

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-027

Meeting Date: **August 12, 2020**

Public Meeting

Title: Official Plan and Zoning By-law Amendments to permit a Home Hardware Building Centre

Description: Applications to amend the Village of Fenelon Falls Official Plan; Village of Fenelon Falls Zoning By-law; and Township of Fenelon Zoning By-law to permit the conversion and expansion of the existing Home Hardware retail store into a full Home Hardware Building Centre on the properties identified as 126 and 130 Lindsay Street, Fenelon Falls; and 573 Kawartha Lakes Road 121, Fenelon (Farley Bear Inc.)

Ward Number: **Ward 3 – Fenelon Falls and Fenelon**

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

Recommendations:

That Report PLAN2020-027, Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon, Farley Bear Inc. – Applications D01-2020-003 and D06-2020-014, be received; and

That PLAN2020-027 respecting Applications D01-2020-003 and D06-2020-014 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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Background:

The applicant has submitted applications for an official plan amendment and two zoning by-law amendments. The proposal is to change the following:

- Amend the land use designation in the Fenelon Falls Official Plan from the 'Low Density Residential' designation to the 'District Commercial' designation for 126 and 130 Lindsay Street;
- Change the zone category in the Fenelon Falls Zoning By-law from the 'Residential Type One (R1) Zone' to a 'District Commercial Exception ** (C2-**) Zone' to correspond with the change in designation noted above; and
- Amend the zone provisions and general provisions in the Township of Fenelon Zoning By-law within the existing 'Highway Commercial Exception Seven (C2-7) Zone' for 573 Kawartha Lakes Road 121;

The purpose of these amendments is to permit the conversion of, and expansion to the existing Home Hardware store into a full Home Hardware Building Centre.

Owner:	Farley Bear Inc. c/o Dave and Nancy Jackett
Applicant:	Clark Consulting Services c/o Bob Clark
Legal Description:	126 Lindsay Street – Fenelon Part Road Allowance and Plan 100, Part Lot 78, 57R-10509, Part 4, Former Village of Fenelon Falls; 130 Lindsay Street – Plan 100, Lot 79, W/S Lindsay St, Former Village of Fenelon Falls; and 573 Kawartha Lakes Road 121 – Plan 49, Lot 16 and Part Lot 15 W West St, Part Lots 15 to 20 E Dick St, Part Blocks A and G, Part Dick St, 57R-5028 Parts 1 and 2, Part of Lot 22, Concession 9, Geographic Township of Fenelon
Designation:	126 and 130 Lindsay Street – 'Low Density Residential' on Schedule 'A' of the Village of Fenelon Falls Official Plan; and 573 Kawartha Lakes Road 121 – 'Urban Settlement Area' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan
Zone:	126 and 130 Lindsay Street – 'Residential Type One (R1) Zone' on Schedule 'A' of the Village of Fenelon Falls Zoning By-law Number 89-25; and 573 Kawartha Lakes Road 121 – 'Highway Commercial Exception Seven (C2-7) Zone' on Schedule 'G' of the Township of Fenelon Zoning By-law Number 12-95

Lot Area:	11,839 square metres [2.93 acres] combined
Site Servicing:	Full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	126 and 130 Lindsay Street – Vacant Residential Land 573 Kawartha Lakes Road 121 – Commercial Retail Store (Home Hardware)
Adjacent Uses:	North: Low Density Residential; Royal Canadian Legion; Restaurant (Godfather's Pizza) East: Lindsay Street; West Street South; Motel and Gas Bar (Ultramar); Low Density Residential; Beer Store South: Kawartha Lakes Road 121; Motor Vehicle Supply Store (MAP); Motor Vehicle Sales (Memory Lane Motors); Self Storage West: Commercial Retail Store (Canadian Tire); Vacant Residential and Commercial (Draft Plan Approved Subdivision)

Rationale:

The properties are located on the west side of Kawartha Lakes Road 121 and Lindsay Street, at the edge of the former Village of Fenelon Falls, opposite the intersection of West Street South. See Appendix 'A'. The subject properties are located in a mixed use area with commercial retail stores on the west side of Kawartha Lakes Road 121 (within the former Township boundary) and residential dwellings on the west side of Lindsay Street (within the former Village of Fenelon Falls boundary); the Royal Canadian Legion and Godfather's Pizza to the north; a motel with Ultramar gas bar, single detached dwellings, and Beer Store on the east side of Lindsay Street; and automotive sales (Memory Lane Motors) and parts (MAP) stores to the south respectively. See Appendix 'B'.

The properties at 126 and 130 Lindsay Street are currently vacant, and consist of approximately 2,407 square metres (0.59 acres). The property at 573 Kawartha Lakes Road 121 is currently improved with a Home Hardware retail store, and consists of approximately 9,066 square metres (2.24 acres). The applicant is applying on behalf of the owner to re-designate and rezone the properties to allow for the conversion of the existing Home Hardware retail store into a full Home Hardware Building Centre. The proposal will consolidate the three properties into one parcel. See Appendix 'C'.

