

August 28, 2024

Town of Hawkesbury
600 Higginson Street
Hawkesbury, ON K6A 1H1

**RE: 157 and 189 John Street
Lots 4, 5, 7 and Part Lot 8, Registered Plan M-21
Part Lot 9, Broken Front
Town of Hawkesbury
United Counties of Prescott & Russell
Owner(s): Assaly Development Ltd. c/o Kevin Assaly**

To Whom it May Concern:

ZanderPlan Inc. has been retained by the property owner to assist with the redevelopment of two abutting parcels in the Town of Hawkesbury located at 157 and 189 John Street. The property at 189 John Street contains the business known as Maximum Powersports, a recreational vehicle and sales centre. The owner is seeking an addition onto the existing building to add six (6) service bays for the servicing of recreational vehicles. Currently, the property is zoned Community Core Commercial which does not permit recreational vehicle sales and servicing. The current use is legal non-conforming, triggering the need for a Zoning Amendment and Site Plan to support the new building addition.

The property at 157 John Street is currently vacant and used by Maximum Powersports for outdoor storage of recreational vehicles. The owner is proposing to continue using part of the site for storage. A new restaurant with an outdoor eating area is proposed on the front half of the property closer to John Street. The Community Core Commercial zone does not permit open storage or display, necessitating the need for a Zoning Amendment for 157 John Street to be submitted concurrently with 189 John Street.

SUBJECT PROPERTY – 189 JOHN STREET

The property at 189 John Street measures approximately 2,839 square metres in size with 48.9 metres of road frontage on John Street (See Figure 1). The property also appears to have frontage on Paquette Lane with concrete bollards blocking access from the rear lane. The property contains the Maximum Powersports building oriented toward John Street with a two-way driveway for access and egress. Parking is located to the north side of the building with additional parking to the east side which appears to also be used to display recreational vehicles. To the north side of the building is a fenced storage area (See Figure 2). This fenced area will be removed to facilitate the proposed building addition to add the service bays. Parking and access will be maintained in its current configuration with the exception of a new driveway connection proposed between 189 John Street and 157 John Street. An excerpt of the Site Plan showing the proposed addition onto the building is provided in Figure 3.



Figure 1 – Aerial View of 189 John Street



Figure 2 – September 2023 Streetview Photo Showing Existing Building

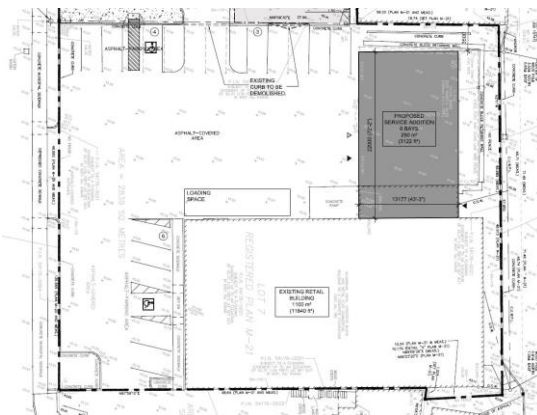


Figure 3 – Excerpt of Site Plan Showing Building Addition

SUBJECT PROPERTY – 157 JOHN STREET

The property at 157 John Street is located immediately north of 189 John Street measuring approximately 2,407 square metres in size with 47.2 metres of frontage on John Street (See Figure 4). From the aerial it appears the property is vacant, however part of the property does appear to be used currently as a fenced storage area for recreational vehicles (See Figure 5). This fenced storage area would be retained for the continued use by Maximum Powersports. The remainder of the property is proposed to be used for a restaurant with an outdoor eating area. Additional parking spaces will be provided on-site to support the restaurant with a new driveway connection installed between the two sites to allow Maximum Powersports to move recreational vehicles to and from the storage area to their main site. An excerpt of the Site Plan showing the proposed development of both properties is provided in Figure 6.



