



905 & 919 Fallis Line

Official Plan Amendment & Zoning By-law Amendment

PLANNING JUSTIFICATION REPORT

905 & 919 Fallis Line
Township of Cavan Monaghan
County of Peterborough

IPS NO. 13-452
November 2020



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905 Fallis Line (Block 144 of Plan 45M256) and 919 Fallis Line
Part of Lot 12, Concession 5

**TOWNSHIP OF CAVAN MONAGHAN
COUNTY OF PETERBOROUGH**

APPLICATIONS FOR

**OFFICIAL PLAN AMENDMENT and
ZONING BYLAW AMENDMENT**

PREPARED BY

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ON BEHALF OF

TOWERHILL DEVELOPMENT INC.

October 2017

Revision 1: November 27, 2020

PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN & ZONING BYLAW AMENDMENTS

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1.0 Introduction

Innovative Planning Solutions has been retained by Towerhill Development Inc. to complete a Planning Justification Report relative to an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications to permit Commercial Development of lands at 919 Fallis Line (Part 3, Plan 45R-14072) and adjacent Block 144, Plan 45M-256.

The subject lands are located within the urban settlement area in the Village of Millbrook, Township of Cavan-Monaghan, in the County of Peterborough. **Figure 1** shows the location of the subject property.

The purpose of this Planning Report is to update our planning rationale in support of the proposed development under the applicable Provincial, County and Municipal legislation. This Report will review the Applications against applicable policies found within the documents noted below to demonstrate good planning principles:

- Provincial Policy Statement – PPS (2020);
- Growth Plan for the Greater Golden Horseshoe - Places to Grow (2020);
- County of Peterborough Official Plan (Consolidated 2020);
- Township of Cavan Monaghan Official Plan (Amendments October 14, 2020);
- Township of Cavan Monaghan Zoning Bylaw (2018-58) (Office Consolidation November 4, 2019)

2.0 Site Description and Surrounding Land Uses

The subject lands have a total area of 9,518 metres square (2.35 acres). The lands possess frontage of 131.2 metres on Fallis Line, 73.2 metres along County Road 10, and 35.34 metres along Horizon Ave. The lands will be merged through a Deeming By-law and therefore have been reviewed and analyzed as one land holding throughout this Report.

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 Subject Lands

Figure 1
**Subject Lands, 919 Fallis Line &
 Block 144** (of Plan 45M256)

Source: County of Peterborough GIS (September 2017)

Drawn By: VS

File: 13-452



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Access to Highway 115, a major artery to Highway 401, is via County Rd 10 and Fallis Line. The new Express Highway 407 extension to Highway 35/115 is now construct, which further supports increased capacity and growth.

The lands slope to the south-east quadrant of the property. The site is strategically positioned at the intersection of County Road 10 and Fallis Line, central to the residential development to the south-west, future residential, recreational and employment lands to the north, and future community commercial to the east. Surrounding land uses are depicted in **Figure 2**, which include:

North: Cemetery; Residential, Municipal Office; Community Centre and County Rd. 10 interchange with Highway 115.

South: Local Street, Horizon Ave; Residential; and Millbrook core.

East: County Road 10 (Tupper Street); Future Community/Entertainment Commercial and Urban Employment (vacant lands); Oak Ridges Moraine; and Agricultural lands.

West: Residential subdivision; Prime Agricultural lands (outside the Settlement Boundary for Millbrook); and Fallis Line interchange with Highway 115.

3.0 Proposed Development

At this stage, end users of the subject lands is unknown; therefore, a conceptual site plan has not been provided as it's likely that the plan would change. The Township will have an opportunity to address the development prior to construction through the site plan approval process. The proposed uses and development potential have been reviewed and described based on the Official Plan Policies and Zoning By-law provisions.

A review of the Official Plan and proposed designation (Community Commercial), and the Zoning By-law and proposed zone (Community Commercial C5 Zone), a wide range of commercial uses are permitted. Based on Official Plan provisions, the maximum gross floor area could be 30,000 square metres for all commercial uses with a maximum building height of 10 metres.

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Subject Lands

**Figure 2
 Surrounding Land Uses**

Source: County of Peterborough GIS (September 2017)

Drawn By:

File:



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It is anticipated that the buildings would be sited close to Fallis Line, with a minimum 3 metre setback, and 10 metre setback to County Road 10. Parking would be situated to the side and/or rear of buildings and landscape buffers would be provided along all side and rear lot lines. Parking ratios would conform to those outlined in the Zoning By-law. If a drive-through is proposed, increased setback and landscaped buffers would be provided between the drive-through use and the residential lands abutting the property as required through the By-law.

Access to the subject parcel would be provided off Fallis Line. And a 0.3 metre reserve is proposed along County Road 10 to restrict access to the County Road.

A road widening of 3.0 metres is required along Fallis Line frontage on parcel 919 Fallis Line, to accommodate the need for road improvements. A widening has previously been taken on Block 144 of Plan 45M256. A daylighting triangle is also required.

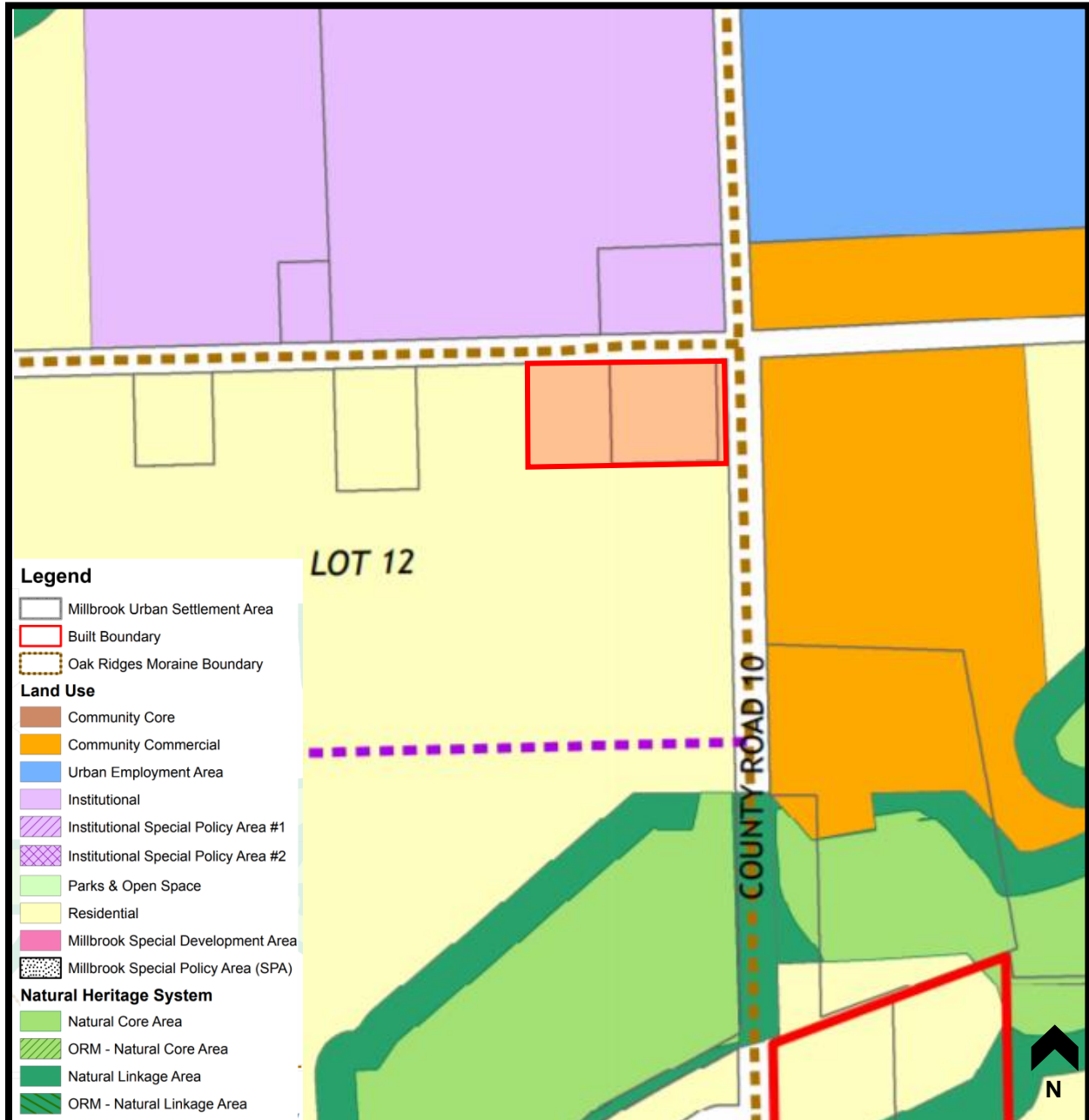
Municipal infrastructure services such as municipal sanitary, water, stormwater and utilities are all available to the development parcel from the adjacent Phase 1 Subdivision. The streetscape and urban design will reflect a transition area to a local commercial area from the adjacent residential subdivision and future commercial and employment lands. This is the most appropriate form of development at the main signalized intersection.

3.1 OFFICIAL PLAN AMENDMENT APPLICATION

The Township of Cavan Monaghan Official Plan designates the land as 'Residential' within a 'Settlement Area' boundary. **Figure 3** below illustrates the existing designation. The Official Plan Amendment proposes to redesignate the lands from 'Residential' to 'Community Commercial, with special policy area' to amend the list of permitted uses.

