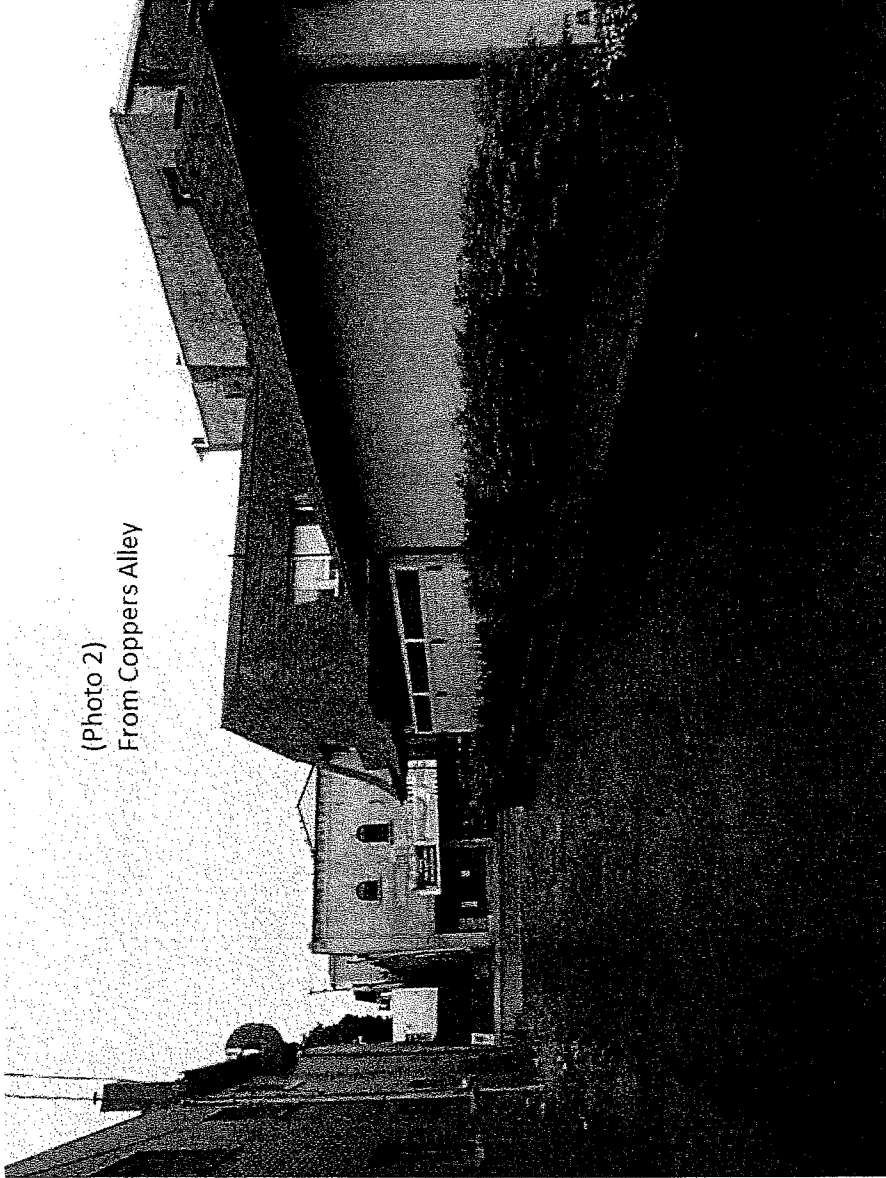
Drive-Thru Pickup Kiosk

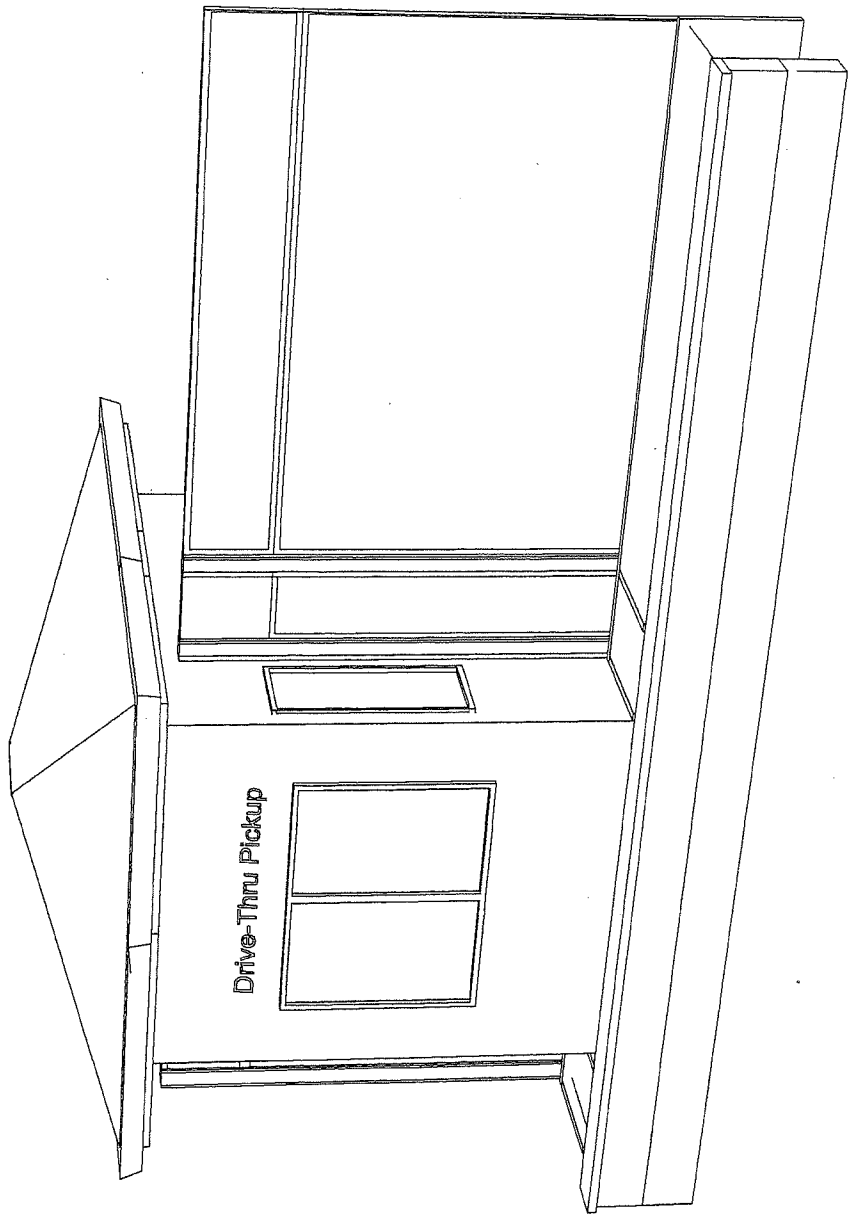



(Photo 1)  
From King St. East

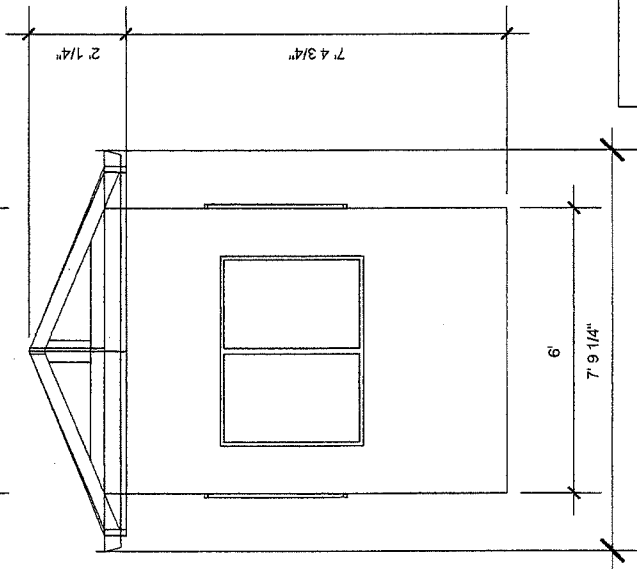
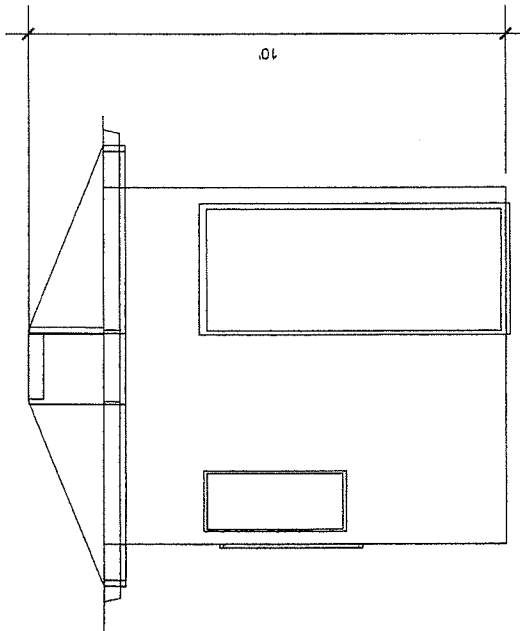
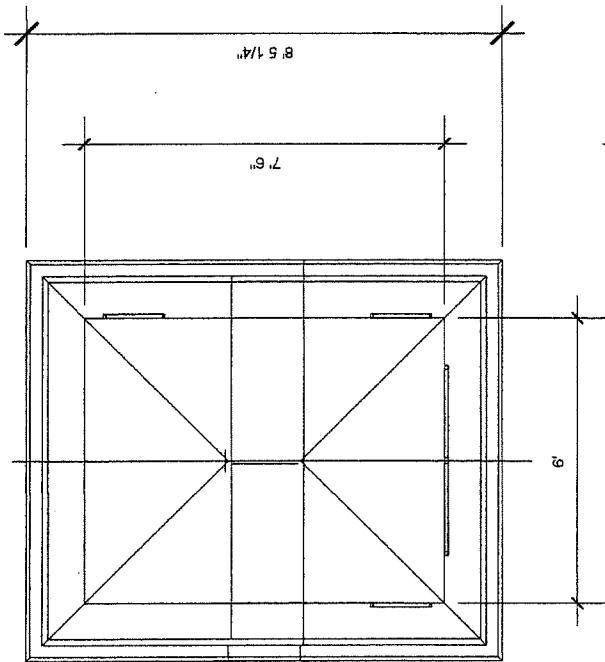



(Photo 2)  
From Coppers Alley

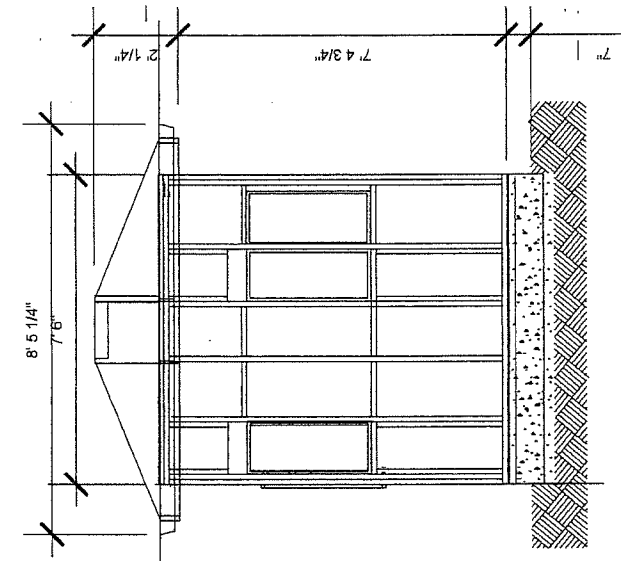
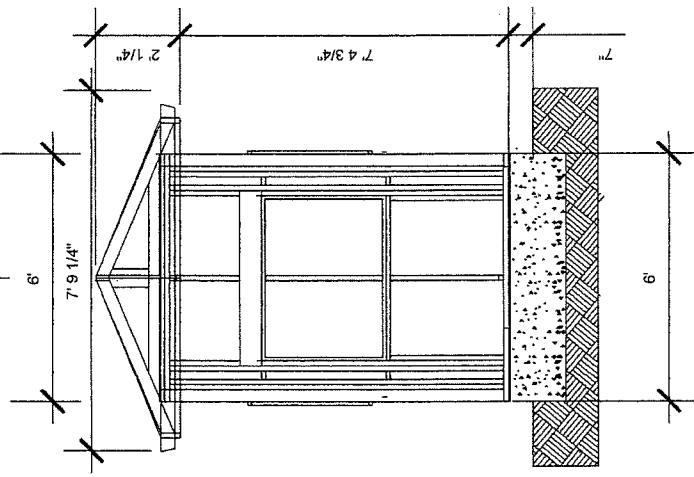
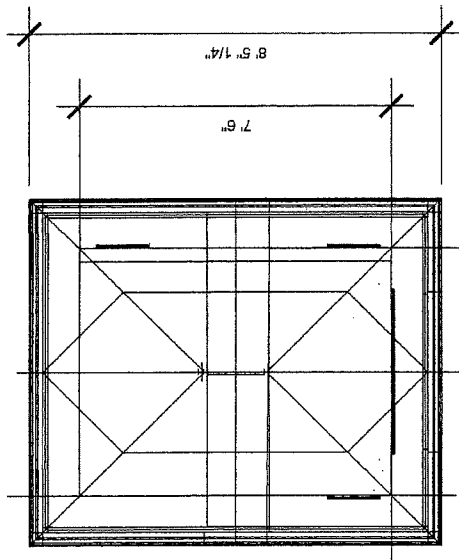





