

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

## **Planning Advisory Committee Report**

**Report Number PLAN2017-050**

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**Date:** August 16, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

### **Public Meeting**

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**Ward Community Identifier:** Ward 6

**Subject:** Application for Zoning By-law Amendment to permit a drive-thru facility as an additional commercial use on the property for land described as Part of Lots 2, 3, 4, Block A and Part of the Dedication adjoining the Glenarm Road, Plan 312 and Part of Lots 36 and 37, RCP 545, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 2385 Glenarm Road. (2274919 Ontario Inc.)

**Author and Title:** Sherry L. Rea, Planning Development Supervisor and  
Stefanie Ekeli, Planning Student

**Signature:**

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### **Recommendations:**

**Resolved That** Report PLAN2017-050, respecting “2274919 Ontario Inc. - Application D06-17-022”, Part of Lots 2, 3, 4, Block A, and Part of the Dedication adjoining the Glenarm Road, Plan 312 and Part of Lots 36 and 37, RCP 545, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 2385 Glenarm Road, Application D06-17-022, be received;

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

**Corporate Services Director / Other:** \_\_\_\_\_

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

**THAT** the Zoning By-law Amendment respecting Application D06-17-022 and substantially in the form attached as Appendix “C” to Report PLAN2017-022, be approved and adopted by Council; and

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

### **Background:**

The application proposes to add a drive-thru facility as an additional commercial use to the Highway Commercial Exception Eighteen “C2-18” Zone. See Appendix "A" and "B" attached.

Owner: 2274919 Ontario Inc. c/o Leo Palozzi  
Applicant: MHBC Planning Limited c/o Daniel Amadio.  
Legal  
Description: Part of Lots 2, 3, 4, Block A, and Part of the Dedication adjoining the Glenarm Road, Plan 312 and Part of Lots 36 and 37, RCP 545, geographic Township of Fenelon, now City of Kawartha Lakes  
Official Plan: “Prime Agricultural” on Schedule "A-5" of the City of Kawartha Lakes Official Plan.  
Zone: “Highway Commercial Exception Eighteen - Holding (C2-18 (H)) Zone” on Schedule “F” of the Township of Fenelon Zoning By-law No. 12-95.  
Total Area: 3.7 ha.  
Site Servicing: Private well and sewage disposal system.  
Existing Use: Existing buildings located on the property are vacant.  
Adjacent Uses: North: Agricultural  
South: Agricultural, Highlands Propane and Jackett Aggregates gravel pit  
East: Highway Commercial  
West: Agricultural

### **Rationale:**

The subject property is located on the northwest corner of the intersection of Glenarm Road (Kawartha Lakes Road No. 8) and Highway 35 in the geographic Township of Fenelon. 2274919 Ontario Inc. and proposes to construct a 5 pump gas station along with a 328.5 square metre building to house a 139.5 square metre convenience store together with a 189 square metre eat-in restaurant with a drive-thru facility. The gas station, convenience store, and eat-in restaurant are permitted uses under the current “Highway Commercial Exception Eighteen (C2-18) Zone”. The drive-thru facility is currently not a permitted use.

In support of the application, the applicant has submitted the following:

1. A Site Plan prepared by Gama Engineering Inc. and dated March 21, 2017.
2. Planning Justification Report to support the proposal prepared by Daniel Amadio of MHBC Planning Ltd. and dated April, 2017. The report justifies the proposal under current provincial legislation and the municipal planning framework.
3. Hydrogeological Assessment prepared by GENIVAR Inc. and dated October 2011. The report indicates that from a water supply and sanitary servicing perspective, the proposal to develop the site is feasible. The report also shows that the proposed development's water use will not interfere with existing private supplies in the site area. It is indicated that a new water supply well will be drilled, developed, sampled, and put into production.
4. Stormwater Management Report prepared by GAMA Engineering and dated February 12, 2017. The report concludes that all required conditions of the City of Kawartha Lakes have been satisfied. The report indicates that there is no increase in stormwater flow from the site, the storm water management facilities provide enhanced level of treatment and the sediment and erosion control plan demonstrates how erosion and sediment will be minimized during construction.
5. Supplemental Geotechnical Assessment prepared by WSP Canada Inc. and dated May 13, 2016 and received July 26, 2016. The report finds that there are no environmental concerns, such as contaminated fill, found and that groundwater seepage was not observed.
6. Traffic Impact Study prepared by Transplan Associates and dated July 2016. The report considered both morning and afternoon peak periods and traffic volumes were projected ahead to 2021 and 2026 at a 1% growth rate per year. Forecasting into 2026, the study found that the intersection is projected to operate well in both peak periods. The report also considered truck turning movements in the development. It was found the site was adequate enough to accommodate garbage disposal and fueling tanker trucks access and turning radius without interfering with the proposed drive-thru component. As per MTO's comments, the only entrance to the site is proposed to be located on Glenarm Road and setback 85 metres from Highway 35.

All of the reports submitted have been circulated to the applicable Agencies and City Divisions for review and comment.

## **Applicable Provincial Policies:**

Staff has reviewed the Planning Report prepared by MHBC Planning Inc. in support of the application for zoning by-law amendment and accepts the planning rationale contained in the report in respect to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2017 and the 2014 Provincial Policy Statement. In addition to the applicant's planning report, the following provides a review of the current provincial and municipal policy as it relates to the applications.

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

The lands are identified as being outside the Urban Settlement Areas in the Growth Plan for the Greater Golden Horseshoe 2017 (Growth Plan). Section 2.2.1 Managing Growth policies states that population and employment growth will be accommodated by directing development to settlement areas, and encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

Section 2.2.5 speaks to creating employment opportunities, increasing employment densities in existing employment areas, and ensuring the availability of sufficient land, in appropriate locations, for a variety of employment opportunities to accommodate future employment growth. Section 2.2.5.4 aims to reduce surface parking facilities and places emphasis on incorporating active transportation networks on sites. Lastly, Section 2.2.9.1 encourages municipalities to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses. The application is seeking to re-develop the site and will increase employment opportunities in the Township of Fenelon and nearby Village of Fenelon Falls. In addition, the City and the developer have been working with the cycling community towards the installation of a gravel bicycle parking facility, which encourages active transportation. The ideal location will increase the economic vitality of the area and will provide employment opportunities to the surrounding area. As such, the application conforms to the Growth Plan 2017.

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

The 2014 PPS provides for Ontario's long-term prosperity, environmental health and social well-being through wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The applications are consistent with the 2014 PPS, as prescribed in the following sections:

Section 1.1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Section 1.1.4 Rural Areas in Municipalities, states that rural areas are important to the economic success of the Province and quality of life. The Province identifies that urban and rural areas are interdependent and it is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Section 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by:

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

Section 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 1.3.1 states that planning authorities shall promote economic development and competitiveness by

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; and
- b) providing opportunities for a diversified economic base.

Section 1.6.6.4 states that individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provisions of such services with no negative impacts.

The proposed development is compatible with the land use patterns surrounding the site and offers an exciting opportunity to diversify the areas economic base. Further, the development will increase employment opportunities for the area. As stated in the hydrogeological study, on site water supply and sanitary servicing are feasible and pose no negative impacts. The application is consistent with the policies listed above.

Section 2.3.1 indicates that prime agricultural areas shall be protected for long-term use for agriculture. The site in question is small and does not support farming practice. In addition, the site has not been used for agricultural related purposes for decades as it has been previously used as a commercial and residential site.

Section 2.3.5.1 only permits planning authorities to exclude land from prime agricultural areas for expansion of settlement areas. In this case, planning

authorities would not be removing prime agricultural land. The property has not been used for agricultural purposes for several decades and has, in the past, been used as a commercial site that housed a gas station and residential dwellings.

Section 2.3.6 gives planning authorities the ability to permit non-agricultural uses in prime agricultural areas. As for section 2.3.5.1, commercial uses have previously been permitted on this particular site.

The application is consistent with the 2014 PPS in that it represents the Province's policy goals of enhancing economic development in rural areas and providing employment opportunities, which help to create complete communities.

### **Official Plan Conformity:**

The land is designated "Prime Agricultural" in the City of Kawartha Lakes Official Plan. The main goals and objectives of this land use designation is to preserve land that is well suited for agricultural production and to protect this land from non-farm activities, to promote growth and development of the City's agricultural resources, to protect prime agricultural lands to encourage and sustain the economic vitality of agribusiness and to ensure agricultural lands are not disturbed by incompatible uses.

Section 15.3.8 speaks to the proposed development as it gives attention to commercial and industrial uses in prime agricultural lands. Specifically, the policy states that existing commercial or industrial uses may be zoned to recognize the existing use or a similar use provided that the use:

- a) will have no adverse effects upon surrounding uses;
- b) will comply with the Minimum Distance Separation; and,
- c) any expansion will be minor in size.

The current permitted uses on the subject property are pre-existing examples of such non-agricultural uses. The current permitted uses on the property under the Township of Fenelon Comprehensive Zoning By-law 12-95 integrate well with other highway commercial uses that surround the site, for example Highlands Propane. As such, the proposed development is integrated well with the uses surrounding the site. The site of the proposed development is to be re-developed and as such, would not be expanded. In terms of MDS, an MDS 1 calculation is not required because it meets OMAFRA MDS 1 Guidelines #11 and #7.

The proposed commercial development maintains the existing commercial uses that are currently zoned on the site and complies with the policies outlined in section 15.3.8 of the City of Kawartha Lakes Official Plan.

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

The land is zoned "Highway Commercial Exception Eighteen - Holding (C2-18)(H) Zone" in the Township of Fenelon Zoning By-law 12-95. The C2 Zone

permits a variety of commercial uses including a motor vehicle service station, motor vehicle fuel bar, and a restaurant. In addition to the uses under the C2 Zone, the exception zone permits the use of a convenience store on the property. The Holding (H) provision is in place until such time that owner enters into a site plan agreement with the City that addresses site servicing, stormwater management, traffic, landscaping and lighting. The application proposes a text amendment to the C2-18 Zone to add a drive-thru facility to the restaurant use.

The development proposal maintains all of the development standards for the C2-18 Zone. As such, staff is in support of the text amendment to include a drive-thru facility to the restaurant use on the property.

### **Other Alternatives Considered:**

No other alternatives were considered at this time.

### **Financial Considerations:**

There are no financial considerations unless Council's decision respecting the approval or refusal of the requested amendment 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 Strategic Priorities:**

The City's Strategy Plan Framework outlines Council's Vision of a Community that is naturally beautiful and offering an exceptional lifestyle by pursuing Strategic Goals including a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment. This application aligns with the Vibrant and Growing Economy Goal in that it proposes to redevelop an underutilized site with a new commercial facility which will cater to existing residents and the travelling public. Should a new cycling rest station be included, then the development would contribute to active transportation.

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

The accessibility standards established by the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

### **Servicing Comments:**

The supporting documentation including a Hydrogeological Assessment Report, Stormwater Management Report and Geotechnical Investigation Report were circulated to the Engineering & Corporate Assets Department and the Building

Division, Part 8 Sewage Department as part of the site plan submission. These reports are currently under review.

### **Consultations:**

Notice was given in accordance with the Planning Act and the following comments have been received:

Building Division – July 13, 2017; no concerns.

Engineering & Corporate Assets – July 21, 2017; no objection to the proposed Zoning By-Law Amendment. Development Engineering is reviewing through site plan process.

No comments were received from the public as a result of the circulation.

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

The appropriate background reports have been submitted to support the application for a Zoning By-law Amendment. Staff supports the request for a drive thru facility. The proposed development is currently under site plan review and staff continues to work with the owner and applicant to achieve a cycling rest station on site.

The applicant has filed an application for site plan approval (File No. D19-29-005) which includes the detailed design for the proposed development on site. Staff is not proposing to remove the H provision at this time.

### **Conclusions:**

Based on the comments contained in the report, Staff respectfully recommends that the applications be APPROVED.

### **Attachments:**

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix “A” – Location Map



Appendix 'A' -  
Location Map.pdf



## Appendix “B” – Proposed Site Plan



Appendix 'B' -  
Proposed Site Plan.pdf

## Appendix “C” – Draft Zoning By-law



Appendix 'C' - Draft  
Zoning By-law.pdf

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**Department File:** D06-17-022