



Economic Development and Planning Committee

Tuesday, December 3, 2013, 6:00 pm.
City Hall, Council Chambers

<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor M. McFall, Chair	Economic Development	Economic Development
Councillor D. Beatty	Planning	Advisory Team
Councillor M. Kalivas	Chamber of Commerce	Museum Board
Councillor D. LeSueur	DBIA	Library Board
Mayor D. Henderson, Ex-Officio	Heritage Brockville	Arts Centre
		Tourism

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PUBLIC MEETING AGENDA

Item

2 - 11

1. 2013-139-12
Proposed Amendment to Zoning By-law 194-94
241 Park Street, City of Brockville
Owner: 1522868 Ontario Ltd.
File: D14-170

THAT Report 2013-139-12 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

22Nov2013

REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE - PUBLIC MEETING – 3 DECEMBER 2013

2013-139-12

PROPOSED AMENDMENT TO ZONING BY-LAW 194-94

241 PARK STREET

CITY OF BROCKVILLE

OWNER: 1522868 ONTARIO LIMITED

FILE: D14-170

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II**

RECOMMENDED:

THAT Report 2013-139-12 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

PURPOSE

To provide information for purposes of conducting a public meeting under the Planning Act respecting an Application for Amendment to City of Brockville Zoning By-law 194-94.

BACKGROUND

Mr. Surinder Gill, acting on behalf of 1522868 Ontario Limited, owner of Lots 1 and 2, Part Lots 17 and 18, being Part 3, Reference Plan 28R-11690, City of Brockville, County of Leeds, municipal address 241 Park Street (as shown on **Schedule "A"**), has submitted an application for an amendment to Zoning By-law 194-94 which would, if approved, amend the current special exception zoning on the subject property to add an eat-in restaurant as a permitted use in addition to those uses currently permitted in the C1-X4-1 Local Commercial Special Exception Zone.

The proposal for the lands is to utilize part of the existing building for a proposed restaurant with a proposed outdoor patio and barrier free ramp to be located on the north side of the building which will provide access to the building as well as additional seasonal seating for the proposed restaurant.

ANALYSIS

Zoning and Official Plan Information:

Official Plan Designation: Neighbourhood Area within Mixed Use Corridor

2013-139-12
 Proposed Amendment to Zoning By-Law 194-94
 241 Park Street, City Of Brockville
 Owners: 1522868 Ontario Limited
 File: D14-170

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Existing Zoning: C1-X4-1 Local Commercial Special Exception Zone
 (attached as **Schedule "A-1"**)
 Proposed Zoning: C1-X4-1 Local Commercial Special Exception Zone –
 amended to allow for an eat-in restaurant with outdoor patio.

Site Characteristics:

Total Area: 1,950.96 m² (21,000.00 ft²)
 Frontage: 30.48 m (100.00 ft.)
 Depth: 64.0 m (210.0 ft.)

The subject land is currently occupied by an older commercial building containing a convenience store and one retail store.

The property also consists of a green area with mature trees in the northwest corner of the property, with entrances from Amy Street, Park Street and Front Avenue all leading to paved parking areas surrounding the building to the north, west and south.

Photos of the subject property are attached as **Schedule "B"** to this report.

Surrounding Land Use:

The subject land is located with frontage on Park Street; Amy Street borders the property to the north; and Front Avenue borders the property to the south.

North: Lands to the north of Amy Street are zoned R2 - Single Unit Residential Zone with a legally non-conforming commercial use on the property at the north east corner of Park and Amy Street.

East: The lands to the east (south side of Amy Street and north side of Front Avenue) are zoned R2 - Single Unit Residential Zone and are occupied by a mix of older residential dwellings.

South: The lands to the south (south side of Front Avenue) are zoned I1 - General Institutional Zone and are occupied by the Thousand Island Baptist Church.

The lands to the south west (west side of Park Street) are zoned R7- Multiple Residential Zoned and are occupied by a four level apartment building.

West: The lands to the west (west side of Park Street) are zoned R2 - Single Unit Residential Zone and are occupied by a mix of residential dwellings.

Comments received are summarized below.

