PLANNING JUSTIFICATION REPORT

Prepared by

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1.0 INTRODUCTION

KP Consultants has been retained by n Architecture Inc (the “applicant”), with respect to the development of their lands municipally known as 8092 Highway 62, in the City of Belleville (the “subject lands”) (refer to Figure 1). The owner has submitted application for a Zoning By-law Amendment to facilitate the development of the lands for a gas bar, with an associated convenience store, and an eating establishment. An application for Site Plan Approval is required and is already submitted to the City. This report is intended to provide a planning analysis and justification in support of the proposed development and the application submitted.

2.0 SITE AND SURROUNDING AREA

The subject lands consist of a vacant parcel of land, located on the east side of the Highway 62 Road, south of Old Mac Road and west of Ashley Road. The lands have an area of 0.41 ha (1.01 ac) and frontages of 61.20 m (200.78 ft) on Highway 62. The lands have a gradual slope from the southwest to the southeast, with a grade change of approximately 2 metres.

Land uses abutting the subject lands include (See Figures 1 and 2):

North: Hardware store, East: Vacant land, South: Vacant zoned as Industrial and West: Rural Residential use

FIGURE 1 – LOCATION MAP
As stated above, applications for a Zoning By-law Amendment and Site Plan Approval have been submitted to the City of Belleville. The applications have been submitted to facilitate the development of the lands for, a gas bar and associated convenience store, and an eating establishment, with a drive-through component.

The proposed Zoning By-law Amendment is required to add exception to Special General Commercial-4 (C3-4) Zone under the provisions of Thurlow Zoning By-law (3014), as amended to add eating establishment use including drive-in or take-out for the subject property. No other site-specific development standards are required to facilitate the construction of the proposed buildings.

*Figures 3 and 4* below show a Conceptual Site Plan for the development of the subject lands and provides site details. Two (2) access points to the site have been proposed, one along each street frontage. The vehicular circulation is proposed to be internal to the site.

The proposed eating establishment and associated retail buildings have been directed away from Highway 62 to ensure that adequate space exists for drive-through of the eating establishment.

Parking for the site is generally located between the gas bar and the retail and an eating establishment buildings. No exception to the zoning standard is required.
4.0 POLICY ANALYSIS

4.1 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 sets the policy foundation for regulating the development and use of land.
The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

In accordance with Section 1.1.3 of the PSS, new development has been encouraged to locate in Settlement Areas. Specifically, it is stated that:

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.

1.1.3.3 Planning Authorities shall identify appropriate locations and promote opportunities of intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities require to accommodate projected needs.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form while avoiding or mitigating risk to public health and safety.
The proposed development is to occur in a designated Settlement Area, within the City of Belleville. It is intended that the development will contribute to the ongoing growth of the area by providing a highway commercial establishment on the highway 62 in close proximity to both residential and commercial land uses.

Through the proposed zoning by-law amendment will ensure functional site design, safety and efficiency for patrons accessing the site through a range of transportation options and an appropriate transition to the more sensitive land uses (rural residential) to the north.

In this regard and based on the aforementioned review of the relevant policies of the PPS, the proposed land uses are consistent with these policies and is therefore consistent with the vision of the Province and how it has directed new development to occur within its municipalities.

4.2.1 City of Belleville Official Plan (2018)

The subject land is designated "Hamlet" in the City’s Official Plan (Schedule A – Land-use Plan Rural Area, See Figure 4). These areas include the hamlets known as Foxboro, Point Anne, Plainfield, Latta, Halloway, and Roslin. The subject lands are located in the Foxboro.

In accordance with sections 3.1.2(c) and 3.1.2 (d):

"Commercial and industrial uses should be compatible with surrounding uses, both existing and proposed, particularly with regard to appearance, traffic generation potential, noise and any other potential nuisance features.

The lot size and shape for new commercial and industrial uses should be appropriate to allow the use and all related accessory uses, adequate ingress and egress, as well as buffering such as fencing, landscaping, and distance separation”.

The proposed gas bar, a convenience store and eating establishment will provide necessary services for this automobile traffic. With respect to the site design, ample parking areas and drive aisles have been provided to ensure that vehicular traffic can access and move around the site in a safe and efficient manner and will not have a negative impact on the anticipated pedestrian traffic. The proposal is consistent with the City of Belleville Official Plan (2018).
A Zoning By-Law Amendment application has been submitted to facilitate the proposed development. The subject lands are currently zoned “Special General Commercial-4 (C3-4) Zone, in Map A2 corporation of the Township of Thurlow Comprehensive Zoning By-law no. 3014.