The lands are situated at the intersection of Fallis Line and County Road 10, which will become a primary intersection within Millbrook as the surrounding lands are developed. Currently Towerhill South is almost fully constructed and Towerhill North is working through the planning approvals process. The new community centre is located just north of Fallis Line along side the existing municipal offices. The lands east of the subject lands are designated Community Commercial. Based on the surrounding lands, it is proposed that the subject lands are better suited for Community Commercial development which will round out the development of the intersection, providing consistent land uses which compliment each other and the developing residential neighbourhood. Therefore, the OPA, proposes to amend the designation of the lands,

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- Legend**
- Millbrook Urban Settlement Area
 - Built Boundary
 - Oak Ridges Moraine Boundary
 - Land Use**
 - Community Core
 - Community Commercial
 - Urban Employment Area
 - Institutional
 - Institutional Special Policy Area #1
 - Institutional Special Policy Area #2
 - Parks & Open Space
 - Residential
 - Millbrook Special Development Area
 - Millbrook Special Policy Area (SPA)
 - Natural Heritage System**
 - Natural Core Area
 - ORM - Natural Core Area
 - Natural Linkage Area
 - ORM - Natural Linkage Area

LEGEND

Subject Lands

Figure 3
Township Official Plan Land Use Schedule- Millbrook

Source: Township of Cavan Monaghan, Official Plan – Schedule 'A-1', Land Use and Transportation

Drawn By: VS

File: 13-452



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proposing land uses which compliment the neighbourhood and provide commercial services to the surrounding community.

The Community Commercial designation permits the following uses: Automobile retail facilities; Commercial fitness centres; Entertainment and recreational uses; Hotels, motels, and convention centres; Private and commercial schools and daycare centres; Private recreational uses such as banquet halls and private clubs; Restaurants; Retail stores including food stores and supermarkets, department stores and specialty shops; and, Service industry uses in wholly enclosed buildings. And it specifically precluded from locating in the Community Commercial designation; Banks and financial institutions; Liquor Stores; Post office; Personal Services; and Professional Offices as a primary use.

The lands to the immediately east of County Road 10 are currently designated as 'Community Commercial' with an appropriate area to permit large-scale, large-format commercial uses and do not abut existing or proposed future residential subdivisions. Based on the policies of the 'Community Commercial' designation and the specific location of the subject lands, a number of uses are deemed not appropriate.

Therefore, the Official Plan Amendment will redesignate the lands to 'Community Commercial - Special Policy Area' to modify the permitted uses. The following special provisions are requested. All other uses within this designation will continue to apply:

a) **Exclude specific uses:**

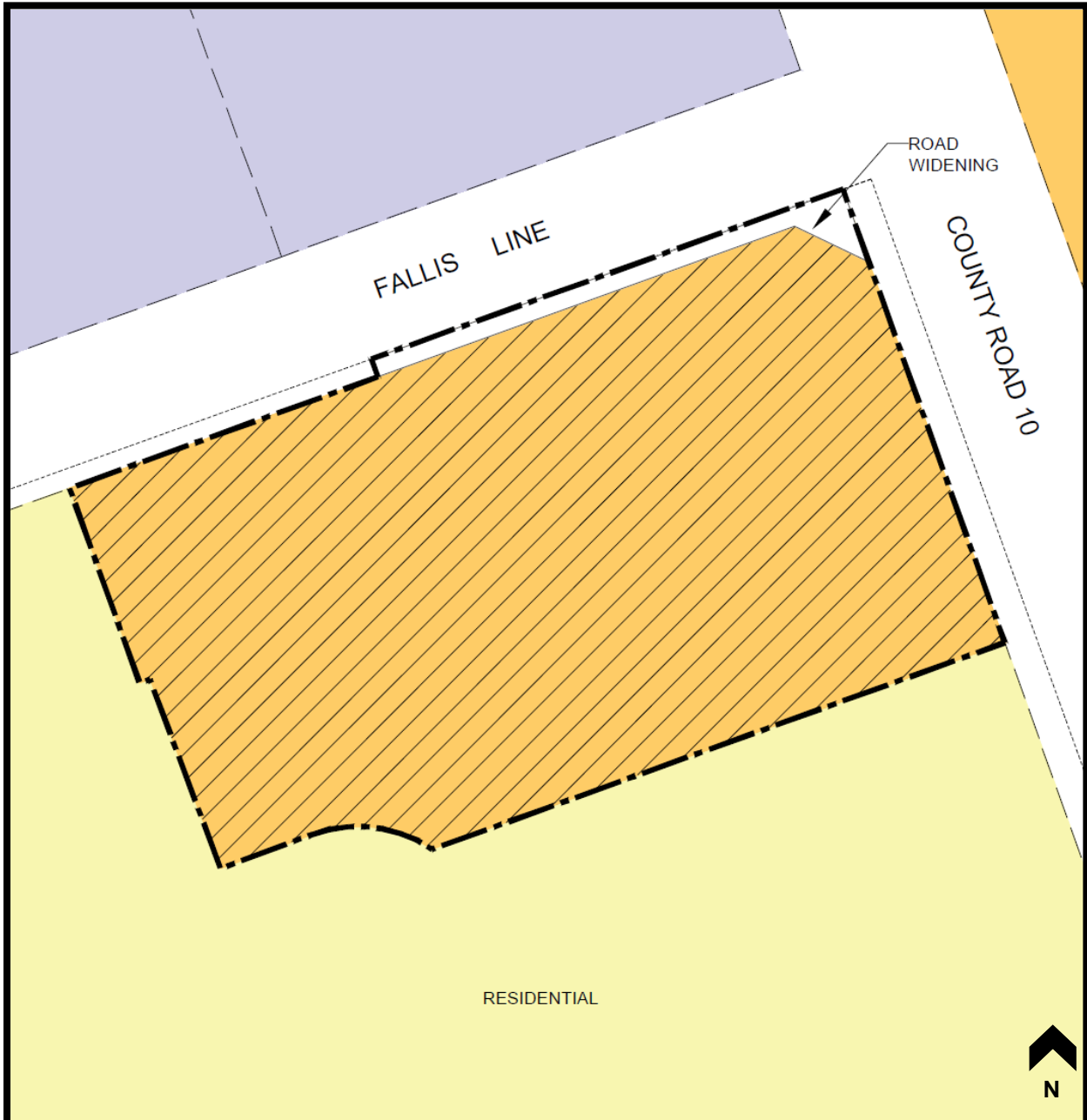
- Automobile retail facilities

b) **Permit Additional Uses:**

- *Banks and financial institutions;*
- *Business, professional and medical offices;*
- *Car wash;*
- *Liquor Stores;*
- *Motor vehicle gas bar;*
- *Post office; and*
- *Personal Services*

An amendment to the Official Plan with the above noted special provisions is requested, subject to approval by the Township of Cavan Monaghan and the County of Peterborough. The Official Plan is further reviewed in **Section 4.4** of this Report.

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SUBJECT SITE (0.9ha / 2.3ac)



LANDS TO BE REDESIGNATED FROM 'RESIDENTIAL' TO 'COMMUNITY COMMERCIAL WITH SPECIAL POLICY AREA' DESIGNATION

Figure 4
**Proposed Official Plan
 Amendment Schedule**

Source: Innovative Planning Solutions, Schedule 'A',
 Official Plan Amendment

Drawn By: VS

File: 13-452



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The proposed Official Plan Amendment Schedule can be reviewed in **Figure 4** below. A copy of the draft Official Plan Amendment is included under **Appendix 1**.

3.2 ZONING BY-LAW AMENDMENT APPLICATION

The subject lands are currently zoned 'Urban Residential One Exception A-5 (UR1-A-5)', 'Urban Residential One exception B-1 (UR1-B-1)', 'Future Development (FD)' and 'Urban Residential Three exception 3 (UR3-3)' in the Township of Cavan Monaghan Zoning By-law. The Township Zoning map can be seen in **Figure 5** below. A Zoning Bylaw Amendment (ZBA) is required to facilitate the proposed commercial development and provide consistent zoning. The ZBA application intends to rezone the lands to 'Community Commercial Exception (C5-X) Zone'.

The 'Community Commercial (C5)' Zone permits a wide range of commercial. Similar to the Official Plan Amendment, the Zoning By-law Amendment will rezone the lands to 'Community Commercial Exception (C5-X) Zone' to modify the permitted uses and zoning provisions.

The following is requested to modify the permitted uses. All other uses within this designation will continue to apply:

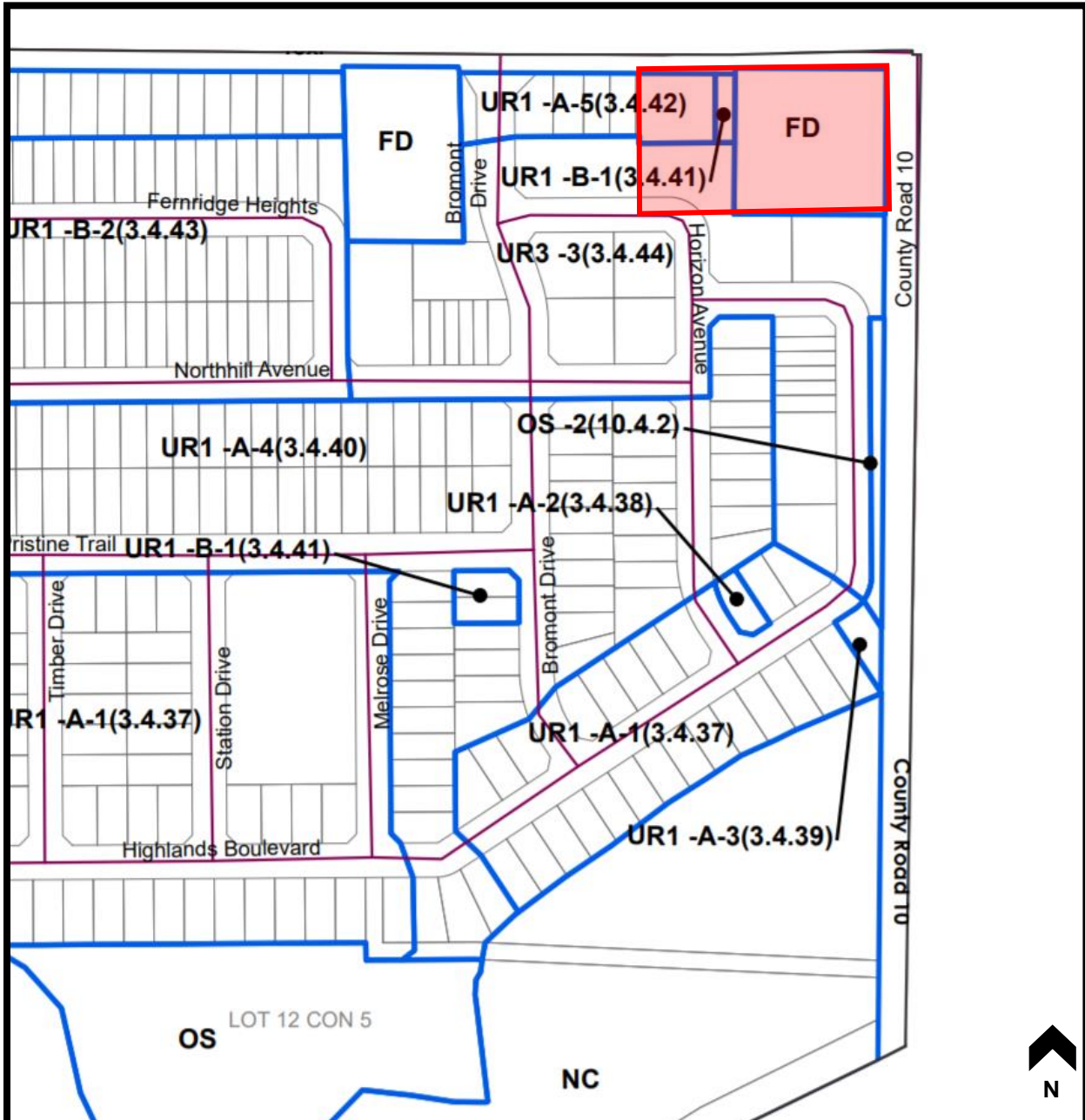
a) Exclude Specific Uses:

- *Commercial Greenhouse;*
- *Industrial equipment rental establishment;*
- *Motor vehicle sales and rental establishment*

b) Permit Additional Uses:

- Business Office – as a primary use;
- Banks and financial institutions;
- Car wash;
- Liquor store;
- Professional Office;
- Personal Service Establishment;
- Postal or Courier Outlet;

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Subject Lands

Figure 5
Township Zoning Bylaw
Schedule

Source: Township of Cavan Monaghan, Schedule A Zoning By-law, Map E-2B

Drawn By: VS

File: 13-452



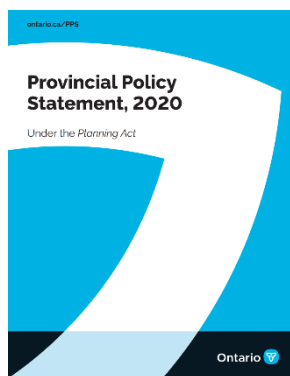
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In addition to the uses noted above, the proposed zoning provisions have been reviewed and four exceptions are required. They include the following:

- Amend Section 11.30.1, Required Setbacks from County Roads, to permit a minimum setback of 10 metres whereas 30 metres is required to a non-residential development;
- Amend Section 12.2.16.1, Table 12G to permit a minimum of 2 required egress spaces for a restaurant drive-through service facility, whereas 3 are required;
- Amend Section 12.2.16.4, Setbacks from Residential Zone Boundary to permit a minimum setback of 18.0 metres from any Residential Zone boundary, whereas 30.0 metres is required; and
- Amend Section 12.2.16.6, Landscape Buffer to permit a minimum 3.0 metre wide buffer along any lot line that abuts a Residential Zone, whereas 7.62 metres is required.

Otherwise the future commercial uses(s) shall comply with all other zoning standards for the 'Community Commercial (C5)' zone. A zoning review can be found on **Table 1** below within **Section 4.5** of this report. A copy of the Draft Zoning Bylaw Amendment is included under **Appendix 2**, with its Schedule 'A' shown in **Figure 6** below.

4.0 Planning Policy and Analysis

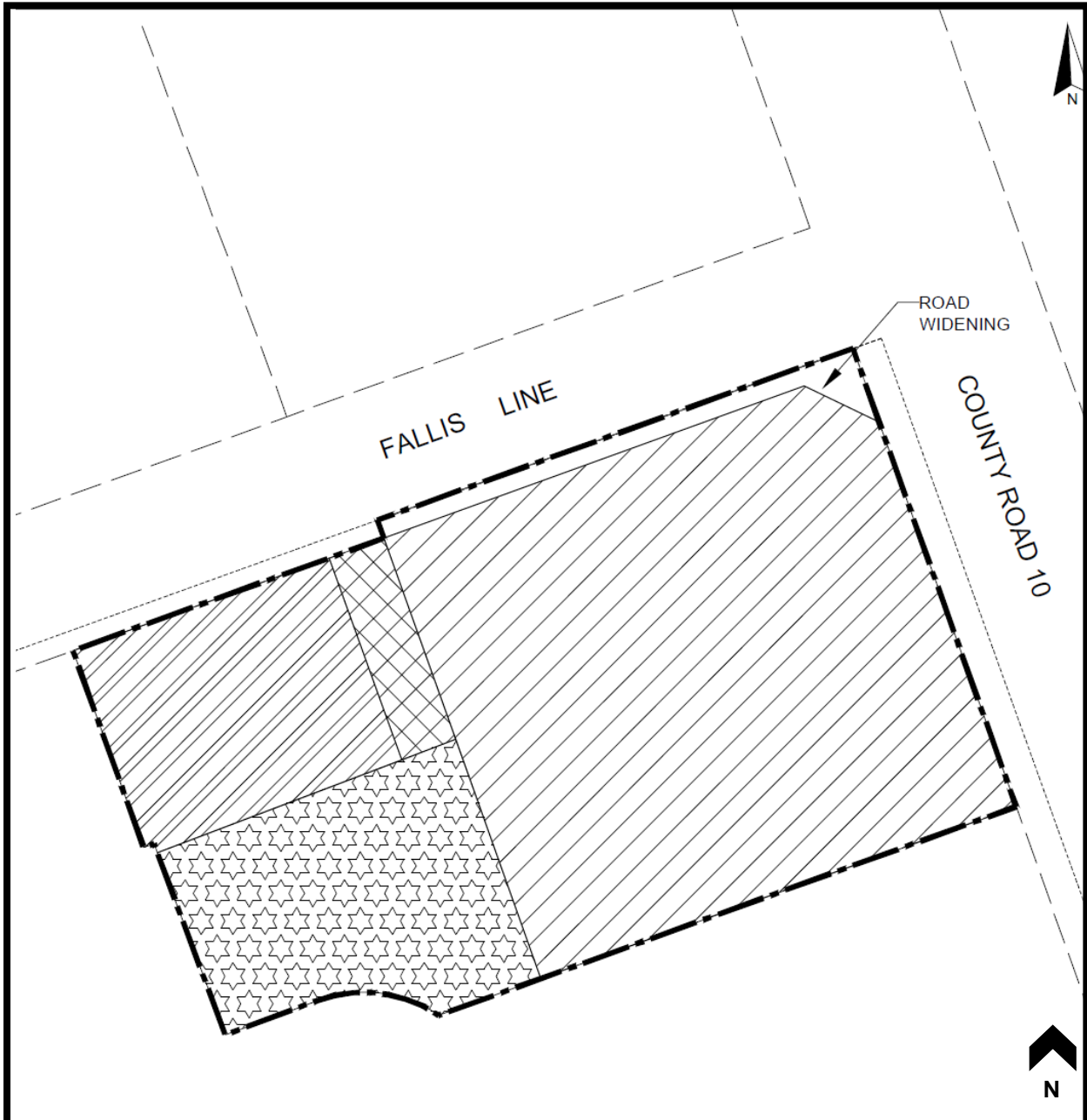


4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS directs land requirements and land use patterns to be based on the provision of sufficient land for a full range of land uses in areas which have the existing or planned infrastructure to accommodate them.

Section 1.1 outlines the importance for building strong communities, managing and directing land use to achieve efficient development and land use patterns. Section 1.1.1(b) states healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (e.g. commercial), institutional, recreation, park and open space, and other uses to meet long-term needs.

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LEGEND






-  SUBJECT SITE (0.9ha /2.3ac)
-  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL ONE EXCEPTION A5 (UR1-A-5)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
-  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL ONE EXCEPTION B1 (UR1-B-1)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
-  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL THREE EXCEPTION 3 (UR3-3)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
-  LANDS TO BE REZONED FROM 'FUTURE DEVELOPMENT (FD)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE

Figure 6
**Proposed Zoning Bylaw
 Amendment Schedule**

Source: Innovative Planning Solutions, Schedule 'A',
 Zoning By-law Amendment

Drawn By: AS

File: 13-452



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The subject lands and surrounding developments achieve this goal by providing future employment opportunities and services to the adjacent residential communities. By placing local commercial development adjacent to introduced municipal services it also promotes the cost-effective development pattern and standards to minimize land consumption and servicing costs.

The vitality of settlement areas is critical to the long term economic prosperity of our communities. **Section 1.1.3** speaks to Settlement Area policies and requirements to focus development that support mixed use communities providing active transportation, promoting energy efficiency, and making the best use of infrastructure. The new development taking place in a designated growth area is adjacent to a new residential subdivision, and future commercial lands, which will allow for the efficient use of land, infrastructure and public service facilities that are planned for in this growth area.

Section 1.3 relates to Employment and employment areas. Economic development and competitiveness are to be promoted through providing an appropriate mix and range of employment, institutional and mixed uses to meet long term needs. The proposed commercial lands will contribute to the mix and range of uses within the surrounding community, providing opportunity for future businesses.

