To: Belleville Planning Advisory Committee

Subject: Notice of Complete Application and Introductory Public Meeting for Extension to Temporary Use By-Law
209 Cannifton Road North
City of Belleville
APPLICANT: Adam Holgate
OWNER: Holgate Tire & Battery – John Holgate

File: B-77-1091

Recommendation:

“That Report No. PP-2019-67 dated October 7, 2019 regarding Notice of Complete Application and Introductory Public Meeting for Application for Extension to Temporary Use By-Law – 209 Cannifton Road North, City of Belleville, County of Hastings be received as information, and;

That Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

Background:

The application for the proposed extension to temporary use by-law was received by the City of Belleville on September 4, 2019.

The initial public meeting is held in accordance with the requirements of the Planning Act. The purpose of this meeting is for Committee Members to formally hear and receive public comments. The intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from Staff.

The Applicant is requesting that Council consider an extension of a temporary use by-law for a period of two years to permit two storage trailers on the subject lands. The Applicant has indicated that these trailers store material for the operation of Holgate Tire.
At the September 10, 2018 Council Meeting, Council approved the following resolution:

“THAT the Belleville Planning Advisory Committee recommends the following to City Council:

i. THAT the application to amend Zoning By-Law Number 3014, as amended, for land described as 209 Cannifton Road North, City of Belleville, County of Hastings, be APPROVED as follows:

That Zoning By-Law Number 3014, as amended, be amended by rezoning the subject lands from the current Low Density Residential (R1) Zone and General Commercial (C3) Zone to General Commercial (C3) Zone with special provisions.

ii. THAT a temporary use by-law to recognize the two storage trailers located at 209 Cannifton Road North, City of Belleville, County of Hastings, be entered into for a period of ONE (1) year.”

The approved period of the temporary use by-law has now ended. The Applicant has indicated they have had difficulty removing the trailers within that timeframe and are asking for an extension. The Applicant has also discussed with Planning Staff the need for this prior to redeveloping the lands. Any redevelopment would need to comply with the Zoning By-Law and site plan requirements.

The subject lands are identified on the attached Location Map (Attachment #1). Site Details for the subject lands:

<table>
<thead>
<tr>
<th>Site Review</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location</td>
<td>The subject land is municipally known as 209 Cannifton Road North which is located at the southwest corner of Cannifton Road North and Maitland Drive</td>
</tr>
<tr>
<td>Site Size</td>
<td>0.22 hectares</td>
</tr>
<tr>
<td>Present Use</td>
<td>A refreshment vehicle/chip truck and two tractor trailers</td>
</tr>
<tr>
<td>Belleville Official Plan Designation</td>
<td>Commercial Land Use</td>
</tr>
<tr>
<td>Present Zone Category</td>
<td>General Commercial (C3-16) Zone</td>
</tr>
<tr>
<td>Land uses to the north</td>
<td>Aqua Bay Pool and Spa</td>
</tr>
<tr>
<td>Land uses to the east</td>
<td>Moira River</td>
</tr>
<tr>
<td>Land uses to the south</td>
<td>Holgate Tire</td>
</tr>
<tr>
<td>Land uses to the west</td>
<td>Residential Dwellings</td>
</tr>
</tbody>
</table>

No additional information, reports, or studies were provided with the rezoning application.
Proposal

The Applicant has requested that Council consider a two year extension of a temporary use by-law for two storage trailers located on the subject lands.

While storage trailers are permitted on commercial properties, they are only permitted as an accessory use. Since the property does not contain a permitted main use, the trailers cannot be considered ‘accessory’ and are not allowed. If they are to remain, they must be recognized through a temporary use by-law. It should be noted that these trailers are accessory to the adjacent property (Holgate Tire).

