

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-018

Date: May 3, 2017

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 11 – Ops

Subject: An application to amend the Township of Ops Zoning By-law to add new uses and amend the development standards of the “Tourist Commercial Exception Two (CT-2) Zone” for the property identified as 35 Brook Street, Ops (BATL MANAGEMENT INC.)

Author/Title: Ian Walker, Planner II


Signature: 

Recommendations:

RESOLVED THAT Report PLAN2017-018, respecting Concession 2, Part Lots 9 and 10, geographic Township of Ops, “BATL MANAGEMENT INC. – Application D06-17-011”, be received; and

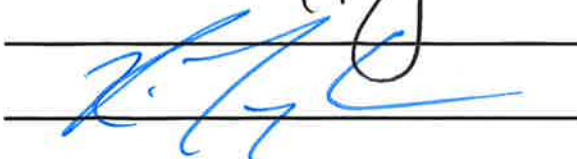
THAT Report PLAN2017-018 respecting Application D06-17-011 be referred back to staff to address the issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Department Head:

for 

Corporate Services Director / Other:

Chief Administrative Officer:



Background:

The applicant submitted a Zoning By-law Amendment application to amend the permitted uses and development standards in the “Tourist Commercial Exception Two (CT-2) Zone”. The intent of the change is to:

- a) Change the 9-hole golf course use to a 12-hole golf course use and to recognize the current golf course configuration;
- b) Add a restaurant as an accessory use to the existing golf course; and
- c) Reduce the minimum campsite area from 450 sq. m. per site to 181 sq. m. per site; and reduce the minimum front yard setback from 106 metres to 79 metres, to facilitate an expansion to the existing tourist camp.

The “CT-2” zone currently permits a tourist camp with up to 125 camp sites, management office and recreation facility, a 9-hole golf course, a golf driving range, a marine facility, and an accessory convenience store and laundry facility. See Appendix ‘C’. The site is developed with a 12-hole golf course, a driving range, a clubhouse with a restaurant, and 26 trailer sites. The intent of the change would recognize the existing 3 additional holes on the golf course as a permitted use, recognize an existing restaurant use which is accessory to the golf course and tourist camp, reduce the front yard development setback, and increase the density of the camp sites to facilitate an expansion to the existing tourist camp. Although the By-law permits up to 125 camp sites, this proposal would result in 102 camp sites in total.

Owner:	BATL Management Inc. c/o Pina and Mario Santacroce
Applicant:	EcoVue Consulting Services Inc. – Kent Randall
Legal Description:	Concession 2, Part Lots 9 and 10, geographic Township of Ops
Designation:	“Tourist Commercial” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“Tourist Commercial Exception Two (CT-2) Zone” and “Hazard Land (HL) Zone” on Schedule ‘A’ of the Township of Ops Zoning By-law No. 93-30
Lot Area:	44.8 ha. [105.0 ac. – MPAC], of which 3.16 ha. are contemplated for the tourist camp development
Site Servicing:	Communal well and septic system
Existing Uses:	The property is currently developed with a 12-hole golf course, driving range, 26 site tourist camp, and ancillary uses including a clubhouse and restaurant
Adjacent Uses:	North: Mariposa Brook, Agricultural East: Mariposa Brook Provincially Significant Wetland (PSW) South: Vacant Land, Mariposa Brook PSW West: Vacant Land, Rural Residential

Rationale:

The property is located on the east side of Elm Tree Road to the south of the Mariposa Brook. See Appendix 'A'. The site is developed with a 12-hole golf course, a driving range, a clubhouse with a restaurant, and 26 trailer camp sites. The proposed development would remove the driving range, and create an additional 76 trailer camp sites for a total of 102, representing a reduction of 23 sites from the number currently permitted. See Appendix 'B'. The portion of the lot subject to this proposal is located in the "Tourist Commercial" designation in the City of Kawartha Lakes Official Plan (OP). The "Tourist Commercial" designation allows a tourist resort, resource based recreational uses, recreational vehicle park, and accessory uses for the exclusive use of the travelling or vacationing public within the development.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting agencies for review.

