

Date: May 14, 2020

Report To: Committee of Adjustment

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: A1-2020 – Application for Consent: Mill Property Along Third Street West  
(Formerly 145-165 Third Street West)

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### **Application Purpose**

2670568 Ontario Ltd., locally known as Riversedge Developments Inc., has made application for consent for the creation of a new lot. The application proposes to sever a parcel of land from the locally known “Mill Property” which fronts Third Street West/Highway 11/71 for an estimated 153m.

The proposed severed portion of land will be irregular in shape with approximately 153m fronting Third Street West/Highway 11/71, and varied depths ranging from approximately 40-70m. The newly proposed lot would satisfy the zoning requirements for the Light Industrial Zone regarding lot frontage and minimum lot area. At this time minimum yard requirements (setbacks) cannot be confirmed without a survey. It is understood at this time that the proposed use for the severed land would be for a brewery type operation.

The retained property is irregular in shape and holds the idled Mill.

### **Property History**

The parcel to be conveyed is a portion of the Mill property that has an existing office building, parking lot and a dwelling with varied previous uses, all of which are uncertain on the initial construction dates.

The parcel to be conveyed abuts the following:

- North: Third Street West/Highway 11/71 with primarily Residential Type Two properties across the street
- South: Retained Mill Property, also a storm sewer easement (not intended to impede proposed lot lines)
- East: Retained mill property and H2O Power transformer station
- West: Cornwall avenue roadway allowance

### **The Official Plan**

The severed and retained properties would be designated as **Employment Area** which typically hold Industrial, Commercial and Business uses.

The proposed use of the severed parcel, that of a brewery type operation, requires a designation of **Employment Area**.

## **Zoning By-Law**

Both the severed and retained properties are zoned Light Industrial (M1)

### **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>

#### **4.12.2 Regulations for Permitted Uses**

- a) Minimum **Lot Area**
    - without municipal sewage services 2050 m<sup>2</sup>
    - with municipal sewage services 1400 m<sup>2</sup>
  - b) Minimum **Lot Frontage** 30 m
  - c) Minimum **Yard** Requirements
    - Front Yard** 7.5 m
    - Interior Side Yard** 3.0 m
    - Exterior Side Yard** 7.5 m
    - Rear Yard** 7.5 m
  - d) Maximum **Lot Coverage** 65%
  - e) Minimum **Landscaped Open Space** 20%
    - in any yard abutting a residential zone a **planting strip** shall be required
  - f) Maximum **Height of Building** 20 m
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### **Provincial Policy Statements**

The proposed severed portion of land including the proposed use appears to fit well under the employment section of the Provincial Policy Statement 2020.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

### **Divisional Comments**

Fort Frances Power Corporation: No comments received.

Fort Frances Fire Rescue: No concerns noted.

Fort Frances Public Works:

- Two water and sewer services (with unknown condition) to the proposed severed portion
- Water meter in office building has dead battery, this will need to be replaced before turning water back on
- There is a storm sewer easement along the south proposed boundary of the severed land

Fort Frances Recreation & Culture: No concerns noted.

Fort Frances Building & Planning:

- The buildings on the proposed severed land have sat vacant for many years, a new use for the land provides a good opportunity for Fort Frances
- Site Plan Control will be required for any exterior construction works. All divisions will have input to requirements at that time for parking, private crossings, entrances, stormwater etc.
- That the below included sample conditions be considered by the Committee

## **Other**

If the Committee of Adjustment wish to impose conditions on the consent, Subsection 53(41) of The Planning Act states the following:

### **A. Conditions not fulfilled**

*(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2017, c. 23, Sched. 5, s. 100 (6).*

Additionally, applicants shall be aware of the following regarding consent application in Subsection 53(43) of The Planning Act:

### **B. Lapse of consent**

*(43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.*

## **Sample Conditions**

The Committee of Adjustment may wish to impose conditions on the consent including but not limited to the following:

- That the owner deposits a Reference Plan of Survey in the Land Registry Office clearly delineating the parcels of land if approved by The Town of Fort Frances Committee of Adjustment. A listing of the parts and their respective areas is required. Four copies of the deposited Reference Plan are to be submitted to the Municipal Planner of the Town of Fort Frances.
- That the Municipal Planner be provided with the revised legal descriptions of the severed and retained properties.
- That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding taxes and interest on taxes.
- That prior to final approval by the Town of Fort Frances Committee of Adjustment, the owner provides confirmation of payment of all outstanding accounts payable.
- That in the event exterior construction activities are undertaken on the severed portion of land that a site plan control agreement be entered into with the Town of Fort Frances.

- That the owner convey cash in lieu of parkland at a value of 2% of the severed land as per Subsection 51.1(1) and 51.1(3) of The Planning Act.
- That the Municipal Planner be provided with satisfactory evidence that any existing structures on the severed property comply with zoning regulations for the Light Industrial zone by way of surveyor's real property report or site plan with affidavit.
- That any zoning deficiencies determined from the site plan or survey on the severed land be addressed through a minor variance application.

**Summary/Recommendation:**

Administration acts as an advisory body to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application to consider the following:

- Conform to Subsection 51(24) as required by Subsection 53(12) of The Planning Act.
- Conform to the Town of Fort Frances Official Plan.
- Conform to the Provincial Policy Statements as required by Subsection 3(1) of The Planning Act.

Should the Committee of Adjustment find it appropriate to approve this application, the previously noted conditions have been recommended.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT  
Chief Building Official & Municipal Planner