

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-035

Date: June 7, 2017

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 5 – Fenelon

Subject: An application for Official Plan Amendment and Zoning By-law Amendment to permit an indoor commercial car storage facility use, 3922 Highway 35, Fenelon (Schleifer)

Author/Title: Mark LaHay, Planner II

Recommendations:

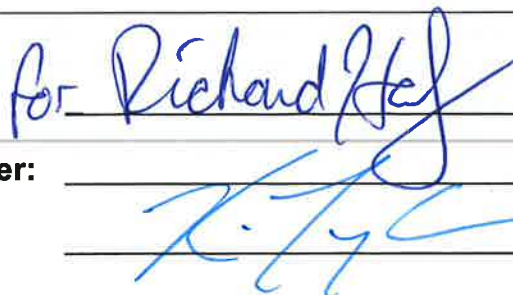
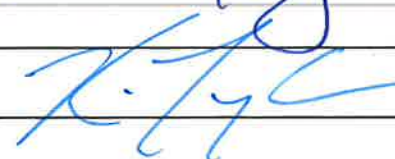
RESOLVED THAT Report PLAN2017-035, respecting Part Lot 6, Concession 5, geographic Township of Fenelon, "Schleifer – Applications D01-17-007 and D06-17-016", be received; and,

THAT Applications D01-17-007 and D06-17-016 be referred back to staff to address any 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:

Corporate Services Director / Other:

Chief Administrative Officer:

for Richard Helf



Background:

Kevin Duguay, Community Planning and Consulting Inc., has submitted the subject applications on behalf of the owners, Derick and Marie Schleifer. The subject land is located on the east side of Highway 35, south of the Hamlet of Cameron and immediately south of Naylor Road, in the geographic Township of Fenelon. See Appendices 'A' and 'B'.

The submitted applications are to amend the "Rural" designation with a "Special Policy" on a portion of the subject land and to amend the Zoning By-law to change the zone category from "Agricultural (A1) Zone" to a "Agricultural Exception (A-*) Zone". The intent of these amendments is to permit the subject land to be used for an indoor commercial vehicle storage facility in addition to the other permitted uses of the subject land.

Owners:	Derick and Marie Schleifer
Applicant:	Kevin Duguay, Community Planning and Consulting Inc.
Legal Description:	Part Lot 6, Concession 5, Geographic Township of Fenelon
Designation:	"Rural" in the City of Kawartha Lakes Official Plan (2012)
Zone:	"Agricultural (A1) Zone" on Schedule 'A' of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	2.19 ha. [5.4 ac. – MPAC]
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural residential dwelling, accessory structure and one building containing an indoor car storage use
Adjacent Uses:	North: Highway Commercial/Rural/Agricultural East: Rural/Rural Residential/Agricultural South: Rural Residential/Highway Commercial/Industrial West: Highway 35/Highway Commercial/Rural Residential/Agricultural

Rationale:

The additional indoor car storage use is proposed near the southeasterly portion of the subject land, south of the existing car storage building, which if used for commercial purposes, is a non-conforming use. The owner proposes to utilize the existing driveway and extend the driveway to service the proposed second

car storage facility. No new driveway access to Highway 35 is proposed. The combined building area for the indoor car storage use would be approximately 808 sq. m. (8,700 sq. ft.). The owner acknowledges that the proposed development will be subject to Site Plan Control. This can be implemented through the proposed Zoning By-law Amendment with a Holding (H) symbol. The proposed use will require a policy exception to the "Rural" land use designation of the City's Official Plan. In addition, an amendment to the "Agricultural (A1) Zone" is required to permit the use, which will also establish a maximum floor area. While the property is presently not used for any agricultural related use, the proposed amendments would not preclude the establishment of an agricultural use on the subject land.

