

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

Report Number PLAN2020-029

Meeting Date: August 12, 2020

Public Meeting

Title: An application to amend the Township of Somerville Zoning By-law 78-45

Description: An amendment to facilitate the enlargement of 44 Royal Cedar Road by: (1) rezoning 44 Royal Cedar Road and the lands to the south of it from Commercial Recreation (C3) Zone to Commercial Recreation Exception One Holding (C3-1(H)) Zone, and (2) rezone the lands to the east and southeast of 44 Royal Cedar Road from Rural General (RG) Zone to Future Development Holding (D(H)) Zone. The property is described as Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, identified as 34 and 44 Royal Cedar Road

Ward Number: 2

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

Recommendations:

That Report PLAN2020-029, Part of Lots 10-12, Front Range, geographic Township of Somerville, City of Kawartha Lakes, identified as 34 and 44 Royal Cedar Road, “Canada Royal Resort Inc., Robert and Elizabeth Ellis, Robert Walker and Peter Walker – D06-2020-002”, be received;

That a Zoning By-law Amendment respecting application D06-2020-002, substantially in the form attached as Appendix “D” to Report PLAN 2020-029, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is composed of three parcels:

- (1) 34 Royal Cedar Road, a property abutting Balsam Lake that contains a rental cottage establishment,
- (2) 44 Royal Cedar Road, a property abutting Balsam Lake that contains a motel-formal resort building known as Royal Resort; and
- (3) An unaddressed parcel to the south and east of 34 and 44 Royal Cedar Road, which is partially forested, but primarily used for agriculture.

On May 21, 2019, the Director of Development Services issued provisional consent to application D03-2018-015 to sever an approximately 0.9 hectare parcel belonging to 34 Royal Cedar Road and add it to 44 Royal Cedar Road. The land to be severed contains the portion of the cottage establishment that is south of 44 Royal Cedar Road. A notice of change of provisional consent condition was issued by the Director on April 30, 2020. Both decisions require a zoning by-law amendment to address the deficient lot frontage to be created through the lot line adjustment, and to impose a holding provision to provide further municipal review in the form of supporting studies and site plan control to any contemplated expansion to the Royal Resort operation.

On May 21, 2019, the Director of Development Services also issued provisional consent to application D03-2018-016 to sever an approximately 1.26 hectare parcel belonging to the unaddressed forested and agricultural parcel. The parcel contains a sewage system and parking lot used by the Royal Resort. A notice of change of provisional consent condition was issued by the Director on April 30, 2020. Both decisions require a zoning by-law amendment to change the zoning on the land from Rural General (RG) Zone to reflect its intent to be formally used and consolidated with the Royal Resort's land holdings. A holding provision is also to be imposed to provide further municipal review in the form of supporting studies and site plan control to any contemplated expansion to the Royal Resort operation.

Owners:	Unaddressed Parcel – Robert and Elizabeth Ellis 34 Royal Cedar Road – Robert and Elizabeth Ellis, Peter Walker and Robert Walker 44 Royal Cedar Road – Kai Chen, Canada Royal Resort Inc.
Applicant:	Kai Chen
Legal Description:	Part of Lots 10-12, Front Range, geographic Township of Somerville
Official Plan:	Rural and Waterfront within the City of Kawartha Lakes Official Plan
Zone:	Commercial Recreation (C3) Zone and Rural General (RG) Zone within the Township of Somerville Zoning By-law 78-45
Site Size:	34 Royal Cedar Road as proposed – 3.1 hectares

44 Royal Cedar Road as proposed – 2.6 hectares
Unaddressed Parcel as proposed – 15.7 hectares

Rationale:

Provincial Policies:

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

The Growth Plan directs growth to settlement areas, and discourages development on rural lands unless it is for activities such as the management or use of resources, and/or other activities that are not appropriate for settlement areas.

The Growth Plan permits tourism-related and recreationally based activities that rely upon a resource. The Royal Resort is a tourist commercial operation that is dependent upon the vacationing public accessing the recreational resource of Balsam Lake.

