

Date: September 28, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: B4-2020: Zoning Exception – 840 Sixth Street West

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### **Background**

An application was submitted by authorized agent, Ian McKay, requesting a zoning by-law exception to include a site-specific permitted use of a Recreation or Fitness Establishment at 840 Sixth Street West.

In the fall of 2019 Ian McKay met with myself and Lisa Slomke to explore potential rental or purchase options that we may be aware of around town for him to conduct his business. At that time, a few options were verbally discussed, but nothing was solidified or decided upon in that meeting. One challenge with Ian's business is the two varied aspects; on one side there is the fitness and training classes, whereas the other side is the manufacturing or constructing of actual fitness equipment.

As defined under the zoning by-law, Ian's fitness portion of the business falls under the following definition:

**RECREATION OR FITNESS ESTABLISHMENT** Premises where entertainment or fitness instruction is offered for gain or profit such as a motion picture or other theatre, a bowling alley, an ice or roller skating rink, a gym, indoor rock climbing, fitness centre, fitness instruction including yoga, batting cages, miniature golf course and all other similar forms of recreation or fitness activities.

A recreation or fitness establishment is a permitted use within the General Commercial (C2), Enterprise (E), or Tourist Commercial (TC) zones.

However, the gym construction portion fits well within the following definition:

**MANUFACTURING, LIGHT** The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

Light manufacturing fits well within the manufacturing or processing within an enclosed building which is a permitted use in the Light Industrial (M1) zone.

Ian has selected a location for his business at 840 Sixth Street West, which is currently zoned Light Industrial (M1). As described above, this location works well for the gym construction portion, though does not permit the recreation or fitness establishment portion of the business. It should be noted that his business has already moved into the location and began operation. To achieve compliance with the zoning by-law Ian would be required to apply for a zoning by-law amendment to request a site-specific permitted use of a recreation or fitness establishment.

### **Property History**

The property is located at 840 Sixth Street West which is between McIrvine Road and Keating Avenue in the industrial area of Fort Frances. There is no information contained on file regarding previous uses on the lands.

Information on file shows that the primary structure on the property was constructed as a warehouse in 1990.

### **Official Plan**

The property is designated as an **Employment Area** which typically hold Industrial, Commercial and Business uses.

The applicable Official Plan policies have been attached to this report.

### **Zoning**

The property is currently zoned **Light Industrial (M1)** which does not permit the proposed use of a Recreation or Fitness Establishment. The following are permitted uses in the Light Industrial zone:

#### **4.12 LIGHT INDUSTRIAL (M1) ZONE**

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### **4.12.1 Permitted Uses**

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed building
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery<sup>1</sup>

## **Provincial Policy Statements**

The Planning Act requires that zoning by-law amendments be consistent with provincial policy statements as identified in the 2020 Provincial Policy Statements (PPS). The proposed permitted use appears to remain consistent with employment area policies as outlined in the 2020 PPS:

### **1.3.2 Employment Areas**

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

*Employment areas* planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment uses in order to maintain land use compatibility.

*Employment areas* planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.

1.3.2.4 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

1.3.2.6 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

### **Divisional Comments**

Fort Frances Power Corporation: No comments received

Fort Frances Recreation and Culture: No comments received

Fort Frances Fire Rescue: No concerns

Fort Frances Public Works: No concerns

Fort Frances Planning and Development: Provides for a more consistent use for the property.  
Request does not fit in well with surrounding land uses.

### **Committee of Adjustment**

This matter was considered at the August 12, 2020 session of the Committee of Adjustment. The applicant had the opportunity to explain the proposal to the Committee, where the Committee had an opportunity to ask questions.

The Committee of Adjustment has recommended the approval of the request.

### **Planning and Development Executive Committee**

This matter was considered at the September 8, 2020 session of the Planning and development Executive Committee.

The Planning and Development Executive Committee has recommended the approval of the request.

Respectfully submitted



Cody Vangel, EIT  
Chief Building Official & Municipal Planner

**Council approval of this report will** agree to the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee to approve the request to add a recreation or fitness establishment as a site-specific use at 840 Sixth Street West.