

Date: April 12, 2021

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Flint House Food Truck Patio Request

Stacey and Christine Cridland on behalf of Flint House have written to Mayor and Council requesting to locate a food truck with a licensed patio on Town property near the marina as shown in the attached site plan location. Administration can provide authorization for food trucks to set up in various locations around Town granting approval on a case-by-case basis. Typically, when reviewing a food truck license, administration reaches out to various internal divisions to determine if there are any issues or concerns prior to approving. Given that the current proposal indicates a food truck with a licensed patio this authorization is out of our authority under the current business license by-law. An excerpt from the business license by-law including information on “refreshment vehicles” has been attached with this report.

The following considerations are to be taken into account when deciding upon the proposal:

- Insurance coverages and liabilities
- Building Code Considerations
- Zoning
- Ensuring space for one, ensuring space for all
- AGCO temporary patio extensions
- Marina RFP

Further information on the above items is detailed below.

Insurance Coverages & Liabilities

Administration has received input and verbiage to include in the lease/land-use agreement from our insurance company. Input received speaks to required insurance coverage by the applicant as well as draft clauses to save harmless the Town from liabilities.

Building Code Considerations

Provided that no construction activities take place, the Ontario Building Code will not have any authority. It will be recommended that clauses be included into the agreement regarding compliance with the Alcohol and Gaming Commission and Northwestern Health Unit requirements, as well as any other applicable regulations that may apply including but not limited to required restroom facilities.

Zoning

Provided the area of proposal is located on Town property it can be considered as a Town of Fort Frances (municipal) use. Essentially, on Town owned property the Town has authority to use land as they wish.

Ensuring space for one, ensuring space for all

When considering the request, it should be taken into account that additional similar requests may come forward.

AGCO temporary patio extensions

The AGCO is once again authorizing temporary patio extensions until January 1, 2022 subject to the following:

To be eligible for a temporary patio extension under the AGCO's 2021 patio policy you must have a valid "By the Glass" licence, be permitted to open for on-site consumption and must meet the criteria as set out below:

- 1. The physical extension of the premises is adjacent to:
 - a. the premises to which the licence to sell liquor applies; or*
 - b. a dock to which the boat is attached and may include land adjacent to the dock; or*
 - c. the licensed premises under the "By the Glass" licence;**
- 2. The municipality in which the premises is situated has indicated it does not object to an extension;*
- 3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;*
- 4. There is no condition on the licence prohibiting a patio;*
- 5. The capacity of any temporary extension, allows for at least 1.11 square metres per person; and*
- 6. In the case of "By the Glass" licensees, the sale and service of the wine, beer and/or spirits manufactured by the manufacturer within the physical extension of the premises is primarily aimed at promoting the manufacturer's product and either providing an enhanced tourist experience or fulfilling an educational purpose.*

Further information can be found at the following link: <https://www.agco.ca/alcohol/changes-or-additions-existing-licensed-areas>

Marina RFP

It has been made aware that an RFP has been issued for a private operator of the Sorting Gap Marina. This RFP is anticipated to close on Tuesday April 13, 2021.

Land-use/Lease Agreement

There will be a cost for the preparation of the land-use/lease agreement. Decision is to be made on who will cover said cost.

Consideration will need to be made to determine if a fee will be assigned for use of the land. Though we do not have any direct comparisons to utilize, the following may be considered if the wish to assign a fee:

- Airport Man Camp - \$15,064.40 including HST - annual
- Auditorium (Social/Wedding) – \$455.13 plus HST – per event
- East End Hall (Social/Wedding)- \$214.16 plus HST – per event
- Arena Floor With Liquor License (IFK) - \$855.79-\$1,012.83 plus HST – per event
- Floor With Liquor License (52 Canadians) - \$765.49-\$905.40 plus HST – per event
- Rainy Lake Square - \$455.13 plus HST – per event

Summary

The Planning and Development Executive Committee considered this proposal at their April 5, 2021 session and made the following recommendations:

- That the proposal be brought forward to Mayor and Council for decision on April 12, 2021, prior to the April 13, 2021 marina operator RFP closing;
- That a letter of support from the municipality be provided to the applicant to submit to the AGCO for the proposal;
- That a land-use/lease agreement be prepared by the Town's solicitor for the temporary use proposal detailing liability mitigations, operation parameters, regulation compliance, etc.;
- That the Town cover the cost of the land-use/lease agreement;

- That Planning Fee 3.18.11 for Encroachment Agreement or other land use agreement not listed elsewhere in the user fee schedule be assigned to the applicant for the value of \$389.30; and
- That no fee be assigned for the actual temporary use of the land.

Respectfully submitted.



Cody Vangel
Chief Building Official & Municipal Planner

Approval of this report will agree with the recommendation of the Planning and Development Executive Committee such that:

- A letter of support from the municipality be provided to the applicant to submit to the AGCO for the proposal;
- A land-use/lease agreement be prepared by the Town's solicitor for the temporary use proposal detailing liability mitigations, operation parameters, regulation compliance, etc. and that the Mayor and Clerk be authorized to execute said agreement on behalf of the Corporation;
- The Town cover the cost of the land-use/lease agreement;
- Planning Fee 3.18.11 for an encroachment agreement or other land use agreement not listed elsewhere in the user fee schedule be assigned to the applicant for the value of \$389.30; and
- No fee be assigned for the actual temporary use of the land.