1. Steve Allen, Supervisor of Engineering, Environmental Services Department:
 - Not opposed to the application.
2. Brent Caskenette, Chief Building Official, Planning Department:
 - No comments or concerns.
- 3.. Greg Healy, Fire Prevention Officer, Brockville Fire Department:
 - No fire safety concerns at this time; however, the Fire Prevention Office wishes to be circulated on any site plan and building changes.
4. Conal Cosgrove, Director of Operations
 - No comments.
5. Sandra Seale, City Clerk
 - Request that the number of parking spaces lost to the outdoor patio be minimal to ensure that parking demand can be met on site. Additionally, a brochure was provided with recommendations for accessible outdoor patios. (The brochure prepared by Brockville Municipal Accessibility Advisory Committee is attached as **Schedule "C"** to this report.)
6. Conseil Des Ecoles Catholiques Du Centre-Est
 - No concern.
7. Bell Aliant
 - No objection.
8. Letter from Neighbour – Amy Street (attached as Schedule "D" to this report)
 - Hour of operation.
 - Does not believe that there should be a liquor license.
 - Drainage of the site.
 - Concerned with the Waste enclosure location.

Potential Issues for Discussion:

1. Appropriateness of proposed amendment to add a restaurant as a permitted use.
2. Proposed location for the outdoor seasonal patio.
3. Neighbourhood impacts, if any.

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241 Park Street, City Of Brockville
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POLICY IMPLICATIONS:

The contents of this report are provided for information purposes for the Public Meeting. Following the Public Meeting, Planning Department Staff will prepare a report which will include review and consideration of policies that are relevant to the requested amendment.

FINANCIAL CONSIDERATIONS:

There are no financial considerations at this time.

CONCLUSION

A Report on this matter, including a detailed analysis of the proposed amendment, review and consideration of the issues raised at the public meeting and a recommendation from Planning Staff, will be prepared for consideration of the Economic Development Planning Committee at a future meeting.



M. Pascoe Merkley, MCIP, RPP
Director of Planning



Andrew McGinnis, MCIP, RPP
Planner II



B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2013-139-12

GENERAL NOTES

* ALL WORK ON CITY PROPERTY TO BE PERFORMED BY A CONTRACTOR APPROVED BY THE CITY.

- CONTRACTOR TO VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS PRIOR TO START OF CONSTRUCTION.

BENCHMARK
FINISHED FLOOR AT NORTH
ENTRANCE OF BUILDING
ELEV. 90.03m (GEODETTIC)

NOTE:
CONTRACTOR TO CONTACT UTILITIES COMPANIES TO DETERMINE THE LOCATION, AND CONFIGURATION OF EXISTING PLANT.

EASTERN ENGINEERING OF
BUILDING CODE IDENTIFICATION
19487
CLASSES OF REGISTRATION

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all drawings, specifications and related documents are the copyright property of the Engineer and shall remain upon request. Reproduction of

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ENGINEERING GROUP

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**LOT
241 PARK STREET
BROCKVILLE, ONTARIO**

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PRELIMINARY PLAN

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Verweise

ZONING REQUIREMENTS FOR C1-X41 ZONE

	REQUIRED	PROVIDED
DT AREA	500.28 m ²	1950.96 m ²
DT FRONTAGE	15.24 m	30.48 m
DT FRONTAGE	7.62 m	15.13 m
STATION SIDE YARD	7.62 m	1.63 m
STATION SIDE YARD	7.37 m	2.13 m
STATION SIDE YARD	10.3 m	21.51 m
MIN. LANDSCAPED SPACE	10.3 m	21.51 m
MAX. HEIGHT	10.36 m	23.44 m
MAX. LOT COVERAGE	50 %	60 m
MINIMUM IN FRONT YARD	1.60 m	0.9 m
MINIMUM BACK YARD	22	23
MINIMUM SIDE YARD	22	23

DT SIZE	DT FRONTAGE	STATION SIDE YARD	STATION SIDE YARD	MIN. LANDSCAPED SPACE	MAX. HEIGHT	MAX. LOT COVERAGE	MINIMUM IN FRONT YARD	MINIMUM BACK YARD	MINIMUM SIDE YARD
1950.96 m ²	30.48 m	1.63 m	2.13 m	21.51 m	23.44 m	60 m	0.9 m	0.9 m	0.9 m
1074.63 m ²	15.13 m	1.63 m	2.13 m	21.51 m	23.44 m	60 m	0.9 m	0.9 m	0.9 m
419.89 m ²	15.13 m	1.63 m	2.13 m	21.51 m	23.44 m	60 m	0.9 m	0.9 m	0.9 m

LEGEND

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	STONE SENTRY								
	WATERMAN								
	CLUB								
	FENCE								
	DISTILLING PANZE								
	TREE								
	MANHOLE								
	CATCHCAN								
	FIRE HYDRANT								
	HYDRO POLE								
	CURB STOP								
	WATER VALVE								
	BUILDING								
	BM BENCHMARK								

CURB TAPER DETAIL

N.T.S.

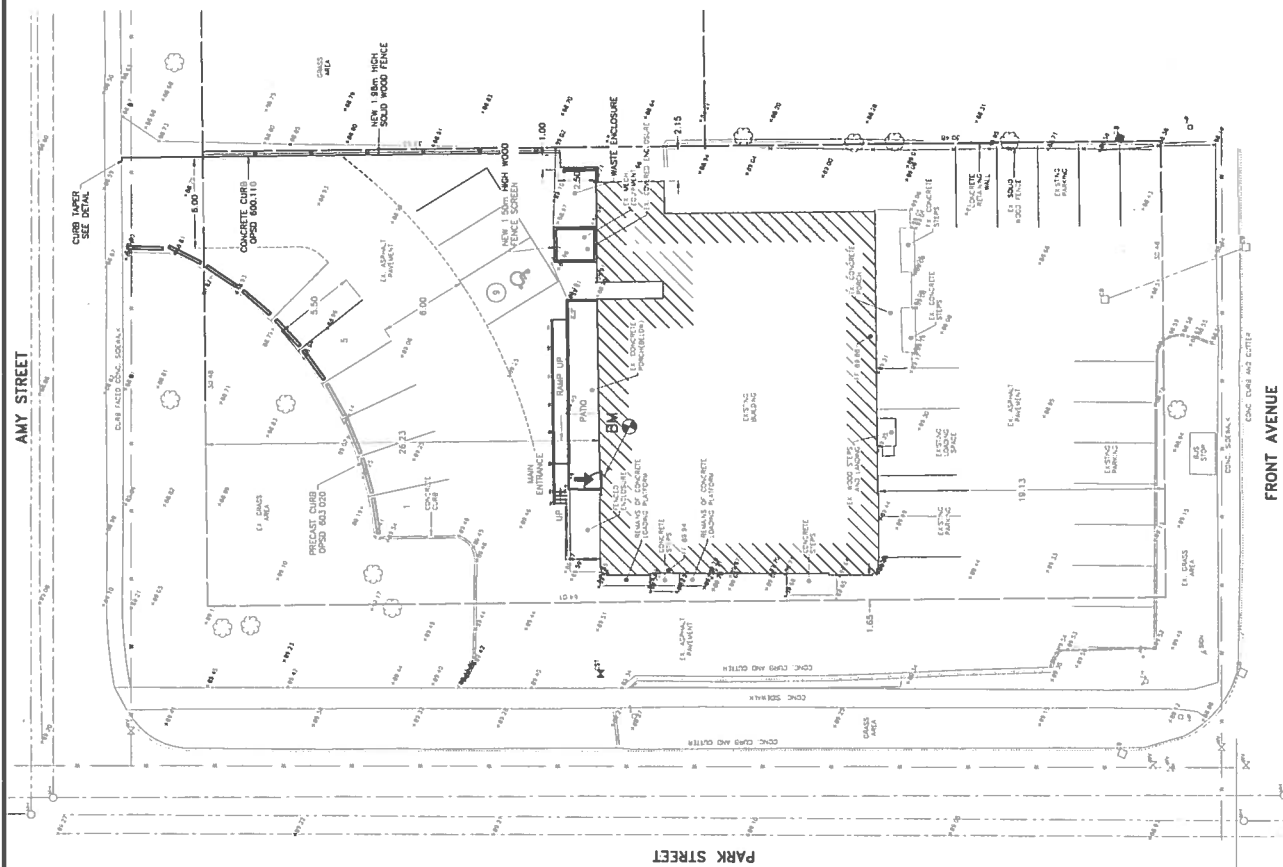
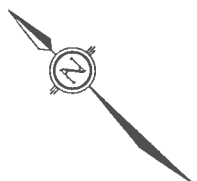
NOTE:
SEE Q.P.S.D. 603.020 FOR
COMPLETE DETAILS

TYPICAL PRECAST CONCRETE CURB
LENGTH = 2.4m

NTS.

