

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-023

Meeting Date: **July 15, 2020**

Public Meeting

Title: Official Plan and Zoning By-law Amendments to permit Highway Commercial uses

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law to permit a range of highway commercial uses, in addition to continuation of existing permitted uses of an abattoir and farm implement dealer on the property identified as 2133 Little Britain Road, Ops (2548346 Ontario Inc.)

Ward Number: **Ward 7 – Ops**

Author and Title: **Ian Walker, Planning Officer – Large Developments**

Recommendations:

That Report PLAN2020-023, 57R-7429, Parts 1 and 2; Part of Lot 16, Concession 4, Geographic Township of Ops, 2548346 Ontario Inc. – Applications D01-2020-002 and D06-2020-007, be received;

That PLAN2020-023 respecting Applications D01-2020-002 and D06-2020-007 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:

The applicant has submitted applications for an official plan amendment and a zoning by-law amendment. The proposal is to change the land use designation from the 'Industrial' designation to the 'Highway Commercial' designation with a special policy to maintain the existing abattoir use; and to change the zone category from the 'Agricultural Support (AS) Zone' to the Highway Commercial Exception ** (CH-**) Zone' to permit a range of highway commercial uses appropriate for the site, along with continued permission of the abattoir use.

Owner:	2548346 Ontario Inc. c/o Andy Svetec
Applicant:	Kevin M. Duguay Community Planning c/o Kevin Duguay
Legal Description:	57R-7429 Parts 1 and 2; Part of Lot 16, Concession 4, Geographic Township of Ops
Designation:	'Industrial' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	'Agricultural Support (AS) Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30
Lot Area:	5.26 hectares [12.99 acres]
Site Servicing:	Private well and septic system. Proposed private wells, septic systems and stormwater management facilities
Existing Uses:	Abattoir; Vacant Agricultural
Adjacent Uses:	North: Highway 7; Agricultural (Vacant) East: Self Storage; Residential; Race Toyota South: Little Britain Road; Alliance Agri-Turf; Water Depot; Agricultural West: Vacant Industrial (Agricultural); Agricultural

Rationale:

The property is located on the north side of Little Britain Road, south of Highway 7, and part way between Angeline Street South to the east and Bridle Road to the west, to the south of Lindsay. See Appendix 'A'. The subject property is located in a mixed use highway commercial and industrial area with various developments on both the north and south sides of Little Britain Road, including: the existing Bob Mark New Holland dealership; the Race Toyota car dealership; Clarke Portable Sawmills; a self-storage complex (Lockdown Storage Ltd.); the Lindsay Sales Arena (auctioneer); Kawartha Lakes Farm Service; Alliance Agri-Turf; and Water Depot. See Appendix 'B'.

The property is currently developed with an abattoir (Len and Patti's Butcher Block) at the northeast portion of the property, and consists of approximately

5.26 hectares (ha.). The owner is proposing to relocate an existing farm implement dealership (Bob Mark New Holland) to the southeast portion of the property, as an existing permitted use. The applicant is applying on behalf of the owner to re-designate and rezone the property to permit highway commercial uses appropriate for the site in addition to the existing established abattoir and permitted farm implement sales and supply establishment use. The farm implement sales and supply establishment use is permitted in both the current and proposed zone categories. The current proposed development consists of four (4) free-standing buildings, each developed on private services. See Appendix 'C'.

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

1. Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated December 9, 2019. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the City of Kawartha Lakes Official Plan, and the Township of Ops Zoning By-law 93-30.
2. Functional Servicing Report prepared by D.M. Wills Associates Limited, dated December 2018. The report discusses and assesses the proposal in context of services, including on-site water, sanitary system and stormwater management.
3. Site Servicing Report prepared by D.M. Wills Associates Limited, dated February 2020. The report discusses and assesses the proposal in the context of the on-site sewage system, including geology and water table elevations.
4. Groundwater Assessment Report prepared by Ted Rannie, Hydrogeologist on behalf of D.M. Wills Associates Limited, dated December 17, 2018. The report examines the potential for on-site water.
5. Geotechnical Investigation Report prepared by DownUnder Geotechnical Limited on behalf of D.M. Wills Associates Limited, dated July, 2018. The report examines the subsurface soil conditions.
6. Traffic Brief prepared by Asurza Engineers Ltd., dated June 11, 2019. The report discusses and assesses the proposal in context of any improvements required to Little Britain Road and the existing and proposed new entrance.
7. Topographic Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated April 4, 2017.

8. Site Plan prepared by D.M. Wills Associates Limited, dated February 13, 2020.
9. Preliminary Grading Plan prepared by D.M. Wills Associates Limited, dated February 13, 2020.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment, and until such time as all commenting agencies and/or City departments comments/concerns have been addressed.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. The policies in Section 2.2.9 of the 2019 Growth Plan relate to development in the Rural Areas.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. The proposed land uses are typical of a rural setting, and not entirely appropriate for an urban area.