Figure 4 – Aerial View of 157 John Street



Figure 5 – September 2023 Streetview Photo Showing Existing Building

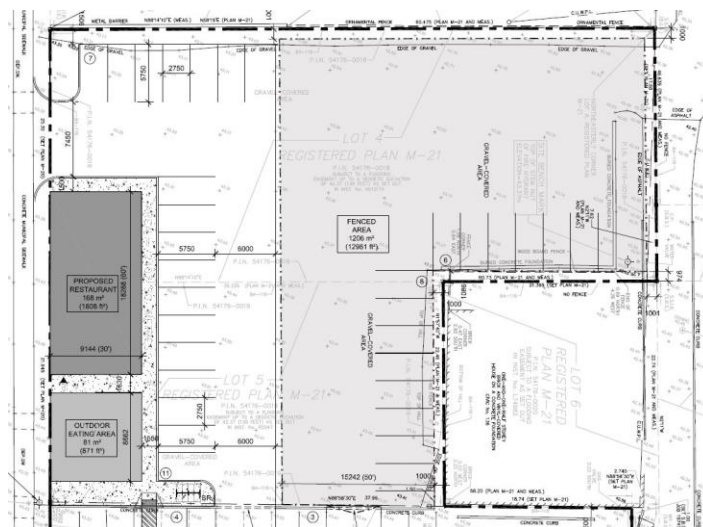


Figure 6 – Excerpt of Site Plan Showing Proposed Development

SUBJECT PROPERTIES – SURROUNDING LAND USES

The two properties are located on the north side of Hawkesbury within the main commercial area of the Town. Uses are comprised of a mix of commercial, institutional, recreational, and residential land uses. To the north of the two properties are two gas stations on either side of John Street. The road continues further north crossing Ile du Chenail and eventually entering into the Province of Quebec. To the east of the properties are several residential uses fronting to Paquette Street, mixed use commercial with upper level residential on Main Street East, a church, and the Service Canada building located east of the church. To the south of the properties are some residential uses on the north side of Main Street East. South of Main Street are various commercial uses and a large church. To the west of the properties are another church, commercial uses along Main Street East, and residential uses in mixed-use and standalone buildings. Further west are several fast food and restaurant uses. Overall, use of the two properties for the current Maximum Powersports building and a new restaurant would be in keeping with the general mixed use nature of the area.

PROVINCIAL POLICY STATEMENT (PPS) 2020

The Provincial Policy Statement (PPS, 2020), issued under the authority of Section 3 of the *Planning Act*, provides policy direction on matters of Provincial interest related to land use planning and development and provides for appropriate development while protecting resources of provincial interest. The Provincial Policy Statement 2020 came into effect May 1, 2020 replacing the previous Statement issued April 30, 2014.

Section 1.0 of the PPS speaks to Building Strong Healthy Communities. The proposed site plan and zoning amendment would recognize and permit the expansion of the existing Maximum Powersports use while better utilizing the property at 157 John Street for both on-site storage and a restaurant. The proposal will promote efficient development and land use patterns for both properties over the long term (Sec. 1.1.1[a]) and providing a greater mix and range of land uses in the area (Sec. 1.1.1[b]). Expansion of the current business and introduction of a new restaurant would be compatible with surrounding residential and commercial uses without any expected impacts to environmental or public health and safety (Sec. 1.1.1[c]). Land planning for the two uses have been integrated to achieve cost-effective development patterns, utilizing existing access points for both uses in the same locations to help optimize transit and servicing costs (Sec. 1.1.1[e]). A driveway connection is proposed between the two properties to allow for the movement of recreational vehicles to and from the storage area on 157 John Street

without the need to use travelled roads. The PPS states in Section 1.1.2 *“Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.”* Recognizing and permitting the expansion of the Maximum Powersports use at 189 John Street while allowing for associated storage and a new restaurant at 157 John Street will help to achieve a healthy, liveable and safe community through intensification and redevelopment of the two properties.

Section 1.1.3 of the PPS speaks to Settlement Areas which include cities, towns, villages and hamlets. Both properties are located within the Village of Hawkesbury. Permitting the expansion of the current use and introduction of a new restaurant would focus new growth and development within the Settlement Area of Hawkesbury (Sec. 1.1.3.1). Land uses within Settlement Areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

The proposed expansion of the building at 189 John Street will efficiently use available land on the property without impacting the parking and display areas or the site access. The proposed development of 157 John Street will efficiently use part of the site for storage of recreational vehicles while utilizing the remaining land and resources to build a restaurant with an outdoor seating area.

b) 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;

Both properties will utilize their current access points to John Street for the proposed redevelopment without the need for changes or expansions. The new restaurant will need to be tied to municipal servicing which can be achieved without unjustifiably or uneconomically expanding existing servicing and infrastructure.

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

By having the storage area for recreational vehicles directly abutting the main use goods can be stored and displayed without the need for constant moving back and forth. Minimizing the travel between sites for the various recreational vehicles will help to minimize impacts on air quality from small-engine vehicles. The new building addition to add servicing bays would

promote energy efficiency through the expansion of the current building, compared to if the new servicing bays were built in a separate standalone building.

d) prepare for the impacts of a changing climate;

As stated previously, having the new storage area next to the Maximum Powersports building will limit the amount of travel needed between sites, including limiting the need to move recreational vehicles to and from the storage area. The building addition can be designed to be energy efficient with proper insulation to help mitigate the impacts a changing climate may have on the use.

e) support active transportation;

A new restaurant on the property at 157 John Street will help to foster active transportation to and from the new use from the various residential and mixed-uses in the area. Several churches are also located in close proximity allowing for active transportation options for congregation members who may want to get together after mass.

f) are transit-supportive, where transit is planned, exists or may be developed; and

It is unclear if the Town of Hawkesbury has available transit services or not. Both sites are located in the Community Core Commercial area where transit would most likely be found if available. If transit is developed in the future the proposed expansion of the business at 189 John Street and new uses at 157 John Street would be transit-supportive.

g) are freight-supportive.

The proposed site plans and rezoning of the two properties would not negatively impact the current transportation system in and around the two sites. Redevelopment would be considered freight-supportive.