TYPICAL CONCRETE CURB

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SCHEDULE “A-1” TO REPORT 2013-139-12

ZONING BY-LAW 194-94, SECTION 8.0, SUBSECTION 8.4

f) C1-X4-1 Zone (*Front Avenue/Park Street*)

The uses permitted in the C1-X4-1 zone shall be those uses permitted in the C1-Local Commercial Zone, and Service Use, and a retail food store having a maximum gross leasable floor area of 300 square metres (3,220 square feet).

The zone provisions for the C1-X4-1 Zone shall be as follows:

Minimum Lot Area	2,950 sq.m. (31,750 sq.ft.)
Minimum Lot Frontage	29 m (95 ft.)
Minimum Front Yard (Front Avenue frontage)	7.5 m (25 ft.)
Minimum Interior Side Yard	3 m (10 ft.)
Minimum Exterior Side Yard (Park Street frontage)	Nil
Minimum Rear Yard (Amy Street frontage)	6 m (20 ft.)
Maximum Building Height	10.5 m (34 ft.)
Minimum Landscaped Open Space	10%

Buffering of Parking (where parking abuts a residential use) - a solid fence having a minimum height of 2 metres (6.5 ft.) shall be provided where parking abuts a residential use.

Parking may be provided in the required front yard to within 1 metre (3.3 feet) of the Front Avenue right-of-way.

SCHEDULE "B" TO REPORT 2013-139-12



Rationale:

To ensure that basic requirements are met with the installation of seasonal patios. Within this document are clear guidelines to entrance areas, aisle widths, table heights, obstructions, seating requirements and general construction of the patio. Set out in this document as well are the minimum requirements within these parameters as well as further recommendations that encompass the ideal, accessible patio. It is BMAAC's vision that a fully accessible patio will assist downtown restaurants in obtaining more customers and users.

Entrance to Patio:

Design Requirements:

- Be on an accessible route and have access and mobility routes of a minimum of 42 in.
- An accessible route should exist from the sidewalk, roadway, and parking area to the entrance of the patio.
- At doorways, it is required that 37.5 in. be allowed for maneuvering space
- The patio have a minimum depth of 96 in. and built with a slope to ensure removal of water and any materials that may cause slippage
- The accessible entrance area must have a level access or an entrance threshold of a maximum of .5 high. If there are steps or if the entrance threshold is higher, an accessible ramp is needed to allow access for scooters and wheelchairs

- Steps must be marked with a textured strip or colour change and have a hand railing for assistance
- The aisles /pathways in the patio area must be at least 36" wide. Ideally access widths should be 54" to allow for a wheelchair and a person walking be able to pass freely
- Ground & Floor surfaces of the patio and walkways shall be stable, firm, slip resistant and glare free, if grating exists openings cannot be larger than .5 in. as wheelchair wheels or canes could catch within.

Obstructions/Pathways:

- The entrances, aisles, pathways outside of the patio must be free of protruding objects such as trees, awnings, planters, A-Board signs, and decorations to allow for a clear pathway of at least 42" at all times.
- Overhangs shall not have a size of more than 12" to ensure that visibility within the walkway is not limited at all
- If gratings exist in walking surfaces, spaces must not be greater than .5" wide in one direction
- If there are changes in level of the patio, the following applies; 0 to 6mm the edge treatment may be vertical, 6 to 13mm a bevel must be used with a maximum slope 1:2, and over 13mm a curb ramp must exist

BROCKVILLE MUNICIPAL ACCESSIBILITY ADVISORY COMMITTEE

OUTDOOR SEASONAL SIDEWALK PATIO RECOMMENDATIONS



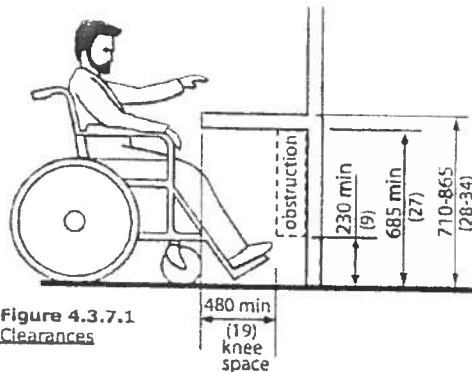
**Helping make your business
accessible to all**