The Official Plan and Zoning By-law Amendment will facilitate the creation of commercial lands at a primary intersection in Millbrook. The lands provide opportunity for businesses within the growing community. The Provincial Policy Statement's objectives and policies are consistent by the proposed development.



4.2 PLACES TO GROW

The Growth Plan for the Greater Golden Horseshoe (GGH) has been prepared and approved under the Places to Grow Act. The Growth Plan represents Ontario's vision and long-term framework by establishing a unique land use planning framework for the GGH that recognizes diversity and supports forecasted growth for the achievement of complete communities.

Section 1.2.1 outlines the guiding principles some of which include the creation of complete communities that are designed to support healthy and active living, prioritize intensification and

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higher densities in strategic growth areas to make efficient use of land and infrastructure, and provide flexibility to capitalize on new economic and employment opportunities.

Complete communities are defined as Places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* are age-friendly and may take different shapes and forms appropriate to their contexts.

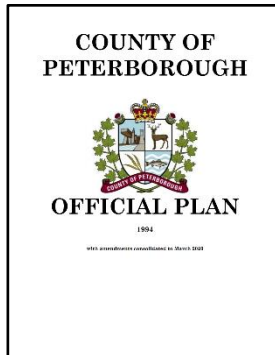
The proposed development will contribute to creating a complete community through the creation of a mixed-use neighbourhood. The commercial development proposed will provide the surrounding residential neighbourhood commercial amenities providing convenient access to daily needs and local stores and services while providing opportunities for jobs.

Section 2 provides applicable policies for Where and How to Grow. Growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities. As noted, the subject lands are within the settlement area of Millbrook, they are outside the delineated built boundary and municipal services can be accommodated.

Section 2.2.7 related to designated greenfield areas. The proposed development is considered a Designated Greenfield Area as the Subject Lands are within a settlement area but outside of delineated built-up area. The proposed development supports the objectives of Growth Plan to achieve complete communities, promote active transportation, and contribute to achieving minimum density targets of 40 residents and jobs combined per hectare.

The proposed commercial development anticipates creating 23.25 jobs through the development. This is based on an average of 25 jobs per hectare as outlined in the Growth Management Strategy 2020, Township of Cavan Monaghan prepared by Watson & Associates Economists Ltd., May 13, 2020.

This application conforms to the policies of the Growth Plan as they propose urban development and plans for complete communities on land designated for growth within Cavan-Monaghan's only urban full-serviced settlement area. This project will contribute to the continued growth of the community and fostering the continued evolution of Millbrook.



4.3 COUNTY OF PETERBOROUGH OFFICIAL PLAN

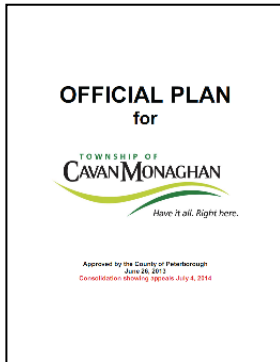
The County of Peterborough Official Plan designates the land as a 'Settlement Area'. The Official Plan directs and guides the actions of local municipalities and in policy planning and physical planning on a very broad basis and refers to the Official Plan of the Township of Cavan Monaghan as a separate free standing document.

Section 4.2 provides policies related to Settlement Areas. The goals, objectives and policies for Settlement Areas are to: encourage a full range of living and employment opportunities by the creation of complete communities; promote the role of settlement areas as the primary employment centres and location for commercial and industrial uses and to plan for related land and infrastructure requirements; promote efficient utilization of existing services and facilities and reduce the need for new infrastructure development, where possible; and encourage the achievement of minimum population thresholds in selected settlement areas to attract and sustain a variety of commercial uses.

The proposed commercial development contributes to the creation of complete communities through the provision of future employment opportunities, providing a location for businesses, and efficiently utilizing existing municipal services.

Section 4.6 provides policies related to Economic Development. The proposed development supports the County to achieve an appropriate mix of development that protects sensitive land uses and buffers adverse effects arising from mixed land uses and directs commercial activity to the serviced settlement area. The location for new commercial development takes advantage of high profile sites on a major road, builds upon introduced investment, is located at a potential future commercial node; and is supported by on-site servicing that are introduced by the same applicant.

The proposed commercial development meets the objectives of the County's Official Plan with an appropriate form of development. An amendment is required to the lower-tier Official Plan and Zoning By-law, subject to approval by the Township of Cavan Monaghan and the County of Peterborough.



4.4 TOWNSHIP OF CAVAN MONAGHAN OFFICIAL PLAN

The Township of Cavan Monaghan Official Plan designates the land as 'Residential' within a 'Settlement Area' boundary. The Official Plan Amendment proposes to redesignate the lands from 'Residential' to 'Community Commercial, with special policy area' to amend the permitted uses.

The Township of Cavan Monaghan's Official Plan defines the intent and direction of growth and development. Goals, objectives and policies guide the decisions of public authorities and private interests to maintain a livable and attractive community and encourages new employment opportunities.

Section 2.1.3 relates to Employment Targets. The Township will promote economic development and more employment opportunities within the community. A goal to achieving the targeted employment to population ratio of 1 job for every 3 people, is supported through the proposal, by adding an estimated 23.25 commercial employment opportunities. This is based on an average of 25 jobs per hectare as outlined in the Growth Management Strategy 2020, Township of Cavan Monaghan prepared by Watson & Associates Economists Ltd., May 13, 2020.

Section 4 of the Official Plan relates to Settlement Area designations and associated policies. Section 4.4 relates specifically to the Community Commercial designation. The Community Commercial area is intended to provide opportunities for larger format retail uses that require large land areas and service the broader community. The objectives of this designation are to:

- a) Establish an area for the establishment of large format retail uses in the Township;
- b) To provide a diverse range of retail, service and recreational uses serving the entire Township;
- c) To ensure the continued vitality of the Commercial Core of Millbrook;
- d) Encourage a high level of urban design within this greenfield urban development.

The Community Commercial designation permits the following uses: Automobile retail facilities; Commercial fitness centres; Entertainment and recreational uses; Hotels, motels, and convention centres; Private and commercial schools and daycare centres; Private recreational uses such as banquet halls and private clubs; Restaurants; Retail stores including food stores and supermarkets, department stores and specialty shops; and, Service industry uses in wholly enclosed buildings. And it specifically precluded from locating in the Community Commercial

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designation; Banks and financial institutions; Liquor Stores; Post office; Personal Services; and Professional Offices as a primary use.

Development within this designation shall provide a maximum gross floor area of be 30,000 square metres for all commercial uses with a maximum building height of 10 metres. It is noted that an implementing Zoning By-law may be required to limit the size, use and form of commercial development. All development within the Community Commercial designation is subject to Site Plan Control.

Prior to considering development within the Community Commercial designation, Council may require: i) A detailed market impact study to demonstrate that the proposal is feasible and desirable on the basis of size, location and function relative existing commercial facilities and sufficient population to support the use; and, ii) A detailed traffic impact assessment to demonstrate that the proposal can be developed without causing disruption to the road network and can be implemented at no cost to the Township and the County. These documents have been included with the first submission.

The proposed development will comply and adhere to Community Commercial Urban Design Guidelines (Section 4.4.4) by: providing extensive landscaping on the periphery and within parking areas with landscaped buffers to adjacent residential uses; designing the Drive-through facility to minimize impact on traffic within and external to the site; creating shared access, pedestrian orientated facilities and parking; and setting the commercial building closer to the street edge with parking at the rear.

The lands to the immediately east of County Road 10 are currently designated as 'Community Commercial' with an appropriate area to permit large-scale, large-format commercial uses and do not abut existing or proposed future residential subdivisions. Based on the policies of the 'Community Commercial' designation and the specific location of the subject lands, a number of uses are deemed not appropriate.

Therefore, the Official Plan Amendment will redesignate the lands to 'Community Commercial with special policy area' to modify the permitted uses. The following special provisions are requested. All other uses within this designation will continue to apply:

- a) **Exclude specific uses:**
 - o Automobile retail facilities

b) Permit Additional Uses:

- *Banks and financial institutions;*
- *Business, professional and medical offices;*
- *Car wash;*
- *Liquor Stores;*
- *Motor vehicle gas bar;*
- *Post office; and*
- *Personal Services*

The proposed commercial development meets the objectives of the Official Plan with an appropriate form of development that supports the intent to direct growth and create employment opportunities within the settlement area. It is strategically located between Residential, future Community Commercial, Recreational and Employment areas with access to the downtown core and a transportation corridor. The proposed development conforms to the Township Official Plan and will provide much needed amenities to support this new developing neighbourhood.

4.5 TOWNSHIP ZONING BY-LAW

The subject lands are currently zoned 'Urban Residential One exception A-5 (UR1-A-5)', 'Urban Residential One exception B-1 (UR1-B-1)', 'Future Development (FD)' AND 'Urban Residential Three exception 3 (UR3-3)' in the Township of Cavan Monaghan Zoning By-law. A Zoning Bylaw Amendment (ZBA) is required to facilitate the proposed commercial development. The ZBA application intends to rezone the lands to 'Community Commercial Exception (C5-X) Zone'.

The 'Community Commercial (C5)' Zone permits a wide range of commercial uses. The following is requested to modify the permitted uses. All other uses within this designation will continue to apply:

a) Exclude Specific Uses:

- Commercial Greenhouse;
- Industrial equipment rental establishment;
- Motor vehicle sales and rental establishment

b) Permit Additional Uses:

- Business Office – as a primary use;
- Banks and financial institutions;
- Car wash;

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- Liquor store;
- Professional Office;
- Personal Service Establishment;
- Postal or Courier Outlet;

Table 1 below, provides a summary of the zoning provisions outlined in the Zoning By-law which are applicable to the subject lands within the Community Commercial Zone. It should be noted, that the front lot line will be considered Fallis Line for the purposes of applying zoning provisions. While the provisions cannot be compared to a proposed site plan, the intent is that any future use(s) would comply as followed.