Section 1.3 of the PPS speaks to Employment with the goal of promoting economic development and competitiveness. Recognizing and formalizing the recreational vehicle sales and service use on the property at 189 John Street and the storage of vehicles and new restaurant at 157 John Street will result in multiple uses over the two sites adding to the range and mix of employment uses in the area to meet long-term needs (Sec. 1.3.1[a]). Introduction of the restaurant diversifies the economic base of the area, utilizing a site that is suitable to

support both a restaurant and storage for the recreational vehicle sales use abutting, resulting in a wider range of economic activity (Sec. 1.3.1[b]). Multiple uses on the two sites utilizing the same access points promotes compact, mixed-use development compatible with surrounding employment and residential uses (Sec. 1.3.1[d]) with the necessary infrastructure in place to support projected needs (Sec. 1.3.1[e]). Recognizing the recreation vehicle sales and service through a zoning amendment and site plan preserves the employment uses in the area (Sec. 1.3.2.1) and will not result in the conversion of employment lands for non-employment uses (Sec. 1.3.1.4). The proposal for 157 and 189 John Street is consistent with the Employment policies of the PPS 2020.

Section 2.0 of the PPS speaks to the Wise Use and Management of Resources. The site does not contain any significant natural heritage features or areas pursuant to **Section 2.1** that would be impacted by the proposed site plan to expand the use, allow for recreational vehicle storage, or permit a new restaurant. Both sites are sufficiently separated from the Ottawa River so as to avoid any negative impacts on water quality or quantity pursuant to **Section 2.2** of the PPS. The uses will not impact any agricultural lands pursuant to **Section 2.3** and do not contain any known mines, petroleum or aggregate resources pursuant to **Sections 2.4 and 2.5**. No cultural heritage or archaeological resources have been identified that will be impacted by the site plan and zoning amendment. The proposal is consistent with the Wise Use and Management of Resources policies found under Section 2.0 of the PPS.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety. The site does not contain any hazardous lands, flooded areas, or dynamic beach hazards pursuant to **Section 3.1**. Past contamination is noted for parts of the property at 157 John Street pursuant to a letter provided by Stantec Engineering. Contaminants included boron, lead, and various hydrocarbons. A Record of Site Condition was not deemed necessary as there is no change of existing land use (commercial) to a more sensitive land use (e.g. residential). There are no plans to excavate the underlying soils to redevelop 157 John Street. As such, the proposed site plan and zoning amendment would be consistent with the policies of Section 3.0 of the PPS.

Overall, the existing recreational vehicle sales use is legal non-complying with respect to the underlying zone. The use is appropriate for the site as its located within a settlement area and will contribute to the mix and range of uses in the area. The redevelopment satisfies the employment area policies of the PPS while protecting valuable resources and mitigating man-made hazards. The proposal is consistent with the policies of the PPS 2020.

TOWN OF HAWKESBURY OFFICIAL PLAN

Both of the properties at 157 and 189 John Street are designated Downtown Core Policy Area on the Town of Hawkesbury Schedule A – Land Use and Transportation (See Figure 7). Both properties fall outside of any identified Fish Habitat or Flood Plains pursuant to Official Plan Schedule B – Natural Heritage and Development Constraints (See Figure 8).

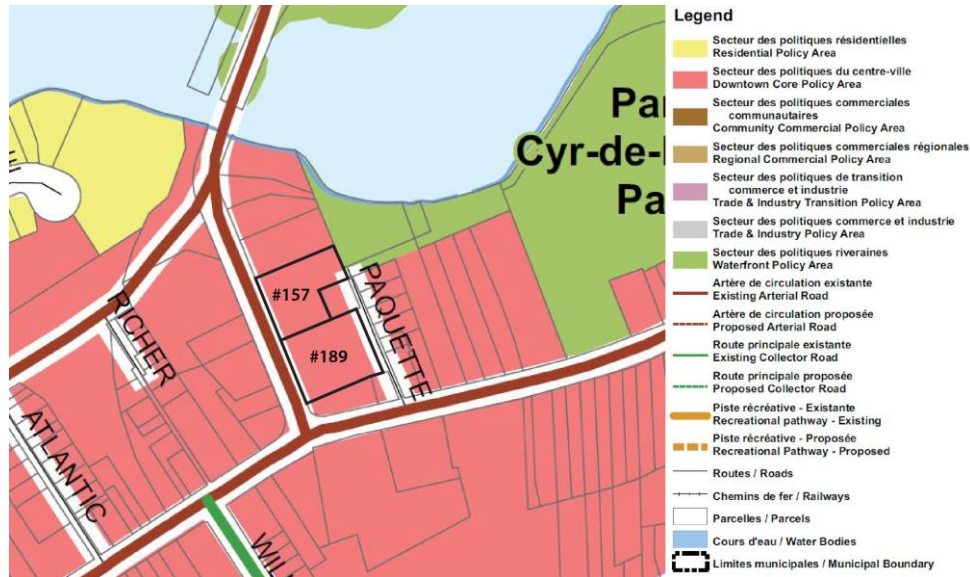


Figure 7 - Town of Hawkesbury Schedule A – Land Use and Transportation

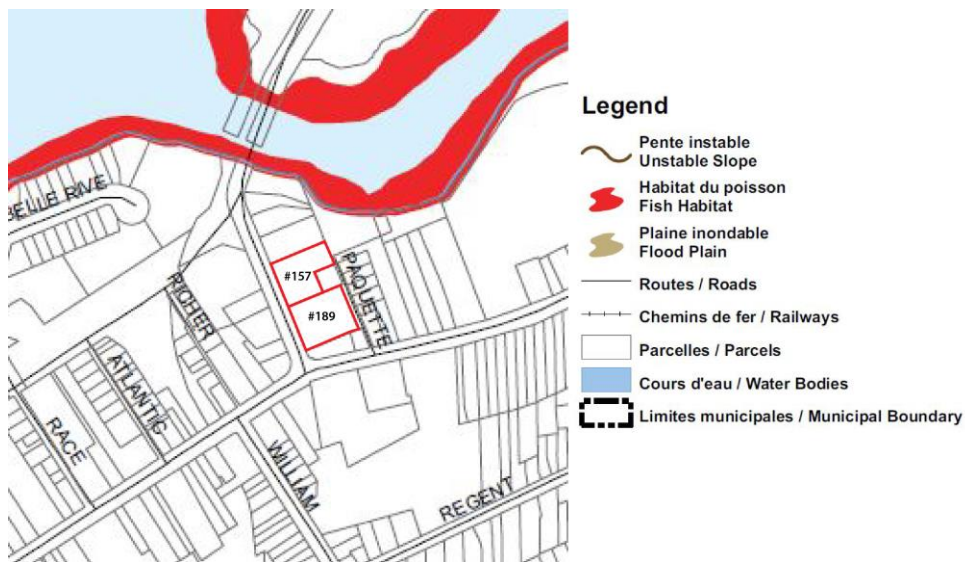


Figure 8 - Town of Hawkesbury Schedule A – Natural Heritage and Development Constraints

Section 3.0 of the Official Plan sets forth Land Use policies. Section 3.1 speaks to Our Heritage – Planning for the Downtown Core. Goals and objectives are identified in Section 3.1.1. The goal is to:

Create a vibrant, high density, year-round, mixed-use neighbourhood linked to an active waterfront where people live, work and play.

The proposed expansion of the current Maximum Powersports at 189 John Street would contribute to a mixed-use neighbourhood with increased employment opportunities to support work for more residents. As the Downtown Area continues to grow demand for services like eateries will grow. The new restaurant at 157 John Street is located in close proximity to waterfront parks and will provide greater opportunity for residents and visitors to explore and enjoy the downtown area.

With respect to the objectives of **Section 3.1.1**, the proposed expansion of 189 John Street and redevelopment of 157 John Street will protect existing residential uses in the mixed setting of the downtown (Sec. 3.1.1.1) providing additional services to help support and encourage new residential uses in the area (Sec. 3.1.1.2). The expansion of the Maximum Powersports will not only protect the existing business on-site but expand it to add servicing bays increasing its viability (Sec. 3.1.1.3). The new restaurant will be oriented toward the street providing new commercial uses (Sec. 3.1.1.5). Existing recreation, tourism and cultural uses along the waterfront and within the park spaces near the site will be protected (Sec. 3.1.1.6). Urban street trees at 189 John Street will be protected throughout redevelopment (Sec. 3.1.1.10). Overall, the proposal would meet the goals and objectives pursuant to Section 3.1.1 of the Official Plan.

Section 3.1.2 of the Official Plan speaks to Downtown Core Policies. Commercial uses in accordance with Section 3.2.2.1 of the Official Plan are permitted (Sec. 3.1.2.1). The location of the Maximum Powersports use at 189 John Street is not proposed to change. The new commercial development at 157 John Street will be street oriented (Sec. 3.1.2.4). The new restaurant design can be controlled through site plan to ensure it is compatible with the character and appearance of the area (Sec. 3.1.2.9). Existing street trees along the front of both properties can be maintained with opportunities to install new trees at 157 John Street as part of the new restaurant development (Sec. 3.1.2.10). The proposal will not threaten existing waterfront linkages or park areas along the Ottawa River (Sec. 3.1.2.11). Overall, the proposal is consistent with the policies of Section 3.1.2 of the Official Plan.

Section 3.2 of the Official Plan speaks to Where We Do Business – Planning Our Commercial Lands encouraging commercial development within the Town as vital to a good quality of life. Goals and objectives are outlined in Section 3.2.1 with the goal to:

Provide a supportive land use policy framework which reduces constraints for commercial development while ensuring that existing and future commercial uses will contribute to Hawkesbury's economy, employment opportunities and quality of life.

The Maximum Powersports Recreational Vehicle Sales on the property at 189 currently contributes to the economy and employment opportunities. An expansion of the existing use will enhance the economic contribution of the business and will provide potential for additional employment opportunities through the business. The new storage area for the business at 157 John Street will further contribute to the viability of the use. A new restaurant at the front of 157 John Street will introduce a new commercial use that will service local residents, contribute to the Town's economy, provide additional employment opportunities on a commercial property that currently sits vacant, and will contribute to the overall quality of life for residents of the Town. The proposal for both properties would be consistent with the overall goal for commercial lands in the Town.

Section 3.2.1 contains several objectives for commercial lands.

1. *Support a diverse range commercial uses that meet the existing and future needs of the community and reduces the need for residents to shop elsewhere;*

Redevelopment of 157 John Street will introduce a wider range of commercial activity for an otherwise vacant property. The new restaurant will service the needs of the existing community and reduce the need for residents to travel elsewhere for food and beverages. Adding a service area to the Maximum Powersports use will increase the range of activities for the business allowing residents to both purchase and service their recreational vehicles in one location drawing additional foot traffic to the Downtown Area.

2. *Accommodate a range of commercial formats from smaller pedestrian-oriented stores in the Town centre and neighborhoods to large format retailing on County Road 17.*

Maximum Powersports is an established use on the property at 189 John Street. Expanding this existing business would contribute to the range of available commercial uses. The new restaurant will be more pedestrian-oriented, also increasing the range of uses in the area.

- 3. Enhance the form and character of each commercial area in the Town and work to create a distinct community identity for each.*

Through site plan the proponent can work with the Town to re-design the site at 157 John Street to increase the form and character in keeping with the surrounding neighbourhood. Through selective vegetative plantings and site design, the property at 157 John Street could be enhanced from a vacant gravel lot into a distinct property within the commercial area.

- 4. Encourage the maintenance and improvement of existing commercial buildings.*

The existing building at 189 John Street will be maintained and expanded, leading to overall improvements of the existing commercial base.

Section 3.2.2 of the Official Plan speaks to Commercial Designations with policies for the Downtown Core Policy Area found in Section 3.2.2.1. Permitted uses in the designation shall include retail and service commercial development intended to serve the needs of visitors and local residents. Retail stores like the Maximum Powersports use and restaurants are both uses permitted for the designation (Sec. 3.2.2.1.1). Pursuant to the General Policies of 3.2.2.1.2, the new commercial infill development at 157 John Street will provide adequate off-street parking with existing access points maintained to minimize conflicts between pedestrian and vehicular traffic. The new restaurant will be street oriented allowing for ease of movement between the site and the municipal sidewalk network. Parking will remain to the side of the property at 189 John Street. Parking at the front of 157 John Street is proposed in order to maintain storage and display area for recreational vehicles. Details such as massing, scale, facades, pedestrian access, signage, etc. will be addressed at site plan.

Section 3.4 of the Official Plan speaks to Where We Work – Planning for Employment Lands. Goals and objectives are outlined in Section 3.4.1 with the goal to:

To support the expansion of the Town's employment base through flexible land use policies which recognize the dynamic nature of a changing regional economy.

Permitting the expansion of the existing Maximum Powersports business to include servicing bays will expand potential employment options for the overall use. Allowing the flexibility to have both recreational vehicle storage and a new restaurant at 157 John Street will significantly expand the employment opportunities on what is otherwise a vacant, underutilized property in the Downtown area.

Many of the policies found in Section 3.4 speak more to industrial land uses and larger employers. The two types of employment lands per the Official Plan are the Trade and Industry Policy Area and the Trade and Industry Transition Policy Area. Neither designation applies to either 157 or 189 John Street. While the proposed development of the two sites will generally contribute to the increased employment base within the Town, the policies of Section 3.4 of the Official Plan do not relate directly to either site and will not be addressed further in this report.

Section 3.6 of the Official Plan speaks to Our Environment – Planning for Sustainability with emphasis on the protection of natural features and scenic areas. While both properties at 157 and 189 John Street are located close to the Ottawa River, both lots are beyond any identified natural heritage features or fish habitat. The goal of conserving, protecting and enhancing the Town’s natural features can be achieved through the proposed development.

Section 3.7 of the Official Plan speaks to Development Constraints – Planning for Public Health and Safety. The property at 157 John Street does have identified contamination pursuant to Section 3.7.6. Some areas on the 157 John Street property are known to contain soils with concentrations of select chemical parameters exceeding the MECP regulations. Pursuant to Section 3.7.6.1 a Record of Site Condition may be required for certain uses. A Limited Phase II Site Assessment was completed by Lascelles Engineering and reviewed on behalf of the Town by Stantec Engineering. The proposed restaurant will be constructed on top of supporting blocks on a concrete pad foundation. No excavation of material is proposed. It was Stantec’s interpretation that a Record of Site Condition (RSC) for 157 John Street is not required as there is no change of existing land use (commercial) to a more sensitive land use (e.g. residential). The proposal would meet the intent of the Official Plan policies for Contaminated Sites.

Section 4.0 of the Official Plan speaks to Making it Work – Our Infrastructures. The existing building at 189 John Street would maintain its existing servicing and infrastructure for the expansion of the business. The new restaurant proposed at 157 John Street will require new connections to existing services but will not result in uneconomical expansion of either servicing or infrastructure. Waste management will follow the same process as the current Maximum Powersports use.

Section 5.4.4 of the Official Plan speaks to Development Criteria to be considered by Council for compatibility and appropriateness of new development or redevelopment, and where considering amendments to the zoning by-law and considerations for site plan where applicable. A zoning amendment and site plan is proposed for both properties.

1. *The provision of safe access onto or from a Town road or provincial highway.*

The existing business at 189 John Street has an established access to the site from the travelled town road. The site at 157 John Street has an existing access at the north end of the property to be utilized for the new development.

2. *Adequate access to, and provision of, off-street parking.*

Adequate off-street parking will be maintained at 189 John Street. New parking facilities will be installed at 157 John Street to provide off-street parking for the new restaurant.

3. *Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.*

Barrier-free access and parking is provided for at 189 John Street. The site plan for the new restaurant does not show barrier-free parking but could be added to ensure barrier-free requirements are met.

4. *Access and maneuvering of emergency vehicles in providing protection to public and private properties.*

A new driveway connection between the two properties will be established as part of the site plan. Each property would have sufficient access and manoeuvring to meet the needs of emergency vehicles.

5. *The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreational facilities including parks and recreational pathways and related facilities.*

Each site has full availability of municipal services without the need for costly upgrades. Lighting, waste disposal, and winter maintenance can all be defined through the site plan control process.

6. *Adequate grade drainage or storm water management and erosion control.*

Drainage and stormwater management can be provided for each property.

- 7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.*

The open storage of recreation vehicles at 157 John Street will be screened from the road by the proposed restaurant and outdoor seating area. With the inclusion of selective landscaping the open storage can be adequately screened from view.

- 8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.*

Landscaping along the frontage of 189 John Street will be maintained. The layout and design of the restaurant and outdoor area at 157 John Street will integrate landscaping in the design for privacy. The new development is adequately setback from the Ottawa River.

- 9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.*

Exterior lighting at 189 John Street will be maintained. The design for 157 John Street can accommodate the property lighting for the use.

- 10. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.*

New signage for the restaurant use will be controlled through the site plan process to ensure it remains to scale with the use.

- 11. Protection of the environment by avoiding air, soil or water pollution.*

The property at 157 John Street does have noted contamination of the soils. The new restaurant use maintains the commercial nature of the site, avoiding the requirement for a Record of Site Condition. The proposed recreational vehicle storage area is not anticipated to contribute to further contamination. The expansion of 189 John Street would not result in threats of air, soil or water pollution.

12. The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest.

The redevelopment of 189 John Street should not have any impact on maintaining the street trees along the front of the property. The property at 157 John Street does not contain any mature trees. Opportunities could be explored through site plan to include new street trees where the restaurant and outdoor seating is proposed. Species of trees should be chosen to pick varieties that are resistant to the recorded contaminants on-site.

13. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.

The proposals for both properties would not increase demand for school facilities or impact the provision of school bussing.

14. Protection or enhancement of natural resource values.

The site is located in the Town of Hawkesbury and does not contain any natural resources of value. The development would not preclude or hinder the use or enjoyment of the Ottawa River or waterfront areas near both properties.

15. Conserving cultural heritage resources.

The proposals for both properties will not negatively impact cultural heritage.

16. The physical suitability of the land for the proposed use.

189 John Street already contains the Maximum Powersports building. Expanding the building to add servicing bays would be a suitable use for the lot. The property at 157 John Street is already being used for storage of recreational vehicles. Maintaining this storage area and adding a new restaurant to the property would be suitable for the lands.

17. Safety and Security Criteria

Existing access points will be maintained to preserve the safety and security of motorists and pedestrians. The Phase II ESA completed for 157 John Street demonstrated the new uses proposed could be accommodated under safety and security criteria by providing sufficient

lighting, appropriate signage for the uses, preservation of sight lines along the road, suitability with nearby uses, and the sites can be integrated into the existing municipal sidewalk network within the Downtown.

Section 5.9.6 of the Official Plan speaks to Brownfield Redevelopment. Brownfields are undeveloped or previously developed properties that may be contaminated such as the property at 157 John Street. The property represents an underutilized parcel in the urban service area that can be used to increase density of development. The Official Plan promotes opportunities for intensification and redevelopment of Brownfield sites.

The redevelopment of 157 and 189 John Street are appropriate for the Downtown Core meeting many of the underlying goal and objectives of the designation as outlined in Section 3.2.1 and 3.2.2. Both redevelopments will comply with the development criteria of the Plan.

Overall, the rezoning and redevelopment of 157 and 189 John Street meets the intent of the policies of the Town of Hawkesbury Official Plan.

TOWN OF HAWKESBURY ZONING BY-LAW 20-2018

Both properties at 157 and 189 John Street are zoned Community Core Commercial (CC) on the Town of Hawkesbury Zoning Map – Schedule A (See Figure 9). All abutting properties fall within the same Community Core Commercial Zone.

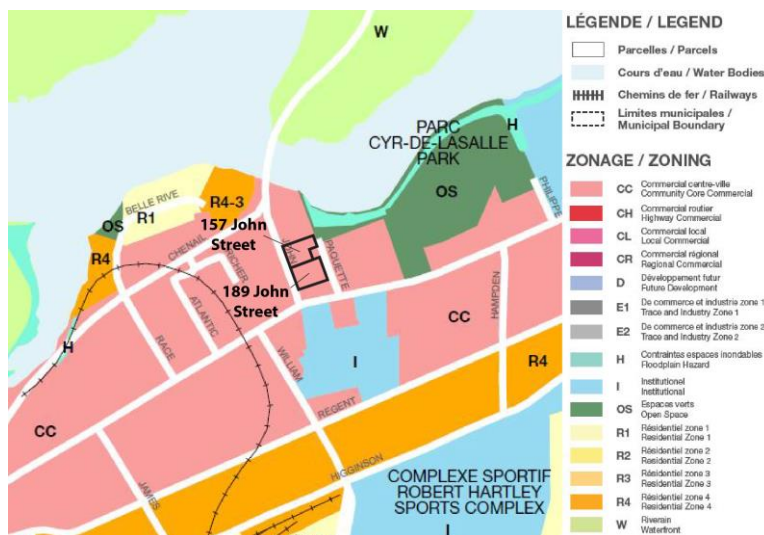


Figure 9 – Zoning By-Law Schedule A for 157 and 189 John Street

Section 2 of the Zoning By-Law sets forth General Provisions for development. **Section 2.25** speaks to Loading Space Requirements.

189 John Street

The combined floor area of the Maximum Powersports building and new service bay is 1,390 square metres (sqm) in size. Uses exceeding 1,000 sqm but less than 7,500 sqm require the provision of two loading spaces. The site plan drawing for the property shows a single loading space along the side of the building with adequate size and access. The single loading space is sufficient to meet the loading and delivery needs of the business. Given the site is deficient in the number of loading spaces, an exception to Section 2.25 will be sought for 189 John Street to reduce the required number of loading spaces from two (2) to one (1).

157 John Street

The proposed restaurant does not exceed 250 square metres in size and thus does not require a loading space pursuant to Section 2.25.

Section 2.27 of the Zoning By-Law speaks to Non-Conforming and Non-Complying Uses. The Community Core Commercial zone does not permit Recreational Vehicle Sales or Open Storage and Open Display as permitted uses. However, the property at 189 John Street has housed a Recreational Vehicle Sales use which was lawfully established prior to the passing of the current Zoning By-Law. The proponent is seeking to expand the non-conforming use. The Zoning By-Law states “Where the use of any land, building or structure is prohibited under this By-law, such land, building or structure shall not be extended or enlarged except by amendment to this By-law or through a permission granted by the Committee of Adjustment and provided that such non-conforming use existed on the day of the passing of this By-law and continues to be used for such purposes.” The purpose of the Zoning Amendment at 189 John Street is to recognize the existing non-conforming use to allow its expansion to add six service bays and to allow Open Display of Recreational Vehicles. For 157 John Street, the rezoning will be sought to allow storage of recreational vehicles on the property. A restaurant is permitted in the Community Core Commercial zone.

Section 2.29 of the Zoning By-Law speaks to Outside Storage, Sales and Display stating:

- *Outside storage shall not be permitted within any required front yard or exterior side yard and no closer than 5.0 m (16.4 ft.) to any side or rear lot line.*
- *Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law.*

The property at 157 John Street is proposing open storage of recreational vehicles on part of the site. The site plan provided for the property shows the storage area 1.0 metres from the side and rear property line, a reduction of 4.0m from the provisions of Section 2.29. Reducing the setback on the north side lot line will not impede the abutting gas station operations or site activities. Paquette Street abuts the storage area to the rear. Reducing the setback would not impact the ability for vehicles or pedestrians to use the street. As such, an exception to Section 2.29 of the Zoning By-Law will be requested for 157 John Street to reduce the setback for open storage from the side and rear lot lines from 5.0 metres to 1.0 metres.

Section 2.30 speaks to Parking and Storage of Vehicles.

189 John Street:

Based on the pre-consultation notes, since the building is a legal non-conforming use the parking standards do not apply. Pursuant to Section 2.30.4 *“when a building or structure has, at the time of the passing of this By-law, insufficient parking to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, change of use, or replacement in whole or in part, of any such building or structure.”* Based on the site plan for the property the site will maintain proper ingress and egress, will provide adequate aisle widths, will maintain landscaping along the front, and will provide adequate barrier-free parking. The two sites will be connected together providing additional parking at 157 John Street for the use.

157 John Street

The new parking area will be designed with adequate aisle widths, access, buffering, and stable parking surface. Parking will be located a minimum 1.5m from the street. The table of parking requirements in Section 2.30.10 identifies a restaurant requiring 1 parking space for every 10sqm of gross floor area. The restaurant is proposed at 168 square metres requiring 17 parking spaces. A total of 18 parking spaces are shown on the proposed site plan with additional surface parking shown in the recreational vehicle storage area.

Based on the analysis of parking requirements and the notes from the pre-consultation, no exceptions are required to Section 2.30 of the Zoning By-Law.

Section 2.31 of the Zoning By-Law speaks to Parking of Bicycles. The requirements of the Zoning By-Law stipulate a minimum of 4 bicycle parking spaces be provided on each of the two sites. The site plan submitted for the two properties shows an 8-space bike rack on 157 John Street located within a metre of the common lot line. It is located adjacent to the proposed driveway

connecting the two sites. Therefore, the minimum bicycle parking rate for each site can be met, but all eight (8) bicycle spaces will be provided on 157 John Street. The provisions of Section 2.31 do not allow for bicycle parking to be located off-site. Therefore, as part of the Zoning Amendment for 189 John Street, an exception to Section 2.31 will be requested to locate the required bicycle parking on the abutting property at 157 John Street.

Section 3.6 of the Zoning By-Law speaks to Commercial Zones. Zone provisions do not have required minimums for lot size, frontage, setbacks, or landscaped areas. The existing and proposed buildings on the two sites would be well under the maximum height of 33.5 metres. Neither property abuts a residential zone nor do they contain residential units. Pursuant to Section 3.6.1.4, required parking spaces for non-residential uses may be reduced to 50% in the CC zone. Both properties would comply with the provisions of Section 3.6.1. The purpose for the zoning amendment on both properties is based on permitted uses.

189 John Street

Recreational Vehicle Sales is not a permitted use in the CC zone therefore requiring an amendment to the Zoning By-Law. The expansion will add servicing bays onto the current building. The definition for Recreational Vehicle Sales permits this additional servicing use:

RECREATIONAL VEHICLE SALES means a building and/or lot where recreational vehicles are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair including service centre, service bays, body shop, storage of parts, etc.

The pre-consultation spoke to adding some automobile related uses to account for the new servicing bays. Based on the Recreational Vehicle Sales definition servicing would be permitted under the definition.

The CC zone does not permit the outdoor storage or display of goods. The business often displays some of their recreational vehicle inventory outdoors in and around the parking spaces closest to the building. To permit this activity the rezoning will seek to add Outdoor Display Area as a permitted use for 189 John Street defined as “a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.” A reduction in loading spaces is also required.

Therefore, the proposed Zoning Amendment will seek to re-zone the property at 189 John Street from Community Core Commercial (CC) to Community Core Commercial Exception (CC-x) to recognize and permit Recreational Vehicle Sales to allow for the expansion of the current non-conforming use (Maximum Powersports) with the following exceptions requested:

- An exception to Section 2.25 to reduce the required number of loading spaces from 2 to 1,
- An exception to Section 2.31 to allow the required four (4) bicycle parking spaces to be located on the abutting lot at 157 John Street, and
- An exception to Section 3.6 to permit Recreational Vehicle Sales and Outdoor Display Area as permitted uses for the property.

157 John Street

A restaurant is a permitted use in the CC zone. The site is also proposing an outdoor storage and display area for recreational vehicles which is not permitted in the CC zone. Open Storage and Open Storage Area are defined as:

OPEN STORAGE Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement where permitted.

OPEN STORAGE AREA Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

The proposed Zoning Amendment will seek to re-zone the property at 157 John Street from Community Core Commercial (CC) to Community Core Commercial – Exception (CC-x) with the following exceptions:

- An exception to Section 2.29 of the Zoning By-Law will be required to decrease the setbacks of the open storage area to the side and rear lot lines from 5.0m to 1.0m, and
- An exception to Section 3.6 to permit an Outdoor Display Area, Open Storage and an Open Storage Area as permitted uses.

The Zoning Amendment for each property will ensure the proper uses are added to each of the two lots to allow the continued use and expansion of Maximum Powersports at 189 John Street, and to allow for the redevelopment of 157 John Street for a new restaurant and open storage area to support the recreational vehicle sales business. Both proposals will comply with the yard, area and frontage provisions of the CC zone.

SUMMARY

The proponent owns two abutting pieces of property along John Street which are intended to remain separate. The property at 189 John Street currently contains Maximum Powersports, an existing non-conforming use in the Community Core Commercial zone. In order to expand the building to add service bays a Zoning Amendment application is required in addition to adding Recreational Vehicle Sales as a permitted use. The definition would allow for the servicing of recreational vehicles. Permission to add Outdoor Display Area as a permitted use and a reduction in the number of loading spaces from 2 to 1 will also be requested. The proposed Zoning Amendment will seek to re-zone the property at 189 John Street from Community Core Commercial (CC) to Community Core Commercial Exception (CC-x) with the following exceptions:

- An exception to Section 2.25 to reduce the required number of loading spaces from 2 to 1,
- An exception to Section 2.31 to allow the required four (4) bicycle parking spaces to be located on the abutting lot at 157 John Street, and
- An exception to Section 3.6 to permit Recreational Vehicle Sales and Outdoor Display Area as permitted uses for the property.

The property at 157 John Street is currently vacant with some noted contamination. An assessment of the site was completed. Based on the proposed design the commercial nature of the property will be maintained, removing the requirement to complete a Record of Site Condition. A restaurant is permitted in the CC zone. The zoning amendment for 157 John Street will be to add the open storage area as a permitted use and to decrease the setbacks to the lot line for the storage area. The proposed Zoning Amendment will seek to re-zone the property at 157 John Street from Community Core Commercial (CC) to Community Core Commercial – Exception (CC-x) with the following exceptions:

- An exception to Section 2.29 of the Zoning By-Law will be required to decrease the setbacks of the open storage area to the side and rear lot lines from 5.0m to 1.0m, and
- An exception to Section 3.6 to permit an Outdoor Display Area, Open Storage and an Open Storage Area as permitted uses.

The rezoning of both properties is appropriate for the Community Core Commercial zone, is consistent with the Provincial Policy Statement 2020, and meets the intent of the commercial and development policies of the Official Plan.

Should you require any additional information please don't hesitate to contact the undersigned.

Sincerely,



Chris Clarke, B.Sc, CPT



Tracy Zander, M.PL, MCIP, RPP