

**The Corporation of the City of Kawartha Lakes**  
**Planning Advisory Committee Report**

**Report Number PLAN2019-006**

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

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**Ward Community Identifier:** Ward 3 – Fenelon Falls

**Subject:** An application to amend the Village of Fenelon Falls Zoning By-law 89-25 to rezone the property to permit the modernization and redevelopment of an existing gas station use to add features such as an overhead gas island canopy. The property is described as Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street (2607892 Ontario Inc.) – Planning File D06-2018-031

**Author and Title:** David Harding, Planner II

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**Recommendations:**

**That** Report PLAN2019-006, respecting Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street – Planning File D06-2018-031, be received; and

**That** a Zoning By-law Amendment respecting application D06-2018-031, be referred back to address any issues raised through the public consultation process, for further review and processing, and until such time that all comments have been received from all circulated Agencies and City Departments and that any comments and concerns from said Agencies and Departments have been addressed.

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

**Legal/Other:** \_\_\_\_\_

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

## Background:

The applicant has submitted a rezoning application to permit the construction of a canopy. The applicant has submitted the following documentation in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by Kevin M. Duguay, Community Planning and Consulting Inc. dated September 14, 2018. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan and Zoning By-law.
2. Phase II Environmental Site Assessment prepared by TankTek Environmental Services Ltd dated November 15, 2017.
3. Functional Servicing Report and Preliminary Stormwater Strategy prepared by D.M. Wills Associates Limited dated August 20, 2018.
4. Section 59 Notice for a zoning by-law amendment prepared by the Risk Management Official/Risk Management Inspector dated September 11, 2018.
5. Fuel Spill Response Procedure
6. Stage 1 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. dated October 12, 2018.

Owner: 2607892 Ontario Inc.

Applicant: Kevin Duguay, Kevin M Duguay Community Planning and Consulting Inc.

Legal Description: Part of Lot 171, Plan 25, former Village of Fenelon Falls, now City of Kawartha Lakes

Official Plan: "District Commercial" in the Village of Fenelon Falls Official Plan

Zone: "District Commercial (C2) Zone", in the Village of Fenelon Falls Zoning By-law 89-25, as amended

Site Size: 1,169 square metres

Site Servicing: Municipal water and sewer

Existing Uses: Gas Station & Coin Laundry

Adjacent Uses: North: Fenelon River/Parks Canada  
East: Commercial  
South: Commercial, Residential  
West: Commercial

## **Rationale:**

### **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The subject property is located within Fenelon Falls, a community which has been identified as a settlement area. The GP contains settlement area policies to facilitate their development as complete communities. Complete communities are intended to provide a wide assortment of uses to support the daily needs of residents of all ages.

This application appears to conform to the policies of the GP.

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

The subject property is within a settlement area. The PPS directs growth, development, and intensification to settlement areas for the efficient use of land, municipal services and infrastructure and to promote vitality.

The redevelopment of the gas station use is upon land which is already used as a gas station.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposal is currently being reviewed by the Kawartha Region Conservation Authority to determine whether there are any adverse impacts to natural heritage features, or species at risk that may be impacted as a result of the development. KRCA will also determine whether there are any natural hazards present that may impact the proposal.

The proposal will be further reviewed by the City and its review agencies to determine whether the proposal is consistent with the PPS.

### **Village of Fenelon Falls Official Plan (FFOP)**

Land Use Designation: District Commercial

As the Fenelon Falls Secondary Plan is under appeal, the policies of the Village of Fenelon Falls Official Plan (FFOP) remain applicable. The designation anticipates a variety of commercial uses to compliment the needs of the Central Business District to the north. Such supportive commercial uses are intended to be vehicle-oriented, serving the travelling public.

The FFOP contains a variety of provisions which apply to the redevelopment of property abutting arterial roads. Helen Street and Lindsay Street are identified as arterial roads. The FFOP also contains policies which apply to redevelopment on land adjacent to the Fenelon River, which is identified as an environmentally sensitive area. The proposal will be further examined by the City and its review agencies to determine whether the proposal conforms to the policies contained within the FFOP.

While the Fenelon Falls Secondary Plan (Secondary Plan) is appealed to the Local Planning Appeal Tribunal and is not in effect, conformity with this document will also be reviewed to determine whether the proposal is consistent with Council's direction for the area. Within the Secondary Plan the property is designated Commercial, and is also within the Intake Protection Zone and Waterfront Policy Area designations.

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

The subject property is zoned "District Commercial (C2) Zone" in the Village of Fenelon Falls Zoning By-law 89-25.

The proposed development is located at a busy corner in Fenelon Falls. A more thorough analysis of the zoning by-law will be conducted to identify all applicable provisions and possibly definitions which currently prohibit the construction of the gas station canopy.

### **Other Alternatives Considered:**

The owner originally applied for a pre-screening to see whether a minor variance was possible. That process determined that a zoning by-law amendment was the correct application process as nature and extent of relief required from the applicable zone provisions made staff support unlikely.

### **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 Recommendations 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 strategic goal as it proposes to increase the functionality of an existing business.

### **Servicing Comments:**

The property is within the Fenelon Falls municipal service area and is connected to the sanitary sewer and water services.

### **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, Agencies, and City Departments which may have an interest in the application.

To date we have received comments from the Building Division and Engineering and Corporate Assets Department. Building Division has no objection to the proposal, while Engineering states that a full review will be conducted through the site plan circulation.

No comments were received from the public.

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

The appropriate documents in support of the application have been submitted and circulated to the appropriate Agencies and City Departments for review and comment. At this time, comments have not been received from all circulated Agencies and City Departments or the public. Therefore, Staff recommends the application be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments, any concerns have been addressed, and a full planning analysis of the proposal has been conducted.

### **Conclusion:**

In consideration of the comments and analysis contained in this report, staff respectfully recommends 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, that any comments and concerns have been addressed, and a full planning analysis of the proposal has been conducted.

### **Attachments:**

Appendix 'A' – Location Map



Appendix A to  
PLAN2019-006.pdf

Appendix 'B' – Aerial Photograph



Appendix B to  
PLAN2019-006.pdf

Appendix 'C' – Sketch and Elevation



Appendix C to  
PLAN2019-006.pdf

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**Department Head:** Chris Marshall

**Department File:** D06-2018-031