Table 1: Requirements and Proposed Provisions for Community Commercial (C5) Zone		
Regulations (Sections 5.3, Table 5B, and Section 11)	REQUIRED	PROVIDED
Lot Area (min)	4000 m ²	9,518 m ²
Lot Frontage (min)	20 m	131.2 m (Fallis Line)
Front Yard Depth (min)	3 m	>3 m (to Fallis Line)
Side Yard - Exterior Width (min)	3 m	10 m (to County Road 10) & >3 m to Horizon Ave
Side Yard - Interior Width (min)	3 m	n/a
Side Yard – Interior (min) if adjacent to a Residential Zone Boundary	7.5 m	>7.5 m (to west lot line)
Rear Yard Depth (min)	6.0 m	n/a
Rear Yard Depth (min) if adjacent to any Residential Zone Boundary	7.5 m	>7.5 m
Height of Building (max)	10 m	<10 m
Lot Coverage (max)	n/a	TBD
Floor Area of any Use (max)	500m ²	>500m ²
Landscape Buffer – a min 3.0 metre wide buffer is required along the full length of a lot line in the Commercial Zone that abuts an interior or rear lot line in any Residential Zone (11.19.2)	3.0 m	>3.0 m along the south/rear lot line and the west/interior lot line
Loading Spaces - 1 space required for 250 m ² to 2,500 m ² , 2 spaces required for 2,500 to 5,000 m ² , if greater than 5,000 m ² 3 + 1	TBD	TBD; to conform

**PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN & ZONING BYLAW AMENDMENTS**

additional space for each 10,000 m ² is excess of 5,000 m ² is required (Table 12A)		
Dimensions of Loading Space (12.1.3)	3.5 m wide 9 m length 4 metres vertical clearance	To conform
Loading Spaces are not permitted (12.1.5)	Closer than 3 m to any lot line; In any front yard; Between the main wall closest to the exterior lot line and the exterior lot line; and Closer than 7.5 m to any Residential Zone boundary	To conform
Parking – (Table 12B) Medical (1 per 25 m ²) Restaurant (1 per 10 m ²) Retail (1 per 20 m ²) Other uses not listed (1 per 20 m ²)	TBD	TBD; to conform
Dimensions of Parking Spaces	3 m wide 6 m length	3 m wide 6 m length
Barrier Free Parking (Table 12E) 3-25 – 1 space 26-100 – 1 + 3% of total number of parking spaces on lot 101-200 – 4 + 2% of total number of parking spaces on lot 201 or greater – 8 + 2% of total number of parking spaces on lot	TBD	TBD; to conform
Dimensions of Barrier Free Parking Spaces	3.6 m wide 6.0 m length	3.6 m wide 6.0 m length
Drive-thru Stacking Lane Requirements (Table G) – Restaurant	Ingress – 7 spaces Egress – 3 spaces	Minimum: Ingress – 7 spaces Egress – 2 spaces
Size of Stacking Space (12.2.16.3)	3.0 m wide 6.0 m length	3.0 m wide 6.0 m length
Setback from Residential Zone Boundary (12.2.16.4)	Stacking lanes and order boxes must be a minimum 30m from any Residential Zone	Minimum 18.0 m to any Residential Zone
Drive-thru Landscape Buffer (12.2.16.6) – min	7.62 m wide buffer and a solid wall or fence having a height of 1.8 m is required along any lot	Minimum 3.0 m buffer and fence, as required along any lot line that abuts a Residential Zone

PLANNING JUSTIFICATION REPORT
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	line that abuts a Residential Zone	
Setback from a County Road (11.30.1)	30 m	10.0 m

As highlighted in the table above, four zoning exceptions are required. The following provides a brief justification for the zoning expectations proposed:

- Minimum setback of 10 metres from a non-residential development to a County Road, whereas 30 metres is required;

Comment: *The reduced setback to a County Road is requested to provide flexibility for siting the future building on the subject lands. Typically the increased setback provides opportunity for future expansion of the County Road however, within settlement areas the setback tends to be reduced to allow buildings to be sited closer to the road aligning with urban design principles, creating a more pedestrian user friendly environment. A 10 metre setback allows for significant separations from the building and the street in the event future widening is required.*

- Minimum of 2 required egress spaces for a restaurant drive-through service facility, whereas 3 are required;

Comment: *The intent of stacking lanes are to provide sufficient spaces and aisle requirements for vehicles while using the drive-through service without impacting the parking or drive aisles within a parking lot. The reduction requested provides 2 egress spaces, while maintaining the required 7 ingress spaces for restaurants. If a drive-through use is proposed there will be a minimum of 9 spaces accommodated with the opportunity to provide more.*

- Minimum setback of 18.0 metres from stacking lanes and all order boxes to any Residential Zone boundary, whereas 30.0 metres is required; and

Comment: *The intent of an increased setback to residential zones from drive-through stacking lanes and order boxes is so the drive-through use does not interfere or impact the residential dwellings. A minimum of 18.0 metres is proposed to ensure that, if a drive-through use were to be proposed on the site, it could be tucked to the side or rear of the site rather than becoming the focal point at the corner of the lands, at the intersection. This provides the opportunity for flexibility in design contributing to the urban design and streetscape for the commercial site.*

- Minimum 3.0 metre wide landscape buffer along any lot line that abuts a Residential Zone and a drive-through service facility, whereas 7.62 metres is required.

Comment: *A reduced landscape buffer is proposed, with a minimum of 3.0 metres. A 3.0 metre landscape buffer provides sufficient space for the required fencing and significant landscape planting to provide a buffer between the potential future drive-through use and residential zone to the south and west of the site.*

A copy of the Draft Zoning Bylaw Amendment is included under **Appendix 2**.

5.0 Conclusion

This report supports the proposed commercial development of the subject lands that include 919 Fallis Line and the adjacent Block 144 of Plan 45M-256, which are legally identified as Part of Lot 12, Concession 5, in the Township of Cavan-Monaghan.

The Official Plan and Zoning By-Law Amendments aim to facilitate the development of future commercial use(s). Access will be provided along Fallis Line to the north.

Amendments are requested to the Township of Cavan Monaghan's Official Plan for a 'Community Commercial' designation with Special Policy to permit the following uses:

a) **Exclude specific uses:**

- Automobile retail facilities

b) **Permit Additional Uses:**

- *Banks and financial institutions;*
- *Business, professional and medical offices;*
- *Car wash;*
- *Liquor Stores;*
- *Motor vehicle gas bar;*
- *Post office; and*
- *Personal Services*

Amendments are requested to the Township of Cavan Monaghan's Zoning By-law to rezone the lands to 'Community Commercial Exception (C5-X) Zone'. The ZBA will modify the uses as follows:

PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN & ZONING BYLAW AMENDMENTS

a) **Exclude Specific Uses:**

- o *Commercial Greenhouse;*
- o *Industrial equipment rental establishment;*
- o *Motor vehicle sales and rental establishment*

b) **Permit Additional Uses:**

- a. Business Office – as a primary use;
- b. Banks and financial institutions;
- c. Car wash;
- d. Liquor store;
- e. Professional Office;
- f. Personal Service Establishment;
- g. Postal or Courier Outlet;

In addition to the uses noted above, the proposed zoning provisions have been reviewed and four exceptions are required. They include the following:

- Amend Section 11.30.1, Required Setbacks from County Roads, to permit a minimum setback of 10 metres whereas 30 metres is required to a non-residential development;
- Amend Section 12.2.16.1, Table 12G to permit a minimum of 2 required egress spaces for a restaurant drive-through service facility, whereas 3 are required;
- Amend Section 12.2.16.4, Setbacks from Residential Zone Boundary to permit a minimum setback of 18.0 metres from any Residential Zone boundary, whereas 30.0 metres is required; and
- Amend Section 12.2.16.6, Landscape Buffer to permit a minimum 3.0 metre wide buffer along any lot line that abuts a Residential Zone, whereas 7.62 metres is required.

It is in our professional opinion that the proposed development represents good planning as it meets and conforms to the applicable policies and objectives reviewed in the Provincial Policy Statement, Places to Grow - Growth Plan, County of Peterborough and Township of Cavan Monaghan Official Plans.

These applications will permit the subject lands to develop to their full potential in an efficient and compact manner, without creating any environmental, health, or safety issues, and assist the Township with creating employment opportunities and connectivity for a complete and healthy community.

PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN & ZONING BYLAW AMENDMENTS

Respectfully submitted,

Innovative Planning Solutions



Darren Vella, MCIP, RPP
President & Director of Planning



Vanessa Simpson, MPI
Senior Planner

Appendix 1

Official Plan Amendment No.6
(Towerhill Commercial Development)

to the

Township of Cavan Monaghan Official Plan

DRAFT

December 2020

Certificate

**Official Plan Amendment No. 6
Township of Cavan Monaghan Official Plan**

The attached map and explanatory text, constituting Amendment No. 6 to the Township of Cavan Monaghan Official Plan was prepared by the Council of the Township of Cavan Monaghan and was adopted by the Township of Cavan Monaghan by By-law No. 2020-72 in accordance with the provisions of Section 21 of the Planning Act, R.S.O., 1990, as amended, on the 7th day of December, 2020.

Scott McFadden, Mayor

**Corporate Seal
of Municipality**

Elana Arthurs, Clerk

This Amendment to the Township of Cavan Monaghan Official Plan which has been prepared and adopted by the Council of the Township of Cavan Monaghan is hereby approved in accordance with the provisions of Section 17 of the Planning Act, R.S.O., 1990, as amended, as Amendment No. 6 to the Township of Cavan Monaghan Official Plan.

