
HALDIMAND COUNTY

Report PDD-42-2021 Official Plan and Zoning By-law Amendment to Permit Commercial Uses – Twisted Lemon



For Consideration by Council on June 28, 2021

OBJECTIVE:

To consider an amendment and site specific provisions to the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020 to permit a change to scoped use and site specific commercial designation and zoning which will recognize long standing commercial uses and allows additional uses of an outdoor patio and overnight inn. No expansion of the building is proposed.

RECOMMENDATIONS:

1. THAT Report PDD-42-2021 Official Plan and Zoning By-law Amendment to Permit Commercial Uses – Twisted Lemon be received;
2. THAT Report PDD-33-2021 Official Plan and Zoning By-law Amendment to Permit Commercial Uses – Twisted Lemon be received;
3. AND THAT application PLOP-HA-2021-069 to amend the Haldimand County Official Plan designation of the subject lands to a site specific 'Community Commercial' designation to recognize the existing restaurant as a primary use with an accessory patio and Inn suites as a secondary use and parking relief, be approved for the reasons outlined in Report PDD-33-2021 and PDD-42-2021;
4. AND that the by-law attached to Report PDD-42-2021 to adopt the Official Plan Amendment to the Haldimand County Official Plan be presented for enactment;
5. AND THAT application PLZ-HA-2021-070 to amend the Haldimand County Zoning By-law HC 1-2020 to a site specific General Commercial (CG) Zone, be approved for the reasons outlined in Report PDD-33-2021 and PDD-42-2021;
6. AND THAT the by-law attached to report PDD-42-2021 to amend the Haldimand County Zoning By-law HC 1-2020 be presented for enactment;
7. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2020 or other matters of provincial interests.

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Reviewed by: Shannon Van Dalen, MCIP, RPP, CMMI, Manager of Planning & Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

A combined Official Plan and Zoning By-law Amendment application has been received from LandPro Planning Solutions on behalf of 2690421 Ontario Inc. (Twisted Lemon), to amend the Haldimand

County Official Plan and Haldimand Zoning By-law HC 1-2020 to permit the restaurant (existing Twisted Lemon) as the primary use with a permanent outdoor patio, an Inn secondary to the restaurant, and recognize reduced parking provisions. Twisted Lemon is currently operating a restaurant with seating capacity of fifty-six people (56) and has three (3) bedrooms on the second floor that have been used for the residential dwelling and which are proposed to be converted to be used as inn style rooms.

BACKGROUND:

On June 22, 2021, Council in Committee heard application PLOP-HA-2021-069 and PLZA-HA-2021-070 regarding the expansion of uses for the property located at 3 Norton Street West. At the meeting, the applicants expressed concerns regarding staff's recommendation for a site-specific residential designation and zoning. Council deferred the decision to provide an opportunity for staff to discuss and negotiate an appropriate designation and zone that would satisfy both parties.

Staff, the applicants, and their agent have discussed different approaches and developed a suite of amendments that meet the applicant's needs and would align with Council's preferences as expressed at the meeting on the 22nd. Based on this, staff have revised the draft Official Plan Amendment and draft Zoning By-law as seen in Attachment 1 and 2 respectively, which includes a scoped Community Commercial designation and General Commercial (CG) zone. Both will be subject to special policy that will restrict the uses to those existing with the addition of the patio and Inn.

ANALYSIS:

Provincial Policy Statement

It is staff's opinion that the proposal is in keeping with the intent of the Provincial Policy Statement for reasons provided in report PDD-33-2021.

Growth Plan for the Greater Golden Horseshoe

It is staff's opinion that the proposal is in keeping with the intent of the Growth Plan for the Greater Golden Horseshoe for reasons provided in report PDD-33-2021.

Haldimand County Official Plan

The subject lands are designated 'Residential' with special policy HCOP-16 and located within both the urban boundary and built boundary of Cayuga. The residential designation is intended to provide a variety of housing forms and facilities that support residential uses. Special policy HCOP-16, permits the following uses: a restaurant/café with seating for 56 patrons; a catering business; a classroom for food related workshops and cooking courses; retail sales of food related produce, and a small scale greenhouse. Currently, the commercial uses may only be permitted in conjunction with a residence on the property. The applicants are requesting to amend the Official Plan; the site specific Community Commercial designation will permit the limited uses permitted above with the addition of an outdoor patio and inn (maximum three rooms).

Land Use Compatibility

A detailed analysis of expanding the permitted uses of the site to include an outdoor patio and inn were presented in report PDD-33-2021. Staff are of the opinion that the analysis focused on the compatibility and impact of the additional uses on the neighbouring residential area will continue to be maintained by limiting the permitted uses under a site specific Community Commercial designation and site specific General Commercial (CG) zone. Staff are confident that scoping the permitted uses under the commercial designation and zone will satisfy the policies within the Official Plan and Haldimand County Zoning By-law and will not have adverse impacts on the surrounding residential area.

Draft Amendments

Copies of the revised draft Official Plan amendment (Attachment 1), and a Zoning By-law amendment (Attachment 2) have been prepared and attached to this report.

This proposal has been reviewed through the applicable policies from the Province (Provincial Policy Statement and Growth Plan), and the County (Official Plan), and staff are of the opinion that the requested relief is appropriate.

The proponents, as well as their agent, have had a chance to review and provide comment on the draft by-laws. Both staff and the applicants are satisfied with the wording and proposed amendments.

Planning Opinion:

Planning staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are consistent with and generally maintain the intent and purpose of the Provincial Policy Statement (2020), the Places to Grow Plan (2020) and the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law maintains the intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Therefore, Planning staff is supportive of the subject application with revisions.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: Yes

ATTACHMENTS:

1. Draft Official Plan Amendment
2. Draft Zoning By-law Amendment