



### Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	April 7, 2025
<b>From:</b>	Matt Wilkinson, Planner
<b>Report Number:</b>	Planning Department 2025-16
<b>Subject:</b>	2097 Whittington Drive – Zoning By-law Amendment (ZBA-01-25) Temporary Use

**Recommendations:**

1. That Council receive and consider all comments related to Zoning By-law Amendment Application ZBA-01-25; and
2. That By-law No. 2025-19 be approved to rezone the subject lands from the Rural Employment Exception Nine (M2-9) Zone to the Rural Employment Exception Ten Temporary Use Seven (M2-10-T7) Zone.

**Overview:**

The agent (Roman Trippel) for the property owner (J.K.R. Realty) applied for a Temporary Use Zoning By-law Amendment for lands located in part of Lot 4, Concession 10 (North Monaghan), described as Lot 4, Plan 45M185, and known municipally as 2097 Whittington Drive. The Zoning By-law Amendment is required to temporarily permit a commercial recreation use (pickleball courts) on a portion of the property.

A key map and air photo showing the location of the subject property and the surrounding area are provided as Attachment Nos. 1 and 2 to this Report.

The lands subject to the Zoning By-law Amendment are approximately 0.88 hectares (2.17 acres) in size with approximately 68 metres (224 feet) of frontage on Whittington Drive.

The property is developed with a building approximately 2,880 square metres (31,000 square feet) in size. Within the building is approximately 2,045 square metres (22,012 square feet) of warehouse space, 242 square metres (2,600 square feet) of office space and a golf simulator approximately 120.75 square metres (1,300 square feet) in size. No change to the exterior footprint of the building is proposed as part of the Application.

Minor interior renovations and the reorganization of the established parking area will be required. A site plan and image of the parking layout are provided as Attachment Nos. 3 and 4 to this Report.

### **Purpose and Effect of Zoning By-law Amendment Application**

The lands subject to the Application are zoned Rural Employment Exception Nine (M2-9). The property was rezoned through the approval of By-law No. 2024-43 in August of 2024. The existing golf simulator, warehouse and office space are permitted in the M2-9 Zone. A commercial recreational use is not a permitted use in the M2-9 Zone. As such, a zoning by-law amendment is required.

The purpose of the Application is to rezone the subject property to permit a temporary commercial recreational use (pickleball courts) within a portion of the warehouse space for a period of up to three (3) years.

By-law No. 2018-58, as amended, defines Commercial Recreation Use as “a privately-owned indoor sports or recreation premises operated for use by private members and/or the general public and includes uses such as a pool hall, bowling alley, paint ball facility, curling rink, rock climbing facility and miniature golf.” This definition can be used to capture the proposed pickleball use.

As drafted, By-law No. 2025-19 will rezone the subject property from the Rural Employment Exception Nine (M2-9) Zone to the Rural Employment Exception Ten Temporary Seven (M2-10-T7) Zone. In the M2-10-T7 Zone, a commercial recreational use will be permitted for a maximum of three (3) years. The commercial recreational use will be limited to no more than four (4) pickleball courts and must be located within the principal building. All other provisions of the M2-9 Zone will apply to the subject property. By-law No. 2025-19 is provided as Attachment No. 5 to this Report.

Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry of the temporary use By-law, the zoning on the subject lands will revert to the Rural Employment Exception Nine (M2-9) Zone and the commercial recreation use will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.

Official plan amendment and zoning by-law amendments are required to permit a permanent commercial recreation use on the property.

### **Response to Notice**

Notice of the Zoning By-law Amendment application was circulated, by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands affected by the Zoning By-law Amendment application. Notice was provided by email to all Township Department Directors, Ministries and Agencies and Notice was also sent to the City of Peterborough and Hiawatha First Nation who request notice by email. A sign was posted on the Whittington Drive frontage of the subject property and the Notice of

Public Meeting was posted on the Township website. The Notice complies with the requirements of the Planning Act.

At the time of drafting this Report, Township Staff have not received any comments from the public.

Staff have received comments from the City of Peterborough, the Kawartha Pine Ridge District School Board, the County of Peterborough Public Works Department, Canada Post, Enbridge Gas, and Otonabee Conservation, who did not have any objection to the Application.