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

1. Planning Justification Report prepared by Kevin Duguay, Community Planning and Consulting Inc., dated February 22, 2017. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, the 2006 Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law 12-95.
2. Concept Plan prepared by Counterpoint Engineering Inc., dated January 25, 2017. The Plan outlines the existing and proposed buildings.
3. Site Grading Plan prepared by Counterpoint Engineering Inc., dated January 25, 2017.
4. Stormwater Management and Drainage Plan prepared by Counterpoint Engineering Inc., dated January 25, 2017.
5. Preliminary Stormwater Management Report prepared by Counterpoint Engineering Inc., dated January 25, 2017.
6. Building Plans prepared by Steelway Building Systems, (included with Planning Justification Report).
7. Site Area Photographs prepared by Kevin Duguay, Community Planning and Consulting Inc., (included with Planning Justification Report).

The Planning Justification Report concludes that the proposed site plan concept can be designed and graded to meet the stormwater management objectives required by the Ministry of Transportation. In addition, the proposed second indoor car storage building is an appropriate use for the rural property and the use will not impact on area agricultural uses and will be compatible with established land uses and development along this area of Highway 35.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed amendments and generally accepts the planning rationale given. The application cannot be fully evaluated until responses from other City Departments and/or commenting Agencies have been received.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The 2006 Growth Plan (GP) guides land-use planning decisions, including resource protection in the interest of promoting economic prosperity. The GP should be read in conjunction with relevant provincial plans, including the Provincial Policy Statement (PPS). Section 2.2.2 1(i) of the GP provides that development should be directed towards settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses which cannot locate in settlement areas. These applications to permit an indoor car storage facility are not located within a settlement area, and would otherwise not appear to conflict with the GP.

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides a policy framework for land use decisions within the Province of Ontario. The PPS also provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. When directing development on rural lands, Section 1.1.5 of the PPS states that a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and management of Resources and Section 3: Protecting Public Health and Safety.

Section 1.1.1 states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional, recreation, park and open space, and other uses to meet long-term needs and avoiding development and land use patterns that may cause environmental or public health and safety concerns.

Section 1.1.4 states that rural areas and urban areas are interdependent in terms of markets, resources and amenities. Healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services and the sustainable management or use of resources.

Section 1.1.5.2 states that on rural lands, permitted uses are: the management or use of resources; resource-based recreational activities; limited residential

development; home occupations and home industries; cemeteries; and other rural land uses.

Section 2.1 of the PPS provides policy with respect to the wise use and management of resources to protect natural heritage features and does not permit development in significant wetlands, significant woodlands, and significant wildlife habitat or on adjacent lands to these features, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. There does not appear to be any significant natural heritage features associated with these applications.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. There does not appear to be any natural hazards associated with these applications.

Therefore, it appears that these applications have demonstrated consistency with the PPS.

Official Plan Conformity:

An application has been submitted for consideration that intends to seek an amendment to the Rural land use designation with a Special Policy Area to permit a non agricultural related commercial indoor car storage facility.

The property is designated “Rural” in the City of Kawartha Lakes Official Plan. The Official Plan contains policies that reflect the intent of protecting agricultural land for agricultural production while preserving and promoting the rural character of the City and the maintenance of the natural countryside.

Under the policies of Section 16.3 of the Official Plan, some of the agricultural-related permitted uses that are permitted include commercial and industrial uses, farm implement dealers, greenhouses and auction barns. There are also highway commercial and industrial uses that have established in the immediate area, including an automotive sales dealer, stone mason, welding shop, bird seed business, marine docking and boat lift systems business.

Section 16.3.3 of the Official Plan states that permitted agriculture-related, commercial and industrial uses, wherever possible, shall be consolidated into groups rather than spread out along roadways and should be located where the uses can provide adequate off-street parking and loading facilities and will not adversely affect traffic movement. The area has already been developed with existing mixed use highway commercial and industrial uses. The proposed use would not hinder surrounding agricultural uses and would still preserve the rural character of the surrounding area.

