

Date: April 5, 2021

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Flint House Food Truck Patio Request

The Planning and Development Executive Committee will recall considering the request submitted by Stacey and Christine Cridland on behalf of Flint House to locate a food truck with a licensed patio on Town property near the marina as shown in the attached site plan location. Administration felt it was necessary to bring forward more information to the Committee to ensure all aspects of the request can be considered in full.

Previously, some of the following considerations were brought forward but not all information was available at that time:

- Insurance coverages and liabilities
- Building Code Considerations: accessibility, restroom facility, A-2 occupancy
- 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 requested input and verbiage to include in the lease/land-use agreement from our insurance company.

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.

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

The Committee will need to consider who will front the cost of the preparation of the land-use/lease agreement whether it be the Town or the Applicant.

The Committee will also need to consider 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

If the Committee wishes to proceed with the proposal, the following would be recommended:

- That a letter of support from the municipality be provided to the applicant to submit to the AGCO
- That a land-use/lease agreement be prepared for the temporary use proposal detailing liability mitigations, operation parameters, regulation compliance, etc. Input would be sought from internal divisions on the agreement prepared by the Town’s solicitor.

Respectfully submitted.



Cody Vangel
Chief Building Official & Municipal Planner