Township Public Works and Township Fire Departments have no concerns with the proposal.

Township Building Staff will require a building permit for the change of use. The permit application must be supported by floor plans and a report noting the requirements to justify the proposed occupant loads. The capacity of the existing septic system was reviewed and found to be satisfactory by Township Staff.

Township Economic Development Staff are in support of the Application. Currently, the Fleming Industrial Park is one of the Township's largest employers and is a very sustainable model.

One of the key objectives for economic development identified in the Township's Corporate Strategic Plan 2025-2030 is to increase flexibility in zoning by-laws for employment lands to allow for a wider range of commercial, agricultural and employment land uses. Greater flexibility in the permitted uses gives the industrial landowner a better opportunity to respond to the market demand. The ability to diversify will allow them to stay competitive and maximize profits thus keeping them in business longer.

The economic risk to the community is lower because employment is spread out among multiple smaller businesses rather than just one. The addition of a recreational use (pickleball courts) makes this industrial complex unique and as such, a business attraction tool. A company may choose to locate/re-locate to the industrial park because there is a "value add" for employees.

The Township Official Plan notes one of the Strategic Directions for Economic Development is to establish employment areas that provide a range of job opportunities and a broad range of commercial and service facilities geared specifically to meet the needs of residents in the Township (2.4 a)). Although not a high volume employer, a pickleball court facility still offers customer service, facility maintenance and coaching employment opportunities. At the same time, it fills an identified gap in recreational services that is growing in demand. The Vision 2035 Parks and Recreation Strategic Demand identified a number of leisure interests that should be given priority in development, including racquet sports (e.g., pickleball).

The proposed development, although unconventional, offers a win/win for both the Township and the proponent.

The Township Parks and Recreation Manager provided comment that the Cavan Monaghan Community Center (CMCC) currently provides six (6) indoor courts from April through July subject to ice installation.

Landscape Planning Limited recently presented Concept Designs to Council for the future development phasing at the CMCC which included four (4) outdoor pickleball courts. At this time, an expansion to the existing facility for indoor amenities was not included.

As the six (6) indoor courts at the CMCC are only available for a limited time during summer months and there is no defined timeline for the outdoor pickleball courts, the Township Parks and Recreation Department does not have any objection to the proposed temporary indoor courts.

### **Township of Cavan Monaghan Official Plan:**

The subject lands are designated Rural Employment in the Township of Cavan Monaghan Official Plan as shown on Schedule 'A' to the Township's Official Plan. Employment Areas are designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

A commercial recreation use is not permitted in the Rural Employment designation. An Official Plan Amendment is required to permit a permanent commercial recreation use on the property.

However, Section 8.6.1 a) of the Township Official Plan permits Council to pass a by-law to allow the temporary use of lands that do not comply with the Land Use designations in the Official Plan.

Council may pass a by-law to allow the temporary use for a specific time period up to three (3) years and where it is considered inappropriate by the Township to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. Subsequent by-laws granting extensions of up to three (3) years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening By-law No. 2018-58, as amended. (Section 8.6.1 b)).

Prior to the approval of a Temporary Use By-law, Council must be satisfied that:

- i) the temporary use does not require major capital investment or alteration to the existing landscape;
- ii) the proposed use is compatible with surrounding land uses;
- iii) the proposed use does not require the extension of municipal services;

- iv) the developer has entered into an agreement with the Township specifying the conditions under which the use may be permitted;
- v) the By-law shall specify a maximum time period for which the use may be permitted;
- vi) the proposed use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- vii) parking facilities required by the proposed use will be provided entirely on-site;
- viii) the proposed use will not have a negative impact on natural heritage features and hydrologic features; and,
- ix) the proposed use shall generally be in the public interest.

The property owner will enter into an agreement with the Township after the approval of By-law No. 2025-19.

The Application conforms to Section 8.6.1 of the Township Official Plan.

### **Township Zoning By-law**

The subject property is zoned Rural Employment Exception Nine (M2-9). The existing warehousing, office and golf simulator uses are permitted uses in the M2-9 Zone. The Application proposes to temporarily add a commercial recreation use (pickleball courts) to the list of permitted uses for the subject property. The added use will increase the number of people and traffic entering the site and increase the required number of parking spaces on the property.

The Applicant has provided an updated Site Plan that illustrates 58 available parking spaces, three (3) barrier-free parking spaces and two (2) loading spaces. To accommodate the additional use, the site's loading and parking layout design has been changed to add eleven (11) parking spaces and remove four (4) loading spaces.

By-law No. 2018-58, as amended, requires one (1) parking space for every 200 square metres of warehouse space and one (1) parking space for every person permitted by the Fire Code Capacity. The 2,045 square metres (22,012 square feet) of warehouse space requires ten (10) parking spaces and one (1) loading space. The pickleball courts will have a Fire Code Capacity of 40 people, requiring 40 parking spaces. Therefore, the property requires a total of 50 parking spaces, three (3) barrier free parking spaces and one (1) loading space. The Application complies with the loading and parking regulations in By-law No. 2028-58, as amended.

After the temporary use By-law has expired, the parking layout will revert to the layout as in the approved site plan.

### **County of Peterborough Official Plan**

The subject lands are described as Rural Areas in the County of Peterborough Official Plan (CPOP). The CPOP promotes and directs the location of industrial and commercial uses to the four serviced settlement areas in the County or to commercial and industrial

areas established and designated in local official plans (S. 4.6.3.2). The County recognizes the contributions of the commercial and industrial sectors to the County economy and encourages the protection of existing industrial areas and the provision of new, high quality development through local Official Plans and their use of Employment Area designations and zoning (S. 4.6.3.2).

The commercial recreation use is being permitted as a temporary use at this time. The employment designation and zoning are not being removed and no disruption to the surrounding employment uses are expected. Township Staff are of the opinion that the Application conforms to the County Official Plan.

### **Provincial Planning Statement (2024) (PPS)**

An employment area is defined in the PPS as “those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above”.

The subject property is part of the Fleming Industrial Park. The property is designated Rural Employment in the Township Official Plan. The Fleming Industrial Park covers approximately 7.35 hectares (18 acres) of land servicing a cluster of over 20 businesses which provide economic activity in the Township.

The property is part of the North Monaghan Employment Area, which is one of three key rural employment areas in the Township. The North Monaghan Employment Area has been an important rural employment area for decades. The North Monaghan Employment Area is made up of almost 30 properties, covers over 100 hectares along 1.7 kilometres near North Monaghan Parkway, connecting Highways 115 to the south and 7 to the west.

The PPS requires that employment areas be promoted through economic development and competitiveness through a list of identified tools (S.2.8.1.1).

Section 2.8.2.1 of the PPS directs planning authorities to plan for, protect and preserve employment areas for current and future uses.

The Application proposes adding a temporary use that is compatible with the surrounding area, will not interfere with the operation or the continued development of the neighbouring businesses within the employment area. The Application will not remove the employment designation or significantly impact the building on the subject property. Employment uses, as defined, will be reinstated after the temporary term has ended.

The Application is consistent with the PPS.

## **Parks and Recreation Strategic Plan (Vision 2035)**

The submitted justification letter references the Township's Parks and Recreation Strategic Plan (Vision 2035). Vision 2035 is a long-term strategic plan that provides direction to assist planning and decision making for recreation, culture and parks in the Township. Vision 2035 references that some facilities, including various types of racquet sport courts, are in high demand and are not available in the Township. Vision 2035 also notes that not all facilities can be provided by the Township.

The submitted justification letter identifies that pickleball is a growing sport in the community. The justification letter references Section 3.3, Principle 7 (Vision 2035). This principle suggests that the Municipality seek opportunities to collaborate with others to provide parkland; culture and recreation facilities; and associated programming and events, particularly with the school boards, post-secondary education facilities, environmental agencies and groups, volunteer-based community groups, and the commercial sector.

Vision 2035 states that partnerships and shared use agreements should be considered to provide access to some types of facilities that are beyond the ability of the Municipality to provide, at least in the near term. However, it should be noted that neither the Applicant or the Township is proposing a partnership or a shared use agreement.

Section 3.3 Principal 6 of Vision 2035 states that recreational services should complement rather than compete. Based on the philosophy of minimizing duplication and optimizing investment in services, the Township will complement rather than compete with what other providers can and are offering and only provide similar facilities, programming and associated services when:

1. There are areas of under-service and/or growing demand that is not being met by others,
2. The quality of other services is substandard,
3. The price of other services is too high for less affluent members of the community and the Municipality decides to offer a particular program at a more affordable price point,
4. Distance to other services is deemed to be too far, and
5. The Municipality decides that it wants to become a principal service provider in a particular area (e.g., recreational skating, indoor roller blading, indoor in-line skating, waterplay facilities, etc.).

The Cavan Monaghan Community Center (CMCC) only provides six (6) indoor pickleball courts to the public and access to the courts is limited from April to July. Given the popularity of pickleball in the Township and the surrounding area, the proposed indoor

courts provide additional recreational services which complement rather than compete with Township service levels.

**Financial Impact:**

The Zoning By-law Amendment Application fee was received.

**Linkage to the Strategic Plan:**

The Application aligns with Strategic Priority #2 Community Vitality, Objective 1 and Objective 4 to enhance and optimize recreation in the Township and to build upon existing indoor & outdoor spaces to promote health & wellness. The proposal will provide temporary additional facilities to an under-served and/or growing demand and is aligned with Section 3.3 Principal 6 of the Parks and Recreation Strategic Plan (Vision 2035).

**Attachments:**

- Attachment No. 1: Key Map
- Attachment No. 2: Air Photo of Surrounding Area
- Attachment No. 3: Site Plan
- Attachment No. 4: Parking Layout
- Attachment No. 5: By-law No. 2025-19

Respectfully Submitted by,

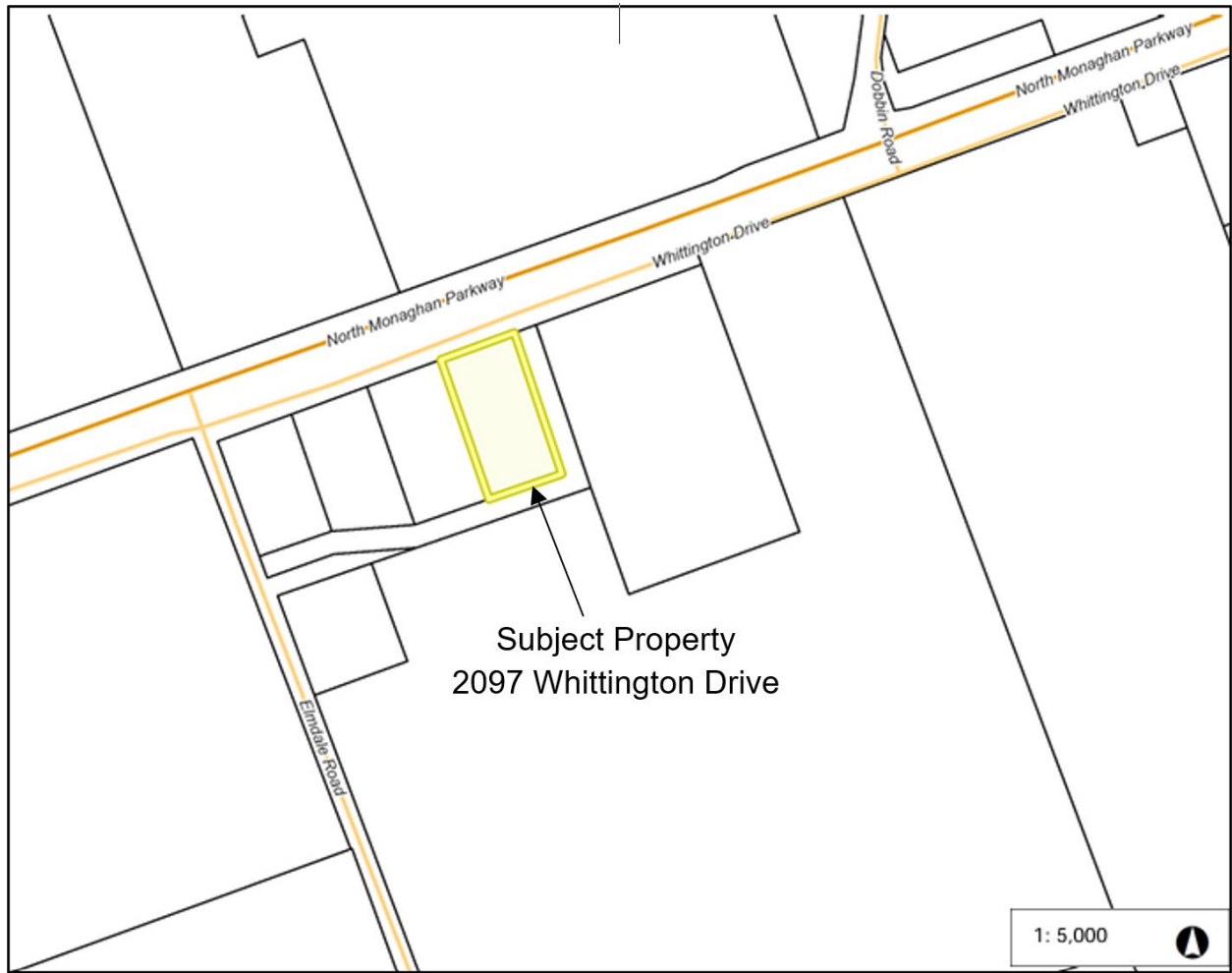
Reviewed by,

Matt Wilkinson  
Planner

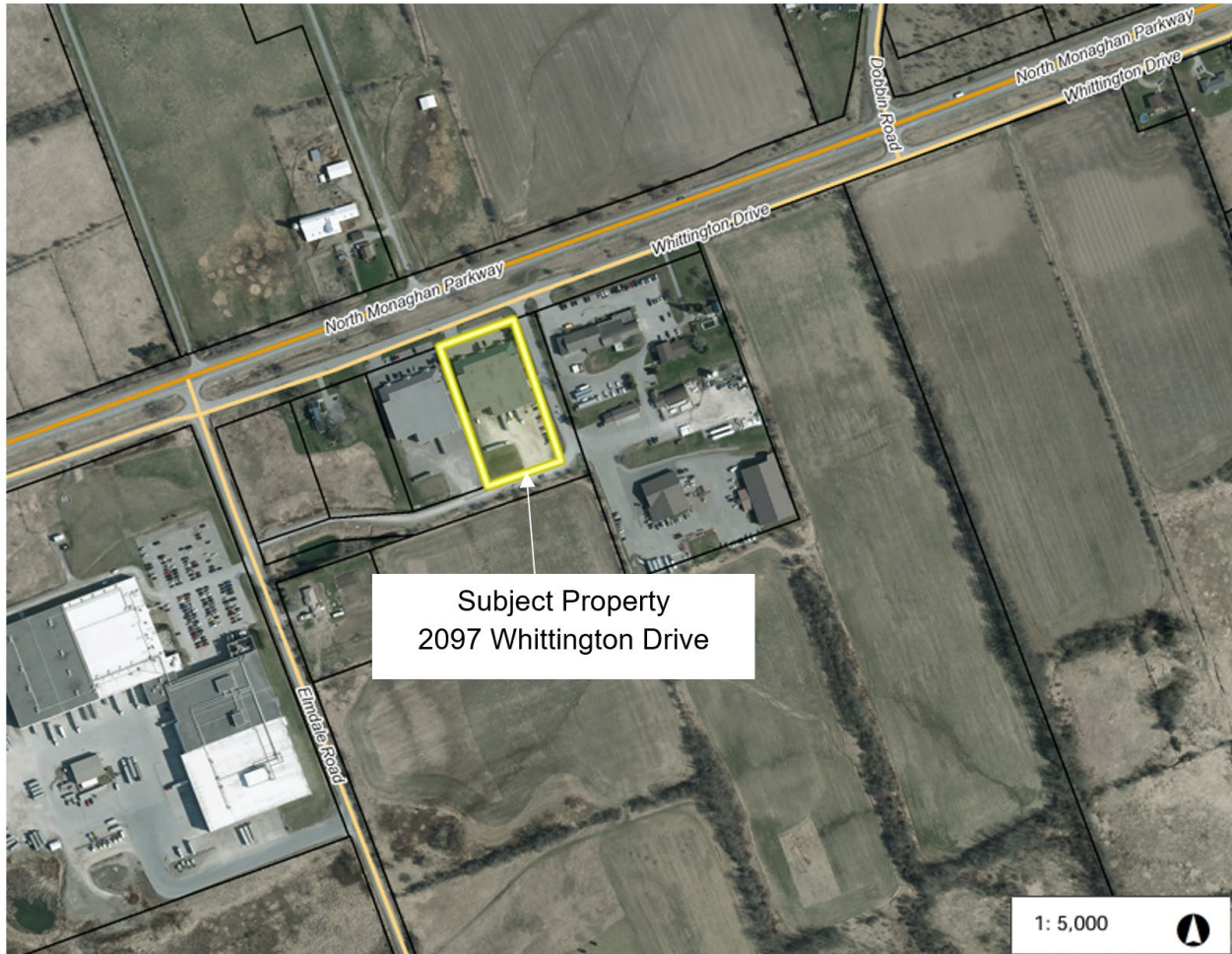
Yvette Hurley  
Chief Administrative Officer



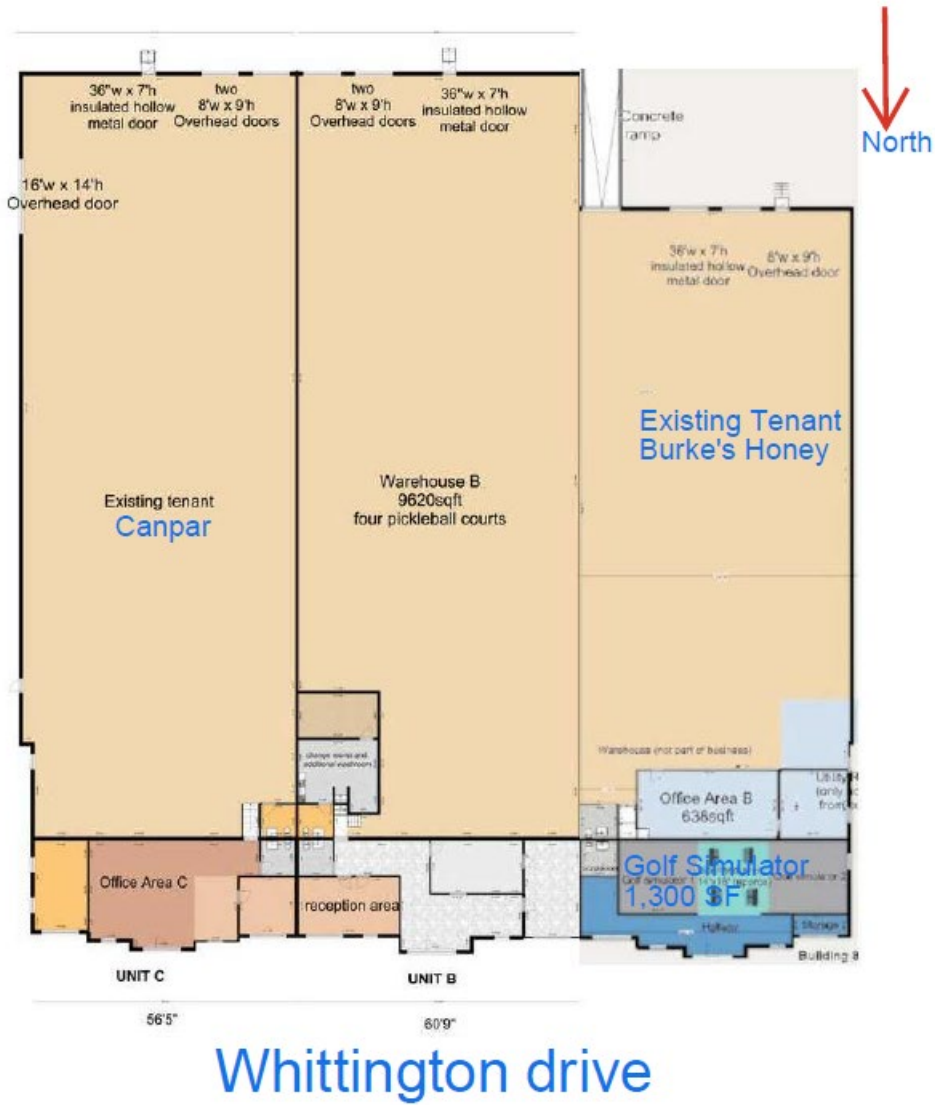
**Attachment No.1: Key Map**



**Attachment No.2: Air Photo of Surrounding Area**



**Attachment No. 3: Site Plan**



**Attachment No. 4: Parking Layout**



**Attachment No. 5: By-law No. 2025-19**

**The Township of Cavan Monaghan**

**By-law No. 2025-19**

**Being a by-law to amend By-law No. 2018-58, as amended, otherwise known as  
“The Township of Cavan Monaghan Zoning By-law”**

**Whereas** the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended;

**And Whereas** the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map B-5 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on the lands known municipally as 2097 Whittington Drive and described as Part Lot 4, Plan 45M-185, Part of Lot 4, Concession 10 (North Monaghan) from the Rural Employment Exception Nine (M2-9) Zone to the Rural Employment Exception Ten Temporary Seven (M2-10-T7) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Section 6.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 6.4.12 that shall read as follows:

**“6.4.12 M2-10 Map B-5 of Schedule A (2025-19 2097 Whittington Drive)**

- a) Additional permitted use: Commercial Recreation.
  - b) For the purposes of the M2-9-10-T7 Zone, the Commercial Recreation use is limited to four (4) indoor pickleball courts.
  - c) The Commercial Recreation use shall only be permitted for the temporary use period outlined in Table 15A.
  - d) The indoor pickleball courts shall be located within Unit B of the principal building.”
3. Section 15, Table 15A of By-law No. 2018-58, as amended, is further amended by the addition of a new Temporary Use Number: M2-10-T7 (2025-19) immediately following RR-29-T6 that shall read as follows:

<b>Table 15A Temporary Use Zones</b>				
<b>Temporary Use Number</b>	<b>Use</b>	<b>Temporary Uses Permitted</b>	<b>Date Enacted</b>	<b>Date Expires</b>
ORME-T1 (2014-30)		• Garden Suite	July 2, 2014	July 2, 2034

A-T2(2014-58)	• Garden Suite	November 12, 2014	November 12, 2034
C2-T3 (2016-02)	• Chip Truck	February 1, 2014	February 1, 2019
A-T4 (2016-71)	• Garden Suite	November 21, 2016	November 21, 2036
HR-T5 (2019-38)	• Two Shipping Containers and one stucco and stone barn	June 17, 2019	June 17, 2022
RR-29-T6 (2024-08)	• Garden Suite	February 20, 2024	February 20, 2044
M2-10-T7 (2025-19)	• Pickleball Courts	April 7, 2025	April 7, 2028

4. The M2-10-T7 Zone is deemed in full force and effect on the date of passage of this By-law for a period not to exceed three (3) years thereafter. Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Rural Employment Exception Nine (M2-9) Zone (or equivalent) and the commercial recreational (pickleball courts) use will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990.

5. All other relevant provisions of By-law No. 2018-58, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 7th day of April, 2025.

