

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-020

Date: March 9, 2016

Time: 1:00 p.m.

Place: Council Chambers

(Public Meeting)

Ward Community Identifier: 5 - Fenelon

Subject: An application to remove the Holding (H) symbol from the Township of Fenelon Zoning By-law 12-95 to change the "Highway Commercial Exception Six (C2-6) (H) Holding Zone" to "Highway Commercial Exception Six (C2-6) Zone which will be amended to also permit a towing facility. The property is known as 317 Ranchers Road and legally described as Part of Lot 14, Conc. 7, being Part 3, 57R-6073, Geographic Township of Fenelon, now in the City of Kawartha Lakes (TOW-ALL INC.)

Author: Mark LaHay, Planner II

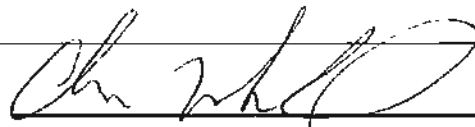
Signature: 

Recommendation(s):

RESOLVED THAT Report PLAN2016-020, respecting Part of Lot 14, Conc. 7, Part 3, 57R-6073, geographic Township of Fenelon, identified as 317 Ranchers Road, Application D06-16-011 be received; and

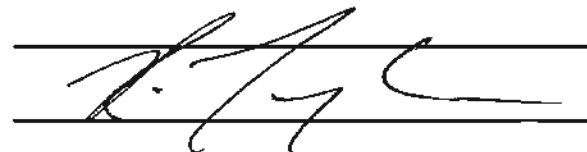
THAT the application respecting the proposed Amendment to the Township of Fenelon Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns, have been addressed.

Department Head:



Corporate Services Director / Other:

Chief Administrative Officer:



Background:

| | |
|--------------------|--|
| Proposal: | This application proposes to remove the Holding (H) Symbol from Schedule "A" of the Township of Fenelon Zoning By-law 12-95 and amend the Zoning By-law to allow the uses permitted by the C2-6 Zone and also permit a towing facility consisting of an office and garage for tow trucks and outdoor storage associated with the business. |
| Legal Description: | Part of Lot 14, Concession 7, Part 3, 57R-6073, geographic Township of Fenelon |
| Official Plan: | "Highway Commercial" in the City of Kawartha Lakes Official Plan |
| Zoning: | "Highway Commercial Exception Six Holding (C2-6(H)) Zone" in the Township of Fenelon Zoning By-law 12-95. |
| Site Size: | 1.27 ha. (3.14 ac.) - MPAC |
| Existing Uses: | Vacant commercial land |
| Adjacent Uses: | North: Rural Residential East: Ranchers Road/Agricultural South: Highway Commercial/Agricultural West: Highway 35/Agricultural |

Rationale:

The property is identified as 317 Ranchers Road, with frontage on Highway 35 and Ranchers Road in the geographic Township of Fenelon (see Appendix 'A'). Access to the property will only be from Ranchers Road. A copy of the Site Grading and Drainage Plan illustrating the layout of the proposal is attached as Appendix "B" to this report.

Given that the current zoning does not permit the proposed use, the zoning needs to be amended to remove the holding symbol to permit a towing facility consisting of an office, garage for tow trucks and outdoor storage associated with the operation of the business. The holding symbol restricts the permitted uses to existing uses of the property and a tree or garden nursery with no buildings or structures.

Supporting Documents

The applicant has submitted the following documents and plans in support of the application, which has been circulated on February 12, 2016 to various City Departments and commenting agencies for review.

1. Application Letter prepared by M.V. Wilson Engineering dated December 16, 2015. The letter discusses the proposal and provides site context and as well as the need for the proposed rezoning.

2. Conceptual Site and Grading Plan Layout prepared by M.V. Wilson Engineering, dated December 8, 2015.
3. Stormwater Management Report, prepared by M.V. Wilson Engineering, dated November 20, 2015.
4. Septic Design, prepared by Cambiam Inc., dated December 2014.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe (Growth Plan):

The location of the subject land conforms with the policies of Section 2.2.9 of the Growth Plan for Rural Areas where development outside of settlement areas is permitted by Section 2.2.2.1(i) related to rural land uses.

The proposed development is a rural based commercial use that relies on its rural location to serve its business interests. The rural location also provides sufficient space for temporary storage of towed vehicles and affords adequate spatial separation from other uses.

Provincial Policy Statement (PPS):

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The application is consistent with the PPS, as prescribed in the following sections:

Section 1.1.1(a) and (e) promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and promotes cost-effective development patterns and standards.

Section 1.1.5.2 pertaining to rural lands states that permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. As previously noted, the proposed towing facility is a rural commercially based land use that intends to utilize a rural setting with sufficient land area for the proposed use.

Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed towing facility in the location proposed is compatible with adjacent development and does not require any additional infrastructure.

Section 2.1 Wise Use and Management of Resources – There are no identified significant natural heritage features that will be negatively impacted on or immediately adjacent to the subject land.

Section 3.1 Natural Hazards – Development would not be occurring in an area of Natural Hazards as there are no known natural hazards as the subject land is not adjacent to any identified watercourse.

Official Plan:

The property is designated "Highway Commercial" in the City of Kawartha Lakes Official Plan, and as such, the concept of this type of commercial development has been established.

Section 21.2.1 permits the proposed use as it would be considered similar in nature and scale to a motor vehicle service station and therefore would be permitted in the Highway Commercial designation. The proponent advises that this location, being adjacent to a Provincial Highway, is easily accessible and ideal for providing towing services for the local areas of Fenelon Falls, Cobocok and Lindsay. As access will not be from Highway 35, conflict with through traffic is minimized.

It would appear that the subject land has sufficient lot area for the provision of required individual services.

The proposed rezoning application generally conforms to the policies of the Official Plan.

Zoning By-Law:

The subject land is currently zoned "Highway Commercial Exception Six Holding (C2-6)(H) Zone", in the Township of Fenelon Zoning By-law 12-95. This zone currently permits only the following uses:

- a) existing uses, forestry or conservation uses exclusive of buildings or structures
- b) tree or garden nursery with no buildings or structures

This amendment will permit the current permitted uses of the Highway Commercial (C2) Zone with the exception of a restaurant, hotel, motel or motor hotel and will add a towing facility as a permitted use. Therefore, the uses permitted in the C2-6 zone would effectively include:

- a) Animal Hospital or Veterinary Clinic
- b) Bed and Breakfast Establishment
- c) Motor vehicle sales establishment, motor vehicle service station, motor vehicle fuel bar, dry-land marina
- d) Recreational establishment
- e) Retail sales establishment, within a wholly enclosed building, for:
 - i. furniture, home furnishings and home decorating
 - ii. supplies
 - iii. major appliances
 - iv. recreational equipment
 - v. garden and nursery supplies
 - vi. farm, business or institutional equipment and
 - vii. machinery
 - viii. arts, crafts, antiques

- f) Retail sales and service establishment, with outside display or storage, for:
 - i. motor vehicles, marine and recreational vehicles and accessories, trailers, boats and motorized snow vehicles
 - ii. building and home improvement supplies
- g) Tourist Information Centre
- h) One dwelling unit as part of a building containing another permitted use
- i) Towing facility (proposed)

The C2-6 zone also has site specific lot and yard provisions. In addition, it would be subject to having no more than one outdoor storage area per lot which shall be one contiguous area with clearly visible boundaries as identified through the use of fencing or a change in landscaping treatment. An outdoor storage area will also be subject to all yard and setback provisions of the C2-6 Zone.

As the subject land is an existing lot of less than 4 ha., the zoning by-law does not require Minimum Distance Separation (MDS) calculations.

