

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-064**

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**Date:** July 17, 2018

**Time:** 2:00 p.m.

**Place:** Victoria Room

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**Ward Community Identifier:** 16

**Subject:** An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to permit a towing facility on Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 317 Ranchers Road (Tow-All-Inc. c/o Lucas Lowell)

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

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### **Recommendation(s):**

**THAT** Report PLAN2018-064, respecting Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, **Tow-All-Inc. c/o Lucas Lowell – Application D06-2018-019**, be received;

**THAT** Zoning By-Law Amendment application D06-2018-019 identified as 317 Ranchers Road, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-064, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

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

## **Background:**

The application proposes to remove the Holding (H) symbol from Schedule A of the Township of Fenelon Zoning By-law 12-95, which regulates development and the use of land on Part of Lot 14, Concession 7, being Part 3, 57R-6073, in the geographic Township of Fenelon. The removal of the Holding (H) symbol would permit the construction of a towing facility consisting of a garage with office and associated on-site parking together with a storage compound on the subject land (see Appendix A and B attached).

Owner/Applicant:	Tow-All-Inc., c/o Lucas Lowell
Legal Description:	Part of Lot 14, Concession 7, being Part 3, 57R-6073, geographic Township of Fenelon, now City of Kawartha Lakes.
Designation:	Highway Commercial in the City of Kawartha Lakes Official Plan
Zone:	Highway Commercial Exception Six Holding (C2-6(H)) Zone in the Township of Fenelon Zoning By-law 12-95 as amended by By-law 2017-051.
Lot Area:	1.27 ha. (3.14 ac.) - MPAC
Site Servicing:	Private water well and septic system with ditches
Existing Uses:	Vacant land
Adjacent Uses:	North: Rural Residential South: Highway Commercial/Agricultural East: Ranchers Road/Agricultural West: Highway 35/Agricultural

## **Rationale:**

The subject land is vacant and is proposed to be developed with a towing facility consisting of a garage with office and associated on-site parking together with a storage compound between Ranchers Road and Highway 35 (see Appendix A and B attached).

In Zoning By-law 12-95, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures, unless otherwise specified within the applicable zone provisions. In this regard, presently, land zoned C2-6 with a Holding (H) symbol may be used for a tree or garden nursery with no buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 2017-051, the removal of the (H) Holding Symbol requires that the owner enter into a

site plan agreement with the City for any development on land zoned C2-6 on lands described as Part 3, 57R-6073 and municipally known as 317 Ranchers Road.

The property is subject to site plan control, and on July 6, 2018, City staff provided the owner with the prepared Site Plan Agreement for the owner to enter into with the City for the proposed development, as all review was completed and the site plans were finalized. The owner has agreed to enter into the agreement with full securities prior to July 17, 2018, therefore it is appropriate for Council to consider removal of the Holding (H) symbol.

### **Provincial Policies:**

The application conforms to the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement (PPS).

### **Official Plan Conformity:**

The land is designated Highway Commercial on Schedule A-5 of the City of Kawartha Lakes Official Plan. The proposed use on the property conforms to the applicable policies of the official plan designation.

### **Zoning By-law Compliance:**

The property is zoned Highway Commercial Exception Six - Holding (C2-6)(H) Zone in the Township of Fenelon Zoning By-law 12-95, as amended by By-law 2017-051, which permits the proposed towing facility on the subject land once the Holding (H) provision is removed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner/applicant to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

### **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 vibrant and growing economy goal as it provides opportunities for business growth.

## **Review of Accessibility Implications of Any Development or Policy:**

Accessibility matters will be implemented through the Site Plan Approval and Building Permit processes.

## **Servicing Implications:**

The property will be developed on private well and septic system services with roadside ditches.

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

Prior to July 17, 2018, the City and the Owner will need to execute the Site Plan Agreement. Staff supports the application based on the information contained in this report and as such, respectfully recommends that the proposed Zoning By-law application to remove the Holding (H) symbol be approved and adopted by Council.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-064.pdf



Appendix 'B'  
PLAN2018-064.pdf



Appendix 'C'  
PLAN2018-064.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan, last revised July 3, 2018

Appendix 'C' – Draft Zoning By-law Amendment

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

**Department Head:** Chris Marshall

**Department File:** D06-2018-019