

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-075

Date: September 25, 2018

Time: 2:00 p.m.

Place: Victoria Room

Ward Community Identifier: 5

Subject: An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to permit an indoor vehicle storage facility on Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 3922 Highway 35 (Schleifer)

Author Name and Title: Mark LaHay, Planner II

Recommendation(s):

THAT Report PLAN2018-075, respecting Part of Lot 6, Concession 5, geographic Township of Fenelon, “**Schleifer – Application D06-2018-024**”, be received;

THAT Zoning By-Law Amendment application D06-2018-024 identified as 3922 Highway 35, City of Kawartha Lakes, as generally outlined in Appendix “C” to Report PLAN2018-075, 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 6, Concession 5, being 3922 Highway 35, in the geographic Township of Fenelon. The removal of the Holding (H) symbol would permit an indoor vehicle storage facility use not to exceed a gross floor area of 815 sq. m. on the subject land (see Appendix A and B attached).

Owner:	Derick and Marie Schleifer
Applicant:	Kevin M. Duguay, Community Planning and Consulting Inc.
Legal Description:	Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes
Designation:	Rural - Special Area Policy Amendment No. 28 in the City of Kawartha Lakes Official Plan
Zone:	Agricultural Exception Twenty-Three Holding (A1-23 (H)) Zone in the Township of Fenelon Zoning By-law 12-95 as amended by By-law 2017-138
Lot Area:	2.19 ha. [5.4 ac. – MPAC]
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural residential dwelling, accessory structure and one building containing an indoor car storage use
Adjacent Uses:	North: Highway Commercial/Rural/Agricultural East: Rural/Rural Residential/Agricultural South: Rural Residential/Highway Commercial/Industrial West: Highway 35/Highway Commercial/Rural Residential/Agricultural

Rationale:

The subject land is located on the east side of Highway 35, south of the Hamlet of Cameron and immediately south of Naylor Road, in the geographic Township of Fenelon. It is proposed to be developed with an additional indoor vehicle storage facility (see Appendix A and B attached). The land was recently re-designated with a Special Area Policy (By-law 2017-137) and rezoned (By-law 2017-138) to permit the indoor vehicle storage facility use, once the holding symbol is removed.

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. 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 2017-138, 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 A1-23 on lands municipally known as 3922 Highway 35.

The property is subject to site plan control, and on September 6, 2018, City staff provided the owner with the prepared Site Plan Agreement for the owner to examine 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 prior to September 25, 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 Rural – Special Policy 16.4.1 through Amendment No. 28 as adopted by By-law 2017-137, shown on Schedule A-5 of the City of Kawartha Lakes Official Plan, as amended. The proposed use on the property conforms to the applicable policies of the official plan designation, as amended.

Zoning By-law Compliance:

The property is zoned Agricultural Exception Twenty-Three - Holding (A1-23)(H) Zone in the Township of Fenelon Zoning By-law 12-95, as amended by By-law 2017-138, which permits the addition of the proposed indoor vehicle storage facility use 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:

Any accessibility matters will be implemented through the Site Plan Approval and/or Building Permit processes.

Servicing Implications:

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

Development Services – Planning Division Comments:

Prior to September 25, 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'
PLAN2018-075.pdf



Appendix 'B'
PLAN2018-075.pdf



Appendix 'C'
PLAN2018-075.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan, last revised July 13, 2018

Appendix 'C' – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthlakes.ca

Department Head: Chris Marshall

Department File: D06-2018-024