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**To:** Mayor and Members of Council

**From:** Chris Marshall, Director  
Development Services Department

**Date:** March 21, 2017

**Subject:** **BACKGROUND FOR REPORT PLAN2017-016 (TOW-ALL INC)**

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The March 21, 2017 City of Kawartha Lakes Council Agenda includes Report Number PLAN2017-016. This report deals with a recommendation to approve a zoning amendment to enable a tow truck business known as Tow-All Inc to be located on 317 Ranchers Road. On March 9, 2016 the zoning amendment application had a public hearing and at this public hearing a number of neighbours expressed concerns over the proposed new use. As a result of the input provided at the public hearing it was recommended that the zoning amendment application be referred back to staff to address the concerns raised by the public and obtain comments from circulated agencies.

Since the public meeting some updated preliminary stormwater management design work has been done to facilitate a new proposal. The applicant has advised that the storage use will be temporary and will not be used as a scrap yard but only to meet the demands of the towing operations to operate. The property will operate under the spill and containment guidelines as required by the province of Ontario. As the new proposed building size has doubled in area to 600m<sup>2</sup> (6458 sq. ft.) and the proposed parking/storage yard includes almost 100 additional spaces from the original 10 spaces, Staff recommends that the property be subject to site plan control.

Normally these applications return to a future Planning Committee meeting where the additional information and neighbours concerns can be addressed. In this case, staff agreed to bring the application directly to Council in order to allow the zoning to be in place and pass its appeal period so that the applicant can participate in the CKL Police towing contract which closes April 24, 2017. It was the applicant's request to expedite the decision in order to meet this timeline. Staff also encouraged the applicant's consultant to speak with the neighbours in advance to address their concerns as well.

Staff agreed to help facilitate this expedited process with the understanding that the neighbours who had concerns at the public hearing would be invited to speak at the Council meeting and that the applicant would work with the neighbours to address their concerns.

In order to ensure that the issues raised by the neighbours and external agencies are addressed, staff have included a Holding provision to ensure a Site Plan Application is submitted and approved. The reason staff are requiring a Site Plan Application is that the building permit process under the Ontario Building Code is limited to design and construction of a building and can't be used to ensure that the site is developed to address compatibility issues. While the Ministry of Transportation will review drainage issues related to site development through the Building Permit process in this case, the review will be from the agency's perspective and may not necessarily address the City's issues. Therefore, the concerns raised by the neighbours in terms of unsightly premises, lighting, landscaping, noise, fencing, drainage, access location, signage, environmental operational issues etc., cannot be regulated by the building permit application. While the owner may agree to address some or all of these matters, the City has no way to ensure that these matters are addressed other than through site plan approval.

The applicant's representative is arguing that this is a respected and responsible business and that they will implement all the site changes requested by the neighbours and agencies. If the zoning amendment is passed by the City without a Holding provision for site plan approval the City has no mechanism to ensure that the site will be developed in an attractive and sensitive manner.

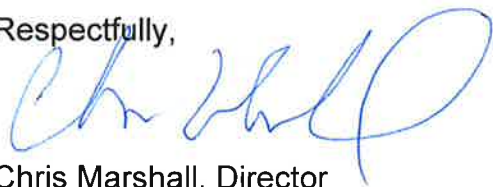
Staff has agreed to expedite this application and is providing recommendations directly to Council to help the applicant meet the time lines for a particular towing contract they would like to compete for. Staff were only willing to expedite this application with understanding that the outstanding issues raised by the neighbours and external agencies would be addressed and the only way to ensure these issues are addressed is to require the applicant to go through a site plan application in which the detailed design and siting of the building and storage yard will be reviewed and registered on title.

Staff supports the application for Zoning By-law Amendment to add the towing facility use, provided that as a condition of removal of the Holding (H) symbol, the property be subject to Site Plan Control, as per the recommendations of Report PLAN2017-016.

Recommendation:

THAT the memorandum from the Director of Development Services regarding REPORT PLAN 2017-016, and dated March 21, 2017, be received.

Respectfully,



Chris Marshall, Director