

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-070

Meeting Date: December 4, 2019

Regular Meeting

Title: Applications to amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30

Description: To add a self-storage facility use to the list of permitted uses and apply any applicable development standards at Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, now City of Kawartha Lakes, identified as 396 Highway 36 (Mike Redmond Septic Service Ltd.) – Planning Files D01-2019-002 and D06-2019-023

Ward Number: 5

Author and Title: David Harding, Planner II, RPP, MCIP

Recommendations:

That Report PLAN2019-070, respecting Part Lot 22, Concession 7, geographic Township of Ops, City of Kawartha Lakes, identified as 396 Highway 36 – Planning Files D01-2019-002 and D06-2019-023, be received;

That an Official Plan Amendment respecting application D01-2019-002, substantially in the form attached as Appendix D to Report PLAN2019-070, be approved and adopted by Council;

That a Zoning By-law Amendment respecting application D06-2019-033, substantially in the form attached as Appendix E to Report PLAN2019-070, 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on October 9, 2019, which adopted the following recommendation:

PAC2019-068

Moved By Councillor Seymour-Fagan

Seconded By M. Barkwell

That Report PLAN2019-056, respecting being Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 – Applications D01-2019-002 and D06-2019-023, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

This report addresses that direction.

The proposal is to permit a self-storage facility use upon the subject property.

The property is located on the east side of Highway 36 in a commercial/industrial corridor. The property contains five buildings which house a variety of businesses, most of which are related to automobile sales or service: Pillsworth Service (Rustcheck), BJ Auto Electric, Mr. Transmission Newton Electric, Wood Mizer, dry storage, Rad Shop and Lindsay Auto Sales.

The storage facility use is proposed towards the front of the property upon the site of the former St. Dave's Diner building, which was destroyed by fire May 2016. The storage facility is proposed to consist of two buildings, each about 6.4 metres x 39.6 metres. The former diner site is currently being utilized as an area to display cars for Lindsay Auto Sales.

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 Bob Clark, Clark Consulting Services, dated April 2019. 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. Topographic Survey prepared by Dearden and Stanton Ltd. dated April 17, 2019.
3. Sketch Plan prepared by Clark Consulting Services dated April 2019.

4. Sketch Plan with Topographic Survey and Land Cover prepared by Clark Consulting Services dated April 2019.

Owner: Mike Redmond, Mike Redmond Septic Service Ltd.
Applicant: Bob Clark, Clark Consulting Services
Legal Description: Part of Lot 22, Concession 7, Parts 1-3, Plan 57R-10704, geographic Township of Ops, now City of Kawartha Lakes
Official Plan: Highway Commercial within the City of Kawartha Lakes Official Plan
Zone: Highway Commercial (CH) Zone
Township of Ops Zoning By-law 93-30, as amended
Site Size: 2.196 hectares (5.43 acres)
Site Servicing: Two private individual sewage systems and municipal water
Existing Uses: Various Commercial/Industrial Businesses
Adjacent Uses: North: Vacant Land, Commercial, Industrial
South: Agricultural, Commercial, Industrial
East: Agricultural
West: Vacant Land, Industrial

Rationale:

Provincial Policies:

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. Settlement areas are the focus of growth, including re-development, which utilizes existing or planned infrastructure.

Section 1.1.3 states that it is in the interest of all communities to: use land and resources wisely, promote efficient development patterns, protect resources, promote green spaces, and ensure the effective use of infrastructure and public service facilities.

Section 1.1.3.1 and 1.1.3.2 further states that settlement areas are to be the focus of growth and development and their vitality and regeneration shall be promoted. Land use patterns to accomplish this vitality and regeneration are to be based on ideas such as providing for a density and mix of uses, and to explore opportunities for intensification and redevelopment of land.

Section 1.1.3.6 outlines the need to have development occur adjacent to existing built-up areas that also allows for the efficient use of land and public services.

Section 1.3 promotes the development and vitality of employment areas to meet the long term needs of the community, provide for a diversified economic base and encourage more compact development.

Section 3.1 directs development away from natural hazards in order to protect human life and property. The KRCA has reviewed the proposal and determined that there is safe ingress and egress to the site.

The application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (GP):

The Growth Plan (GP) provides that growth should be directed towards settlement areas; utilize existing or planned infrastructure, and also supports providing for a mixture of land uses. Intensification is also encouraged to facilitate the better use of municipal infrastructure.

The GP also encourages the more efficient use of existing underutilized employment areas.

The proposed development will provide for the more intensive use of employment lands within the Lindsay settlement area, contributing to the more efficient use of existing infrastructure within a designated settlement area and contributing to the achievement of complete communities and compact built form.

Therefore, these applications conform to the policies of the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan)

The subject property is designated Highway Commercial within the City of Kawartha Lakes Official Plan (Official Plan).

The intent of the Highway Commercial policies is to accommodate commercial activities located along arterial roads. Such locations provide convenient access and exposure for customers.

Due to these locations, anticipated commercial uses are oriented towards automobile services, convenience retail, retail which requires large indoor/outdoor display/storage space, and accommodation for travelers.

