



Town of Huntsville Staff Report

Meeting Date: March 16, 2022

To: Planning Committee

Report Number: DEV-2022-38

Confidential: No

Author(s): Richard Clark, Manager of Planning

Subject: Z/04/2022/HTE - Festing Toyota - 69, 77, & 81 Centre Street North

Report Highlights

Staff review and recommendation to the Planning Committee respecting Zoning By-law Amendment Application Z/04/2022/HTE.

Recommendation

That: Planning Committee APPROVE Zoning By-law Amendment Z/04/2022/HTE, changing the zoning from a Centre Street Mixed Use (MU4) Zone to a Centre Street Mixed Use Holding Zone with Exception (MU4-H-Exception), to:

- recognize a Motor Vehicle Dealership as the only permitted use on the subject lands,
- prohibit a public car washing establishment,
- require outdoor motor vehicle storage and parking areas be screened from view from abutting residential zoned lands with a vegetative buffer and a 1.8m high privacy fence, and
- require a 6m wide landscaped buffer abutting the visibility triangle at the intersection of West Road and Centre Street North.

And That: The Holding (H) provision may be removed and development may proceed upon the Director of Development Services being satisfied that the following has been completed:

- Adequate provisions for pedestrian infrastructure are secured to the satisfaction of the Town, and a Site Plan Agreement has been entered into to address this matter; and
- The subject lots merge on title.

Background

Purpose and Effect:

The applicant is proposing to construct a 1,004m² addition to their existing 741m² legal non-conforming Motor Vehicle Dealership at 69 Centre Street North, as well as reconfigure vehicle parking, sales and display areas on their other abutting lands to the north, at 77 and 81 Centre Street North. To facilitate this development, the applicant is seeking to change the zoning for the lands from

a Centre Street Mixed Use (MU4) Zone to a Centre Street Mixed Use Holding Zone with Exception (MU4-H-Exception) to recognize the existing legal non-conforming Motor Vehicle Dealership use as a permitted use.

A Holding "H" provision is recommended to be placed on the property to address improvements to pedestrian infrastructure in support of the Huntsville Sidewalk Master Plan, as appropriate, and to require that the lands subject to the rezoning merge on title.

Site Characteristics and Surrounding Uses: The subject properties have a combined area of approximately 0.9ha and 207m of frontage on Centre Street North. An existing Toyota Dealership is operated on the subject properties with the showroom and service buildings, as well as primary parking and outdoor vehicle display areas, all located at 69 Centre Street North. Lands at 77 and 81 Centre Street North are also used for vehicle display and parking areas for the dealership; however these lands also contain buildings housing unrelated commercial uses. The lands are generally flat, with a sloped area to the rear where some vegetation remains and a drainage ditch conveying flow to the Muskoka River is located. The surrounding uses are generally residential, commercial and mixed use in nature.

Location: Part Lot 13, Concession 2, Chaffey; designated as Parts 1, 2, & 5 on Plan 35R-11823; Part 1 on Plan 35R-6106; and Part 2 on Plan 35R-5101

Previous/Current Files: SPA/19/1988/HTE, SPA/32/2002/HTE & SPA/20/2003/HTE (for 69 Centre Street North); SPA/11/1986/HTE & SPA/14/1998/HTE (for 77 Centre Street North); and SPA/22/1998/HTE (81 Centre Street North)

Natural Constraints: Watercourse

Human Constraints: None

Official Plan: Urban Mixed Use Area

Zoning: Centre Street Mixed Use (MU4)

Access: Centre Street North, municipal year round maintained urban collector road

Servicing: Municipal water and sewer systems

OSRA Status: None

Technical Background Report(s): None

Discussion

Town of Huntsville Official Plan

The lands are located within the Mixed Use designation within the Huntsville Urban Settlement Area. The Mixed Use designation recognizes existing and future development opportunities along road corridors in the Huntsville Urban Settlement Area that are a mix of residential and commercial uses, or are intended to accommodate a mix of such uses. There are several corridors of mixed use development included within the designation, including along Centre Street.