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated December 15, 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, the City of Kawartha Lakes Official Plan (OP), and the Township of Ops Zoning By-law 93-30.
2. Functional Servicing Report prepared by EcoVue Consulting Services Inc., dated December 13, 2016. The report examines the existing communal water and on-site sanitary servicing options for the property as well as stormwater management and traffic impacts.
3. Hydrogeological Assessment for Wastewater System prepared by Cambium Inc., dated December 20, 2016. The report examines the conditions for a new on-site sewage system.
4. Scoped Hydrogeological Investigation prepared by WSP Canada Inc., dated January, 2016. The report examines the availability of groundwater to service the proposed development.
5. Existing On-Site Sewage Components Report prepared by WSP Canada Inc., dated September 30, 2015. The report examines the existing on-site sewage system.
6. Preliminary Stormwater Management Report prepared by C.C. Tatham & Associates Ltd., dated December, 2016. The report examines the existing and proposed stormwater management.
7. Scoped Environmental Impact Study prepared by Snider's Ecological Services, dated February, 2016. The report identifies and evaluates the proposal with respect to applicable natural heritage features, including species at risk and provides recommended setbacks and mitigating measures that will permit the development to proceed.

8. Traffic Impact Study prepared by Tranplan Associates, dated December, 2015. The report examines the traffic impacts for the proposed development on the lot.
9. Zoning Sketch prepared by EcoVue Consulting Services inc., dated December 14, 2016. The Plan outlines the existing and proposed development on the lot.

All of the reports submitted have been circulated to the applicable agencies and City Departments for review and comment. The on-site sewage system is subject to Ministry of the Environment and Climate Change (MOECC) review as the capacity exceeds 10,000 litres per day (L/day). Once the initial circulation has been completed and the City generally concurs with the septic system size and location, the applicant will then be submitting the sewage system application to MOECC for review.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This application is subject to Section 2.2.2.1(i) of the Growth Plan since it is considered resource-based recreational development. Full conformity will be established through the review of the application.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses. Development shall be directed in accordance with the policies of Section 2 and 3 of the PPS. An Environmental Impact Study (EIS) has been submitted which has been circulated to Kawartha Region Conservation Authority (KRCA) for review and comment. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. Full conformity will be established through the review of the application.

Official Plan Conformity:

The lot is designated “Tourist Commercial” and “Environmental Protection” on Schedule ‘A-3’ of the City of Kawartha Lakes Official Plan (OP). Portions of the property have been identified as “Provincially Significant Wetland” (PSW) and “Significant Woodlands” on Schedule ‘B-3’ of the OP. The “Environmental Protection” designation applies to the PSW located in the area. The portion of the property subject to this application is designated “Tourist Commercial” in the OP. This designation permits the uses proposed in this application. For the proposed redevelopment of the lot, the applicant will be subject to the City’s Site Plan Control By-law. Full conformity will be established through the review of the application.

Zoning By-Law Compliance:

The portion of the lot subject to this application is zoned “Tourist Commercial Exception Two (CT-2) Zone” in the Township of Ops Zoning By-law 93-30. The applicant has submitted a Zoning By-law Amendment application for consideration to add additional uses to the list of permitted uses for the “CT-2” zone, to reduce the minimum front yard setback to 79 metres, and reduce the minimum campsite area to 181 square metres per site. See Appendix ‘D’. All other provisions of the “CT-2” zone would apply.

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 amendments are 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 The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the exceptional quality of life strategic goal as it provides to enhance the City’s tourism and recreational base.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is serviced by a communal well and septic system. The expanded sewage disposal system will be subject to MOECC approval. A stormwater management pond is proposed to accommodate stormwater.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Agency Review & Public Comments:

April 17, 2017 – Ken Christie advised that he and other neighbours were concerned the proposal could permit year round use of the tourist camp on the property and requested additional information.