The scale of the use must be consistent with the surrounding rural character. While the lands to the south of 44 are already zoned for commercial recreational development, the zoning by-law amendment proposed ensures that further municipal review is conducted prior to the commencement of any construction.

The proposal conforms to the Growth Plan as it is protecting the long-term viability of agricultural land belonging to a farming operation and is not increasing service levels within a rural area.

Provincial Policy Statement, 2020 (PPS):

Rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy.

The PPS recognizes that the viability of rural areas is supported by activities such as tourism that leverages natural assets. While most development within rural areas is directed to rural settlement areas, development on rural lands, which includes the City's shoreline areas, is permitted for resource-based recreational uses. Tourism and recreational uses along with other economic opportunities are encouraged in such areas.

Such development is to be compatible with the rural landscape and sustained by rural service levels. The zoning by-law amendment proposed ensures that further municipal review is conducted prior to the commencement of any construction.

The proposal is consistent with the PPS as it is protecting the long-term viability of a rural area by adding to the land holdings of an existing tourist recreational use.

Official Plan Conformity:

The subject land is a combination of the Rural and Waterfront designations within the City of Kawartha Lakes Official Plan (Official Plan).

The Waterfront designation recognizes the importance lands abutting lakes and rivers play in providing recreational access to those waterbodies for residents, cottagers, and tourists. Development that respects shoreline character and scale is anticipated. Such development includes tourist resort uses.

The Rural designation recognizes the diverse range of land uses that may occur within the City's rural areas. While agricultural uses are commonly identified, other tourist-oriented uses are some of the many uses which are recognized to leverage the natural assets and economic opportunities found within this designation.

As the proposal is consolidating land belonging to a recreational tourism use, the application conforms to the Official Plan.

Zoning By-law Compliance:

34 and 44 Royal Cedar Road are zoned Commercial Recreation (C3) Zone within the Township of Somerville Zoning By-law 78-45. The unaddressed parcel is zoned Rural General (RG) Zone within the same zoning by-law.

The C3 Zone permits a wide variety of recreational uses. Many of the uses are services that are oriented towards the vacationing public, offering various forms of short term accommodation and ancillary retail opportunities.

The lot line adjustments for 44 Royal Cedar Road cause the overall frontage of that property to decrease. Currently, frontage is calculated along its north-south lot line which abuts the privately owner portion of Royal Cedar Road. The lot line adjustment will cause the frontage to be re-calculated to be east-west distance where the private road intersects the property.

The Future Development (D) Zone is proposed in order to allow the lot line adjustment of the lands currently zoned RG to proceed. The D Zone in combination with the holding provision would only allow existing uses to continue, and provides the new owner the time to attend the pre-consultation process and present the City with a comprehensive development proposal of how these lands will be utilized if a redevelopment and/or expansion to the Royal Resort inclusive of its amenity spaces occurs.

The holding provision will allow the City an additional degree of review over the development of the site by requiring a site plan to be filed, along with any supporting documentation and studies that staff deem necessary in support of the site plan application.

Other Alternatives Considered:

No other 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 Appeals 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 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

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding the land holdings of an existing resort establishment.

Servicing Comments:

The cottage establishment uses are serviced by numerous private individual sewage systems, and the Royal Resort is serviced by a private individual sewage system. It is staff's understanding that due to the volume of sewage flow for these systems, jurisdiction falls under the Ministry of Environment.

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. The Building Division, Development Engineering Division and Community Services Department raised no concerns as a result of the circulation.

On July 23, 2020, Peter Henley provided a letter of concern.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will allow the consolidation of land to occur and ensure the orderly development of the Royal Resort lands once a development proposal is put forward for municipal review.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning rural areas. The application also does conform to the Rural and Waterfront designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of July 30, 2020. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2020-02

Appendix 'B' – Application Sketch



Appendix B to
Report PLAN2020-02

Appendix 'C' – Aerial Photograph



Appendix C to
Report PLAN2020-02

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
Report PLAN2020-02

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Department Head: Chris Marshall

Department File: D06-2020-002