Commercial uses are permitted in the Mixed Use designation; however Motor Vehicle Dealerships are generally intended to be concentrated within the Eagle Ridge Mixed Use corridor. Nevertheless, the dealership is considered an existing legal non-conforming commercial use and its expansion can be deemed to conform to the intent of the Official Plan in accordance with policies in Section F1.4.17 & F1.4.18. These policies identify that certain uses of land that existed at the date of approval of the Plan may be deemed to conform to the Plan for the purpose of a zoning by-law, and can be approved to continue and expand provided the expansion is to prevent undue hardship, will not permit any change of use or regulation that will aggravate the existing situation; result in incompatibility or be detrimental to abutting uses; be in unreasonable proportion to the existing use and the land on which

it is located; or interfere with the desirable development of adjacent areas. In this instance, an expansion of the existing legal non-conforming dealership can be considered appropriate if it is designed to mitigate potential concerns respecting compatibility with abutting uses and the prominent location of the lands.

In addition to the above criteria for legal non-conforming uses, the Official Plan also indicates that development within the Mixed Use designation should contribute to the well being and cohesiveness of the community (C3.6.3). To implement this objective, the Plan outlines general design criteria to promote walkable, vibrant mixed use areas that are compatible with the natural, cultural, and small-town character of the Town (C3.6.5). In this instance, the relevant criteria encourage that primary façades of buildings be situated parallel to the street and close to the street frontage to establish a defined street edge; sidewalks and buildings are barrier-free and accessible; walking and bicycle trails linking the development to other facilities in the community should be provided; parking should be located behind buildings where feasible; and landscaping is implemented to provide visual screening, define pedestrian zones, and add visual interest to the site and streetscape. Policies relating to commercial development in this designation further require that it is designed in such a manner as to complement the character of the surrounding area and to reduce any adverse impacts between residential and commercial uses, including but not limited to massing, shadowing, noise, odour, and visual impacts.

In this instance, the motor vehicle dealership use is existing on the majority of the lands; therefore it will not appear out of character. Further it can be deemed to conform to the intent of the Official Plan; however, as the proposal includes expansion of the use northwards and includes replacing lands previously occupied by commercial buildings with outdoor motor vehicle storage areas, and the parking of sales vehicles near the right of way, this change must be carefully considered. From a building perspective, the structure will be similar in appearance, but with a larger more uniform façade that will maintain the same general orientation and setbacks to the front lot line. Neighbouring commercial lands include buildings that are similarly oriented; hence the building itself will not be out of character. To offset potential impacts from outdoor vehicle storage on adjacent lands, a vegetated buffer and privacy fencing should be established between these areas and abutting residential lands to screen them from view. Further, given the prominent location of the lands at the intersection of two major access routes into Downtown Huntsville, and to ensure the expansion will be compatible and reasonable in proportion to the existing use and the context of the lands on which it is located, outdoor motor vehicle storage should be restricted where feasible immediately adjacent to roads and sidewalks and not permitted near the intersection of West Road and Centre Street. A landscaped feature could be used to screen such vehicles from view along Centre Street North and at the intersection to enhance streetscape, define pedestrian zones, and add visual interest to the site in accordance with the policies for development within the Mixed Use designation.

General policies applicable in the Huntsville Urban Settlement Area also deal with servicing and access and indicate that new development and redevelopment in this area will be designed to provide connectivity for pedestrian and vehicular traffic (C3.2.20). Additionally, policies in section E3.6 of the Official Plan require that every effort is made to preserve the character and scenic amenity along a roadway, while ensuring that the function and safety of that roadway will be maintained. In consideration of these policies, it is appropriate to limit outdoor vehicle storage as noted above, and instead require landscaped features along Centre Street North and at the intersection of West Road and Centre Street. Further, it is also appropriate to request the applicant to commit to establishing pedestrian infrastructure to help address missing pedestrian links identified in the Town's Master Sidewalk Plan, where appropriate. A holding provision is recommended to ensure that provisions for pedestrian infrastructure are secured to the satisfaction of the Town of Huntsville, where appropriate, and a Site Plan Agreement could address this matter.

It is noted that a Traffic Impact Study has not been completed in support of this application as the use is existing. Should this application be viewed favorably by Committee, and deemed necessary at the Site Plan Agreement application stage, a report would be requested to address such matters as access design, internal-site layout and parking requirements, and pedestrian infrastructure movements, among other things. Other technical studies and plans, dealing with stormwater management, water and waste water servicing, lighting, and landscaping would also be required at this stage and be implemented through a Site Plan Agreement.

District of Muskoka Official Plan

The lands are included in the "Urban Centre" designation. The proposal would appear to conform to the intent of the District Official Plan, as confirmed by District staff in their written comments, attached as Attachment #7. District staff would have no objection to the approval of the application provided that the by-law includes an exception to prohibit a public vehicle washing establishment in association with the use. This matter has been discussed with the applicant and they had no concerns with adding this limitation on use.

Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) applies to this proposal. Under the PPS, the subject lands are considered settlement area lands. Policies in Section 1.1.3.1 indicate that settlement areas should be the focus of growth and development and their vitality and regeneration should be promoted. Land use patterns within settlement areas shall also be based on densities that efficiently use land and infrastructure and intensification and compact form is encouraged.

Summary

In view of the foregoing, the application appears to meet the intent of the Official Plan, and is consistent with the Provincial Policy Statement.

Options

Committee could recommend to Council that the Zoning By-law Amendment be denied; however, that is not recommended as the application would appear to conform to the intent of the Official Plan and be consistent with the Provincial Policy Statement.

Council Strategic Direction / Relevant Policies / Legislation / Resolutions

Strategic Plan

Natural Environment & Sustainability Goal #2: Integrate sustainability principles into planning and development policies and processes.

Unity Plan

Economic Considerations

Goal 11: Economic Development: Huntsville will promote a diverse and prosperous economy by attracting innovation, growing a knowledge-based economy, providing adequate training, developing green jobs, and offering sustainable year round employment to retain Huntsville's youth.

Social Considerations

Goal 6: Social well-being: The community will encourage and support social diversity and personal sense of well-being by improving accessibility, promoting volunteerism, striving to reduce poverty, and maintaining a healthy, safe, friendly community to live, work, and play for all ages, cultures and abilities.

Environmental Considerations

Goal 1: Environmental Protection: The community will protect, preserve, restore, and enhance the terrestrial and aquatic environments and biodiversity of Huntsville and surrounding area by being responsible stewards of the environment.

Relevant Policies/Legislation/Resolutions

Provincial Policy Statements

Planning Act, R.S.O. 1990, cP.13

District of Muskoka Official Plan

Town of Huntsville Official Plan

Zoning By-law 2008-66P, as amended

Attachments

[Attachment #1: Location Map](#)

[Attachment #2: Sketch](#)

[Attachment #3: Elevations](#)

[Attachment #4: Renderings](#)

[Attachment #5: Draft By-law](#)

[Attachment #6: Draft Lifting of Holding](#)

[Attachment #7: District Comments](#)

[Attachment #8: Site Photos](#)

Consultations

The applications were circulated in accordance with the provisions of the Planning Act.

It was noted by Town Building and Operations staff that a Storm Water management Report would be required in support of this development and an Environmental Compliance Approval may be needed for the same from the Ministry of Environment Conservation and Parks. This will be addressed through Site Plan Control should this application be viewed favorably by Committee.

Respectfully Submitted: Richard Clark, Manager of Planning

Manager Approval (if required): Richard Clark, Manager of Planning

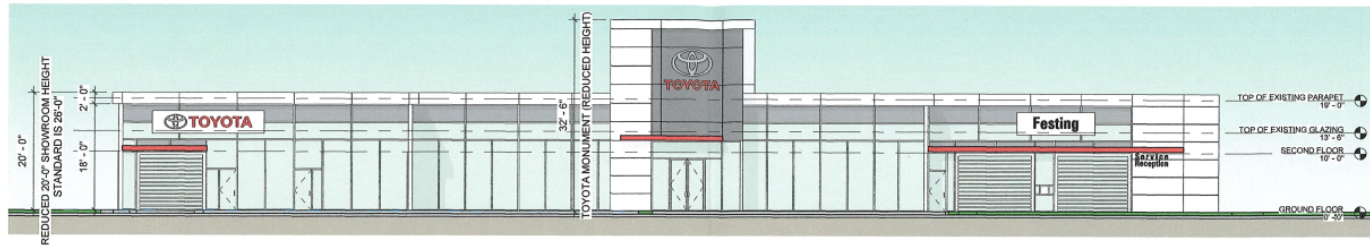
Director Approval: Kirstin Maxwell, Director of Development Services