~Our Goal - Accessibility a Reality~

Seating/Table/Work Surfaces

Requirements:

- Clearance for mobility within patio must be at least 30". Ideally a 96" turning circle would provide individuals with scooters/wheelchairs the ability to turn and maneuver throughout the patio
- At the very least 10% of accessible public tables shall comply with the following:
- A table clearance of at least 28", which also allows for at least 19" of clearance space underneath the table to ensure proper knee space is met (see figure 4.3.7.1)
- Ensure that a person using a wheelchair can sit beside an able bodied companion with comfort



Additional Recommendations:

- BMAAC recommends that the establishment consult Education for Quality Accessibility to have an assessment completed for the entire premises and to obtain the international symbol of Accessibility to identify that the restaurant is accessible.
- That a specific designated area be assigned for accessible passenger pick-up/drop-off.
- An accessible washroom be available at the establishment as well as signs noting the washroom's location.
- An established plan of evacuation for persons with disabilities from the patio area be created and implemented.
- Colour contrasting between the railings/guards, surrounding surfaces, and the surface of the patio exist.
- Usage of non-scented cleaning products



If you have any questions or concerns, or would like the BMAAC Committee to assist you in making your business or outdoor seasonal patio accessible to all, please feel free to contact Mr. Ryan Billing, Chair, at 342-5775 or at RYAN@NSICANADA.COM

SCHEDULE "D" TO REPORT 2013-139-12

Maureen Pascoe Merkley

From:
Sent: Tuesday, November 26, 2013 10:24 PM
To: Maureen Pascoe Merkley
Subject: Zoning By-Law Amendment 241 Park St D14-170

Director of Planning
 City Hall
 One King St.
 Brockville, ON
 K6V 1V9



Re: File No.D14-170 Zoning By-Law Amendment at 241 Park St. Brockville.

The proposed amendment to add a permitted use of an eat-in restaurant to the uses currently permitted is not an unfavourable addition.

However the generality of the description of an eat-in restaurant leaves a few questions. The site specific zoning should be specific to list how the business is to operate, to ensure the commercial activity of the eat-in restaurant remains within the currently residential neighbourhood, friendly uses, as listed in the C1 Zoning. Hours of operation could be limited to ensure late night operations do not deter from the peaceful nights currently enjoyed in our neighbourhood. Also a liquor licence would not be in keeping with the current uses at this location.

A site plan forms part of this site specific zoning and upon review of that site plan it appears a mistake has been made by the engineer designing the plan. As I was advised the drainage of the paved area was to result in deposit into the grass area within the property at the north west side. The elevations shown on the plan, which are existing, would direct all flow from the paved services to the east side of the property and result in depositing the run off precipitation on to the vacant lot to the east. A solid curb is proposed along the east side and space parking curbs along the north and west side of the pavement area. The design of the parking lot would result in all the run off precipitation flowing into Amy St and run easterly to the catch basins in front of 17 Amy St, 2 lots away. This area of Amy St is already flooded during the winter as the street is narrow and the plow pushes snow onto the sidewalks and the sidewalk plow pushes it back into the street and covers the catch basins. Drainage of the parking area should be retained within the property of 241 Park St.

The wood fence proposed along the east property line is a compromise to the existing zoning by-law by not requiring a buffer zone as was required in a earlier site plan agreement at this property. The buffer zone could be less of an issue if the wood fence was required to cover the full length of the east commercial property line as the plan shows an area at the south end by the proposed waste enclosure where there is no fence shown along the property line. The full commercial property line should be fenced.

The proposed waste enclosure is proposed to be only 1 meter from the property line. As the north side yard of the building is consumed by this proposal it would be a better location for the waste enclosure on the south side against the building on either side of the existing wooden landing which accesses the commercial operation associated to this application.

Thank you for the opportunity to comment on the Zoning By-Law Amendment for 241 Park St.

Amy St.
 Brockville, ON