<b>HEONDONG ART &amp; DESIGN</b>  (813) 428-7770 HEONDONGART@GMAIL.COM 30 KING ST E., GANANOQUE ON K7G1G1	<b>PROJECT</b> DRIVE-THRU PICKUP KIOSK	<b>DRAWING</b> Perspective	<b>DRW. NO.</b> DKD-1
	<b>LOCATION</b> 60 KING ST E., GANANOQUE ON K7G1G1	<b>SCALE</b>	<b>DATE</b> 20 07 2020
	<b>CLIENT</b>		



<b>HEONDONG ART &amp; DESIGN</b>  (613) 678-7770 HEONDONGART@GMAIL.COM 80 KING ST E, GANNAMDOE ON KOSIGI		<b>PROJECT</b> DRIVE-THRU PICKUP KIOSK		<b>DRAWING</b> KIOSK PLAN		<b>DRW. NO.</b> DKD-2
LOCATION 80 KING ST E, GANNAMDOE ON KOSIGI		SCALE 1 : 100		DATE 20.07.2020		REVISE
CLIENT						



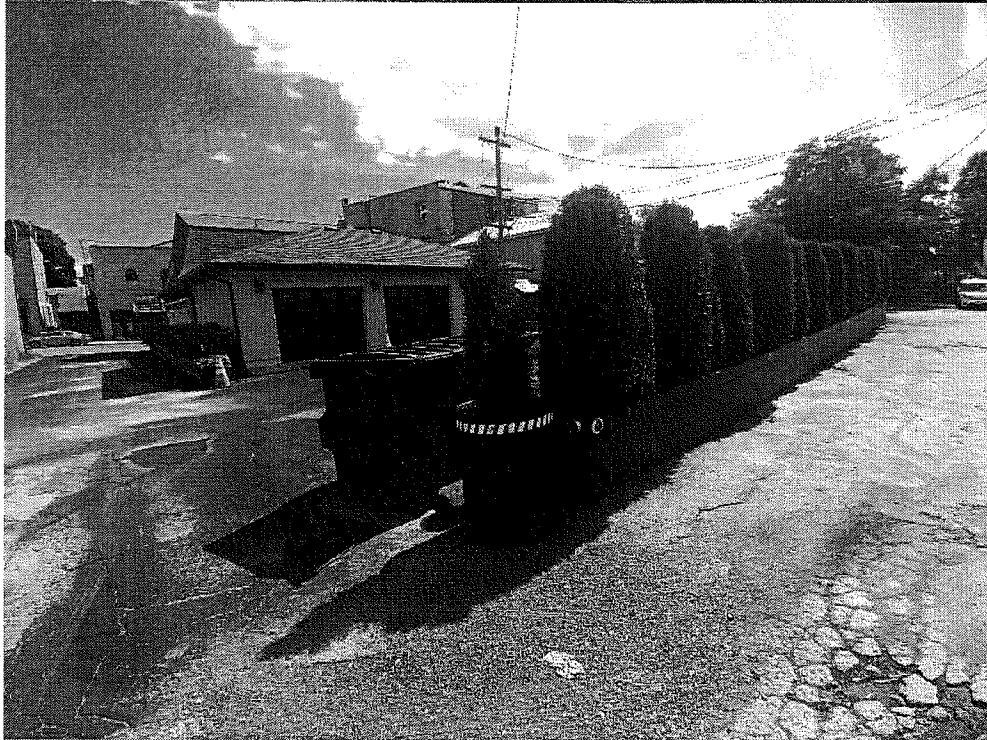
<b>HEONDONG ART &amp; DESIGN</b>  (913) 672-7778 HEONDONGART@GMAIL.COM 40 KING ST E., GUNAWOOD ON K1G1G1		<b>PROJECT</b> DRIVE-THRU PICKUP KIOSK 40 KING ST E., GUNAWOOD ON K1G1G1	<b>DRAWING</b> Kiosk Plan (Details)	<b>DRW. NO.</b> DKD-3
		<b>LOCATION</b> 40 KING ST E., GUNAWOOD ON K1G1G1	<b>SCALE</b> 1 : 100	
		<b>CLIENT</b> 40 KING ST E., GUNAWOOD ON K1G1G1	<b>DATE</b> 20.07.2020	<b>REVISE</b>



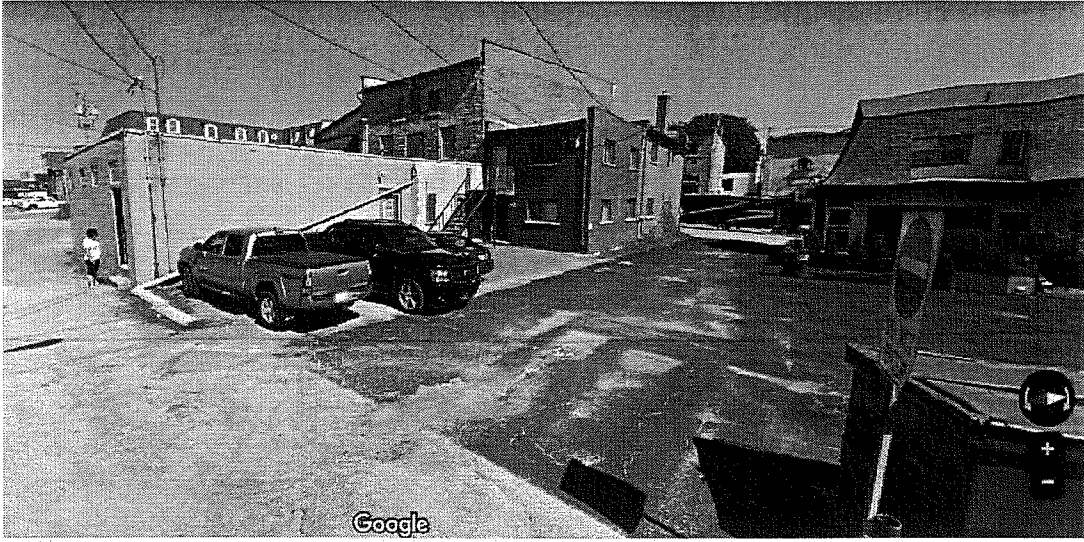
Attachment #3 – Property Photographs

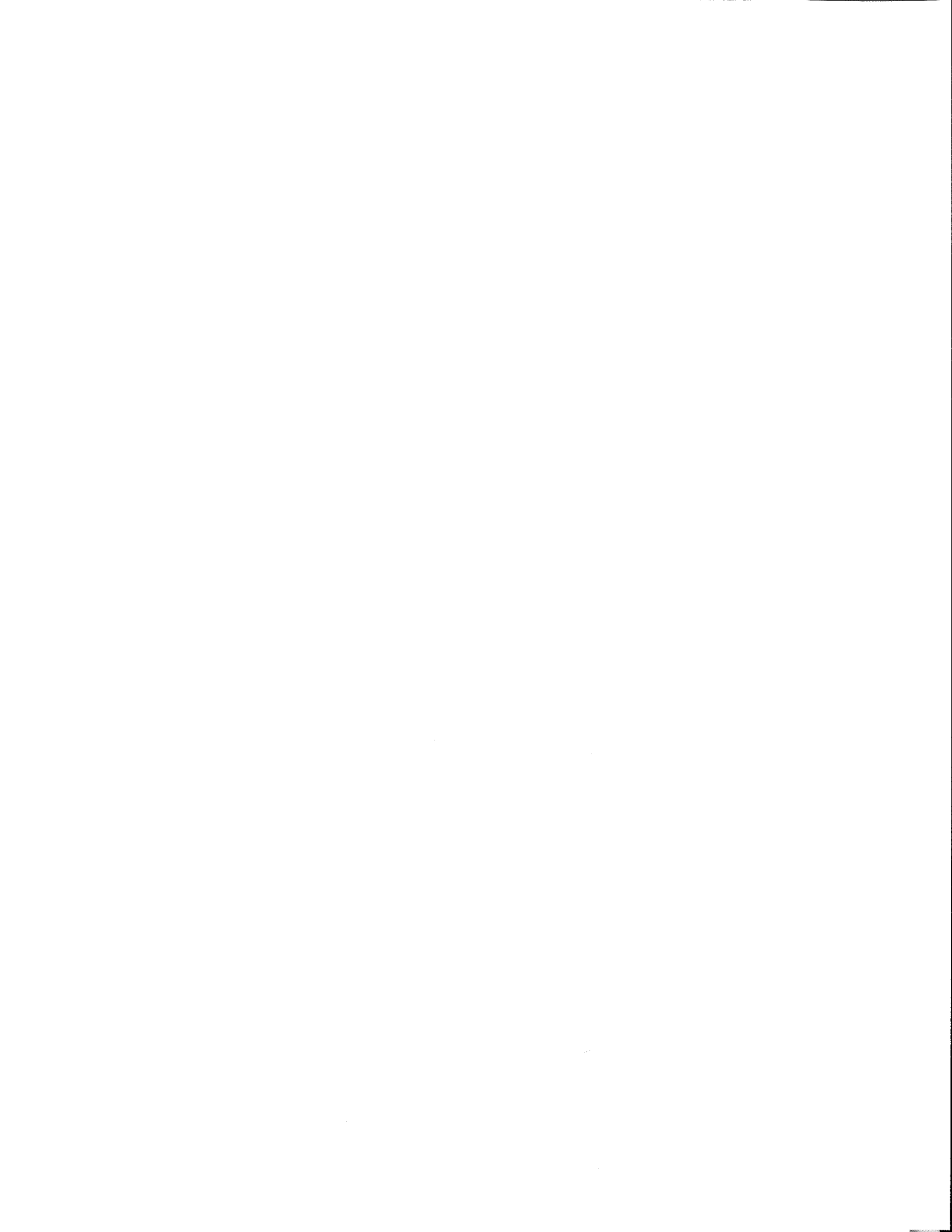




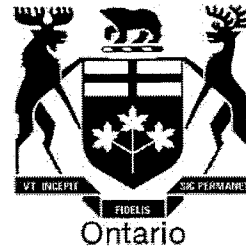


DP2020-11 – 80 King Street East





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



**ISSUE DATE:** August 17, 2020

**CASE NO(S):** MM200003

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 in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 12(2) of Ontario Regulation 173/16 under the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:	Pavarani Holdings Inc.
Subject:	Community Planning Permit
Property Address/Description:	575 King Street East
Municipality:	Town of Gananoque
Municipal File No.:	DP2019-06
LPAT Case No.:	MM200003
LPAT File No.:	MM200003
LPAT Case Name:	Pavarani Holdings Inc. v. Gananoque (Town)

**Heard:** July 31, 2020, by video hearing

**APPEARANCES:**

**Parties**

Pavarani Holdings Inc.