On this basis, the applications conform to the Growth Plan in that they serve to permit a variety of highway commercial uses. The applications will also create full and part-time employment opportunities.

Provincial Policy Statement, 2020 (PPS, 2020):

The 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 redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. Where municipal services are not available, private services must be confirmed. A hydrogeological report has been submitted, to confirm that the private water and on-site sewage systems will be sustainable, feasible, and

protect human health and the natural environment, in accordance with the policies.

The applications for Official Plan and Zoning By-law amendments were received and reviewed under the PPS, 2014. The PPS, 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the Council of a municipality shall be consistent with the policy statement that is in effect on the date of the decision. Therefore, these applications are now subject to the policies in the PPS, 2020. An addendum to the PJR has been requested, in accordance with the PPS, 2020.

The applicant has submitted the appropriate technical reports for consideration and review. Through the appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be achieved.

Official Plan Conformity:

The lands are designated 'Industrial' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan (Official Plan). The applicant has requested a change to the 'Highway Commercial' designation, which would permit a range of highway commercial uses which are typically located on or at the intersection of arterial roads and/or provincial highways, and provide convenient access and exposure. The list of permitted uses includes an animal hospital; arts and crafts establishment; eating establishment, gift or antique establishment; motor vehicle service station or fuel bar; convenience store not in excess of 140 square metres; hotels, motels and tourist resorts; auction barn; flea market; and retail establishments that require large areas for outdoor storage or display of good and that carry basically one line of goods, such as: motor vehicle, recreation vehicle or marine craft sales and service; all-terrain vehicles; snowmobiles and campers; major appliance and/or furniture sales; and a building supply outlet.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through the appropriate revisions to the technical reports and plans, if necessary, conformity with the policies of the Official Plan should be achieved.

Zoning By-Law Compliance:

The lot is zoned 'Agricultural Support (AS) Zone' in the Township of Ops Zoning By-law 93-30 (Zoning By-law). The applicant has requested to change the zone category to a 'Highway Commercial Exception ** (CH-**) Zone' to permit the range of highway commercial uses appropriate to the site, and to continue to recognize an abattoir as a permitted use. The Exception provision can also allow for any required site-specific development standards, if necessary.

The 'CH' zone includes the following uses:

Residential Uses:

- An accessory dwelling unit in a non-residential building, except in an automobile service station, commercial garage, or a vehicle agency.

Non-Residential Uses:

- A building supply outlet
- A business office related to sales
- A car wash
- A commercial garage
- A commercial greenhouse
- A convenience store
- A farm implement sales and supply establishment
- A fuel depot
- A gasoline pump and island
- A motel
- A motor vehicle dealership
- A nursery
- A parking lot
- A professional sales office
- A restaurant
- A small engines sales and service establishment
- An automobile service station
- An automotive store
- An open storage area accessory to a CH use

Proposed Exception Zone:

The 'CH-**' zone as proposed would permit all uses in the 'CH' zone listed above, and in addition, recognize the abattoir use, and any site-specific development standards if necessary.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through the appropriate revisions to the technical reports and plans, if necessary, full compliance with the provisions of the Zoning By-law should be achieved.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning

Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

These applications align with the Vibrant and Growing Economy priority by expanding an existing business and attracting new businesses and expanding local employment opportunities; and aligns with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The property is currently serviced by a private well and septic system. New wells, septic systems, and stormwater management facilities are proposed.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 500 metre radius of the property; and a sign was posted on the property. As of June 30, 2020, we have received the following comments:

Public Comments:

To date, no public comments have been received.

Agency Review Comments:

March 17, 2020 Community Services has no comments or concerns with respect to the applications.

March 23, 2020	Kawartha Conservation has no objection to the approval of these applications.
April 10, 2020	Enbridge Gas Inc. does not object to the proposed applications.
April 24, 2020	The Engineering and Corporate Assets Department advised they have no objection to the proposed Official Plan and Zoning By-law amendments. Detailed Engineering review and comments will be provided at the time of Site Plan Approval.
May 13, 2020	MTO has no concerns with the traffic brief, and provided five comments relating to stormwater management, which have been provided to the applicant and owner. MTO has confirmed that these comments can be addressed through the subsequent site plan submission, if the applicant is confident that they can be addressed.
June 22, 2020	The Building Division has no concerns with the applications. Comments will be reserved to site plan circulation.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff until such time as all comments and concerns have been addressed, and to allow an opportunity for the public to provide input.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all 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 Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2020-023
Appendix A.pdf

Appendix 'B' – 2018 Air Photo



PLAN2020-023
Appendix B.pdf

Appendix 'C' – Proposed Site Plan, dated February 13, 2020



PLAN2020-023
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D01-2020-002 and D06-2020-007