Development Services – Planning Division Comments:

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

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

Attachments:

Appendix 'A' – Location Map



PLAN2017-018
Appendix A.pdf

Appendix 'B' – Site Plan – dated December 14, 2016



PLAN2017-018
Appendix B.pdf

Appendix 'C' – CT-2 Zone, By-law 93-30, as amended



PLAN2017-018
Appendix C.pdf

Appendix 'D' – Proposed amendments, EcoVue Consulting Services Inc.



PLAN2017-018
Appendix D.pdf

Phone:	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
E-Mail:	iwalker@city.kawarthalakes.on.ca
Department Head:	Chris Marshall, Director, Development Services
Department File:	D06-17-011

Geographic Township of Ops

APPENDIX "A"
to
REPORT PLAN 2017-018
FILE NO. D06-17-011

Cross Creek Rd

Monarch Rd

Birdie Rd

Lot 10

Concession 3

SUBJECT LAND

Brook St.

Lot 9

Lot 8

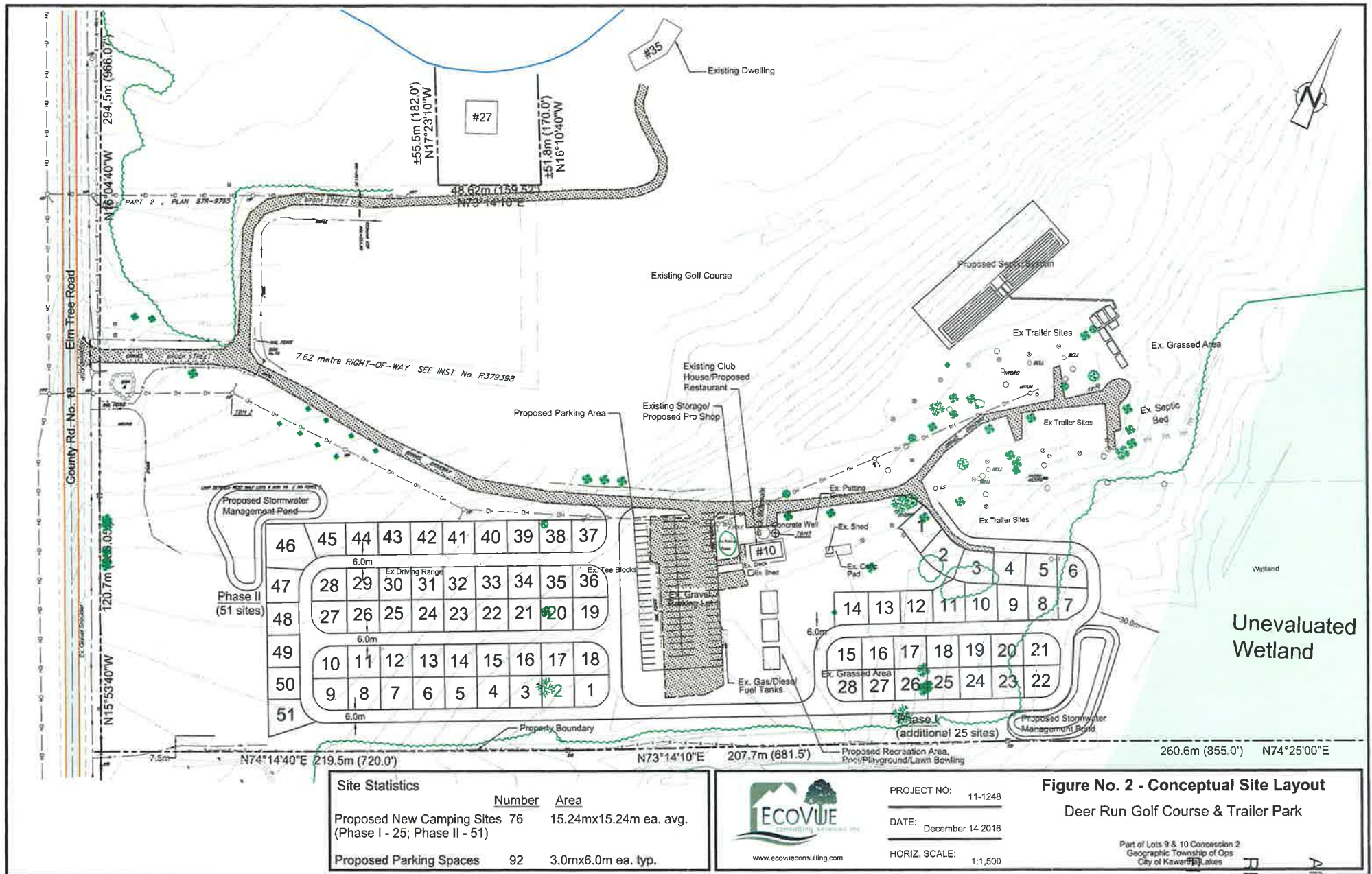
Concession 2

Elm Tree Rd. (K.L. Rd. 18)

Scugog River

River Rd.





APPENDIX "B"
to
REPORT PLAN 2017-018
FILE NO. D06-17-011

- b) the applicant shall implement appropriate water setbacks, shoreline naturalization, and fencing requirements to the satisfaction of the Kawartha Region Conservation Authority;
- c) the applicant has entered into a Municipal Responsibility Agreement, if required, to the satisfaction of the Council of the City of Kawartha Lakes;
- d) the applicant has entered into a Site Plan Agreement to the satisfaction of the City of Kawartha Lakes that includes provisions for phasing of the development; and,
- e) the applicant has obtained a municipal license for the trailer camp from the City of Kawartha Lakes.

APPENDIX

to

REPORT

PLAN 2017-018

11.3.2 Tourist Commercial Exception Two (CT-2) Zone

Notwithstanding the permitted uses and zone provisions in the Tourist Commercial (CT) Zone to the contrary, within the Tourist Commercial Exception Two (CT-2) Zone, the following shall apply:

FILE NO.

D06-174011

Residential Uses