**Counsel**

Emma Blanchard and Laura Robinson

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN  
ON JULY 31, 2020 AND ORDER OF THE TRIBUNAL**

## INTRODUCTION

[1] The matter before the Tribunal is in respect to an appeal filed by Pavarani Holdings Inc. (the "Appellant") against a decision of the Town of Gananoque (the "Town") that refused a Development Permit application for a proposed gas bar, convenience store and take-out restaurant with a second-floor residential unit. The lands that are the subject of the application are located at 575 King Street East (the "Subject Lands").

[2] The Development Permit System is authorized pursuant to Ontario Regulation 178/16 ("O. Reg. 178/16") under the *Planning Act* (the "Act"). The Town passed a Development Permit By-law (the "DPB") which authorizes the Development Permit System in the Town.

[3] The Appellant filed a Class III Development Permit Application to permit the development of the Subject Lands. The Subject Lands are currently vacant and are designated Highway Commercial in the Town's Official Plan ("OP") and designated Progressive Commercial District in the DPB.

[4] The Appellant made revisions to the original application in consultation with the Town staff and commenting agencies resulting in staff support for the revised application. The revised application was presented to Town Council for consideration on December 3, 2019. The Town Council denied the application citing environmental issues, climate change concerns, and the proposed access width and building orientation concerns. The Appellant filed an appeal of the Town's decision.

[5] The Tribunal considered evidence from Adam Thompson, a qualified Land Use Planner and Steve Taylor, a qualified Professional Engineer, in support of the Development Permit application.

[6] The Appellant filed a Book of Documents which was marked as Exhibit 1.

[7] The Town did not participate in the hearing and there was one Participant Statement filed with the Tribunal.

[8] The Tribunal, having considered the submissions of the Appellant, the uncontroverted evidence from Mr. Thompson and Mr. Taylor, and having considered the criteria for an approval of a Class III Development Permit Application, allows the appeal and approves the Development Permit subject to conditions for the reasons set out as follows.

### **EVIDENCE**

[9] Mr. Thompson reviewed the surrounding context of the Subject Lands explaining that the Subject Lands front on to King Street East which is a primary corridor through the Town. King Street East contains a full range of commercial uses in various built forms and mixed with residential uses. Surrounding the Subject Lands are a community arena, retail stores, commercial plaza, gas bars, car washes, restaurants, hotels and motels and residential uses. The Town experiences a significant tourist business due to its proximity to Highway 401 and the north shore of the St. Lawrence River.

[10] Mr. Thompson submitted that a Class III Development Permit is required based on the criteria set out in section 2.17.3 of the DPB. Specifically, the Class III Development Permit is required as the municipality required technical studies to support the development proposal as set out subsection 3 and as relief is required from the performance standards of the Development Permit Area. Subsection 2 sets out the considerations for issuance of a Class III Development Permit being: mitigation of impact on adjacent properties, an appropriate land use within the designation, and conformity with the OP and the Provincial Policy Statement.

[11] The Development Permit application seeks approval to develop the Subject Lands with a gas bar, convenience store and take-out restaurant with a second-floor residential unit. Mr. Thompson explained that the application is also seeking relief to permit:

- a combined driveway width of 18 metres ("m") whereas a maximum driveway width of 9.0 m is permitted,
- a minimum driveway setback along the westerly side of the property of 0.9 m whereas a minimum setback of 3.0 m is required,
- a building orientation that does not address the street,
- parking space dimensions of 2.7 m by 6.0 m whereas a minimum parking space size of 3.0 m by 6.0 m is required, and
- an encroachment of an exterior stair case into the required landscape strip, whereas a landscape strip having a minimum width of 3.0 m is required.

[12] Copies of the final drawings and reports submitted to the Town in support of the application are located at Tabs 16 through 27 of Exhibit 1. The final version of the Site Plan is located at Tab 33.

[13] Mr. Thompson reviewed the Planning Report prepared by Town staff for the Planning Advisory Committee meeting on November 26, 2019. The report included a detailed analysis of the application and recommended conditions for approval of the Development Permit application. He advised that he concurs with the conclusions and recommendations of the report.

[14] Mr. Thompson testified that the proposed development is consistent with the Provincial Policy Statement, 2020 ("2020 PPS"). It is proposed to develop vacant lands within a designated settlement area with a land use that is consistent with the land uses in the area and provides an opportunity for a live/work model with the proposed residential unit. Mr. Thompson opined that the new development will respond to climate change through modern storm water management techniques and landscaping. There are no environmental constraints, watercourses or species at risk identified on the Subject Lands.

[15] In respect to the OP, Mr. Thompson advised that the Subject Lands are designated Highway Commercial in the OP. He explained that the general intent of the OP is to encourage redevelopment and infill wherever possible. Mr. Thompson reviewed the goals and objectives of the Commercial Lands policies against the proposed development and concluded that the proposed development: supports a diverse range of commercial uses that meets the existing and future needs of the community, accommodates a range of commercial formats including highway commercial uses near Highway 401, enhances the form and character of the commercial area, and does not impact any existing commercial buildings.

[16] Mr. Thompson reviewed the Highway Commercial Policies contained in the OP and identified that the Highway Commercial Policy Area is intended for service commercial development intended to serve the Town, the region and the travelling public. The permitted uses include automotive services and gas stations. The policies also set out that development shall occur in a manner which minimizes potential off-site impacts through buffering and screening. Mr. Thompson opined that the proposed development conforms to these policies and through fencing, lighting treatment, and landscaping, appropriate buffering has been achieved with the proposal.

[17] Section 5.4.4 of the OP details the development criteria for consideration of development proposals. Mr. Thompson reviewed each of the seventeen criteria and concluded that the overall development conforms with and meets the intent of the development criteria.

[18] In response to the issues raised by David Anderson in his Participant Statement dated July 24, 2020, marked as Exhibit 2, Mr. Thompson testified that the review of the Development Permit application included a tree preservation plan. The review of the application did not require an environmental impact statement and it was noted that the operation of a gas station and the safe handling of fuel is regulated by the Provincial government. Mr. Thompson continued noting that the property is currently vacant and the infill development will contribute to the King Street core becoming more vibrant. There are no heritage resources on-site or on surrounding lands. Mr. Thompson



explained that economic policies referred to in the OP are directions for Town Council and not tests for development applications. The proposal will provide new opportunities for employment and will serve the travelling public and the existing residents. The proposed development addresses the development criteria as set out in the earlier testimony and Mr. Thompson concluded that the Development Permit application has undergone an appropriate review and consultation.

