

Planning Services Report PDA2023-04

Submitted To: Summer Valentine, Director, Planning, Building & Economic Development

Submitted By: Lindsay Ayers, Manager, Planning

Prepared By: Cassondra Dillman, Community Planner

Subject: Conditional Approval of a Site Plan Control Application File D11922 – 26 Elm Street (Endswell Beer)

Recommendation

THAT Staff Report PDA2023-04 “Conditional Approval of a Site Plan Control Application File D11922 – 26 Elm Street (Endswell Beer)” be received;

AND THAT Site Plan Control Application File D11922 be approved subject to the conditions in Appendix ‘A’.

Amendments

None.

1. Executive Summary

This report provides the Director, Planning, Building and Economic Development with an analysis and recommendations regarding a proposed Site Plan and related Site Plan Control Agreement to permit the conversion of a portion of an existing detached accessory building (approximately 238.1 m²) to a restaurant with an accessory brewery at 26 Elm Street.

2. Analysis

Background

The Owner, 1580268 Ontario Ltd and their tenant, Endswell Inc., have made an application to the Town for approval of a Site Plan Control Agreement for the redevelopment of a portion of an existing detached accessory building and associated site works at 26 Elm Street.

Property Description

Per Figure 1, the subject property is located on the west side of Elm Street, north of First Street, and is adjacent to the Harbourview Trail. The property is irregular in shape and approximately 0.43 hectares in area with approximately 55 metres of frontage along Elm Street.



Figure 1: 2022 Aerial Image

Source: Simcoe County GIS Maps

The subject lands are currently comprised of a single detached dwelling (approximately 274 m²) and a detached accessory building (342.57 m²) with three commercial tenants. The primary commercial unit (240.9 m²) was previously used as an automotive garage and is currently vacant while the other two units (45 m² and 56.7 m²) are used for storage purposes.

Surrounding land uses include Harbourview Trail and commercial lands (legal non-conforming residential uses) to the north, low density residential lands to the east, and commercial lands (legal non-conforming residential uses) to the south and resort commercial to the west.

The property is legally described as LT 4 W/S ELM ST PL 73 COLLINGWOOD; LT 5 W/S ELM ST PL 73 COLLINGWOOD; PT LT 3 W/S ELM ST PL 73 COLLINGWOOD; PT LT 2 W/S ELM ST PL 73 COLLINGWOOD AS IN RO900637; COLLINGWOOD.

Proposal

The proposed development represents a conversion of a portion of an existing detached accessory building (the automotive garage) to a restaurant with an accessory brewery and associated outdoor patio and staff amenity areas, parking, and landscaping. The original proposal was revised in May 2023 which resulted in changes to the interior layout of the building and gross floor area of the proposed restaurant and accessory brewery, some parking reconfiguration, removal of one existing tenant space (the existing portable building used for storage on the north end of the site), and other refinements including relocation of the outdoor patio and staff amenity areas, etc. Overall, minimal changes are proposed to the site layout itself. Site works include a trail connection, a patio area, outdoor staff amenity area, enhanced landscaping, and a more formalized parking area.

Water and Wastewater Capacity Allocation

A Functional Servicing Brief, prepared by Tatham Engineering, dated August 1, 2023 was submitted in support of the proposed development. Based on the Town of Collingwood Development Standards dated July 2007 as well as the updated Development Standards pertaining to Sanitary and Watermain Design Flows, approved by Council on August 18, 2022, 14 Single Dwelling Unit equivalents (SDUs) of water and 9 SDUs of wastewater are required to facilitate the proposed development.

The subject property received an exemption to the provisions of Interim Control By-law 2021-024 (ICBL), as amended, on May 16, 2022. In accordance with the Town's Servicing Capacity Allocation Policy (SCAP), the ICBL exemption expired upon cessation of the ICBL on July 25, 2023. However, most small-scale developments are exempted from a merit-based evaluation under the SCAP and can proceed directly to the zoning certificate and building permit stage. While site plans are not typically considered small-scale, alterations to site plans that have impacts of less than 10 additional SDUs of municipal servicing capacity allocation are exempted. The original capacity allocation associated with the ICBL exemption for the proposed development was 7 SDUs of water. The revised proposal now requires 14 SDUs of water capacity allocation, a difference of +7 SDUs, which is below the threshold that would require a merit-based assessment of the proposal. Calculations undertaken to support the revised development plans have also confirmed a required allocation of 9 SDUs of wastewater capacity.

Planning Analysis

The Planning Analysis section of this report provides a review of the proposed Site Plan and the associated Site Plan Control Agreement relative to the planning and policy frameworks as follows:

Matters of Provincial Interest

The *Planning Act* provides that Council (or their staff delegate) in carrying out their responsibilities shall have regard to matters of provincial interest.

Planning Services is satisfied that the proposed development has regard to the applicable matters of provincial interest and, more specifically supports the following tenets:

- the orderly development of safe and healthy communities;
- the adequate provision of employment opportunities;
- the protection of public health and safety; and

- the appropriate location of growth and development.

Per Provincial Bills 109 and 23, as the Site Plan Control application was received after July 1, 2022, the Director, Building, Planning and Economic Development is the approval authority. The provisions of Section 41 of the *Planning Act* have been accounted for in the review and processing of this application.

Provincial Policy Statement (2020)

The *Planning Act* provides that a decision of the Council of a municipality (or their staff delegate) in respect of the exercise of any authority that affects a planning matter, shall be consistent with the policy statements issued by the Province and shall conform with the provincial plans that are in effect or shall not conflict with them, as the case may be.

The Provincial Policy Statement (PPS) identifies that healthy, liveable, and safe communities are sustained (in part) by:

- promoting efficient development and land use patterns within settlement areas based on range of uses and opportunities for intensification and redevelopment;
- accommodating employment (including industrial and commercial and other uses) to meet long-term needs;
- promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and minimize vehicle trips, and standards to minimize land consumption and servicing costs; and
- improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.

The proposed commercial redevelopment represents a conversion of an existing automotive garage to a restaurant with an accessory brewery and provides additional commercial employment opportunities. The development proposal would utilize existing

infrastructure, including transit, water, and sanitary sewer services, and would further achieve Accessibility for Ontarians with Disabilities standards. Furthermore, the development proposal represents intensification of an existing developed site inside the established built boundary, minimizing the need for additional land consumption.

The PPS encourages promoting economic development and competitiveness by 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, and take into account the needs of existing and future businesses.

Planning Services is satisfied that the proposed development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The *Planning Act* provides that the Council of a municipality (or their staff delegate), in exercising any authority that affects a planning matter shall conform to the provincial plans that are in effect, or shall not conflict with them, as the case may be. A Place to Grow Plan builds on the Provincial Policy Statement to establish a land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. Guiding principles of A Place to Grow Plan include:

- supporting the achievement of complete communities;
- providing flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries; and
- prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.

The proposed conversion of an existing detached accessory building on an underutilized commercial site within the built boundary of the Town is consistent with the

concepts of complete communities and compact built form as outlined in the A Place to Grow Plan. In addition, the proposed development would further expand the provision of economic and employment opportunities in the Town.

Planning Services is satisfied that the proposed development is in general conformity with the policies of A Place to Grow Plan.

County of Simcoe Official Plan

The subject property is designated 'Settlement' within the County of Simcoe Official Plan. The County of Simcoe Official Plan contains policies relating to the orderly development of those areas that are designated as Settlement, and in particular an emphasis on development directed to Primary Settlement Areas. The Town of Collingwood is identified as a Primary Settlement Area.

A goal of the County's Official Plan is to further community economic development, which promotes economic sustainability in Simcoe County communities, by providing employment and business opportunities. In addition, the County's Official Plan identifies four themes of the planning growth management strategy, including:

- Direction of a significant portion of growth and development to settlements where it can be effectively serviced, with a particular emphasis on primary settlement areas
- Enabling and managing resource-based development including agriculture, forestry, aggregates, and tourism and recreation
- Protection and enhancement of the County's natural heritage system and cultural features and heritage resources, including water resources
- Development of communities with diversified economic functions and opportunities, and a diverse range of housing options.