The objectives of Section 6.2 under the Commerce Section of the Economic Development policies of the Official Plan is to guide the maintenance and growth of commerce in the City through the development of proactive and flexible land use policies for all areas of economic activity and promote the development of new businesses and economic activities that are not currently available in the City and also encourage the expansion of existing businesses.

Therefore, the proposed Official Plan Amendment for a Special Policy Area would appear to conform to the Official Plan.

Zoning By-Law Compliance:

The lot is zoned “Agricultural (A1) Zone” in the Township of Fenelon Zoning By-law 12-95. As the existing and proposed use would not meet the intent of accessory buildings and structures and exceeds size of accessory buildings used for the parking or storage of commercial motor vehicles within the existing zone, the applicant has submitted a Zoning By-law Amendment application for consideration to change the zoning for this property to an “Agricultural Exception (A1-*) Zone” to permit an indoor vehicle storage use in addition to the other permitted uses of the “Agricultural (A1) Zone”. The use will be limited to a maximum gross floor area (GFA) of 815 sq. m. and will not require any additional parking as the use is wholly enclosed within a building.

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 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 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 vibrant and growing economy strategic goal as it provides opportunities for business expansion.

Review of Accessibility Implications of Any Development or Policy:

Any applicable accessibility matters will be addressed through the the Site Plan Approval and Building Permit application processes, if required.

Servicing Comments:

The existing single detached dwelling is serviced by a private sanitary sewage disposal system and individual well. The need for servicing for the proposed use will be determined through site plan control.

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:

Public Comments:

At the time of writing this report, no public comments were received.

Agency Review Comments:

On May 12, 2017, the Building Division advised that the new Building area on the (Concept Plan) Grade Drawing appears to be in error as the building is indicated as 185.39 sq. m. [reflecting existing building and not proposed building which is 557.42 sq. m.]. Buildings that are less than 600 sq. m. do not require on site water for fire fighting. Spatial separation between buildings needs to be considered when siting as this may otherwise impact fire ratings of building walls.

On May 15, 2017, Development Engineering confirmed they have no objection to the proposed Official Plan Amendment and Zoning By-Law Amendment.

On May 16, 2017, the Building Division – Part 8 Sewage Systems Supervisor advised that the property has been assessed to ensure that the proposal will not in any way hinder the functioning and maintenance of the existing sewage system. The indoor car storage facility will not cause an increase in the total daily sewage flow. Also, as the sewage system serving the dwelling is located on the north side of the property it will be located outside of the required setback clearance distances to the proposed new structure. As such, the Building Division – Sewage System Program has no objection to the proposal.

On May 26, 2017, the Agriculture Development Officer advised that this property is a small acreage, and while the proposed building addition does consume some land which could be used for agricultural purposes, there remains spaces to the north and southwest portions of the property which could be used for small-scale,

niche production uses in the future. There are no concerns with these applications.

Development Services – Planning Division Comments:

The subject land is located in a cluster of mixed highway commercial, industrial and rural residential uses. The shape and size of the subject land would make it somewhat awkward to be suitably used for the current agricultural zone. However, the proposed amendments will not hinder on current farming operations or remove significant land from production. There does not appear to be any barns located in the immediate area. The existing by-law does not apply Minimum Distance Separation requirements to existing lots less than 4 ha. in area.

The amending by-law would need to be prepared to be compatible with surrounding uses while retaining the rural character of the property by specifying and limiting the type and scale of the specific use by limiting the amount of floor area while ensuring that all parking and storage is located within an enclosed building. It is also recommended that site plan control be implemented as a mechanism to control the location of site development and ensure compatible on-site features such as but not limited to driveway and parking location, landscaping, lighting and other possible buffering requirements on site. The site plan agreement between the owner and the City will ensure that the proper requirements are met and maintained on the property.

The applications are intended to recognize the existing business and to provide for a limited amount of expansion. It avoids hardship for the business by removing the uncertainty of its non-conforming status and the need for a minor variance for any expansion. It benefits the adjacent land uses by limiting the location, extent and form of storage on site, specifying the nature of the business and establishes site plan control.