- an accessory dwelling unit

Non-Residential Uses

- an accessory convenience store
- an accessory laundry facility
- a golf driving range
- a 9-hole golf course
- a marine facility
- a tourist camp
- a tourist camp management office
- a tourist camp recreation facility

Zone Provisions

Dwelling Units Per Lot
(maximum):

- 1 only

Tourist Camp Lots (maximum):

- 125

Front Yard

(minimum):

- 106 metres

Exterior Side Yard

(minimum):

- 7.6 metres

Campsite Area

(minimum):

- 450 sq. m.

"C"
1/4

Planting Strip Location

A planting strip shall be required inside the perimeter of the land zoned CT-2, except for an 18 metre long strip abutting County Road No. 18 which shall be used for access to the property.

Planting Strip Width (minimum): • 7.6 metres

Open Storage Area Location: • prohibited in front yard

In all other respects, the provisions for the Tourist Commercial (CT) Zone shall apply.

11.3.3

Tourist Commercial Exception Three (CT-3) Zone

Notwithstanding the permitted uses and zone provision sin the tourist commercial (CT) Zone and the General Provisions of this By-law to the contrary, on lands within the Tourist Commercial Exception Three (CT-3) Zone as shown on Schedule A to this By-law the following shall apply:

Permitted Uses

- i) a golf course
- ii) an accessory restaurant,
- iii) an accessory retail store
- iv) an accessory detached dwelling or dwelling unit,
- v) a banquet hall,
- vi) a club, and
- vii) a hotel not exceeding 50 guest rooms

Zone Provisions

Minimum Lot Size	40 hectares
Minimum Frontage	Nil
Maximum Lot Coverage	10 %
Landscaping Area (Minimum)	50%
Parking Spaces (Minimum)	
- golf course	88
- guest rooms	1 per room
- retail store and club	Nil

In all other respects the provisions of the tourist Commercial (CT) Zone shall apply.
(B/L 93-33)

"C"
5/4

SECTION 11: TOURIST COMMERCIAL (CT) ZONE

11.1 Uses Permitted

In any Tourist Commercial (CT) Zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except for the following uses:

11.1.1 Residential Uses

- an accessory house
- an accessory dwelling unit

11.1.2 Non-Residential Uses

- an accessory convenience store
- a marina
- an open storage area for boats accessory to a permitted use
- a rental cabin
- a tourist camp
- a tourist camp management office
- a tourist camp recreation building
- a tourist establishment

11.2 Zone Provisions

In any CT Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

Lot Areas (minimum):

- | | |
|--------------------|-----------------------|
| (a) tourist camp | • 4 hectares |
| (b) all other uses | • 1,400 square metres |

Lot Frontage (minimum): • 30 metres

Water Frontage (minimum): • 30 metres, if any

Dwelling Units Per Lot
(maximum):

- 1 only

Tourist Camp Density (maximum):

The density of a tourist camp shall not exceed 15 sites per 4,000 square metres exclusive of interior roadways in the tourist camp.

Building Area (maximum): • 35%

Front Yard (minimum): • 12 metres

Exterior Side Yard (minimum): • 12 metres

Rear Yard (minimum): • 7.5 metres

Side Yard (minimum): • 7.5 metres

Building Separations (Minimum):

- (a) between tourist vehicles • 6 metres
- (b) between tourist vehicle and any other building • 9 metres
- (c) between main building and detached accessory building • 2 metres
- (d) between detached accessory buildings • 1 metre

Building Height (maximum): • 10.5 metres

Dwelling Unit Areas (minimum):

- (a) accessory house • 100 square metres
- (b) accessory dwelling unit • 60 square metres

Gross Floor Areas (Maximum):

- (a) convenience store • 180 square metres
- (b) tourist vehicle • 30 square metres

Landscaping Areas (minimum):

- (a) tourist camp • 40%
- (b) all other uses • 20%

Play Facility Area (minimum): • 4%

Play Facility Location

No part of any play facility shall be located closer to any lot line than • 6 metres

Planting Strip Location

A planting strip shall be required along every lot line except that no planting strip shall be required for a length of 15 metres along a front lot line between a tourist camp management office and a street.

Planting Strip Width (minimum): • 6 metres

General Provisions

In addition to the above, the provisions of Section 2 shall apply.

11.3

Exceptions

11.3.1

Tourist Commercial Exception One (CT-1) Zone

Notwithstanding the permitted uses and zone provisions in the Tourist Commercial (CT) Zone to the contrary, within the Tourist Commercial Exception One (CT-1) Zone, the following shall apply:

Definitions

Tourist Trailer Site shall mean an area of land that is rented for exclusive use for the placement of a tourist trailer on lands zoned CT-1.

APPENDIX Dto
REPORT PLAN 2017-018FILE NO. D06-17-011Trailer Park/Restaurant Expansion
Deer Run Golf Course
Former Township of Ops
December 15, 2016

Section 19.189 states that a tourist camp is “any land use to provide temporary accommodation for the public or members of an organization in tents, tourist trailers, or tourist vehicles whether or not a fee is charged or paid for such accommodation”. Furthermore, the definition of a tourist camp “shall not include a mobile home park”, which is defined as a place where year-round occupation of trailers or mobile homes occurs. As a place for temporary accommodation in trailers, the trailer sites within Deer Run Golf Course are considered part of a tourist camp, and are therefore permitted on the subject lands.

Therefore, it is proposed that the following changes to the permitted uses (Section 11.2.3) be integrated into the CT-2 Zone (changes in ***bold and italics***):

- An accessory convenience store
- An accessory laundry facility
- ***An accessory restaurant***
- A golf driving range
- ***A 12-hole golf course***
- A marine facility
- A tourist camp
- A tourist camp management office
- A tourist camp recreation facility

Further to the above permitted uses, the CT-2 Zone also includes the following lot regulations and provisions:

Table 1 - CT-2 Zone Provisions

Provision/Regulation	Existing	Proposed
Dwelling Units Per Lot (max)	1 only	1 only
Tourist Camp Lots (max)	125	102
Front Yard (min)	106 metres	<i>79 metres</i>
Exterior Side Yard (min)	7.6 metres	7.6 metres
Campsite Area (min)	450 square metres	<i>181 square metres</i>