Primary Settlement Areas are required to develop as complete communities, providing an opportunity for people to live, work, shop, and find recreation in one compact community.

The Plan recognizes the need to enable and encourage the development of a wide range of business and employment opportunities to meet the needs of a growing population and changing global economics. Further the service sector provides a wide range of services to the residents of the County and tourists. The Simcoe County Official Plan policies provide for and encourage multi-use development and expansion of employment opportunities to help achieve complete communities and environmental objectives such as reducing distances travelled to work thus setting up the basis of future transit supportive employment nodes.

Planning Services is satisfied that the proposed development would contribute towards the achievement of complete communities, compact urban form, and continued economic development in the Town of Collingwood and conforms to the general intent and purpose of the County of Simcoe Official Plan. The subject application was circulated to the County of Simcoe and no concerns were raised with conformity to the County's Official Plan.

Town of Collingwood Official Plan

- Schedule "A" *Land Use Plan* designates the subject property as Mixed Use Commercial (First Street Corridor)
- Schedule "D" *Transportation Plan* identifies that the subject property is located on a Local Road (Elm Street)
- Schedule "F" *Urban Structure* identifies the subject property as Inside Built Boundary (Designated/Available Lands) and within the Mixed-Use Intensification Area B (Mixed Use Commercial - First Street Corridor)

Mixed Use Commercial Policies

The planned function of the Mixed Use Commercial designation is to provide a transition along arterial roadways between the downtown core and other commercial designations or where there is a need to manage the relationship between commercial and residential land uses. Mixed Use Commercial areas are intended to provide a location for a range of commercial uses that serve residents and visitors. A

variety of uses are permitted within the First Street Corridor, including business offices, medical clinics, personal services, assembly halls, parking lots, restaurants, places of entertainment, and motor vehicle gas stations and/or washes.

The proposed restaurant with an accessory brewery is a permitted use in the Mixed Use Commercial designation.

Urban Design

Within the Mixed Use Commercial designation emphasis is placed on design and landscaping. Developments shall also provide adequate off-street vehicle parking.

A Landscape Plan and Urban Design Brief were prepared by qualified professionals and the proposed development was reviewed in the context of the Town's Urban Design Manual to ensure that high quality urban design is achieved. This is discussed in further detail later in this report.

Transportation Policies

Goals and objectives of the Official Plan also include establishing a system of pathways and trails linking major development areas and public uses as an alternative to the vehicular network of roads; promoting suitable separations between pedestrian, cyclist and vehicular traffic; and promoting active transportation and the use of public transit.

The proposal includes a trail connection between the new commercial use (restaurant and accessory brewery) and Harbourview Trail, and would thereby promote and facilitate active transportation.

The proposed development is a permitted use in the Mixed Use Commercial designation and, given the scale of the development and existing uses onsite, it appropriately considers related parking, landscaping and urban design policies. Planning Services is satisfied that the proposed redevelopment will maintain the general intent and purpose of the Town's Official Plan.

Town of Collingwood Zoning By-law

The Town of Collingwood Zoning By-law No. 2010-040, as amended, zones the subject property as Mixed-Use Commercial (C4).

The C4 zone permits a range of commercial uses including, among others, a restaurant. On-site brewing is proposed as an accessory use. The Gross Floor Area (GFA) of the proposed brewery is approximately 37 m² or 29% of the total restaurant GFA (128 m²). The applicant has provided the following information to further support on-site brewing as an accessory use to the restaurant:

- The maximum quantity of beer to be made in the restaurant for external consumption is 26,000 litres annually.
- No beer will be retailed to the LCBO or to other retailers. Restaurant customers will be able to purchase packaged products to go from onsite only.
- Brewery operations and volume projections qualify Endswell Beer as being exempt for the MOECC Air/Noise approval requirements of the Environmental Protection Act.
- The future AGCO liquor license application will be that of a “Tied House”, which is a restaurant located at the same municipal address as a brewery’s production site, where the manufacturer’s products may be “showcased” on their own or in conjunction with other brands and types of liquor.