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 recommends that the applications be referred back to staff until such time as comments have been received from all circulated departments and agencies 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 Official Plan Amendment and Zoning By-law Amendment applications 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:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.

Appendix 'A' – Location Map



Appendix 'A'
PLAN2017-035.pdf

Appendix 'B' – Aerial Photo



Appendix 'B'
PLAN2017-035.pdf

Appendix 'C' – Concept Site Plan



Appendix 'C'
PLAN2017-035.pdf

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D01-17-007 and D06-17-016

Geographic Township of Fenelon

'Cameron'

Lot 8

Lot 7

Lot 6

Highway 35

Concession 5

Naylor Road

Mud Rd

Victoria Rail Trail

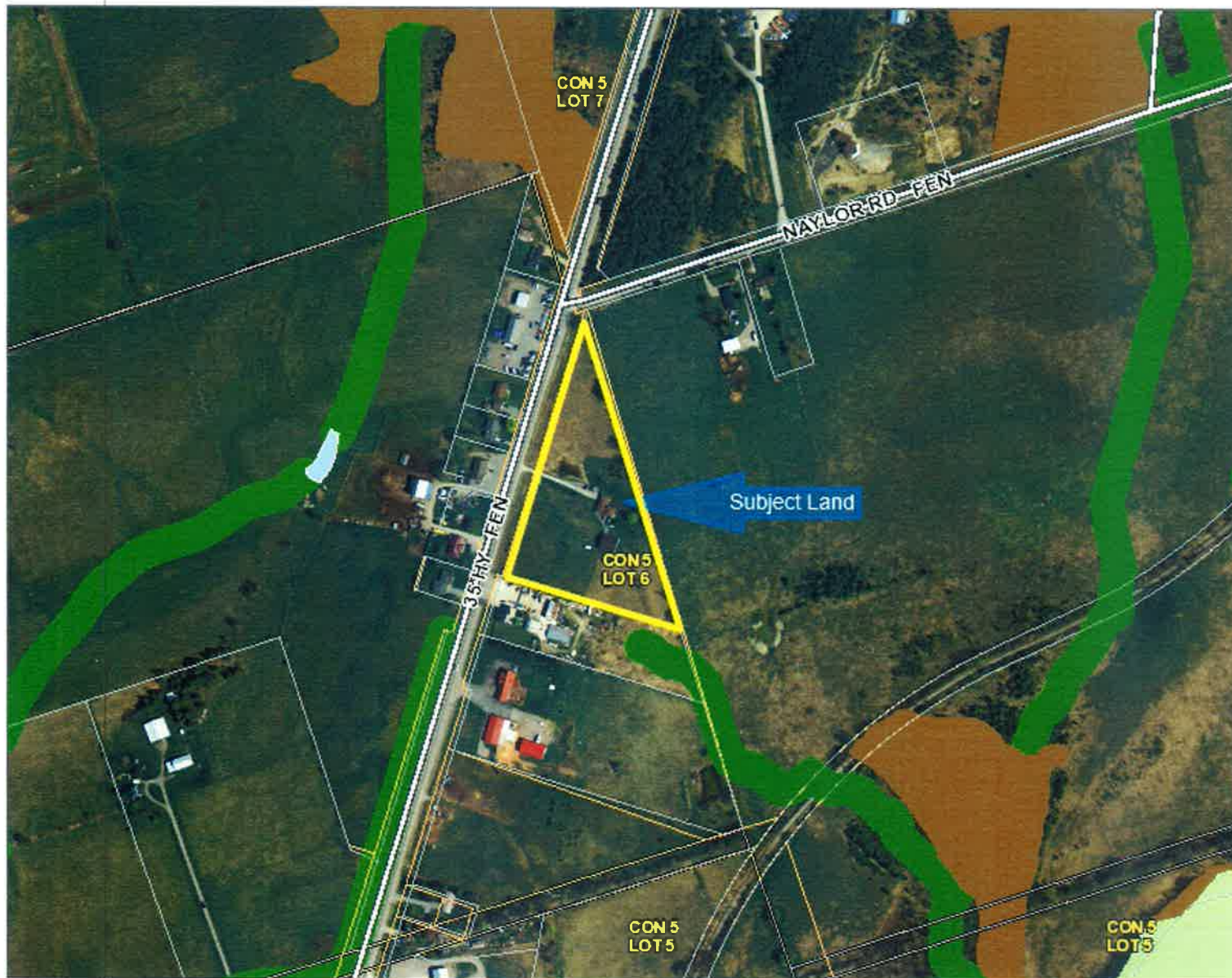
Strawberry St

'SUBJECT
LAND'

Con. 6

APPENDIX "A"
to
REPORT PLAN2017-035
FILE NO. 001-17-007
006-17-016

3922 Highway 35, geographic Township of Fenelon



Legend

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

APPENDIX " B "

to

REPORT PLAN 2017-035

FILE NO. D01-17-007
D06-17-016

Notes

D01-17-007 and D06-17-016

0.38

Kilometers



[illegible]

NOTE:
PROPERTY DIMENSIONS AND BEARINGS SHOWN ARE AS PER LEGAL SURVEY PREPARED BY SMITH & BURNS LTD. ONTARIO LAND SURVEYORS, DATED AUGUST 28, 1988.