Provincial Policy Statement

Municipalities are required to ensure all decisions related to land use planning matters shall be consistent with the Provincial Policy Statement. Planning Staff will consider the following policies in the PPS:

1.1.1 a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Official Plan

The current Official Plan was adopted by City Council on June 18, 2001 and approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. Since 2002, a significant number of new and updated policies and legislation have occurred at the provincial level. The City undertook a Municipal Comprehensive Review and the policies of the Official Plan are currently being updated to ensure they comply with current provincial policies and legislation. The City will have to comply with the province’s new legislation, regulations, and policies when updating the Official Plan.

The land is designated "Commercial" and “Open Space” in the City’s Official Plan (Attachment #2 – Official Plan Designation Map). Planning Staff use the policies within the Official Plan to make recommendations.

The Official Plan states not every property designated Commercial land use is suitable for all forms of commercial activity; the range of uses permitted within each area designated Commercial land use should be established taking into account:

- the nature and extent of the market area that is to be served by the property and the commercial development;
- the nature of abutting land uses and the potential impact of commercial development upon such uses, and the effectiveness of mitigative measures;
• the ease of access to the lands in question from the City’s road system and the impact of commercial development upon traffic circulation;
• the potential and suitability of the location to achieve the market penetration needed to enable the commercial development to be successful;
• servicing implications; and
• urban design issues.

Zoning By-law

Currently, 209 Cannifton Road North is zoned General Commercial (C3-16) Zone. The application does not propose to change the zoning on the subject land.

Storage trailers are permitted within the General Commercial (C3) Zone as an accessory use. As the property does not have a main use, accessory uses are not permitted. The temporary use by-law approved in September, 2018, recognized the storage trailers, which are accessory to the adjacent property (Holgate Tire).

Public Comments

On September 13, 2019 a written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for October 7, 2019.

Similarly, a sign was placed on the subject lands notifying the general public that a public meeting was scheduled for October 7, 2019.

At the time of writing this report, no correspondence from the public has been received by the City regarding this application.

Staff and Agency Comments

External Agency Circulation

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Hastings and Prince Edward Health Unit, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Elexicon Energy, Hydro One, TransCanada Pipeline, Enbridge Pipelines, Trans-Northern Pipelines, MPAC, Quinte Conservation and the Health Unit.

At the time of writing this report, no comments or concerns have been received regarding this application.
Internal Department Circulation

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the General Manager of Transportation & Operations Department, General Manager of Environmental Services, the Director of Recreation, Culture and Community Services, the Manager of Parks & Open Spaces, the Chief Administrative Officer, the Manager of Economic & Strategic Initiatives, the City Clerk, and the Chief Building Official.

At the time of writing this report, no comments have been received regarding this application.

Considerations:

Public

Circulation to the public complies with the requirements of the Planning Act, R.S.O. 1990.

Financial

The fees of the application have been received by the City.

Impact on and input from other Departments/Sources

Circulation of this application to other departments/agencies has occurred.

Strategic Plan Alignment

The City of Belleville’s Strategic Plan identifies nine strategic themes including Industrial and Commercial Development.

Strategic objectives of the Industrial and Commercial Development theme include:

- Ensure suitable serviced employment lands are available to meet the needs of all potential industrial and commercial investments
- Market the City’s unique strengths to attract leading-edge industries that provide high paying job opportunities
- Encourage remediation and redevelopment of underutilized lands
- Support initiatives that create an available skilled labour force, including programs to retain youth in the community
Conclusion:

Comments received at this public meeting, as well as subsequent written comments will be considered by the Engineering and Development Services Department in analysis of the application for extension to temporary use by-law. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted

____________________________
Thomas Deming, CPT
Principal Planner, Policy Planning
Engineering and Development Services Department

Attachments

Attachment #1 – Location Map
Attachment #2 – Official Plan Designation
PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 209 CANNIFTON RD N

- SUBJECT LANDS FOR TEMPORARY USE BY-LAW
Attachment #2 – Official Plan Designation

LOCATION MAP

LOCATION: 209 CANNIFTON RD N

- SUBJECT LANDS

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT