

# The Corporation of the City of Kawartha Lakes

## Planning Advisory Committee Report

Report Number PLAN2018-041

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**Date:** May 9, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** 15

**Title:** An application to amend the Village of Omemee Zoning By-law 1993-15

**Description:** To change the zone category from General Commercial (C1) Zone to a General Commercial Exception (C1-\*) Zone to also permit two (2) existing residential dwelling units in an existing building without a permitted non-residential use on land described as Part Lots 2 & 3, Plan 109, Former Village of Omemee, City of Kawartha Lakes, identified as 5 King Street Street East (Foley)

**Author and Title:** Mark LaHay, Planner II

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### Recommendation(s):

**That** Report PLAN2018-041, respecting Part Lots 2 & 3, Plan 109, Former Village of Omemee, and identified as 5 King Street East, Foley – Application D06-2018-012, be received; and

**That** the proposed Zoning By-law Amendment respecting Application D06-2018-012, be referred back 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:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The applicant has submitted a rezoning application to also permit two (2) residential dwelling units in an existing building that does not presently contain another permitted General Commercial (C1) Zone use.

Owner:	Shannon Foley
Applicant:	Kevin Duguay, KMD Community Planning & Consulting Inc.
Legal Description:	Part Lots 2 & 3, Plan 109, being Parts 2 and 3, 57R-1449, former Village of Omemee
Official Plan:	General Commercial, Victoria County Official Plan
Zone:	General Commercial (C1) Zone on Schedule 'A' of the Village of Omemee Zoning By-law No. 1993-15
Lot Area:	930.8 sq. m. [10,019 sq. ft. – MPAC]
Site Servicing:	Municipal sanitary sewer, storm sewer and private well water supply
Existing Uses:	Residential (2 dwelling units in existing building)
Adjacent Uses:	North: Church Street East, Residential East: Commercial, George Street North South: King Street East, Commercial West: Commercial, Sturgeon Street North

## **Rationale:**

The property is located on the north side of King Street East (Highway 7), between Sturgeon Road, and George Street North, and backs onto Church Street East providing access for parking purposes, in the former Village of Omemee. The subject land is located in an area of mixed land uses, including commercial, retail, residential and public service. Previously, there were mixed residential and commercial uses in the building. The commercial use, formerly a restaurant /coffee gift house, no longer exists and was replaced with a dwelling unit for a total of two dwelling units within the building. This building, which is set back from the street, was originally constructed and used as a two-storey residential dwelling and was subsequently converted over time. The General Commercial designation predominately allows retail and service commercial facilities with both commercial and residential uses on the upper floors. The C1 Zone permits a range of commercial oriented uses, together with a maximum of two (2) dwelling units in a building containing a permitted non-residential use. An amendment to the Zoning By-law is necessary to also permit two (2) dwelling units without a permitted non-residential use.

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 Kevin M. Duguay, Community Planning and Consulting Inc., dated November 16, 2017. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan(s) and Zoning By-law.
2. Supplementary Analysis Memorandum prepared by Kevin M. Duguay, Community Planning and Consulting Inc., dated February 28, 2018 with focus on policies of the pending Omemee Secondary Plan.
3. Excerpt of Property Survey, Concept Plan with Parking Location and Site Area Photographs.

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed zoning by-law amendment. In order to fully evaluate the appropriateness of this application, Staff is further reviewing the applicable City policy objectives that are relevant to this application.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe (2017):**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the Omemee settlement area. The GP envisions increasing intensification of the existing built-up area and supporting the achievement of complete communities by facilitating a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities and providing a diverse range and mix of housing options, including affordable housing. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

Therefore, this application appears to conform to the policies of the Growth Plan.

#### **Provincial Policy Statement (2014):**

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. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. In addition, infilling and minor rounding out of existing development on partial services is permitted within settlement areas where site conditions are suitable in the long term with no negative impacts. Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development does not appear to be within or adjacent to any natural heritage features or species at risk as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in

Section 3 of the PPS. Therefore, the application appears to be consistent with the PPS.

### **Official Plan Conformity:**

The General Commercial designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Central Business District designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Ontario Municipal Board. The predominate use of land in the General Commercial designation is retail and service commercial operations, business and professional offices, hotels, motels, automotive commercial uses and facilities, funeral homes, theatres, clubs, places of amusement and recreation and civic-institutional uses. It also permits the use of upper stories for both commercial and residential uses, provided adequate servicing is available. Both the Urban Settlement area policies for General Commercial Uses of the CKLOP and the Central Business District policies in the SP are intended to also permit stand alone residential dwellings. The SP permits residential uses in free standing residential buildings or on the upper floors of buildings and/or behind the front portions of buildings, where appropriate. This is the future policy direction for Omemee.

The low density residential use would appear to be compatible with existing uses and would have adequate servicing that would not be anticipated to increase sewage flow beyond what is currently permitted, in keeping with the policies in the CKLOP related to rezoning. The application appears to be in keeping with the general policies of the intended CKLOP and proposed SP for residential use of land within the settlement area of Omemee.

### **Zoning By-Law Compliance:**

The subject land is zoned General Commercial (C1) Zone in the Village of Omemee Zoning By-law 1993-15. The applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes to add a site-specific exception to the C1 Zone, to permit in addition to the permitted C1 Zone uses, two (2) existing dwelling units within the building on the subject lot without a permitted non-residential use. A maximum of two (2) dwelling units is currently permitted under the above conditions; however, the C1 Exception (C1-\*\*) Zone is required to recognize a residential only use.

The application appears to comply with all other relevant provisions of the Zoning By-law.

### **Financial/Operation Impacts:**

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

## **Relationship of Recommendation(s) 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 goals as it increases the supply of affordable housing to attract new residents, and improves walkability in the City of Kawartha Lakes. The application may also support a vibrant and growing economy, by potentially increasing demand and access to services and amenities.

## **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 private well and is connected to municipal sanitary and storm sewer services within the Omemee municipal service area.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

### **Public Comments:**

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

### **Agency Review Comments:**

On April 16, 2108, the Building Division advised that they have no concerns with the above noted application. Permits are required for the change of use.

On April 18, 2018, Engineering and Corporate Assets advised that Development Engineering has no objection to the proposed Zoning By-law Amendment to change the zone category from General Commercial Zone to a General Commercial Exception Zone to permit two existing residential units.

On April 20, 2018, Enbridge Gas Distribution advised they do not object to the proposed application.

On April 27, 2018, the Economic Development division advised they are unsupportive of the proposed zoning changes. It is important to maintain the supply of commercially zoned space to ensure the economic viability and vibrancy of Omemee. This expanded use would set a negative precedent.

On April 27, 2018, the Chippewas of Rama First Nation advised the application was shared with their Council and forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator to determine if any action is required.

### **Development Services – Planning Division Comments:**

The appropriate documents in support of the application 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 or the public. Therefore, Staff recommends the application be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend 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:**

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 'B' – Aerial Photo  
Appendix 'C' – Concept Site Plan with Parking

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D06-2018-012