Following policies apply to the subject lands:

**OMB File No. R880022**

**5.13**

*That part of Lot 17, Concession 4 lying to the north of County Road No. 6 shown as C3-4 on Schedule A5 shall be limited to the use as a real estate sales office only.*

**(3469) 5.109**

*Notwithstanding the provisions of Section 6.13.1.1 and 6.13.1.2 to the contrary, on that part of Lots 1 and 2, Concession 6, in the Township of Thurlow shown as C3-4 on Schedule A2 as amended the following special provisions shall apply in addition to all other applicable provisions of this By-law:*
5.109.

1 Residential uses permitted: none

5.109.

2 The following non-residential uses WILL NOT be permitted on lands zoned Special General Commercial-4 (C3-4): Assembly halls; place of entertainment or recreation; day nursery; hotel; a private club; or uses currently permitted within the Community Facility (CF) Zone.

The proposed eating establishment use (Burger King) is not permitted under Section 5.180.1.2 of non-residential use. The Application proposes to amend Zoning By-Law 3014 to add eating establishment use within the Special General Commercial-4 (C3-4) Zone. A draft Zoning By-law has been prepared and included with the submission. No site-specific exception is required for the development standards.

FIGURE 4 –EXCERPT FROM THE ZONING BY-LAW
6.0 Site Plan Approval

The proposed development is not currently within a site plan control area. However, in considering a zoning by-law amendment application for these lands staff are recommending that these lands be subject to site plan control. A site plan control application has been submitted.

7.0 Public Consultation Strategy

The Public Engagement Strategy of the City of Belleville is in accordance with the requirements stipulated by the Planning Act. The above-noted applications will have a public engagement strategy in accordance with the City’s public engagement process outlined above.

The City of Belleville undertakes the following public engagement process for all development application:

- Placing an advertisement in the local newspapers to meet the minimum notice requirements of the Planning Act.

- The City uses social media, including Facebook and Twitter, and the City’s website for general public notification and consultation for a number of Planning applications.

- The City follows the mandatory requirement of the Planning Act, including mailing out a notice to surrounding property owners.

- The City requires the applicant to post public notice signs on the subject site.

8.0 Built Form Height and Massing

The height and massing are sensitive to the surrounding area, and are appropriate for the site:

- the fuel storage tanks and truck lay-by area would be located to the rear of the property along with the screened molocks, away from the street edge.

- Accessible parking and bicycle parking are places near the main entrance of the retail store and connected by 1.8 m wide walkway to the main entrance of the building.
An automatic doors opener will be installed at the main doors of the retail store.

Figure 6  Elevation

9.0 Landscaping

- A site plan control application is submitted with the subject application. Details regarding appropriate plant selection, soil volumes, and pedestrian walkway materials will be addressed during the site plan approval process.

- The design has tried to maximize the landscaped areas, especially along street frontages.

- Additionally, curb returns do not encroach on adjacent properties.

- Sufficient landscaping and planting on the city's boulevard are provided especially at the corner. Easement agreement with transportation services will be dealt with through the Site Plan Approval process.
10.0 Conclusion

The proposal is being reviewed against the policies of the PPS (2014) and the City’s Official Plan. Following are other reasons demonstrating the proposed use is an appropriate use of underutilized vacant land:

The appropriateness of the proposed use in this location:

- Negligible traffic impacts of the proposed development;
- The design and built of the proposed use;
- No loss of trees and sufficient amount of landscaping proposed; and
- Adequate space available to accommodate internal vehicle movements.

Submitted by:

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Appendix 1: Draft Zoning By-law

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2019-XX

Being a by-law to amend Zoning By-law 3014 to rezone those lands in part of Lot 17, Concession 4 lying to the north of County Road No. 6, City of Belleville

Whereas By-law 3014 is the main comprehensive Zoning By-law of the City of Belleville;

And whereas By-law 3014 zoned as Special General Commercial-4 (C3-4) Zone

And whereas authority is granted under Section 34 and 36 of Planning Act, R.S.O. 1990, c.P.13;

Now, therefore, the Council of The Corporation of the City of Belleville enacts as follows:

1. All provisions of By-law 3014 shall apply to the lands located in part of Lot 17, Concession 4 lying to the north of County Road No. 6, as identified on Map A2 of the Township of Thurlow Comprehensive Zoning By-law no. 3014.

2. By-law 2010-50 including Schedule ‘B’ thereto, is hereby further amended by to add “Eating Establishment” use to the Section 5.180.1.2 of non-residential use