

July 20, 2010



**City Council
Committee Report**

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

**Re: Draft Ministerial Modifications/City –initiated – Kenora
Official Plan Drive Through Facilities**

Recommendation:

That the Planning and Property Committee recommends that Council:

1. Approves the Draft Ministerial Modifications and City-initiated Modifications to the City of Kenora Official Plan (May 25, 2010) now under review by the Ministry of Municipal Affairs; and
2. That this document be submitted to the Ministry of Municipal Affairs and Housing, to be considered as part of the original document (City of Kenora Official Plan – May 25, 2010)

Draft Ministerial Modifications and
City-initiated modifications

To the City of Kenora Council adopted Official Plan (May 25, 2010)

CITY INITIATED MODIFICATION AND DRAFT MINISTERIAL MODIFICATION TO CITY OF KENORA OFFICIAL PLAN (May 25, 2010)

BACKGROUND:

The new Official Plan for the City of Kenora, as adopted by City Council on May 25, 2010, requires a revision to clarify the policies regarding drive through facilities and the permission of this use in the Official Plan. The purpose of this modification is to provide revised policies for the limited permission of drive through facilities with restrictions in the Harbourtown Centre and the Residential Area Development designations. Specifically the Modification does the following:

1. Deletes the existing text in Section 3.13-Drive Through Facility and inserts new policies.

The lands affected by this modification include all of the lands within the municipal boundary designated as Harbourtown Centre and Residential Development Area in the Official Plan of the City of Kenora;

The basis of this modification is to provide policies regarding drive through facilities in the Harbourtown Centre and Residential Development Area designations. Through the preparation and consultation of the new Official Plan, comments were provided on the need to clarify where and under what circumstances drive through facilities are permitted.

This proposed modification prohibits drive through facilities in the Harbourtown Centre and Residential Development Area designations except under exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Harbourtown Centre and Residential Development Area designations can otherwise be maintained.

The modification also provides the policy framework and evaluation criteria regarding proposals for new drive-through facilities within the Harbourtown Centre and Residential Development Area designations and that the proposals will be subject to concurrent applications for a Zoning By-law modification and Site Plan Control approval.

This modification is consistent with the 2005 Provincial Policy Statement and conforms to the objectives and principles of the City of Kenora Official Plan as adopted. It also addresses matters brought forward by TDL and the Ontario Hotel, Restaurant and Motel Association.

DRAFT MINISTERIAL AND CITY-INITIATED MODIFICATION

All of this part of the document, consisting of the following text constitutes the Draft Ministerial Modification and City-initiated Modification to the City of Kenora Official Plan, as adopted by Council on May 25, 2010.

DETAILS OF THE MODIFICATION

The City of Kenora Official Plan, as adopted by Council on May 25, 2010 is hereby amended as follows:

Item 1. The text of the Official Plan for the City of Kenora as adopted by Council is hereby amended by deleting and inserting the following text to Section 3.13 – Drive Through Facility of the City of Kenora Official Plan:

Section 3.13 Drive-Through Facility

~~“A drive through facility is an establishment that provides or dispenses products or services through an attendant or an automated machine, to persons remaining in vehicles that are in designated stacking aisles. A drive-through facility may be in combination with other uses, such as a bank, restaurant or gas station.~~

~~Drive through facilities may be permitted in the Commercial Development Area, designation subject to:~~

- ~~The policies set out under the Land Use Compatibility section in this Official Plan;~~
- ~~The provision of a Planning Rationale that includes but is not limited to how a proposed development achieves the intent of the Community and Neighbourhood Design and the Urban Design Principles sections in this Plan;~~
- ~~A Transportation Impact Study to demonstrate whether the traffic generated by the proposed use would impact on adjacent uses and traffic flow. In addition, the Study should ensure that pedestrian movements and vehicular movements are provided in a safe manner.”~~

New drive-through facilities will not be permitted in the Harbourtown Centre and Residential Development Area designations in order to protect and enhance the unique sense of place of the Harbourtown Centre and the residential nature of the Residential Development Area. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Harbourtown Centre and Residential Development Area designations can otherwise be maintained.

In general, where the commercial zones that implement the Residential Development Area designation permit a restaurant, a drive through facility shall also be permitted. Proposals for new drive-through facilities within the Harbourtown Centre and Residential Development Area designations where drive through facilities are not permitted under the implementing zone, will be subject to concurrent applications for a Zoning By-law modification and Site Plan Control approval. Such applications will only be considered for approval in circumstances where: the location, design, and function of the drive through facility, including the associated queues; the policies set out under the Land Use Compatibility Section in this Plan are addressed; the provision of a Planning Rationale that includes but is not limited to how the proposed development achieves the intent of the Community and Neighbourhood Design and the Urban Design Principles Sections in this Plan; does not change the continuity and character of the existing streetscape;

considers the impact on the pedestrian and/or cycling orientation of the land use designation; and, where pedestrian movement into and through the site can be maintained. Additional matters to be addressed may include: the nature of surrounding uses; the character of the area and theme of area; proximity to heritage resources; and opportunities for the integration of the drive-through facility with other uses within the area.

Any application for new development in the Harbourtown Centre designation will be reviewed during the site plan control review process and shall have regard to the Downtown Revitalization Study, 2004, the Community Improvement Plan, 2007, and the City of Kenora Waterfront Development Guidelines, 2009.