An amendment has been submitted to introduce a special provision that would permit a self-storage facility use within the Highway Commercial designation. Such storage establishments are currently anticipated only within the Industrial designation.

It is recognized that while warehousing has historically been paired with manufacturing and other industrial operations as part of business production processes, it is also apparent that offering warehousing to the general public in the form of a self-storage facility establishment is a separate commercial activity that fulfills a market need, though it does not operate like a traditional commercial retail store, which makes such facilities incompatible with small-format

commercial uses that rely on high pedestrian traffic and proximity to other retail stores to attract customers.

Anticipated Highway Commercial designation uses include retail establishments that require substantial indoor/outdoor display/storage areas for their products or other services which attract passing drivers due to their scale like a motor vehicle service station, hotel, or drive-through eating establishment. These uses, by their design attract passing vehicles and also require individual parking lots so shoppers can park and use the good or service. Therefore, it is anticipated that the Highway Commercial lots must be larger to accommodate the larger commercial building and associated parking area. With each lot being larger and requiring its own parking lot, it is more unlikely that there will pedestrian connectivity between abutting Highway Commercial parcels and also less likely that abutting parcels will offer similar goods or services to ensure potential customers visit multiple properties since the customer is driving.

Therefore, customers are likely to travel to a specific business to access a specific good or service and the resulting streetscape is vehicle oriented, with less attention paid to exterior building or streetscape design. Due to their function, Highway Commercial uses, including large-format commercial uses, have a somewhat more utilitarian and industrial appearance and function when compared to small format retail operations found within other designations. It is anticipated that the storage facility use will complement the intended highway commercial function of the Highway 36 corridor as it will function and look similar to the businesses that require more display and storage space to carry out their operations and will not impact the way that the Highway Commercial designation is intended to operate.

The proposed amendment meets the general intent and purpose of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Highway Commercial (CH) Zone in the Township of Ops Zoning By-law 93-30. The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone to a Highway Commercial Exception Zone to allow for the additional use of a self-storage facility business. The other permitted uses within the CH Zone, which include a motor vehicle dealership, an automobile service station, a building supply outlet and a business office related to sales, will remain.

The proposed addition is in keeping with the established permitted uses on the property, which have utilitarian/industrial components to their operations due to the work and/or repair functions of those types of businesses.

No development standards have been requested in the application and none are required.

The proposed development will be subject to site plan approval in order to review the details of design. The need to review these design details are noted in the

comments received from KRCA, Building Division and the Engineering and Corporate Assets Department.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial/operational considerations unless Council's decision to adopt or its refusal to adopt the requested amendments 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 aligns with the vibrant and growing economy strategic goal as it would add to the number of operating businesses within the City.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. The accessibility standards established through the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The property is serviced by two sewage systems and municipal water.

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 the following comments:

Agency Review Comments:

On September 17, 2019, the Engineering and Corporate Assets Department advised that a site layout will be required as part of the site plan circulation. Their office also confirmed that the municipal service connection process is underway.

On September 16, 2019 the Building Division advised that they have no concerns with the proposal, but will review the proposal to ensure it complies with Building Code requirements in the Site Plan circulation.

On September 24, 2019 the Alderville First Nation advised that the project will not have any impact on them as it is not within their treaty area.

On September 25, 2019, Enbridge Gas Distribution advised they do not object to the proposed applications and reserve the right to amend or remove development conditions.

On September 30, 2019, the Community Services Department advised that they have no concerns with the proposal.

On October 7, 2019, the Building Division – Part 8 Sewage Systems advised that as the proposed self-storage facility does not include an office or sanitary facilities for public use, they have no concerns since the proposed sewage flows for the property will remain the same.

On October 8, 2019, the Curve Lake First Nation advised that they would like to ensure that no adverse impacts to the adjacent creek and wetland and asked if the KRCA had commented.

On October 15, 2019 the Kawartha Region Conservation Authority (KRCA) advised that consistency with Section 3.1 of the Official Plan has been achieved for safe ingress/egress, all structures must be setback at least 15 metres from the Sinister Creek Tributary, and there are two submissions that will be required with the site plan circulation. The two submissions are: a lot grading and drainage plan and an erosion and sediment control plan for pre, during and post construction phases.

Public Comments:

No public comments were received at the time of writing of this report.

Development Services – Planning Division Comments:

The appropriate documentation in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment, and comments from those offices have been received.

Consistency with the PPS and conformity with the GP and Official Plan have been demonstrated and staff supports the request to amend Section 21.3 of the Official Plan to add a special policy to facilitate the introduction of a storage facility use in a highway commercial designation and zone. The additional use requested is appropriate to be permitted on the subject property.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred to Council for Approval.

Attachments:



Appendix A to
PLAN2019-070.pdf



Appendix B to
PLAN2019-070.pdf



Appendix C to
PLAN2019-070.pdf



Appendix D to
PLAN2019-070.pdf



Appendix E to
PLAN2019-070.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Draft Official Plan Amendment

Appendix E – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D01-2019-002 and D06-2019-023