[19] Mr. Thompson reviewed the DPB and confirmed that the Subject Lands are situated in a Progressive Commercial District designation and the application meets the criteria for a Class III application.

[20] Mr. Thompson summarized the intent of the Progressive Commercial District designation as providing a transition of the forms of commercial development that exist within the designation. He advised that the proposed development complies with the uses permitted within the designation and reviewed the performance standards contained within the DPB and the specific relief being sought as part of the application.

[21] In respect to the relief sought for the combined driveway width of 18 m whereas a maximum driveway width of 9.0 m is permitted, Mr. Thompson submitted that this is a traffic matter more so than a planning issue.

[22] In respect to the minimum driveway setback along the westerly side of the property of 0.9 m whereas a minimum setback of 3.0 m is required, Mr. Thompson advised that the majority of the setback along the westerly side yard is 1.2 m and is adjacent to the restaurant and motel use on the abutting lands. The 0.9 m is located near the street and accommodates the rounding related to the access. The reduced setback provides an appropriate buffer to the abutting land use.

[23] The DPB requires the building orientation to address the street and Mr. Thompson explained that the unique lot configuration creates a challenge in situating the building on the Subject Lands. The proposed outdoor patio and landscaping creates a building focal point for the building that addresses the street.

[24] Mr. Thompson identified two additional items of relief that were not included in the staff review of the application. He advised that the Town is in the process of amending their Zoning By-law to revise the parking space dimension to 2.7 m by 6.0 m whereas the current Zoning By-law requirement for a parking space size is 3.0 m by 6.0 m. This additional relief is consistent with the direction of the Town in respect to revising the parking space size. The second item is the encroachment of an exterior stair case into the required landscape strip at the rear of the proposed building, whereas a landscape strip having a minimum width of 3.0 m is required. Mr. Thompson explained that the staircase is an open structure and provides access to the second-floor residential unit. He submitted that the staircase does not create an adverse impact on the adjacent property as it is well removed from the dwelling on the adjacent property.

[25] Mr. Thompson reviewed the Draft Conditions of Approval, marked as Exhibit 5, and opined that the conditions, as revised, are appropriate to be attached to the Development Permit as conditions of approval.

[26] Mr. Thompson concluded with his opinion that the proposed development and the relief sought maintains the intent of the by-law and the OP and is desirable for the redevelopment of the property and is minor in nature. The impacts of the proposed development have been adequately mitigated through landscaping and fencing and is an appropriate and permitted land use for the Subject Lands. The proposed development conforms to the OP and is consistent with the 2020 PPS. Mr. Thompson opined that the proposed development represents good planning.

[27] Mr. Taylor testified that his firm prepared a noise impact study, the original traffic impact study and the revised traffic impact study. Mr. Taylor explained that the Ministry of Transportation ("MTO") produces the Highway Corridor Management Manual that addresses, amongst manner other matters, road access. This manual is generally accepted as the standard for access configurations and design for development in the Province. The proposed accesses are sufficient to accommodate the access of fuel delivery vehicles and meets the minimum MTO standards.

[28] Further, Mr. Taylor testified that there are four other gas stations within the Town that have similar access configurations and widths to that which is proposed for the Subject Lands.

[29] Mr. Taylor referred to the Geometric Design Guide for Canadian Roads and identified excerpts from chapter 8 of the Guide which supports the variability of setbacks for accesses. He reviewed the access location on the abutting property to the west and noted that King Street East includes a centre left turn lane. These factors contribute to the safety considerations of the proposed access.

[30] Mr. Taylor concluded that King Street East serves large volumes of traffic resulting from the proximity to the Highway 401 corridor and the proposed accesses are designed to accommodate a high level of service while providing pedestrian and vehicular safety.

[31] Ms. Brenda Guy, the Manager of Planning and Development at the Town, appeared under summons from the Appellant. Ms. Guy advised that she agrees with the testimony of Mr. Thompson and was responsible for the review of the application by Town staff and preparing the Staff Report that was presented to the Planning Advisory Committee. Ms. Guy advised that she has reviewed the revised conditions and agrees with the amendment as it relates to the wording in respect to the Eastern Ontario Power clearance requirement.

## **ANALYSIS AND FINDINGS**

[32] The Tribunal in consideration of the submissions from the Appellant accepts the uncontroverted planning evidence of Mr. Thompson and the uncontroverted traffic engineering evidence of Mr. Taylor in support of the issuance of the Class III Development Permit.

[33] The Tribunal acknowledges that the proposed uses are permitted under the DPB. The relief sought in respect to the driveway width, building orientation, and driveway

setback was reviewed and supported by Town staff in their report. The additional items of relief being the parking space dimension and staircase encroachment were not raised as issues by the Town.

[34] The Tribunal considered the criteria for the requirement of a Class III Development Permit in section 2.17.3 of the DPB. The section states:

A Class III Development Permit shall be required under any one or more of the following circumstances:

1. Where the municipality has received a request to have a Class II Permit reviewed by Council in accordance with Section 2.19.4 of this By-law; or
2. Where the development generally does not meet the requirements, standards and provisions of the Development Permit Area and requires relief from one or more of those requirements provided that;
  - 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; and /or
3. Where the municipality requires technical studies or reports such as a Traffic Impact Study, Servicing Options Report, Environmental Impact Study or any other study or report which may be Required to ensure a full and complete review of the proposed development.
4. Where off site works such as the extension of municipal services, road improvements, stormwater management facilities etc. are required.