Provided that the brewery remains customarily incidental, subordinate and exclusively devoted to the primary restaurant use, Planning Services has no concerns with the proposed accessory use.

Parking and Loading Provisions

The Town’s Zoning By-law outlines the Parking and Loading provisions required for various types of uses, including the minimum number of required parking spaces and associated parking space sizes, number of entrances, vehicular entrance provisions, bicycle parking, etc.

The site currently contains a gravel parking area to support the detached accessory commercial building. Residential parking is provided adjacent to the single detached dwelling and no changes are proposed to the residential parking area. Changes proposed to the gravel parking area are considered minimal and represent overall improvements to existing conditions, including delineating the parking spaces with pre-cast concrete parking curbs and creating an accessible parking space and associated barrier-free aisle to serve the proposed restaurant and accessory brewery.

Based on the existing and proposed uses on the subject property, a total of 17 parking spaces are required, including 11 spaces for the restaurant use, 2 spaces for the accessory brewery use, 2 spaces for the other commercial use/tenant, and 2 spaces for the single detached dwelling. A total of 20 parking spaces are proposed onsite, including 1 accessible parking space. In addition, bike racks (accommodating a minimum of 8 bicycles) are proposed to be located immediately adjacent to the proposed trail connection on the subject property.

Based on the foregoing, Planning Services is satisfied that the proposed commercial redevelopment conforms to the Town's Zoning By-law.

Town of Collingwood Urban Design Manual

On July 19, 2010, Council enacted and passed By-law Numbers 2010-082 and 2010-083 to give effect to the Town's Urban Design Manual (UDM). The intent of the UDM is to ensure that any application for site plan control, subdivision or condominium are designed to meet or exceed a minimum standard set of guidelines for urban development form.

An Urban Design Brief, prepared by MHBC, was submitted in support of the proposed development. Given existing site conditions and that the applicant, as a leaseholder, has limited ability to modify overall site conditions, it was determined that UDM Sections dealing with Site Layout, Active Transportation, and Landscaping and Public Spaces were most relevant and appropriate to consider.

The UDM requires that all developments provide the necessary pedestrian infrastructure. Existing conditions, including the location of mature trees and that the municipal sidewalk along Elm Street does not continue to the subject property, posed challenges for creating a pedestrian walkway from Elm Street to the proposed development. While Planning Services understands that the applicant is one leaseholder on the subject property, the conversion of a previous automotive garage in a detached accessory building to a restaurant with an accessory brewery is considered a more intense use, particularly in terms of the number of patrons that would be accessing and utilizing the site at any given time. As such, a direct pedestrian connection is considered essential for the safe and convenient movement of people onsite. To ensure the proposed development is accessible and pedestrian- and cyclist-oriented, a direct trail connection from Harbourview Trail to the subject property has been proposed instead of a direct pedestrian connection to Elm Street.

Enhanced landscaping is proposed around the perimeter of both the outdoor patio and staff amenity areas and behind the proposed Earth Bins (i.e. waste storage) to provide appropriate screening to the adjacent Harbourview trail. All existing trees are proposed to remain, including the existing trees that provide screening to the single detached residential dwelling.

Building elevations (prepared by Lloyd Hunt, Architect) were submitted in support of the proposed development (see Figure 2). Despite being located at the rear of the property and being partially concealed by the single detached dwelling, the proposal represents an overall improvement to the Elm Street streetscape compared to existing conditions.

