

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Head
Report Number COA2018-027

Public Meeting

Meeting Date: May 17, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 10 – Former Town of Lindsay

Subject: An application for minor variance to consider relief from Section 20.3.2 to add “mini-storage warehouse” as a permitted use within the General Employment Special Two (GE-S2) Zone on the property identified as Part East Half of Lot 24, Concession 6, Parts 1 and 2, 57R-5517, former Town of Lindsay, (File D20-2018-020).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-027 James Head, be received;

THAT minor variance application D20-2018-020 be DENIED, as the application is not desirable or appropriate for the use of the land, minor in nature, or in keeping with the general intent and purpose of the zoning by-law as set out in Section 45(1) of the Planning Act.

Background: The application was deemed complete March 22, 2018.

Proposal: To construct a mini-storage warehouse operation on the property.

Owner: James Head

Legal Description: Part East Half of Lot 24, Concession 6, Parts 1 and 2, 57R-5517, former Town of Lindsay, City of Kawartha Lakes

Official Plan: “General Employment” – Town of Lindsay Official Plan

Zone: “General Employment Special Two (GE-S2) Zone” – Town of Lindsay Zoning By-law 2000-75

Site Size: 4,046.9 square metres (1 acre)

Site Servicing: Municipal sanitary sewer and water supply

Existing Uses: Vacant Land

Adjacent Uses: North: Vacant Land, Central East Correctional Centre
East: National Wash, Castle Building Centre
South: Vacant Land
West: Residential Subdivision (under development)

Rationale: The variance process requires staff to analyze the process against the four tests for minor variance. A zoning by-law amendment is the appropriate application for this proposal in order to fully analyze its merits beyond the analytical parameters required for a variance application.

1) Is the variance minor in nature? No

The subject land, see test 3, is intended to be reserved for medium-heavy industrial uses and select commercial uses that are considered compatible with medium-heavy industrial uses as they have an industrial component to their operation.

As is examined in test 3, a mini-storage warehouse is considered a “commercial-like industrial use” or light industrial use, and is thus considered a prestige land use more compatible with commercial operations rather than with the medium-heavy industrial operations permitted within the “General Employment Special Two (GE-S2) Zone”. For this reason, “commercial-like industrial uses” have been purposefully excluded from the list of permitted uses within the “General Employment Special Two (GE-S2) Zone”. Therefore, adding a mini-storage warehouse use to a zone category where no other “commercial-like industrial uses” are permitted prevents the property from being used by one of the permitted uses in an area where like medium-heavy industrial uses are intended to be grouped together.

Based on the above analysis, the variance is not minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is located between a developing residential neighbourhood to the west and area zoned for medium-heavy industrial use to the east and south. The creation of a mini-storage warehouse on-site would permit the creation of a light industrial land use that would function as a buffer between the sensitive residential land uses and medium-heavy industrial land uses.

Due to the above, the variance is considered desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

No

The subject property is zoned “General Employment Special Two (GE-S2) Zone” within the Town of Lindsay Zoning By-law 2000-75. “Mini-storage warehouse” is a defined term within the Lindsay Zoning By-law and is only permitted in the “Prestige Employment (PE) Zone”. The PE Zone primarily abuts: (1) high traffic General Commercial (GC) and Shopping Centre Commercial (SCC) Zones, (2) General Employment (GE) Zone, and (3) low density residential zoned lands. The PE Zone acts as a buffer between these separate zone categories, permitting transitional uses between the larger commercial/industrial buildings and residential areas. The PE Zone creates a transitional area with uses that are more compatible with the above-noted zone categories than if the above-noted zones were to abut each other directly.

The PE Zone permits a number of “commercial-like industrial uses” (i.e. light industrial uses with a commercial component) and commercial uses compatible with these light industrial uses (i.e. industrial-like commercial uses). These uses are also intended for a smaller parcel fabric present in the prestige employment area rather than the larger grained parcel fabric found in the general employment area. Therefore, the intent of the PE Zone is to group these two types of uses together so that they may act as buffering uses between other zone categories that should not directly abut one another.

The GE Zone, including the GE-S2 Zone permits medium-heavy industrial uses, focusing on more of a manufacturing component, which by their nature generate noise, long hours of activity/shift work and emissions that are not compatible with most commercial uses or residential uses. Warehousing is only permitted as an ancillary use to a medium-heavy operation that manufactures and/or processes product or as a separate function for larger industrial warehousing. The Zoning By-law doesn’t contemplate many light industrial (commercial-like industrial uses) within the context of the medium-heavy industrial uses, as none of the industrial uses permitted within the PE Zone category, with the exception of light manufacturing, are permitted within the GE Zone category.

Therefore, the variance does not maintain the general intent and purpose of the Zoning By-Law as “commercial-like industrial uses” have been purposefully excluded.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan remains in effect. The property is designated “General Employment” in the Town of Lindsay Official Plan. The “General Employment” designation permits a wide range business and industrial activities that by their nature should be clustered together and separated from sensitive land uses. The open storage of goods and materials, as well as the warehousing of materials, amongst other uses, is anticipated.

As a storage use is proposed, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A zoning by-law amendment application was recommended to the applicant when he initially approached our Department for consultation. Rezoning a lot to a “Prestige Employment (PE) Zone” category is the most appropriate course of action, given the location of the property and its ability to function as a buffer between a medium-heavy industrial area and residential neighbourhood.

Servicing Comments:

Municipal water and sanitary sewers are available.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Engineering and Corporate Assets Department (May 8, 2018): No objection.

Building Division (May 10, 2018): No objection.

Public Comments:

No comments as of May 9, 2018.

Attachments:



Appendices A-D to
Report COA2018-027.

Appendix “A” – Location Map

Appendix “B” – Aerial Photo

Appendix “C” – Applicant’s Sketch

Appendix “D” – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-020