[35] The Tribunal accepts the testimony of Mr. Thompson that the Class III Development Permit is required due to the applicability of subsection 2 and subsection 3. The Tribunal heard evidence that the technical studies and reports required by the Town were provided and accepted as part of the Town's complete review addressing subsection 3. In respect to the subsection 2(a) the testimony of Mr. Thompson is that any impact on adjacent properties has been mitigated through landscaping and site design. In respect to the appropriate land use, the evidence of Mr. Thompson is that the use proposed for the site is permitted under the DPB and therefore it is appropriate within the designation satisfying subsection 2(b). In respect to subsection 2(c), the

Tribunal accepts the evidence of Mr. Thompson that the proposal conforms with the OP and achieves the goals and objectives as set out in the OP. The infill development will contribute to the commercial character of King Street East and will serve the travelling public. In respect to the 2020 PPS, the proposal is consistent with the policies contained in the 2020 PPS and in the opinion of Mr. Thompson conforms as required by the DPB.

[36] The Tribunal notes that the Town is not participating in the proceedings.

[37] The Tribunal finds that the planning and traffic related concerns raised by the Participant have been addressed by the evidence of Messrs. Thompson and Taylor. The Participant raised additional concerns that can be summarized as requiring that the Appellant make a business case for the proposal. This is not a matter that is within the purview of the Tribunal or a requirement of the DPB or the Act. The Tribunal heard no evidence of any economic impact resulting from the proposal.

[38] Section 2.19.6 of the DPB sets out that the Development Permit may contain conditions of approval. The Appellant has provided Draft Conditions of Approval for consideration by the Tribunal and Mr. Thompson has testified that the conditions set out in Exhibit 5, as revised, should be attached to the Development Permit. The Tribunal heard testimony from Ms. Guy that the conditions are appropriate and requested they be attached to an approval of the Development Permit.

[39] The Tribunal has reviewed the Draft Conditions set out in the revised Exhibit 5 and finds the conditions appropriate to be attached the Development Permit.

## **DECISION**

[40] The Tribunal allows the appeal and grants the Development Permit to permit the development of the Subject Lands as a gas bar, convenience store and takeout restaurant including an accessory outdoor patio and an upper-storey residential unit subject to the conditions as set out in Appendix 1 attached to this decision.

[41] This is the Order of the Tribunal.

*"David Brown"*

DAVID BROWN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## APPENDIX 1

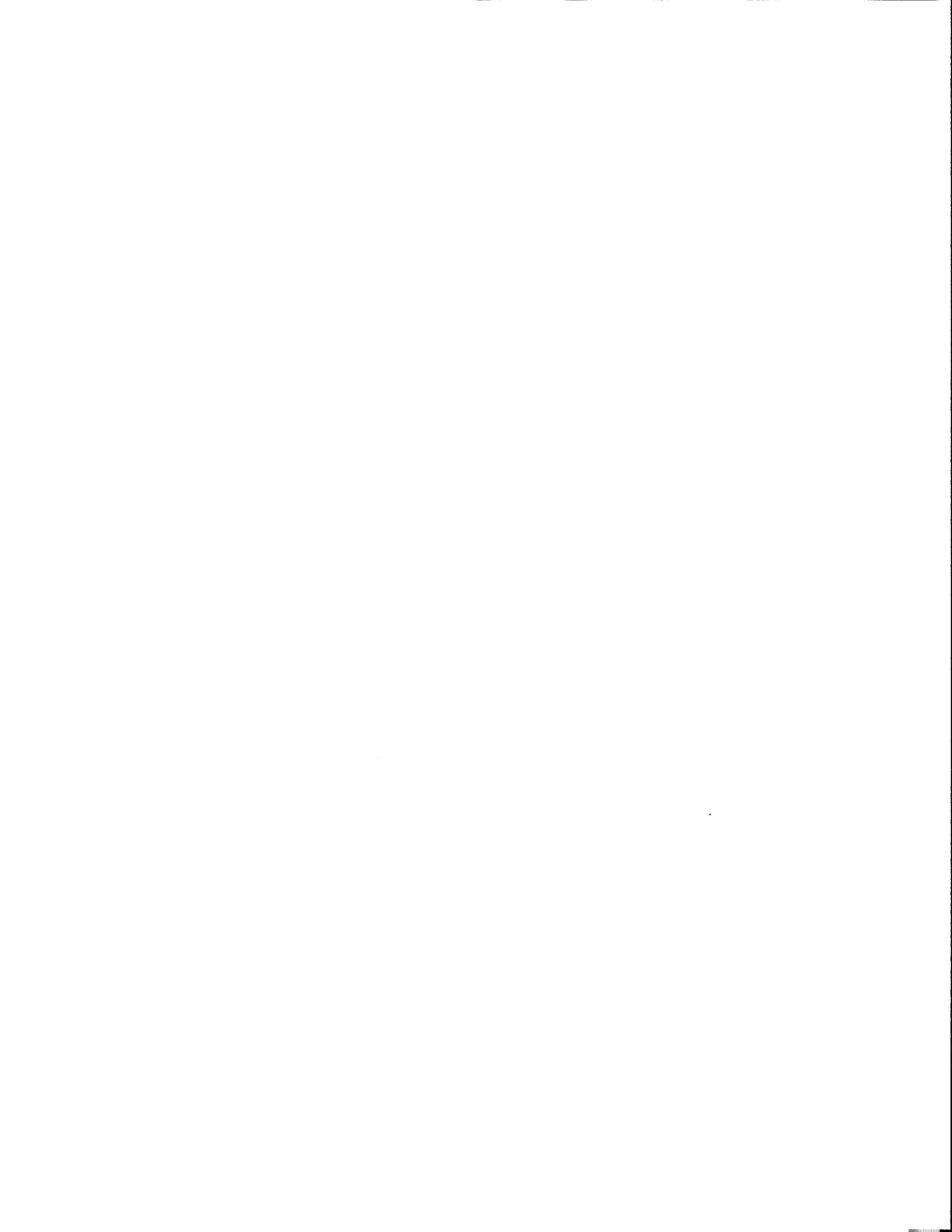
### CONDITIONS OF APPROVAL

LPAT Case No.: MM200003  
LPAT File No.: MM200003  
LPAT Case Name: Pavarani Holdings Inc. v. Gananoque (Town)  
Municipal Address: 575 King Street East - Gananoque

1. The Owner enter into a Development Permit agreement with the Town with respect to the development of an Automotive Service Centre, Convenience Store, Restaurant and second storey Dwelling Unit described in the Proposed Site Plan attached as a Schedule 1 hereto within 1 (one) year.
2. Final Plans for Site Plan, Drainage and Storm Water Management and applicable Reports be delivered for final approval by the Town.
3. Final Plans for Elevation and Renderings be delivered for final approval by the Town pertaining to design criteria:
  - a. Equal size windows on residential unit to improve visual scale and appeal or remove; subject to the Ontario Building Code,
  - b. 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,
  - c. Parapet accents be added to the residential unit to match commercial detail,
  - d. Corner brick accent to be added to the residential unit, to match corner brick on the rest of building,
  - e. Additional brick accents or other material choice or colour to avoid large, uniform design on stucco walls,
  - f. Fence posts are installed below frost to maintain stability,
  - g. Wood fence on east side of property be extended to property line, and
  - h. Investigate relocation of signage to central median.
4. Clearance Letter from Eastern Ontario Power be submitted to the Town.
5. Clearance Letters from all other utilities and agencies (i.e. TSSA) be submitted to the Town.







