To: Belleville Planning Advisory Committee

Subject: Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 10245, As Amended

9-11 & 13 Wilkie Street
City of Belleville
APPLICANT/OWNER: Mark Glassford

File: B-77-1084

Recommendation:

“That Report No. PP-2019-42 dated June 3, 2019 regarding Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 10245, As Amended – 9-11 & 13 Wilkie Street, 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 amendment to Zoning By-Law Number 10245 was received by the City of Belleville on May 1, 2019.

City Staff have had a number of pre-consultation meetings with the Applicant to discuss plans for future redevelopment of the site. Through these meetings Staff became aware that the Official Plan designation of “Open Space” has been improperly applied to these privately owned lands. Staff has notified the consultant working on the Official Plan update to take this into consideration as it is unusual to have privately owned lands designated as “Open Space”.

In the meantime, the Applicant is attempting to legalize the existing dwelling
units on the property. When they purchased the property in 2016, they were under the impression the dwellings were legal non-conforming.

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 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 lands are municipally known as 9-11 &amp; 13 Wilkie Street and located on the east side of Wilkie Street, south of Dundas Street West.</td>
</tr>
<tr>
<td>Site Size</td>
<td>1.07 hectares &amp; 0.58 hectares</td>
</tr>
<tr>
<td>Present Use</td>
<td>Marina and residential dwellings</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Marina and residential dwellings</td>
</tr>
<tr>
<td>Belleville Official Plan Designation</td>
<td>Open Space</td>
</tr>
<tr>
<td>Present Zone Category</td>
<td>Open Space (O2-1) Zone</td>
</tr>
<tr>
<td>Proposed Zone Category</td>
<td>Open Space (O2-4) Zone with special provisions to recognize the existing nine (9) residential units along with the permitted uses of the O2-1 Zone</td>
</tr>
<tr>
<td>Land uses to the north</td>
<td>Railway right of way and retirement home</td>
</tr>
<tr>
<td>Land uses to the east</td>
<td>Open space parkland</td>
</tr>
<tr>
<td>Land uses to the south</td>
<td>Bay of Quinte</td>
</tr>
<tr>
<td>Land uses to the west</td>
<td>Open space parkland</td>
</tr>
</tbody>
</table>

In support of the application, the following was submitted:

- Survey Plans.

These documents have been available for public review at the Planning Department and are included with this report as Attachment #2.

**Proposal**

The Applicant proposes to rezone the subject lands from Open Space (O2-1) Zone to Open Space (O2-4) Zone with special provisions to recognize the existing dwelling nine (9) units on the two properties.

On the subject lands located at 9 Wilkie Street there are three (3) dwelling units located in the main dwelling, one (1) unit located above a detached garage, and one (1) unit located in a second single detached dwelling.
On the subject lands located at 13 Wilkie Street there is one dwelling with two (2) units and two other dwellings each with one (1) unit.

In total, the application is to recognize the existing nine (9) dwelling units.

**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 Healthy, liveable and safe communities are sustained by:

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

b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;

g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and

h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate
range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;

2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

3. minimize negative impacts to air quality and climate change, and promote energy efficiency;

4. support active transportation;

5. are transit-supportive, where transit is planned, exists or may be developed; and

6. are freight-supportive; and

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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 has occurred at the provincial level. The City is currently undertaking a Municipal Comprehensive Review and update to the policies of the Official Plan 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 "Open Space" in the City’s Official Plan (Attachment #3 – Official Plan Designation Map). Planning Staff use the policies within the Official Plan to make recommendations. However, it is unusual for privately owned lands to be designated as “Open Space”. Staff has notified the consultant working on the Official Plan update to take this into consideration as these lands have been improperly designated.

Zoning By-law

The subject lands are currently zoned Open Space (O2-1) Zone with special provisions. The application proposes to amend the zoning to Open Space (O2-4) Zone with special provisions to recognize the existing nine (9) dwelling units on the two properties; along with the permitted uses of the O2-1 Zone.

The provisions of the current O2-1 Zone permit the following uses in addition to the O2 Zone permitted uses:

- a public and/or private boat docking;
- yacht club;
- marina;
- a detached one family dwelling which existed at the date of passing of the by-law.

Public Comments

On May 10, 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 June 3, 2019.

Similarly, a sign was placed on the subject lands notifying the general public that a public meeting was scheduled for June 3, 2019.

Both notices state that additional information is available in the City’s planning files for review by any member of the public during business hours.

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.

Canadian Pacific Limited has also been notified of this application due to the properties proximity to their railway line.

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 Development Engineer, 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.

Belleville Fire Department provided correspondence including environmental concerns specifically regarding holding tanks and septic tanks on the property.

Environmental Services noted concerns over water pressure from the serviced building on 9-11 Wilkie Street to the units on 13 Wilkie Street, but otherwise had no issues regarding the rezoning.

The Development Engineer, Parks & Open Spaces, and Transportation & Operations Department have provided correspondence and they have no concerns.

At the time of writing this report, no other 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, Residential Development and Tourism and Waterfront Revitalization.

Strategic objectives of the Residential Development theme include:

- Plan for residential growth to meet our needs for 20 years and designate sufficient land in our planning documents to accommodate residential growth for 10 years; and
- Provide for a variety of housing forms to reflect our changing demographics and need for affordability.

Strategic objectives of the Tourism and Waterfront Revitalization theme include:

- Promote and support the development of attractions, events, facilities and services that will draw visitors to the community; and
- Encourage the creation of a vibrant waterfront based on recreation and entertainment, accented with unique commercial and residential opportunities.

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 received to amend the City of Belleville Zoning By-law 10245. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted

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

Attachment #1 – Location Map
Attachment #2 – Survey Plan
Attachment #3 – Official Plan Designation
PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 9-13 WILKIE ST

PROPOSED ZONING CHANGE FROM O2-1 (OPEN SPACE WITH SPECIAL PROVISIONS) TO O2-4 (OPEN SPACE WITH SPECIAL PROVISIONS)
PLAN OF SURVEY OF
PART OF LOT 36,
BROKEN FRONT CONCESSION, (TOWNSHIP OF SIDNEY),
AND LOTS 4, 5 AND 6,
AND PART OF LOT 3,
(EAST OF WILKIE STREET),
REGISTERED PLAN N° 188,
ALL IN THE CITY OF BELLEVILLE,
COUNTY OF HASTINGS.

Scale: 1" = 50'

STEWART W. ALLAN LTD. 1986

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1) This survey and plan are correct and in accordance with the Survey Act and the Registry Act and the regulations made thereunder.
2) The survey was completed on the 1st day of November, 1986.

November 1, 1986
STEWART W. ALLAN
Ontario Land Surveyors

NOTE:
The bearing of N89°16’W on the westerly limit of Part 2, Plan 21R-5682 is astronomical and governs all bearings hereon.
- W - denotes fixed monuments
- D - denotes planted monuments
wit - witness
Ties to high water mark are perpendicular to high water mark unless otherwise noted.

* DOES NOT INCLUDE IRREGULAR WATERLINE

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Drawn by: R.O. SHAW C.S.T.
June 3, 2019