

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-009

Date: February 6, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 8 - Manvers

Title: An application to amend the Township of Manvers Zoning By-law 87-06

Description: To change the zoning from the Community Facility (CF) Zone to a Rural Residential Type Two Special Exception (RR2-S**) Zone to permit a residential use on the subject property described as Part Lot 3, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 166 Highway 7A (Henderson)

Author and Title: Mark LaHay, Planner II

Recommendation(s):

That Report PLAN2019-009, respecting Part Lot 3, Concession 8, geographic Township of Manvers, and identified as 166 Highway 7A – Application D06-2018-030, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2018-030, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owners:	Terry and Mark Henderson
Applicant:	Robert Clark, Clark Consulting Services
Legal Description:	Part Lot 3, Concession 8, geographic Township of Manvers
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Community Facility (CF) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	2,509 sq. m. (0.62 acres - MPAC)
Site Servicing:	Private Individual Well and Private Septic System
Existing Uses:	Building used as a former place of worship, attached accessory building (garage)
Adjacent Uses:	North: Highway 7A/ Agricultural and Rural Residential South: Rural Residential and Agricultural East: Rural Residential, Commercial West: Agricultural

Rationale:

The subject property is located within an existing cluster of rural residential lots within the community of Yelverton, which is situated within an agricultural area. The subject land contains a building formerly used as a church, and attached accessory building, being a garage which was sold by the United Church to another property owner in 2014 as it was no longer needed. The current owners who purchased the property in 2018 propose to rezone the property to convert the existing church building into a residential dwelling unit.

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Zoning By-law Amendment Application received September 21, 2018.
2. Sketch Plan for Zoning By-law Amendment prepared by Clark Consulting Services, undated.
3. Planning Brief prepared by Clark Consulting Services, dated September 18, 2018
4. Minimum Distance Separation (MDS) Report prepared by Clark Consulting Services, dated September 18, 2018.

In order to fully evaluate this application, Staff is further reviewing the applicable City and Provincial policy objectives that are relevant to this application. At this time, staff cannot fully determine the appropriateness of the proposal as

responses from all City Departments and commenting agencies have not been received.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

Within rural areas different policies apply to rural lands and prime agricultural areas for development outside of settlement areas. This includes evaluating whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Staff is reviewing the policy objectives to determine if the application would conform to the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Within rural areas different policies apply to rural lands and prime agricultural areas. The subject property, which is currently zoned for community/institutional purposes, is not used for agriculture, and the proposed residential use is not anticipated to impact the adjacent agricultural uses.

The applicant has submitted a MDS report, which concludes that MDS setbacks are met for Type 1 land uses in relation to the existing five barns within the review area. The submitted MDS report is being reviewed by Staff.

Staff is reviewing the policy objectives to determine if the application would be consistent with the PPS.

Official Plan Conformity:

Within the City of Kawartha Lakes Official Plan (OP), the subject property is designated Prime Agricultural. The designation permits agricultural, agriculture-related and agri-business uses, single detached dwellings accessory to other permitted uses, and recognizes clusters of residential lots and scattered residential lots as permitted uses within the zoning by-law, provided they existed prior to the adoption of the OP. It has been determined through the preconsultation process that this property is located within an existing cluster,

therefore an OP amendment is not required, as it is in keeping with the intent of the OP policies.

Zoning By-law Compliance:

The property is zoned “Community Facility (CF) Zone” in the Township of Manvers Zoning By-law 87-06, as amended. The CF Zone permits a range of community uses, including a park, arena, assembly hall, cemetery, municipal or post office, place of worship, etc. Residential uses are not permitted. A rezoning is required. The effect of the zoning amendment is to permit the former church to be used as a single residential dwelling and to establish appropriate development standards to recognize the existing building(s) for residential use. The existing front yard setback will need to be recognized as the Rural Residential Type Two (RR2) Zone category requires a minimum setback of 15 m. whereas the existing CF zone requires 7.5 m. in this regard. The proposal appears to meet the other zoning provisions.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

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 appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

Servicing Comments:

The lot is serviced by a private individual well and private septic system. The owner has applied to upgrade the sewage system to accommodate the proposed change of use.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. As of January 25, 2019, we have received the following comments:

Public Comments:

No comments were received.

Agency Comments:

On January 14, 2019, the Building Division advised that they have no concerns with the application.

On January 16, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

On January 16, 2019, the Part 8 Sewage Systems Supervisor advised that the proposed change from community facility to residential will constitute a change in the total daily sewage flow for the property. The owner has initiated an application for a sewage system permit to upgrade the system to accommodate the proposed changes. A sewage system upgrade can be accommodated on the property. As such, the Building Division – Sewage System Program has no objection to the proposed zoning amendment.

Development Services – Planning Division Comments:

At this time, comments have not been received from all circulated agencies and City Departments and applicable policy objectives are also being reviewed by staff. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2019-009.pdf



Appendix 'B'
PLAN2019-009.pdf



Appendix 'C'
PLAN2019-009.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Zoning By-law Amendment Sketch

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2018-030