<b>Planning Advisory Committee (PAC) Committee of Adjustment (COA) Property Standards Committee</b>			
<b>Subject:</b>	<b>Terms of Reference</b>	<b>Issued by:</b>	Council
<b>Amending By-law No.:</b>	2020-097	<b>Amending Date:</b>	August 11, 2020

**1. Name:**

1.1. The name of the Committee is the “Planning Advisory Committee/Committee of Adjustment”.

**2. Duration:**

2.1. The Term of the Committee is for a four (4) year term, which runs consecutive with the Term of Council.

**3. Mandate:**

- 3.1. The Planning Advisory Committee (PAC) / Committee of Adjustment (COA) is appointed by Council under the authority granted by the Province of Ontario in the *Planning Act*, 1990 for the review of items specific to community planning matters, development and policies.
- 3.2. Planning Advisory Committee will make recommendations to Council with respect to Official Plan Amendments (OPA) under Section 17, Plan of Subdivision under Section 50 and Class III Development Permit applications under Section 70.2; all under the *Planning Act*.
- 3.3. Planning Advisory Committee will make decisions on Class II Development Permit applications under Section 70.2 under the *Planning Act*. The Committee will hear and make decisions on any appeals with regards to Orders issued under the Property Standards By-law No. 2011-27 and applicable amendments.
- 3.4. The Committee of Adjustment role is a quasi-judicial body on consent applications under Section 53 under the *Planning Act*.
- 3.5. The Committee will work on reviews such as the Official Plan and Development Permit By-law and new legislation impacting municipal planning.
- 3.6. The Committee will review the Property Standards By-Law as needed, and make recommendation to Council if necessary.
- 3.7. When reviewing applications the Committee will take into account, but is not limited by, the requirements of various Provincial and Federal Statutes such as the *Accessibility for Ontario with Disabilities Act*.
- 3.8. The Committee will receive suggested areas of inquiry, related to planning, from Council and provide Council with recommendations.
- 3.9. The Committee will discuss any approved agenda items, invite public input, if appropriate, and make recommendations to Council if necessary.

**4. Membership:**

4.1. The Committee will be composed of two (2) members of Council and seven (7) members of the public.

**5. Committee Selection:**

- 5.1. Committee selection will be conducted in accordance with Procedural By-law No. 2016-094.
- 5.2. The appointment of the Committee shall be done by Council through an Application screening process.
- 5.3. The appointment of replacements/alternates to the Committee shall be done at the discretion of Council.
- 5.4. Applications will be considered confidential, in conformity with the *Municipal Freedom of Information and Protection of Privacy Act*, until such time as Council appoints the Committee members at which time only the successful members will be publicly announced.
- 5.5. The Council may not appoint a direct family member to sit on any committee and/or board.
- 5.6. The Terms of Reference and Application form will be posted on the Town's websites in addition to selected local media outlets.
- 5.7. The selection process will be based upon clearly understood and equitable criteria. Members will be selected on the basis of the following:
  - 5.7.1. Demonstrated knowledge and understanding of the local history
  - 5.7.2. Proven analytical and decision-making skills;
  - 5.7.3. Experience working on a committee, task force or similar setting;
  - 5.7.4. Availability and willingness to attend meetings, and;
  - 5.7.5. Excellent oral and written communication skills.

**6. Conflict of Interest:**

- 6.1. The principles of the Council Code of Conduct Policy, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.

**7. Chair:**

- 7.1. The Chair shall be selected in accordance with the Procedural By-law.

**8. Meetings:**

Meeting of the Committee will be conducted in accordance with the Procedural By-law, as amended.

**8.1. Timing of Meetings**

- 8.1.1. The regular time and date of the meetings is the fourth Tuesday of each month at 6:00 pm. The Committee may be required to meet at other times to accommodate time frames under the *Planning Act*.

**8.2. Meeting Location**

- 8.2.1. The Committee shall meet at the Town Hall Boardroom, 30 King Street East unless otherwise noted.

**8.3. Meeting Notices, Agendas and Minutes**

- 8.3.1. Staff shall give notice of the respective Committee's meeting by posting the Agendas and backup material on the Town's website in accordance with the Town's Notice Policy.
- 8.3.2. If the interests of groups are on a meeting agenda. Those groups will be notified accordingly.

8.3.3. Minutes of the Committee shall be recorded, adopted by the Committee, signed by the Chair and recording secretary, posted on the Town's website, and then forwarded to the Clerk.

**8.4. Quorum**

8.4.1. Quorum for meetings shall consist of five (5) members of the Committee.

8.4.2. If no quorum is present fifteen (15) minutes after the time appointed for a meeting, staff shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

**8.5. Meeting Attendance**

8.5.1. Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

**8.6. Motions and Voting**

8.6.1. A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes.

8.6.2. Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

8.6.3. In the case of a tie vote, the motion shall be considered to have been lost.

8.6.4. The manner of determining the vote on a motion shall be by show of hands.

8.6.5. The Chair shall announce the result of every vote.

**9. Staff Support**

9.1. Manager of Community Development and his/her alternate.

**10. Administrative Practices and Procedures:**

10.1. The Terms of Reference constitute the Administrative Practices and Procedures of the Committee.

10.2. All meetings are open to the Public

**11. Records Retention:**

11.1. Will conform with the Town's Records Management Policy.