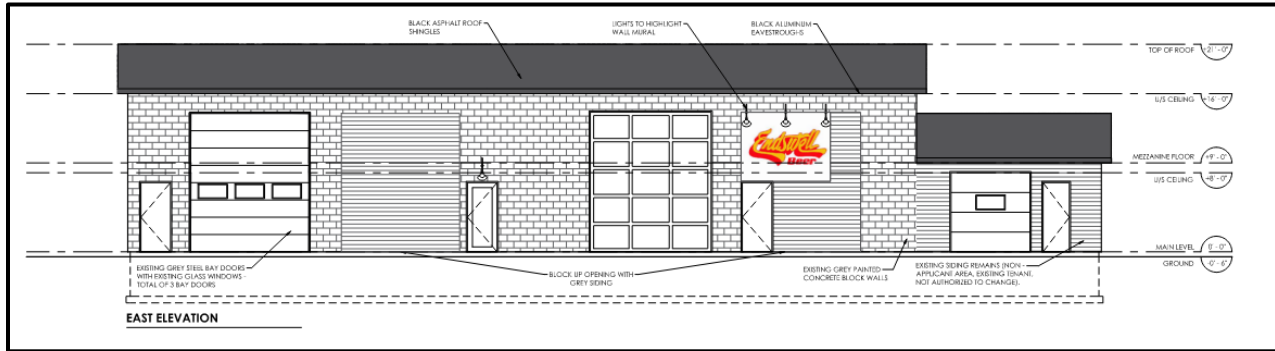


Figure 2: East Elevation

Source: Lloyd Hunt, Architect

The proposed development was reviewed in the context of the applicable standards of the Town's UDM and found to be acceptable by Planning Services.

Site Plan Control Agreement

The Site Plan Control Agreement will incorporate all of the standard clauses typically found in the Town's Site Plan Control Agreements, including requirements for a Construction Management Plan and External Site Works. In addition, there are a number of special terms and conditions noted below.

Basic Data Pertaining to the File

Date of Submission: July 4, 2022
Town Solicitor: Jean Leonard, Miller Thomson
Related Files: D00422 (Preconsultation)

Parties to the Agreement

- 1580268 Ontario Ltd.
- The Corporation of the Town of Collingwood

Special Terms and Conditions

There are six (6) special clauses proposed within the Site Plan Control Agreement as follows:

- Clause 14: Water and Wastewater Capacity Allocation
 - *Identifies a maximum allocation of SDUs for the proposed development and outlines details pertaining to the withdrawal of municipal servicing allocation, timing, etc.*
- Clause 17: Enbridge Gas Inc.
 - *Pertains to Enbridge Gas Inc.'s requirements related to gas availability and service and meter installation.*
- Clause 18: External Trail Works
 - *Requires the Owner to construct the granular trail works to the satisfaction of the Town.*
- Clause 19: Waste Removal Operations
 - *Requires the Owner to inform waste collection services to enter the lands in a reverse motion and exit the lands in a forward motion.*
- Clause 20: Paving
 - *Identifies that the Owner is not required to pave the parking lot.*
- Clause 21: Existing Water Service
 - *Permits the existing two water service connections to the subject property to remain provided they are sufficient to service the water demand needs, including fire response, and identifies that these two existing connections are considered temporary and that any future development or servicing-related decisions will be subject to the Town's Water By-law.*

In addition to the above Special Terms and Conditions, Planning Services notes that Clause 8(b): Building Permits identifies that the fire hydrant must be operational and have been tested and approved prior to occupancy, whereas typically this is required prior to issuance of a building permit.

Financial and Security Considerations

Administration Fees

- The sum of **\$5,000.00** to be applied towards the Town's administrative and legal costs is required as a deposit. The sum of **\$4,000.00** as a flat fee for the Town's Engineering Services Department review of the proposal and the inspection of the site works is required.

Securities

- Securities in the amount of **\$42,617.14**, representing the total security value for this project, is required for the site works.

Insurance

- A general comprehensive liability insurance certificate in the amount of **\$5,000,000.00** is required and the Town will need to be listed as an insured.

Cash-in-lieu of Parkland Dedication

- Per the applicant's request and Council's direction on December 19, 2022, an alternate cash-in-lieu rate, based on the construction value of all improvements to the site, can be utilized for the proposed redevelopment. As such, a payment for cash-in-lieu of parkland dedication calculated at the Commercial Development Rate equal to two percent (**2%**) of the construction value of the development is required.