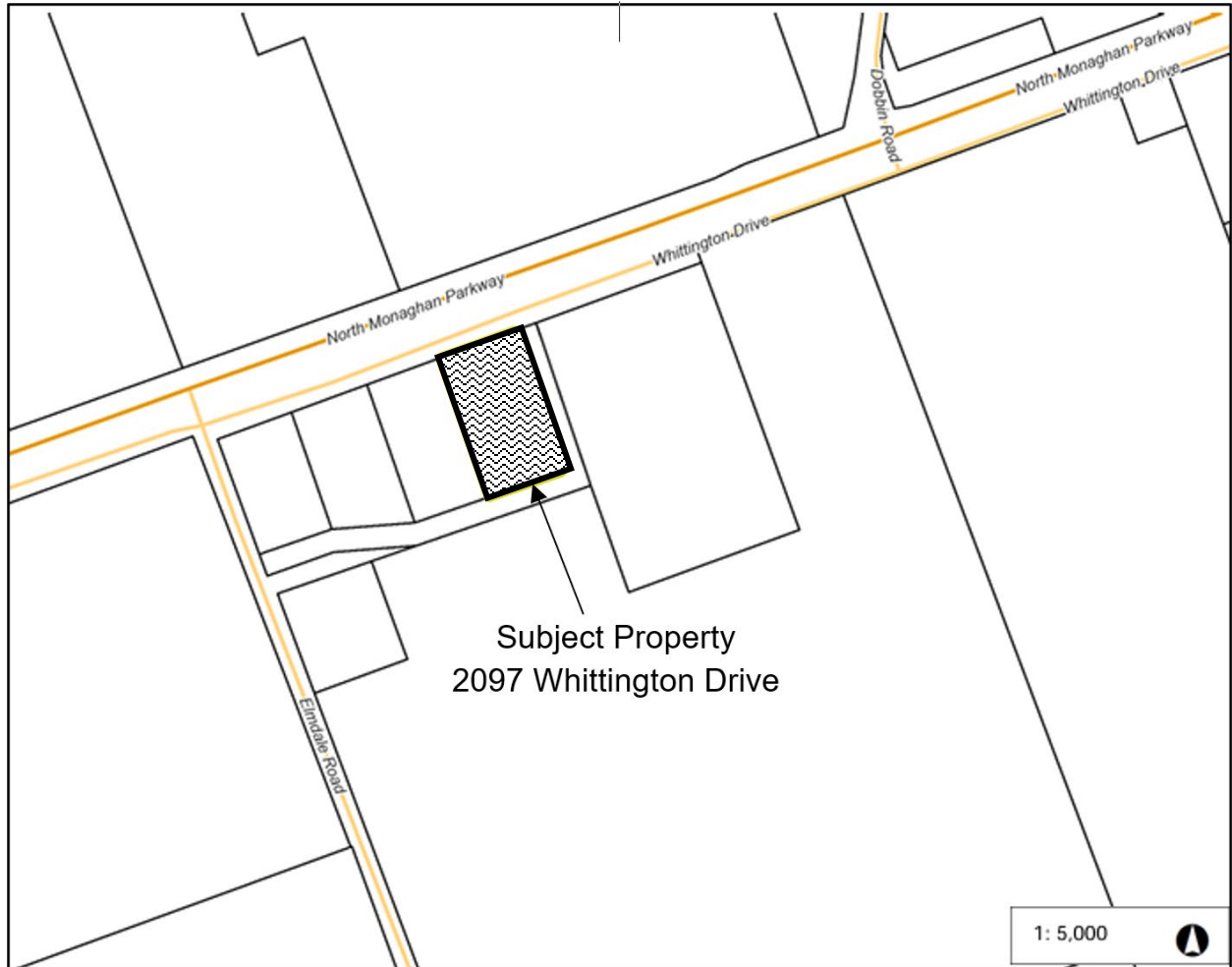
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Matthew Graham  
Mayor

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Cindy Page  
Clerk

**Schedule "1" to By-Law No. 2025-19**



**Area Affected by this By-law**  
 2097 Whittington Drive  
 Lot 4, Plan 45M-185 (North Monaghan)  
 Township of Cavan Monaghan

**Certificate of Authentication**  
 This is Schedule "1" to By-law  
 No. 2025-19 passed this 7<sup>th</sup>  
 day of April, 2025.



Rezone from the 'Rural Employment Exception Nine (M2-9) Zone' to the 'Rural Employment Exception Ten Temporary Seven (M2-10-T7) Zone'.

\_\_\_\_\_  
 Matthew Graham  
 Mayor

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 Cindy Page  
 Clerk