Site specific development standards are being requested, including (but not limited to):

- A reduction in parking (from 98 spaces to approximately 79 spaces);
- A reduction to an interior side yard abutting a non-residential use (from 12 metres to approximately 2 metres);

- A reduction to the rear yard (from 12 metres to approximately 7 metres);
- An increase to maximum lot coverage (from 30% to approximately 35%);
- A reduction to the minimum landscaped open space (from 20% to approximately 15%); and
- A reduction to the loading space requirement (from 3 spaces to 1 space).

In addition, as there will be split zoning on the site (2 separate zones, as the site falls within the jurisdiction of 2 different Zoning By-laws), a provision will be required within the zoning for each site which treats the 2 separate 'zones' and Zoning By-laws as one in both Zoning By-laws for the purposes of this proposal.

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 Clark Consulting Services, dated July 2019 and last revised July 2020. The report discusses and assesses the proposal in the context of the 2020 Provincial Policy Statement (PPS, 2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the Village of Fenelon Falls and City of Kawartha Lakes Official Plans; the Council adopted and appealed Fenelon Falls Secondary Plan; and the Village of Fenelon Falls Zoning By-law 89-25 and Township of Fenelon Zoning By-law 12-95.
2. Functional Servicing Report prepared by M.V. Wilson Engineering Inc., dated January 2020. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
3. Traffic Memo prepared by M.V. Wilson Engineering Inc., dated March 9, 2020. The memo discusses and assesses the proposal in context of existing and proposed entrances, and required on-site truck movements.
4. Floodline Mapping Report prepared by Sanchez Engineering Inc., dated December 23, 2019. The report examines the hydrologic analysis and hydraulic calculations used to delineate the floodlines on the site.
5. Stormwater Management Report prepared by Sanchez Engineering Inc., dated December 20, 2019. The report discusses and assesses the proposal in the context of the existing and proposed drainage, and stormwater management measures for controlling drainage.
6. Geotechnical Investigation Report prepared by GHD Limited, dated August 8, 2019. The report examines the existing soil and subsurface conditions of the site.

7. Urban Design Brief prepared by Clark Consulting Services, dated January, 2020. The report discusses the context of the proposal based on site and neighbourhood and architectural design principles, etc.
8. Legal opinion prepared by James R. Webster, Solicitor, dated April 22, 2020. The opinion confirms that a Deeming By-law and conveyance will be required for the parcels to legally consolidate on title.
9. Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated April 13, 2020.
10. Site Plan and Engineering Drawings prepared by M.V. Wilson Engineering Inc., January 16, 2020.
11. Site Plan Cost Estimate prepared by M.V. Wilson Engineering Inc., not dated.
12. Architectural Drawings prepared by Joel Gerber Architect, dated January 14, 2020.

All the reports and drawings 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 and/or concerns have been addressed.

Provincial Policies:

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

These lands are identified as being within the 'Settlement Area' of Fenelon Falls. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; ensure the development of high quality compact built form; and integrate green infrastructure and low impact development.

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.

These applications conform to the Growth Plan in that they serve to permit an expansion of the existing commercial use. 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. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

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, although these applications were received prior to May 1, 2020, they are subject to the policies in the PPS, 2020.

The applicant has submitted the appropriate technical reports for consideration and review, including an updated PJR, and Floodline Mapping Report. These reports are currently subject to review. Through the appropriate revisions to the technical reports and plans, it is anticipated that consistency with the policies of the PPS, 2020 should be achieved.

Official Plan Conformity:

The lands are designated 'Low Density Residential' on Schedule 'A' of the Village of Fenelon Falls Official Plan (Fenelon Falls Official Plan); and 'Urban Settlement Area' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (City Official Plan). The 'Urban Settlement Area' designation recognizes the existing Home Hardware retail development site, and Section 34.1 – 'Existing Uses' of the City Official Plan will permit the expansion/conversion of the existing use, subject to the Township of Fenelon Zoning By-law uses and provisions, and subject to Site Plan Control, respectively.

The applicant has requested to change the 'Low Density Residential' designation to the 'District Commercial' designation, which would permit a range of commercial uses intended to rely heavily on vehicular traffic for their existence, and which require direct access from and exposure to major arterial roads. Such uses include but are not limited to: motels; motor hotels; eating establishments including drive-in and take-out restaurants; motor vehicle service stations and car washes; automotive dealerships and repair services; and limited specialized retail commercial establishments, such as major furniture and appliance sales; warehouse outlets; building supply outlets or other similar retail uses requiring

large enclosed areas and/or buildings not conducive to a location in the Main Central Area (downtown).