DIMENSIONS FROM THE PROPERTY RELATIVE TO THE EXISTING DWELLING ARE AS PER THE ABOVE NOTED LEGAL SURVEY.
THE PROPERTY LOCATION AND ALL OTHER DIMENSIONS ARE BASED ON AN ALIGNED AERIAL PHOTOGRAPH IMAGE AND ARE APPROXIMATE.
ALL DIMENSIONS SHOWN ARE IN METERS.

BENCHMARK:
LARGE CONCRETE CULVERT UNDER ANGELINE ST NORTH AND 2.3 km NW OF INTERSECTION OF KENT ST AND ANGELINE ST NORTH, MARKED BY BAR TAIL SET IN TOP NW CORNER OF CONCRETE CULVERT. LOCATED 29 cm SW OF NE END, 24 cm NW OF SE END AND APPROXIMATELY 2 m BELOW ROAD LEVEL. AN ORANGE CYLINDER WITNESS SIGN WAS SET 12.9 m AT A MAG BRG OF 237 DEGREES TO THE SITUATED IN THE TOWN OF LINDSAY.

TOPOGRAPHIC DATA & AERIAL PHOTOGRAPHY WAS COLLECTED VIA AERIAL PHOTOGRAMMETRIC SURVEY (DATED BELOW). THIS DATA WAS TRIANGULATED TO GROUND CONTROL POINTS (GCPs) FOR ACCURACY. GCPs WERE SURVEYED UTILIZING AN RTK ROVER WITH NETWORK SOLUTION. THE NETWORK IS CALIBRATED TO NAD83 (CGRS) AND THE HTF2 GEOID MODEL WAS USED.

APPENDIX C
to
REPORT PLAN 2017-035
FILE NO. D01-17-007
006-17-016

FEB 22 2017

City of Kowartha Lakes
Development Services
Planning Division

COUNTERPOINT ENGINEERING INC.
1000 Jervis St., Suite 100, Vaughan, ON L4K 5T2 Phone: 905.226.7404 Fax: 905.226.7405

KEVIN M. DUGUAY COMMUNITY
PLANNING AND CONSULTING
560 ROMAINE,
PETERBOROUGH, ONTARIO

DESIGNED BY: LC	CHECKED BY: NR	DATE
DRAWING BY: LC	CHECKED BY: AV	PROJECT
SIN# BY:	CHECKED BY:	FIG.
SCALE: 1:500		DRAWN BY: