



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole - Public Works, Environmental Services, Facilities

**Date:** May 17, 2021

**Department:** Community Development

**Topic:** Application for Site Plan Control, Wendees Eats n Treats

**Purpose:** To review an application for site plan control at the corner of Canal St and Walker St in the Village of Cardinal. The applicants, acting on behalf of owner Kevin Burchell, are planning to operate a refreshment vehicle on the site.

**Background:** Applicants Stan and Wendy MacDonald are planning to operate a refreshment vehicle, Wendees Eats n Treats, on a property at the corner of Canal St. and Walker St. in Cardinal. The half-acre property is home to a fenced in storage area, with approximately 700m<sup>2</sup> of vacant land that is planned for the business operations. The land is just south of Circle K gas bar and west of a commercial mall. Other surrounding uses are residential, approximately 95ft away from the planned location of the refreshment vehicle.

The 25ft refreshment vehicle unit will be serviced by portable fresh water and grey water containers, which are subject to the approval of the Leeds, Grenville and Lanark District Health Unit. A portable servicing option is typical for refreshment vehicles, given their temporary nature. The unit is planned to be removed from the site in the off-season. Additional temporary structures/items on the site include a garbage disposal unit, four tables, and a propane tank.

Staff have determined that Canal and Walker Street would not be suitable for regular on-street parking, and in the absence of a suitable provision in the zoning bylaw, have determined that at minimum, 6 parking spaces should be available on site to accommodate anticipated vehicle traffic to the site.

The applicants have shared their plans with the Committee of the Whole – Community Development Committee as a delegation at a recent meeting on May 3, 2021. The applicants had expressed concern about the financial burden for a small business to provide a grading and drainage plan, which had been requested by staff in a pre-consultation meeting for their application. The Committee recommended that for the first year of operation, a grading and drainage plan would not be requested, unless drainage concerns arose. As such, a grading and drainage plan has not been provided as part of

the application and the draft agreement has been prepared to reflect the Committee's recommendation.

The owner of a nearby local restaurant has reached out to express concerns about the impact the nearby refreshment vehicle would have on his food business. The owner explains that the restaurant industry has struggled with operations due to covid-19 restrictions and believes that the competition from another food vendor in close proximity would result in a loss of the business.

**Policy Implications:** The zoning of the subject property is Community Commercial, which is an appropriate zone for a refreshment vehicle, provided all requirements of the Refreshment Vehicle Bylaw 2012-68 can be met.

As mentioned in this report, staff have requested a minimum of 6 parking spaces on the site to reduce street parking on Canal and Walker Street. Section 4.28 of the zoning bylaw provides provisions related to parking areas with more than 4 spaces.

#### **4.28 Parking and Storage of Vehicles**

*[i] The parking area shall be constructed of crushed stone, asphalt paving, concrete, paving stones, or similar materials and shall be maintained and treated so as to reduce the raising of dust and scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Municipality.*

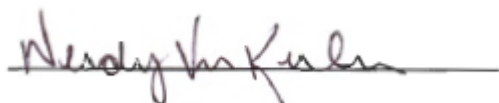
*[v] Where a new parking area is proposed, the site development shall be subject to site plan control.*

While a grading and drainage plan was not provided, the draft agreement requires that one be provided by March 1<sup>st</sup>, 2022, unless drainage concerns in the area are identified before this date. The agreement also requires a dust suppressant to be added to the gravel parking area to reduce undesirable effects to neighbouring properties.

Site plan control agreements are registered on the title of a property. An agreement which has been registered on title of the property survives transfer of ownership and changes to the property's site plan must be granted by bylaw.

**Financial Considerations:** The applicant has submitted the required fee for a site plan control agreement.

**Recommendation:** That Committee recommend that Council adopt a bylaw to enter into a site plan control agreement with the property owner, Kevin Burchell, as attached.



Community Development Coordinator