Financial Impacts

Maintaining an adequate, appropriate and orderly supply and mix of residential, commercial, and industrial units in anticipation of future development and servicing conditions provides a long-term foundation for stable community growth and results in the generation of growth-related revenue associated with building permit fees, development charges, taxes, and other related fees.

Conclusion

Based on the land-use planning analysis and the Town's development review process, Planning Services confirms that the submitted documents and plans illustrate a

proposed use and associated site works that are in conformity to or consistent with the relevant land use planning instruments. It is therefore recommended that the Site Plan be approved subject to fulfillment of the conditions outlined in Appendix 'A', including payment of the necessary fees and securities and entering into a Site Plan Control Agreement to the satisfaction of the Director, Planning, Building, and Economic Development and the Town Solicitor. The Site Plan Drawings are appended to this report (see Appendix 'B').

3. Input from Other Sources

The subject application was circulated to Town departments, applicable third-party peer reviewers, and external commenting agencies for review and comment and all concerns have been satisfactorily addressed.

The following supporting documents were provided, updated, amended, confirmed and/or reviewed by the applicable experts:

- Site Plan [July 2022, last revised July 2023], [Lloyd Hunt Architect];
- Main Floor Plan [July 2022, last revised July 2023], [Lloyd Hunt Architect];
- Site Analysis [July 2022, last revised July 2023], [Lloyd Hunt Architect];
- Landscape Plan [July 2022, last revised July 2023], [Franco Lora Landscape Architect];
- Elevations [July 2022, last revised July 2023], [Lloyd Hunt Architect];
- Site Development and Drainage Plan [July 2022, last revised July 2023], [Tatham Engineering];
- Planning Justification Letter [June 2022], [MHBC];
- Urban Design Brief [June 2022], [MHBC]; and
- Functional Servicing Letter Report [June 2022, last revised August 2023], [Tatham Engineering].

A Third-party peer review was undertaken for landscaping matters. The following peer review responses were provided:

- Envision Tatham, Landscape Peer Review, dated August 21, 2022; November 14, 2022; December 20, 2022; January 18, 2022; June 12, 2022; July 21, 2023; and July 28, 2023.

4. Applicable Policy or Legislation

- *Planning Act* (1991, as amended);
- Provincial Policy Statement (2020);
- Growth Plan for the Greater Golden Horseshoe (2020 Consolidation);
- Simcoe County Official Plan (2016);
- Town of Collingwood Official Plan (2004, as amended);
- Town of Collingwood Zoning By-law 2010-040 (2010, as amended);
- Town of Collingwood Site Plan Control By-law (2010), as amended; and
- Town of Collingwood Urban Design Manual (2010).

5. Considerations

- | | |
|---|--|
| <input checked="" type="checkbox"/> Community Based Strategic Plan: | Consistent with CBSP |
| <input type="checkbox"/> Services adjusted if any: | |
| <input checked="" type="checkbox"/> Climate Change / Sustainability: | The proposal furthers the build out and intensification of the Town's built boundary contributing to a complete community. |
| <input checked="" type="checkbox"/> Communication / Engagement: | Public Engagement has occurred
The application has been posted on the Town's website. |
| <input checked="" type="checkbox"/> Accessibility / Equity, Diversity, Inclusion: | The proposed development has been reviewed in the context of AODA regulations. |
| <input checked="" type="checkbox"/> Registered Lobbyist(s) relating to content: | Dana Kaluzny, Endswell Beer (applicant) |

Next steps and future action required following endorsement:

- Owner satisfaction of conditions
- Subject to the above, execution of a Site Plan Control Agreement

6. Appendices and Other Resources

Appendix A: [Conditional Site Plan Control Decision and Conditions](#)

Appendix B: [Site Plan Drawings](#)

7. Approval

Prepared By:

Cassandra Dillman, Community Planner

Reviewed By:

Lindsay Ayers, Manager, Planning, MCIP, RPP