The proposed introduction of a towing facility is consistent with the permitted uses of the C2-6 zone and given its proposed building and parking layout location on the southerly portion of the lot and its proximity to existing highway commercial uses to the south, it is compatible with the surrounding uses.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless Council's decision to adopt, or its refusal to adopt the requested amendment, is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To Strategic Priorities:

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment.

This application aligns with the prosperity priorities in that it promotes economic opportunities and business expansion.

Review of Accessibility Implications of Any Development or Policy:

Any applicable accessibility matters will be addressed through the Building Permit application, if required.

Servicing Comments:

The application proposes a private individual septic system and private individual well to service the proposed development.

Consultations:

Public Comments

Notice of this application was circulated to all properties within 500 metres, agencies, and City Departments which may have an interest in the proposed application. No written inquiries or comments have been received from the public at the writing of this report. To date we received the following comments:

Agency Review Comments

The Building Division on February 12, 2016 advised they have no concerns at this time.

The Building Division – Sewage System Program on February 19, 2016 advised they have no concerns with the proposed rezoning. The applicant has provided a proposed sewage system design completed by Cambium Environmental, dated December 2014. The design incorporates a sewage flow for the proposed building of 2500L/day based on 2 water closets and 4 loading bay doors. The applicant has demonstrated that there is adequate space to install a sewage system that will meet the minimum standards of the Ontario Building Code to service the proposed building.

The Community Services Department on February 18, 2016 advised that they have no concerns or comments with respect to the application.

The Hiawatha First Nation on February 22, 2016 advised that the proposed project is deemed to have potential to impact Hiawatha First Nation's traditional territory and/or rights. They would like to be apprised of any updates, archaeological findings, and/or of any environmental impacts, should they occur.

The Ministry of Transportation (MTO) advised on February 23, 2016 that they have no concerns with the zoning as proposed. An MTO building & land use permit (and possibly sign permit) are required for the site. They are currently reviewing the Stormwater Management Report in more detail and will provide stormwater management and site plan related comments upon completion of their review.

At the time of writing of this report, comments from the Public Works Department and the Engineering and Assets Department remain outstanding.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the City of Kawartha Lakes Official Plan. The proposed use is appropriate for the size and location of the lot. As the subject land is proposed to be used as a towing facility with temporary outdoor storage for vehicles associated with the business, no negative impacts are anticipated from the proposed use.

At this time, comments have not been received from all circulated Agencies and City Departments. In accordance with the City's Official Plan, prior to the removal of a Holding Symbol, the City needs to ensure that the owner or applicant has satisfied all requirements identified by the municipality or any other agency having jurisdiction to address any concerns. Staff recommends that the application be referred back to staff until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Conclusions:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Attachments:



Appendix 'A'.pdf



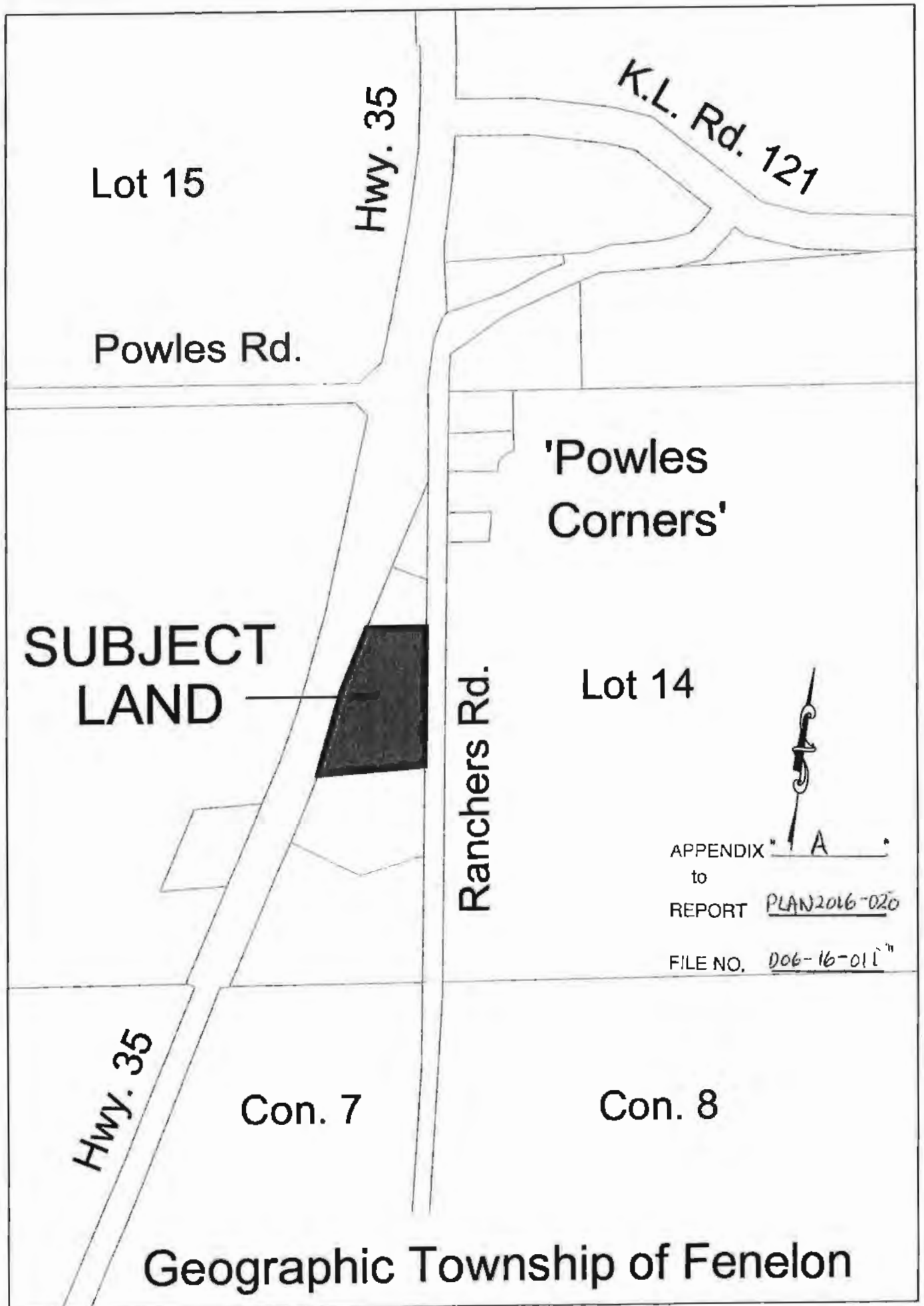
Appendix 'B'.pdf



Appendix 'C'.pdf

Appendix "A" – Location Map
Appendix "B" – Proposed Site Grading Plan
Appendix "C" – Aerial Photo

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|-------------------------|--|
| Phone: | 705-324-9411 or 1-888-822-2225 ext. 1324 |
| E-Mail: | mlahay@city.kawarthalakes.on.ca |
| Department Head: | Chris Marshall |
| Department File: | D06-16-011 |



Lot 15

Hwy. 35

K.L. Rd. 121

Powles Rd.

'Powles
Corners'

**SUBJECT
LAND**

Ranchers Rd.

Lot 14



APPENDIX "A"
to
REPORT PLAN 2016-020
FILE NO. 006-16-011

Hwy. 35

Con. 7

Con. 8

Geographic Township of Fenelon

317 Ranchers Road (Fenelon)



Legend

- Road Centreline
- Upper Municipalities
- Property ROLL#
- Lots and Concessions
- Wetlands**
 - Locally Significant Wetlands
 - Provincially Significant Wetlands
- Water Body**
 - Waterbodies
 - Unevaluated Wetlands
- Woodland
- Open_Space
- CKL_PSW
- CKL_River_Buff15m
- KRCA Regulated Areas

Citations

APPENDIX C
to
REPORT PLAN2015-020
FILE NO. D06-16-011

Notes

Notes



0.30

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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