Date

**Bryan Weir
Director of Planning
County of Peterborough**

Adoption By-law for Official Plan Amendment No. 6

By-law No. 2020-72

The Council of the Township of Cavan Monaghan, in accordance with the provisions of Section 17 of the Planning Act, R.S.O., 1990, as amended, hereby enacts as follows:

1. Amendment No. 6 to the Township of Cavan Monaghan Official Plan consisting of the attached explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Peterborough County Planning Department for approval of the aforementioned Amendment No. 6 to the Township of Cavan Monaghan Official Plan.
3. This By-law shall come into force and take effect on the day of the final passing thereof, subject to the approval of the Peterborough County Council.

Enacted and passed this 7th day of December, 2020.

Signed _____
Scott McFadden, Mayor

Signed _____
Elana Arthurs, Clerk

The Statement of Components

Part A - The Preamble does not constitute part of this Amendment.

Part B - The Amendment constitutes Amendment No. 6 to the Township of Cavan Monaghan Official Plan.

Part C - The Appendices do not form part of this Amendment. These appendices contain the record of the public involvement associated with the Amendment, including agency comments.

DRAFT

Part A- The Preamble

1. Purpose:

The purpose of Amendment No. 6 to the Township of Cavan Monaghan Official Plan is to change the land use designation on the subject lands from "Residential" to "Community Commercial" to permit the development of community commercial uses on the subject lands.

2. Location:

The Amendment applies to the properties at 905 and 919 Fallis Line in part of Lot 12, Concession 5 of the Cavan Ward as shown on the Key Map attached hereto. Although two separate properties at this time, the Owner intends to merge the properties to create one parcel of land.

3. Basis:

i) Proposal

The lands subject to the Application are approximately 0.951 hectares (2.35 acres) in size with approximately 131.4 metres (430 feet) of frontage on Fallis Line. The property also has approximately 76.2 metres (250 feet) of frontage on County Road 10. The property is currently vacant.

Official Plan Amendment No. 6 will change the land use designation on the subject lands from "Residential" to "Community Commercial" to permit the development of commercial uses on the property.

A Planning Justification Report for the Application and subsequent addendums are provided as Attachment No. 1 to this Amendment.

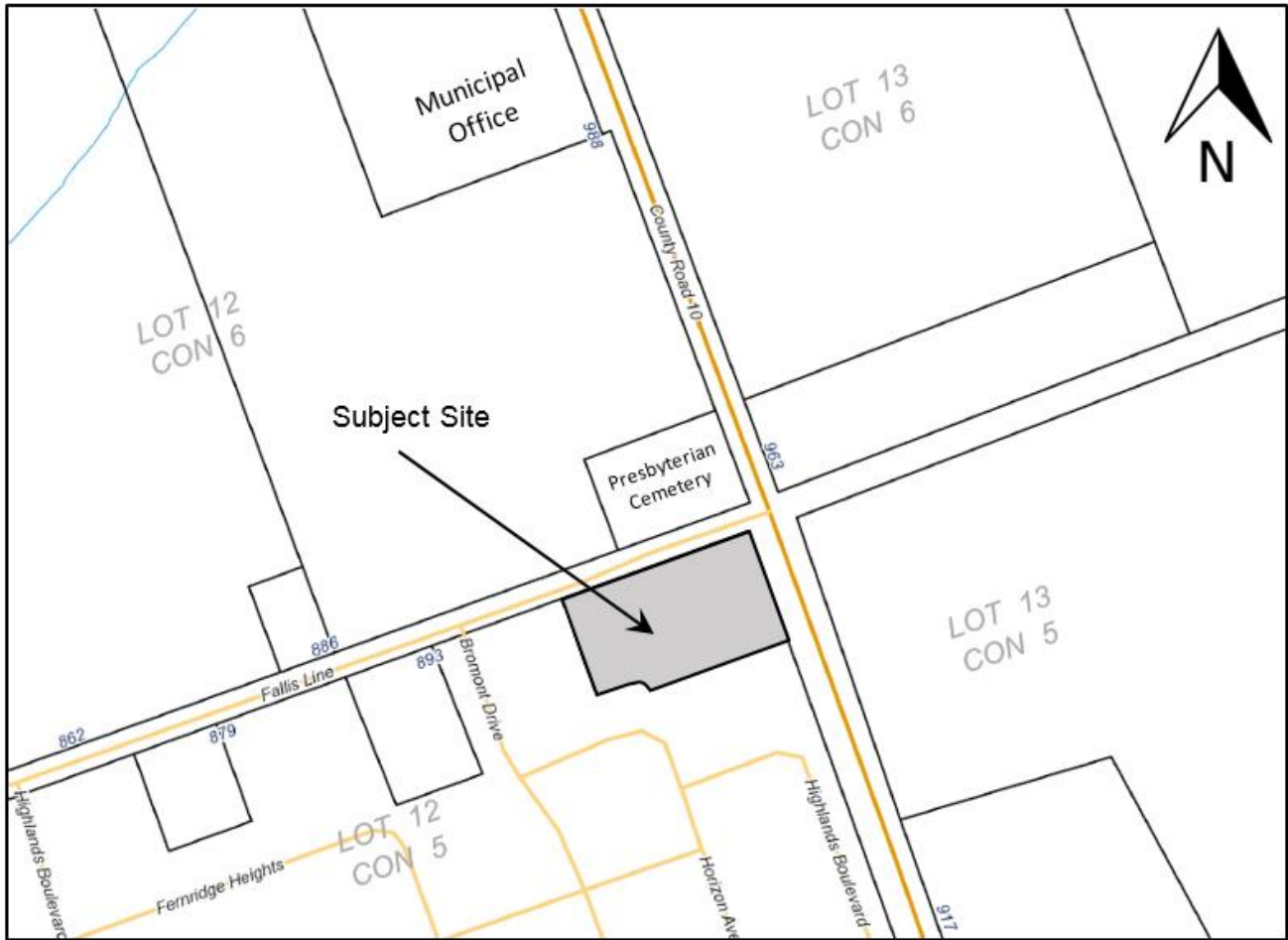
ii) Public Consultation

A public meeting is required to be held under Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended, as a minimum toward the fulfillment of the requirements for public consultation. Public meetings were held January 15, 2018 and March 19, 2018. Previous versions of the draft Amendment along with written comments received were presented to Council and the public on January 15, 2018 and March 19, 2018.

iii) Agency Review

All agency comments received are included in the Appendix.

Key Map



DR

Part "B" - The Amendment

Introductory Statement

All of this part of the document entitled Part "B" - The Amendment consisting of the following text and attached map designated as Schedule "1" constitute Amendment No. 6 to the Township of Cavan Monaghan Official Plan. Details of the Amendment The Township of Cavan Monaghan Official Plan is amended as follows:

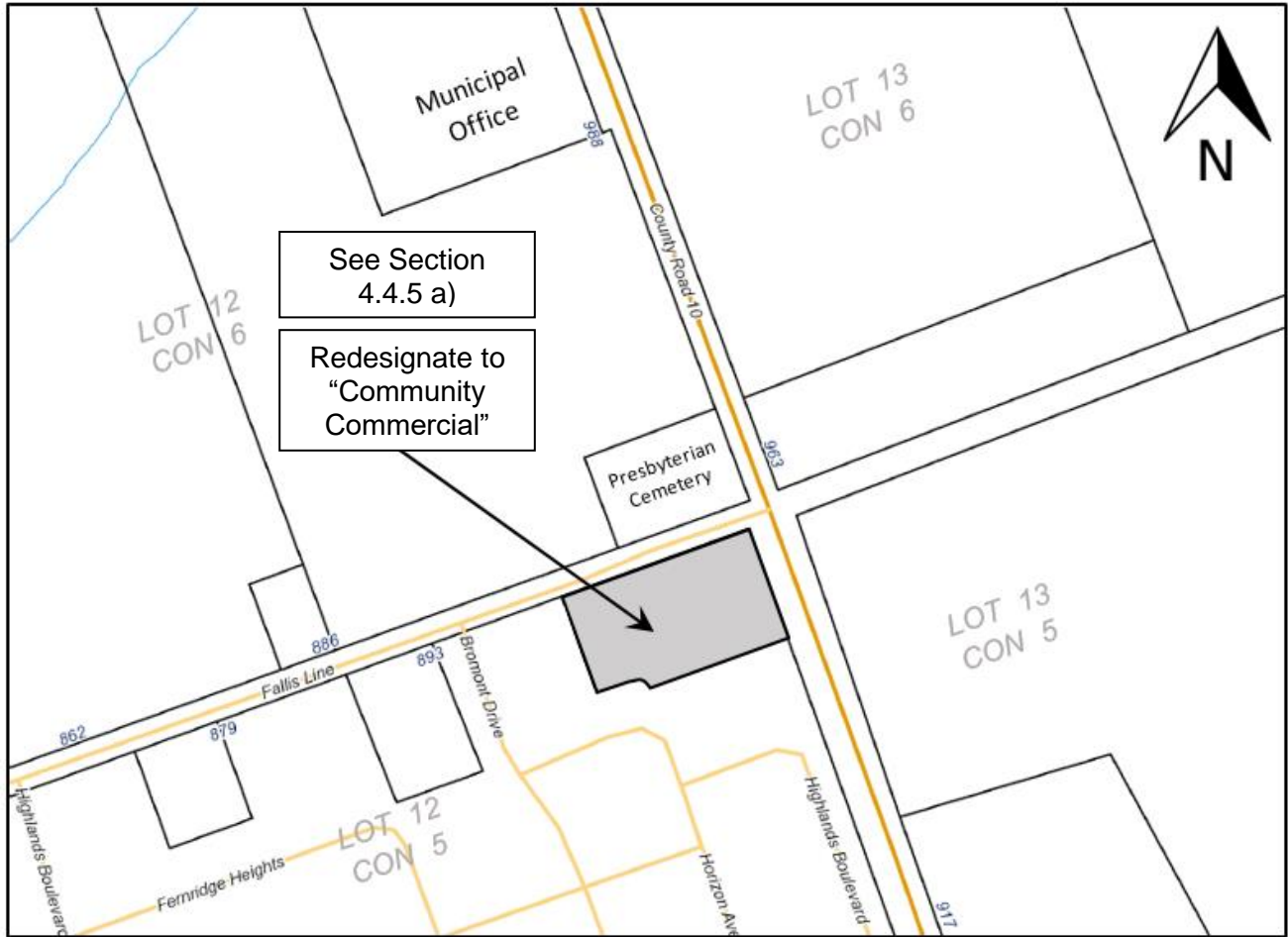
1. Schedule A-1 to the Township of Cavan Monaghan Official Plan is amended by changing the designation from "Residential" to "Community Commercial" and by adding a text box reference for Site Specific Policies to Section 4.4 as it applies to the properties at 905 and 919 Fallis Line in part of Lot 12, Concession 5 of the Cavan Ward as shown on Schedule "1", attached.
2. Section 4.4 of the Township of Cavan Monaghan Official Plan is amended by adding a new subsection, namely subsection 4.4.5 (a), which shall read as follows:

4.4.5

- a) 905 Fallis Line and 919 Fallis Line, Part of Lot 12, Concession 5, Cavan Ward (Towerhill Commercial)

In addition to the uses permitted in Section 4.4.2, on lands in part of Lot 12, Concession 5 of the Cavan Ward, being Roll Numbers 1509-010-020-222-44 and 1509-010-020-21104 and municipally known as 905 Fallis Line and 919 Fallis Line, banks and financial institutions, business, professional and medical offices, car wash, liquor stores, motor vehicle gas bar, post office, personal services, shall be permitted. Automobile retail facilities shall not be permitted."

Schedule "1"



Part C – the Appendices

Planning Justification Report

Official Plan Amendment No.6
(Towerhill Commercial Development)

to the

Township of Cavan Monaghan Official Plan

DRAFT

Agency Comments

Official Plan Amendment No. 6
(Towerhill Commercial Development)

to the

Township of Cavan Monaghan Official Plan

DRAFT

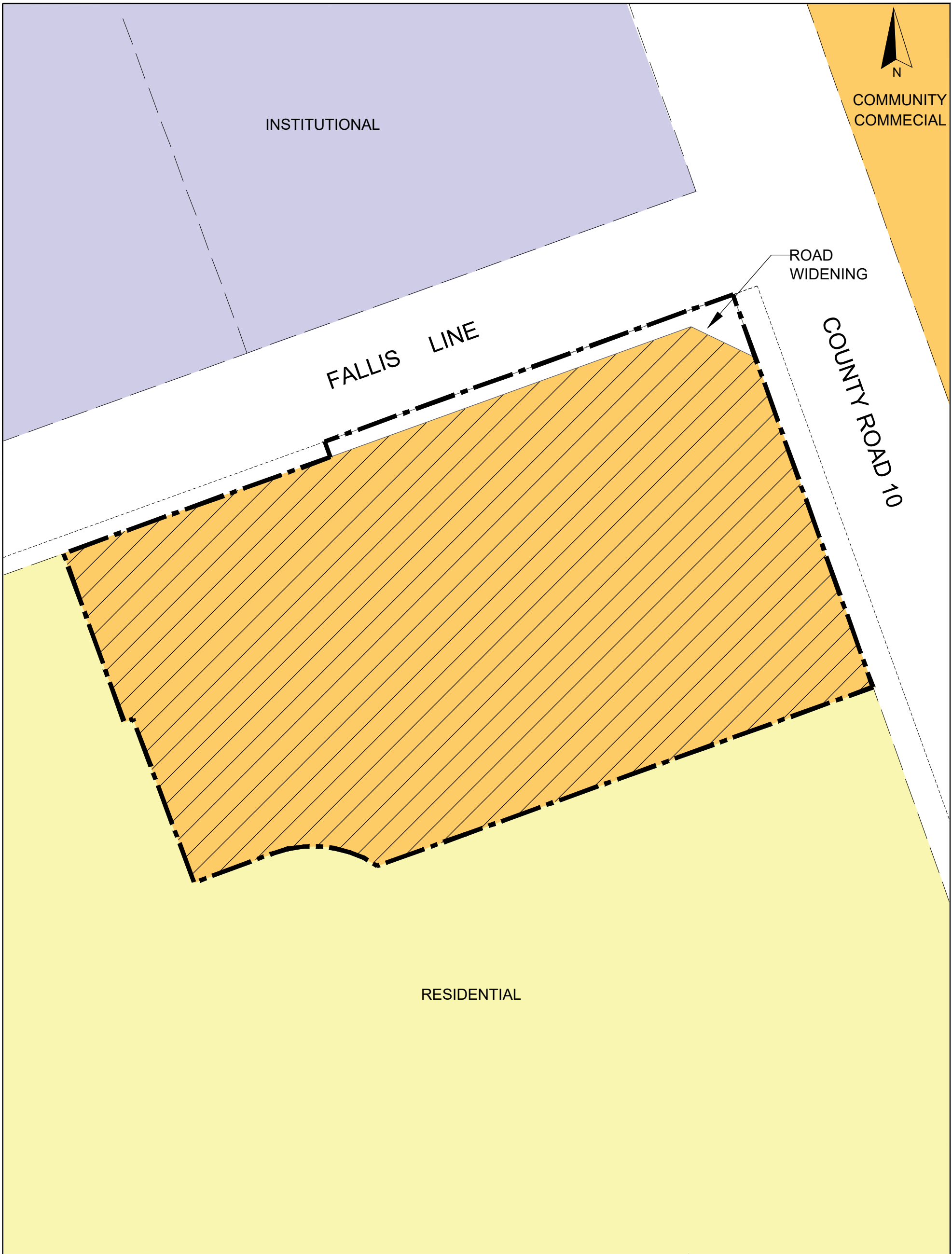
Minutes of the Public Meetings

Official Plan Amendment No. 6
(Towerhill Commercial Development)

to the

Township of Cavan Monaghan Official Plan

DRAFT



COMMUNITY
COMMERCIAL



INSTITUTIONAL

FALLIS LINE

ROAD
WIDENING

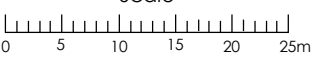
COUNTY ROAD 10

RESIDENTIAL

LEGEND
 SUBJECT SITE (0.9ha / 2.3ac)
 LANDS TO BE REDESIGNATED FROM 'RESIDENTIAL' TO 'COMMUNITY COMMERCIAL WITH SPECIAL POLICY AREA' DESIGNATION

SCHEDULE "A" OFFICIAL PLAN AMENDMENT

PART OF LOT 12, CONCESSION 5
MUNICIPALLY KNOWN AS
919 FALLIS LINE, AND
BLOCK '302' (PLAN 15T-14001)
IN THE
TOWNSHIP OF CAVAN MONAGHAN
COUNTY OF PETERBOROUGH

Scale

 0 5 10 15 20 25m

Source: Official Plan for the Township of Cavan Monaghan, June 26, 2013
 Note: Information shown in approximate and subject to change.

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 647 WELHAM ROAD, UNIT 9, BARRIE, ON, L4N 0B7
 tel: 705 • 812 • 3281 fax: 705 • 812 • 3434 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

Date: November 26, 2020	Drawn By: A.S.
File: 13-452	Checked: V.S.

Appendix 2

The Township of Cavan Monaghan

By-law No. 2020-73

Being a by-law to amend By-law No. 2018-58, as amended, otherwise known as “The Township of Cavan Monaghan Zoning By-law”.

Whereas the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended.

And Whereas with the approval of Official Plan Amendment No. 6 to the Cavan Monaghan Township Official Plan, the matters contained herein will conform to the provisions of the Township’s Official Plan;

And Whereas Section 34 of the Planning Act permits the Council of the Township of Cavan Monaghan to pass an amending Zoning By-law;

And Whereas the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map ‘E-2B’ of Schedule “A” to By-Law 2018-58, as amended, is hereby amended by changing the zone category on lands known municipally as 919 Fallis Line and the adjacent land identified as Block 144 on Plan 45M 256 in part of Lot 12, Concession 5 of the Cavan Ward from the ‘Future Development (FD) Zone’, the ‘Urban Residential One Subzone A Exception Five (UR1-A-5) Zone’, the ‘Urban Residential One Subzone B Exception One (UR1-B-1) Zone’ and the ‘Urban Residential Three Exception Three (UR3-3) Zone’ to the ‘Community Commercial Exception One (C5-1) Zone’ as shown on Schedule “1” attached hereto and forming part of this By-Law.
2. Section 5.4 of By-law No. 2018-58, as amended, is further amended by the addition of a new subsection 5.4.2, immediately following subsection 5.4.1 ‘Community Commercial Exception One (C5-1) Zone’, which shall read as follows:

“5.4.2 C5-1 Map E-2B on Schedule A

- a) Additional permitted use: business office as a primary use; banks and financial institutions; car wash; liquor store;

professional office;
personal service
establishment; and postal
or courier outlet.

- b) Uses not permitted: a commercial greenhouse;
an industrial equipment
rental establishment; and
a motor vehicles sales and
rental establishment.
 - c) The front lot line shall be the lot line that divides the
lot from Fallis Line.
 - d) Amend Section 11.30.1, Required Setbacks from
County Roads, to permit a minimum setback of 10
metres whereas 30 metres is required to a non-
residential development.
 - e) Amend Section 12.2.16.1, Table 12G to permit a
minimum of 2 required egress spaces for a restaurant
drive-through service facility, whereas 3 are required.
 - f) Amend Section 12.2.16.4, Setbacks from Residential
Zone Boundary to permit a minimum setback of 18.0
metres from any Residential Zone boundary, whereas
30.0 metres is required.
 - g) Amend Section 12.2.16.6, Landscape Buffer to permit
a minimum 3.0 metre wide buffer along any lot line
that abuts a Residential Zone, whereas 7.62 metres is
required.
3. All other relevant provisions of By-law No. 2018-58, as amended, shall
apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective upon the approval of Official Plan Amendment No. 6 to the Township of Cavan Monaghan Official Plan.