The following are some of the criteria applying to lands designated 'District Commercial':

- All outdoor storage areas will be fenced or suitably screened from adjacent residential areas;
- Specialized retail commercial uses shall locate within areas of similar District Commercial uses wherever possible;
- Adequate off-street parking and loading facilities shall be provided;
- Access points shall be limited in number and designed to minimize danger to both vehicles and pedestrians;
- Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas;
- In considering applications for redevelopment of commercial uses involving the outside storage of goods and materials, Council shall have regard for the location and nature of the outside storage facility and effect on adjacent properties; and the location and number of off-street parking spaces.

The proposal generally adheres to the above noted criteria. The building supply outlet use permitted in the 'District Commercial' designation and zone is compatible with many of the surrounding uses, and can be adequately buffered through site plan control and the implementing Zoning By-law. The proposal contemplates on-site parking with some relief requested from the existing Zoning By-law provisions. The land fronts on Lindsay Street and Kawartha Lakes Road 121, which is identified as an Arterial Road on Schedule 'B' – Road Network Plan mapping in the Fenelon Falls Official Plan.

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

Zoning By-Law Compliance:

The existing Home Hardware lot is zoned 'Highway Commercial Exception Seven (C2-7) Zone' in the Township of Fenelon Zoning By-law 12-95 (Fenelon Zoning By-law), and the vacant lots at 126 and 130 Lindsay Street are zoned 'Residential Type One (R1) Zone' in the Village of Fenelon Falls Zoning By-law 89-25 (Fenelon Falls Zoning By-law). The applicant has requested two amendments:

1. To amend the development standards in the 'C2-7' zone category in the Fenelon Zoning By-law; and

2. To amend the Fenelon Falls Zoning By-law by changing the 'R1' zone to a 'District Commercial Exception ** (C2-**) Zone', to permit the same uses and site-specific development standards as the amended 'C2-7' zone in the Fenelon Zoning By-law, as proposed.

The existing 'C2-7' zone currently permits only a retail store for the following uses:

- (a) Major appliances;
- (b) Home furnishings;
- (c) Home improvement and farm supplies;
- (d) General hardware, sporting goods and building supplies.

The new 'C2-**' zone in the Fenelon Falls Zoning By-law will permit the same uses (and corresponding definitions) as above, and both of the exception zones will provide for consistent (harmonized) development standards across the entire site. The standards for the existing site ('C2-7' zone); current 'District Commercial (C2) Zone standards; and overall deficient requirements (for the consolidated properties) are noted in the following table:

Zone Standard:	Fenelon Twp. 'C2-7' Zone:	Fenelon Falls 'C2' Zone:	Current Proposal
Minimum interior side yard – not adjacent to residential	12.0 metres	12.0 metres	2.08 metres
Minimum rear yard	12.0 metres	12.0 metres	7.93 metres
Maximum lot coverage	30%	50%	34.6%
Minimum landscaped open space	20%	10%	17.4%
Minimum parking spaces	98 spaces		79 spaces
Minimum loading spaces	2 spaces	3 spaces	1 space
Planting strip adjacent to Residential use		3.0 metres	1.6 metres

In addition to the above, there will need to be special provisions in each exception zone in the respective Zoning By-laws, to treat each of them as one for the purposes of the proposed development. Additional modifications may be required for some of the definitions within each exception zone in each implementing Zoning By-law for clarity and consistency.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through a comprehensive review and any appropriate revisions to the technical reports and plans, 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 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 properties are currently on full urban municipal services, including water, sanitary sewer and storm sewer. Any existing unused connections to the properties at 126 and 130 Lindsay Street will be decommissioned, as the three properties will be consolidated into one parcel.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of

the properties; and a sign was posted on the property. As of July 31, 2020, we have received the following comments:

Public Comments:

To date, no public comments have been received.

Agency Review Comments:

July 15, 2020	Engineering and Corporate Assets Department advised they have no objection to the proposed Official Plan and Zoning By-law amendments. The Detailed Engineering review and comments will be provided at the time of Site Plan Approval. Preliminary Engineering comments regarding servicing and stormwater management have been provided in advance of any site plan application.
July 20, 2020	The Building Division has no concerns with the applications.
July 29, 2020	Kawartha Conservation advised they will be unable to have comments prepared by the July 31, 2020 deadline for report writing. Comments will follow once the internal review has been completed.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the applications have 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 have been received from all commenting agencies and departments, and any concerns have been addressed.

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 have been received, and any 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



PLAN2020-027
Appendix A.pdf

Appendix 'B' – 2018 Air Photo of Neighbourhood



PLAN2020-027
Appendix B.pdf

Appendix 'C' – Proposed Site Concept Plan, dated January 16, 2020



PLAN2020-027
Appendix C.pdf

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Department Head: Chris Marshall, Director, Development Services
Department File: D01-2020-003 and D06-2020-014