CAO Approval: _____

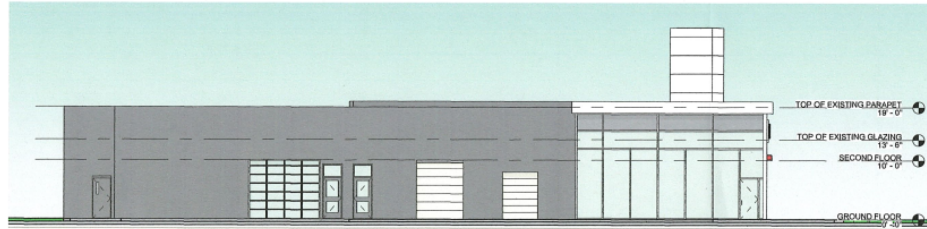
Attachment #1: Location Map



Attachment #3: Elevations



1 EAST ELEVATION
1/16" = 1'-0"



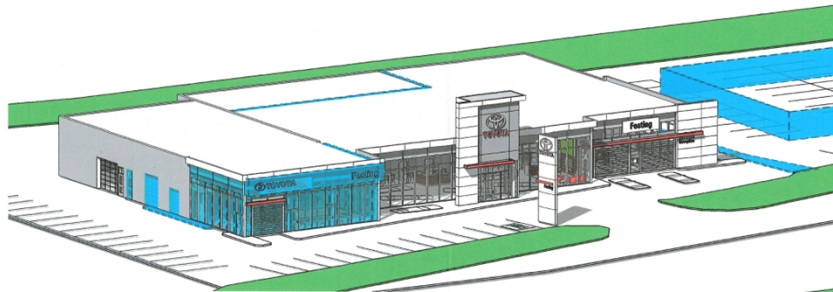
2 NORTH ELEVATION
1/16" = 1'-0"



3 SOUTH ELEVATION
1/16" = 1'-0"

<p>The purpose of these drawings is to convey the design intent and finish material specifications only. They are not to be used to obtain building permits or for actual construction of the project. Construction documents are to be prepared by licensed professionals who are willing to accept responsibility for proper applications.</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>ISSUED / REVISION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2019 08 08</td> <td>FOR REVIEW</td> <td>SS</td> </tr> <tr> <td>2</td> <td>2021 08 19</td> <td>FOR COORDINATION</td> <td>JR</td> </tr> </tbody> </table>	NO.	DATE	ISSUED / REVISION	BY	1	2019 08 08	FOR REVIEW	SS	2	2021 08 19	FOR COORDINATION	JR	 <p>WEIS Weis & Associates Inc. 240 Wellington St. Suite 1000 Toronto, Ontario M5T 2T8 Tel: 416-597-7600 ext 222 Website: www.weis.ca</p>	<p>FESTING TOYOTA HUNTSVILLE, ONTARIO ELEVATIONS</p>	<p>SCALE 1/16" = 1'-0"</p>	<p>PROJ. NO. 880-42181</p>
	NO.	DATE	ISSUED / REVISION	BY													
	1	2019 08 08	FOR REVIEW	SS													
2	2021 08 19	FOR COORDINATION	JR														
<p>DRAWN JR</p>	<p>SUPERSEDED NA</p>	<p>DRAWING NO. A2.0</p>															
<p>DATE 02/01/2019</p>	<p>VERSION V2R1</p>																

Attachment #4: Renderings



① 3D VIEW 1 EXISTING

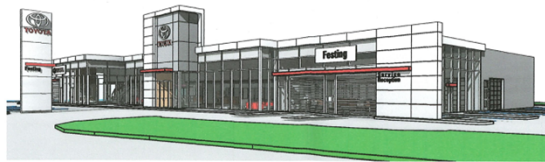


② 3D VIEW 1 NEW

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	1	2019-08-28	PLOT FOR VIEW	MS				DRAWN	SUPERVISOR	DRAWING NO.
	2	2021-08-10	FOR CONSTRUCTION	JP				JR	NA	A7.9 UPSIDE V2R1



① 3D VIEW 2



② 3D VIEW 3

<p>The purpose of these drawings is to convey the design intent and show material specifications only. They are not to be used to obtain building permits or for actual construction of the project. Construction documents are to be prepared by licensed professionals who are willing to accept responsibility for proper applications.</p>	No.	DATE	ISSUED/REVISION	BY			FESTING TOYOTA HUNTSVILLE, ONTARIO 3D VIEWS	SCALE	PROJECT	
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CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2022-xx

(Festing Toyota)

**Being a by-law to amend Zoning By-law 2008-66P
as amended, of the Corporation of the Town of Huntsville**

WHEREAS the council of the Corporation of the Town of Huntsville finds it expedient to amend Zoning By-law 2008-66P, as amended;

AND WHEREAS authority to pass this by-law is provided by Section 34 of the Planning Act, R.S.O, 1990. c. P. 13 and amendments thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1. Map No. "F-8" of Zoning By-law 2008-66P, as amended, is hereby further amended by rezoning Part Lot 13, Concession 2, Former Geographic Township of Chaffey, now in the Town of Huntsville, designated Part 2 on Plan 35R-5101, Pt Part 1 on Plan 35R-6106, and Parts 1, 2 & 5 on Plan 35R-11823, from a **Centre Street Mixed Use (MU4) Zone** to a **Centre Street Mixed Use Holding (MU4-H) Zone with Exception "xxxx"**, as shown **blackened** on Schedule "1" attached hereto.
2. Section 6 – "Special Exceptions" is hereby further amended by the following:

Exception No. "xxxx"

Notwithstanding any provisions of Zoning By-law 2008-66P, as amended, the provisions shall be amended to the following:

- A Motor Vehicle Dealership shall be the only permitted use on the subject lands
- A public car washing establishment shall be prohibited;
- Outdoor motor vehicle storage and parking areas shall be screened from view from abutting residential zoned lands with a vegetative buffer and 1.8m high privacy fence; and
- A minimum 6m wide landscaped buffer shall be required along the inside limit of the visibility triangle at the intersection of West Road and Centre Street North.

3. Section 7 – “Holding Provisions” is hereby further amended by the following:

444202000809400, 444202000809802, 444202000809800
Part Lot 13, Concession 2, Former Geographic Township of Chaffey, now in the
Town of Huntsville, designated Part 2 on Plan 35R-5101, Pt Part 1 on Plan 35R-
6106, and Parts 1, 2 & 5 on Plan 35R-11823,
Schedule Nos. F-8

The Holding (H) provision may be removed and development may proceed upon
Council being satisfied that:

- Adequate provisions for pedestrian infrastructure along West Road and
Centre Street North are secured to the satisfaction of the Town of
Huntsville, and necessary agreement are entered into to address this
matter; and
 - the subject lots merging on title.
4. Schedule “I” attached hereto, is hereby made part of this by-law.
5. This By-law shall come into force on the date of passage and take effect the day
after the last date for filing of appeals where no appeals are received, or, where
appeals are received, upon the approval of the Ontario Land Tribunal.

READ a first, second and third time and finally passed this xxth day of March, 2022

Mayor (Karin Terziano)

Clerk (Tanya Calleja)

Schedule “I” to By-law 2022-xx (Festing Toyota)



Attachment #6: Draft Lifting of Holding



CORPORATION OF THE TOWN OF HUNTSVILLE BY-LAW NUMBER 2022-XX

(Festing Toyota) Being a by-law to amend Zoning By-law 2008-66P as amended, of the Corporation of the Town of Huntsville (Holding – “H” provision removal)

WHEREAS: The Town of Huntsville is empowered to enact this by-law, by virtue of the provisions of Sections 34 and 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS: this by-law conforms to the Town of Huntsville Official Plan;

AND WHEREAS: Council is the authority for granting the lifting of Holding – “H” Provisions;

AND WHEREAS: the Council of the Corporation of the Town of Huntsville deems it appropriate to delegate authority to the Director of Development Services to remove a Holding – “H” provision from the zoning of certain lands.

NOW THEREFORE the Council of the Corporation of the Town of Huntsville hereby enacts as follows:

1. This by-law shall apply to the lands described as Part Lot 13, Concession 2, Former Geographic Township of Chaffey, now in the Town of Huntsville, designated Part 2 on Plan 35R-5101, Pt Part 1 on Plan 35R-6106, and Parts 1, 2 & 5 on Plan 35R-11823.
2. Schedule “7” of Zoning By-law 2008-66P, as amended, is hereby further amended by removing the Holding – “H” provision that applies to the lands shown on Schedule “I” attached hereto; at such time as the Director of Development Services is satisfied and has documented that all conditions relating to the Holding – “H” provision have been met.
3. Schedule “I” attached hereto, is hereby made part of this by-law.
4. This by-law shall take force and take effect on the date of passing.

READ a first, second and third time and finally passed this 28th day of March 2022.

Mayor (Karin Terziano)

Clerk (Tanya Calleja)

Schedule 'I' To By-Law 2022-xx



PURPOSE AND EFFECT OF BY-LAW NO 2022-xx

This by-law affects lands that are described as Part of Lot 13, Concession 3 in the former Township of Chaffey.

The purpose of this by-law is to remove the Holding – “H” provision from zoning on the subject lands at such time as the Director of Development Services is satisfied that the following has been completed:

- a) Adequate provisions for pedestrian infrastructure along West Road and Centre Street North are secured to the satisfaction of the Town of Huntsville, and necessary agreement are entered into to address this matter; and
- b) The subject lots being merged on title.

According to the Town of Huntsville Official Plan, the subject lands are designated ‘Urban Residential’. The lands are zoned “MU4-xxxx” in the Town of Huntsville Zoning By-law 2008-66P.

Report Number: DEV-2022-38

File Number: Z/04/2024/HTE

Name: Festing Toyota

Roll #s: 444202000809400, 444202000809802, 444202000809800

Attachment #7: District Comments

March 8th, 2022

Tanya Calleja, Clerk
Town of Huntsville
37 Main Street East,
Huntsville, Ontario
P1H 1A1

VIA EMAIL ONLY

Dear Ms. Calleja:

RE: Zoning By-law Amendment Application
Z/04/22/HTE (2399097 Ontario Inc.)
68, 77 & 81 Centre Street North
Part Lot 13, Concession 2, Chaffey, Town of Huntsville

Recommendation

District staff would not object to the approval of the above noted application provided that the draft zoning by-law is amended to include an exception to prohibit a public washing establishment as a permitted use.

Alternatively, should the applicant wish to maintain the ability to establish a public washing establishment, District staff would recommend that that draft zoning by-law amendment be amended to include a Holding (H) provision. Removal of the (H) should only be considered when the following provisions have been fulfilled:

- i. That Hydraulic Water and Wastewater Modelling is completed to the satisfaction of the District Municipality of Muskoka; and,
- ii. That the provision of municipal water and sewer servicing is addressed to the satisfaction of The District Municipality of Muskoka.

Notice of Council's decision respecting the above-noted application is requested.

Analysis

The subject property consists of three separate lots and is located within the "Urban Centre" designation, as shown on Schedule "A" of the Muskoka Official Plan (MOP). It is our understanding that the purpose of the above noted zoning by-law amendment application is to rezone the lots from a Centre Street Mixed Use Area (MU4) Zone to a Centre Street Mixed Use Area (MU4) Zone with an exception to permit a motor vehicle dealership as an additional permitted use.

The MOP promotes a full range of uses within the “Urban Centre” designation, subject to the availability of municipal water and sewage services. Further, it is the objective of the MOP to promote the creation and retention of jobs by providing for an appropriate mix and range of employment uses to meet long-term needs of the community and to provide opportunities for a diversified economic base by providing a choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. In this case, the approval of the zoning by-law amendment application would support the redevelopment of an existing motor vehicle dealership as well as the retention of jobs within the Urban Centre, in accordance with the policies of the MOP.

The subject lands are located within the full service area as shown on Schedule “B” of the MOP. In accordance with Section 2.114 of the Town of Huntsville’s zoning by-law, a motor vehicle dealership would also permit a public washing establishment (public car wash). Due to the high water demands of a public washing establishment, District staff recommend that the zoning by-law amendment be amended to include a Holding provision to require hydraulic modelling of the water and sewage services, or alternatively that the zoning by-law amendment be amended include an exception to specifically prohibit a public washing establishment, if such a use is not proposed to be developed.

From an Engineering and Public Works (EPW) perspective, staff have advised that the subject lands have frontage on Muskoka Road 2 (West Road), which is a Class “C” District Road, as well as Centre Street North, a Town-owned road. The applicant should be advised that all District Roads are controlled access highways and an entrance permit is required from the District of Muskoka prior to the construction or modification of an access onto such a road. In this case, the driveway to the proposed motor vehicle dealership will be required to access the subject lands from Centre Street North, as proposed. Entrance permits will not be available from Muskoka Road 2 (West Road). The applicant should also be advised that at the time of site plan control, the completion of a site grading plan and/or stormwater management plan, prepared by a qualified professional, will be required. The plan must clearly demonstrate that the proposed parking area and stormwater management will have no impact on Muskoka Road 2 (West Road).

Yours truly,



Curtis Syvret
Planner

Attachment #8: Site Photos

Photo #1: View from West Road. Existing building to be demolished.



Photo #2: View from West Street showing existing driveway and single family dwelling beside building to be demolished.



Photo #3: Side View of Existing Building to be removed.



Photo #4: View of Driveway off Centre Street North facing West Street with existing buildings to be demolished.



Photo #5: Rear of building to be demolished.



Photo #6: Existing building to be expanded.



Photo #7: Drainage feature behind existing building



Photo #8: View of drainage feature downstream of property.



Photo #9: Rear of existing building to be expanded.



Photo #10 Existing building to be expanded.



Photo #11: View of building to be expanded from Centre Street North.



Photo #12: View of property from the corner of West Street and Centre Street North.