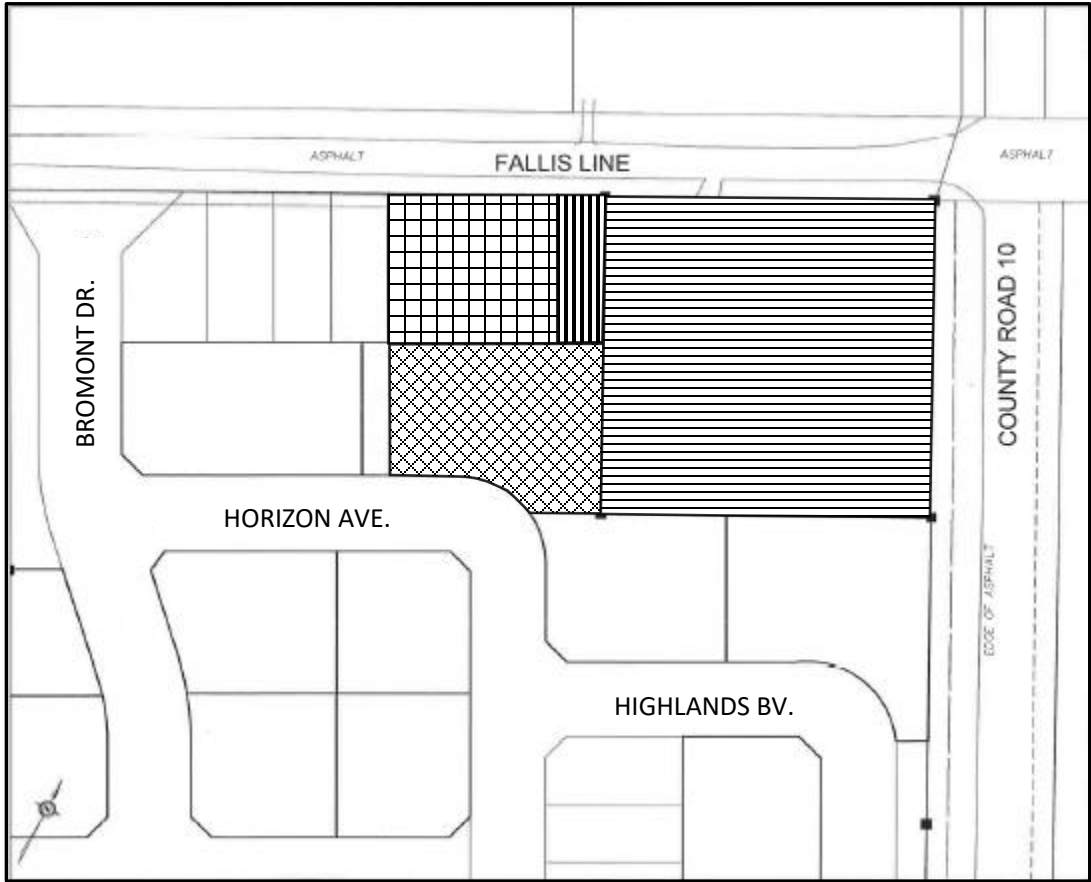
If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 7th day of December, 2020.

Scott McFadden
Mayor

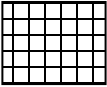
Elana Arthurs
Clerk

Schedule "1" to By-Law No. 2020-73

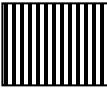


Area Affected By This By-Law
 919 Fallis Line and Block 144, Plan
 45M256
 Part Lot 12, Concession 5
 Cavan Ward,
 Township of Cavan Monaghan

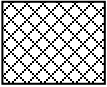
Certificate of Authentication
 This is Schedule "1" to By-Law
 No. 2020-73 passed this
 7th day of December, 2020.



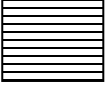
Rezone from 'Urban Residential One Subzone A Exception Five (UR1-A-5) Zone' to 'Community Commercial Exception One (C5-1) Zone'



Rezone from 'Urban Residential One Subzone B Exception One (UR1-B-1) Zone' to 'Community Commercial Exception One (C5-1) Zone'



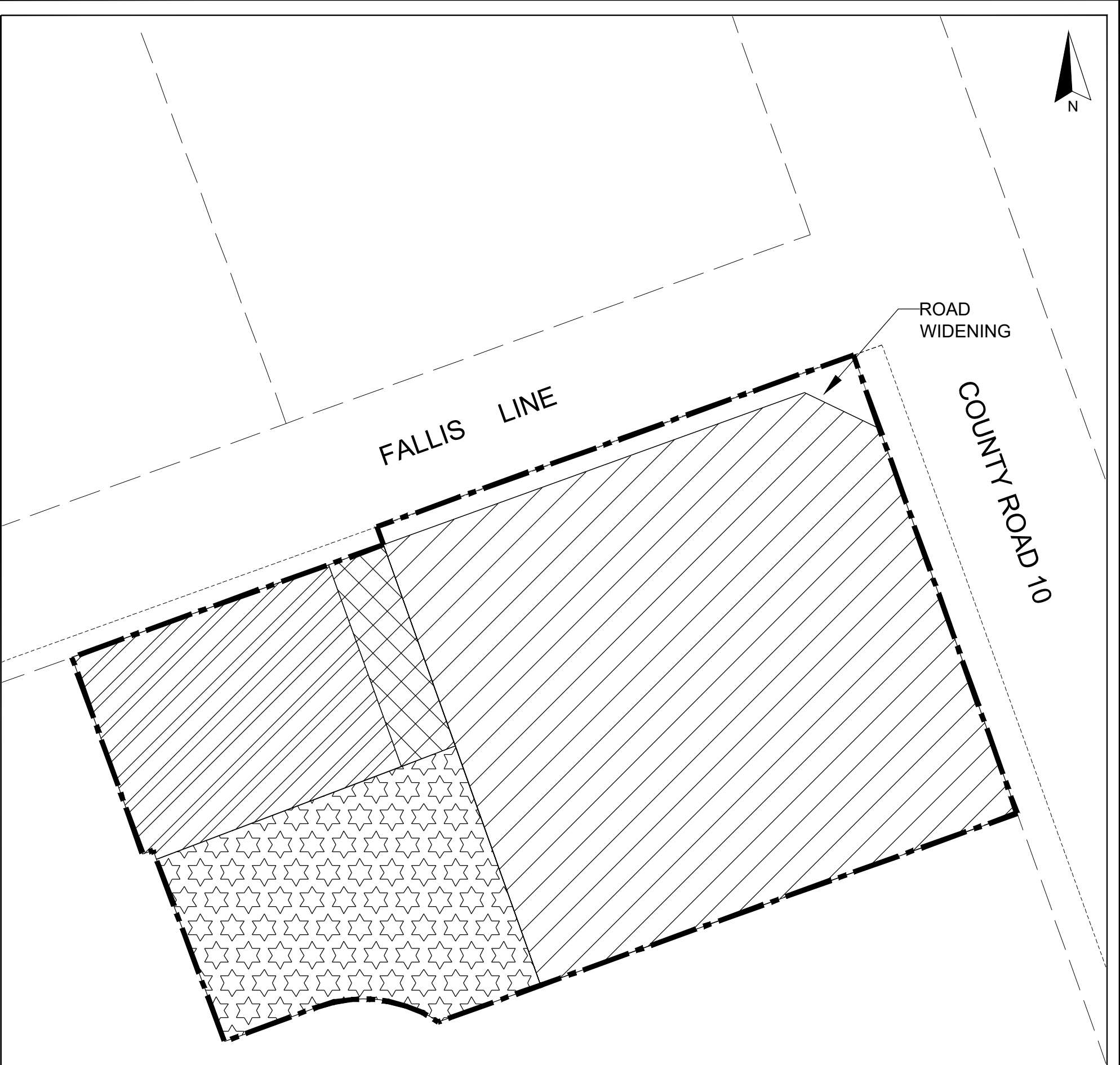
Rezone from 'Urban Residential Three Exception Three (UR3-3) Zone' to 'Community Commercial Exception One (C5-1) Zone'








Rezone from 'Future Development (FD) Zone' to 'Community Commercial Exception One (C5-1) Zone'

 Mayor

 Clerk



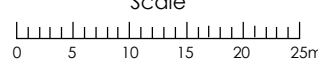
UR3-3(3.4.44)

- LEGEND**
-  SUBJECT SITE (0.9ha /2.3ac)
 -  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL ONE EXCEPTION A5 (UR1-A-5)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
 -  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL ONE EXCEPTION B1 (UR1-B-1)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
 -  LANDS TO BE REZONED FROM 'URBAN RESIDENTIAL THREE EXCEPTION 3 (UR3-3)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE
 -  LANDS TO BE REZONED FROM 'FUTURE DEVELOPMENT (FD)' ZONE TO 'COMMUNITY COMMERCIAL WITH SPECIAL PROVISIONS (C5-X)' ZONE

SCHEDULE "A" ZONING BY-LAW AMENDMENT

PART OF LOT 12, CONCESSION 5
MUNICIPALLY KNOWN AS
919 FALLIS LINE, AND
BLOCK '302' (PLAN 15T-14001)
IN THE
TOWNSHIP OF CAVAN MONAGHAN
COUNTY OF PETERBOROUGH

Scale



Source: Township of Cavan Monaghan Zoning By-Law No. 2018-58
Note: Information shown in approximate and subject to change.

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tel: 705 • 812 • 3281 fax: 705 • 812 • 3434 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

Date: November 26, 2020	Drawn By: A.S.
File: 13-452	Checked: V.S.



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