

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-047**

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**Meeting Date:**       **October 7, 2020**

### **Public Meeting**

**Title:**               Zoning By-law Amendment for Industrial Uses

**Description:**       An application to amend the Township of Ops Zoning By-law to permit various types of light, medium, and heavy industrial uses permitted in the 'M' zone as permitted uses, and to amend the development standards to allow the redevelopment of the property identified as 2197 Little Britain Road, Ops (Bob Mark Tractor Holdings Inc.)

**Ward Number:**       **Ward 7 – Ops**

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

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### **Recommendations:**

**That** Report PLAN2020-047, **Part of Lot 15, Concession 4, Geographic Township of Ops, Bob Mark Tractor Holdings Inc. – Application D06-2020-019**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2020-047, be referred to Council for approval and adoption; 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 applicant has submitted an application for a zoning by-law amendment. The proposal is to change the zone category from the 'Agricultural Support (AS) Zone' to the 'General Industrial Exception \*\* (M-\*\*) Zone' to permit various types of the light, medium, and heavy industrial uses permitted in the 'M' zone; and to recognize specific site development standards for the lot.

Owner:	Bob Mark Tractor Holdings Inc. c/o Andy Svetec & Darryl Buttar
Applicant:	Kevin M. Duguay Community Planning c/o Kevin Duguay
Legal Description:	Part of Lot 15, 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:	8,053 square metres [1.99 acres]
Site Servicing:	Private well, on-site sewage holding tank, and swales
Existing Uses:	Farm Implement Dealership (Bob Mark New Holland)
Adjacent Uses:	North: Highway 7/35; Agricultural; Rural Residential East: Little Britain Road; Rural Residential; Agricultural South: Little Britain Road; Rural Residential; McLean Auctions Consignment Yard West: Car Dealer (Race Toyota); McLean Auctions

## Rationale:

The property is located at the southwest intersection of Highway 7/35 and Little Britain Road, to the southwest of Lindsay. See Appendix 'A'. The subject property is located in a mixed use area with agricultural parcels and rural residential properties to the north, east and south; the McLean Auctions consignment yard and auction buildings to the south and southwest; and the Race Toyota car dealer to the immediate west, with other commercial and industrial uses beyond (self storage, abattoir, etc.).

The property is currently developed with two metal-clad buildings, and consists of approximately 0.8 hectares. See Appendix 'B'. The applicant is applying on behalf of the owner to rezone the property to permit various types of the light, medium, and heavy industrial uses permitted in the 'M' zone considered appropriate for the site based on existing constraints, including servicing, property area, and traffic. Site specific development standards will also be incorporated into the zoning, based on the existing built form.

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 May 13, 2020. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS, 2020); 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. Site Servicing Constraints Review prepared by D.M. Wills Associates Limited, dated August 6, 2019. The report discusses and assesses the proposal in context of services, including water, sewage, and stormwater management.
3. Traffic Brief prepared by Asurza Engineers Ltd., dated June 14, 2019. The report discusses and assesses the proposal in context of the existing development on the property.
4. Topographic Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated January 18, 2018.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment, with no major concerns or issues raised. The Ministry of Transportation Ontario (MTO) has noted that any future traffic issues will be addressed through a Site Plan Control application, once a specific use is proposed.

## **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 dry industrial 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 Site Servicing Constraints Review report has been submitted, to confirm that the private water and on-site sewage holding tank will be sustainable, feasible, and protect human health and the natural environment, in accordance with the policies.

On this basis, the application is consistent with the PPS, 2020.

### **Official Plan Conformity:**

The lands are designated 'Industrial' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan (Official Plan). Permitted uses in the 'Industrial' designation include agricultural industries; business service establishments; corporate offices; light, medium, and service industries; manufacturing, processing and assembly establishments; repair service establishments; research and development facilities; retail and wholesale outlets that sell products manufactured on the site; Construction or trade establishments; truck or transportation terminals; utility and transportation functions; and warehousing and indoor or outdoor storage establishments.

The following applicable criteria apply to lands designated 'Industrial':

- Be located on or near main transportation routes;
- Be directed away from residential areas and areas with high potential for recreational and/or tourist development;
- Not result in truck traffic which would adversely affect sensitive land uses;
- Be separated from sensitive land uses;
- Industrial uses on private services should be restricted to ones that are dry and low water users; and
- Adequate off street parking and loading facilities shall be provided, including employee and visitor parking.

Development on individual services would typically require a hydrogeological study, to confirm there is an adequate supply of water. Given this proposal will include 'dry' industrial uses with similar water demands to the existing

development, a hydrogeological study is not necessary. A Site Servicing Constraints Review was completed, which assessed well records, and published geological and physiographic maps and reports for the area. No concerns were raised based on a review of these reports. In addition, any future re-development of the property will be subject to Site Plan Control, in accordance with the Official Plan policies, and the Site Plan By-law, as amended.

On this basis, conformity with the policies of the Official Plan have been demonstrated.

### **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 the 'General Industrial Exception Nine (M-9) Zone' to permit various types of the light, medium, and heavy industrial uses permitted in the 'General Industrial (M) Zone' considered appropriate for the site based on the existing constraints, including servicing, property area, and traffic (in **bold** below). The Exception provision would also permit for the re-development of the site based on site-specific development standards.

The 'M' zone permitted uses includes the following:

#### **Residential:**

- **prohibited**, except for accessory sleeping accommodation for security, medical or maintenance staff.

#### **Non Residential Uses:**

##### **Light Industrial:**

- **an assembly plant**
- **an equipment storage building**
- **a printing or publishing establishment**
- **a warehouse**
- a provincial correctional facility (B/L 96-29)

##### **Medium Industrial:**

- **a body shop**
- **a commercial garage**
- **a contractors yard**
- **a machine shop or welding shop**
- **a maintenance garage**
- **a manufacturing plant**
- **a private gasoline pump island**
- **a processing plant**
- a recycling transfer centre
- a sawmill or planing mill

- **a tradesman's shop**
- **a public works yard**
- **a truck terminal or depot**
- **an open storage area accessory to an M use**
- a provincial correctional facility (B/L 96-29)

**Heavy Industrial:**

- **a bulk storage tank**
- a concrete batching or mixing plant
- a railroad use
- a provincial correctional facility (B/L 96-29)

**Other Industrial Uses:**

- **a building supply outlet**
- **a farm implement sales and supply establishment**
- **a light or heavy equipment sales and rental outlet**
- **a factory outlet**
- **a merchandise service shop**
- **a parking lot**
- **a storage lot for recreational vehicles**

**Exception Zone:**

The 'M-9' zone as proposed would permit only the **bolded** uses in the 'M' zone listed above. In addition, the site-specific development standards are as follows:

<b>Zone Standard:</b>	<b>'M' Zone:</b>	<b>Proposed 'M-9' Zone:</b>
Minimum Lot Area	4,000 square metres	7,500 square metres
Minimum Lot Frontage	45 metres	22 metres
Definition of 'Lot Line, Front' (Section 19.116 of By-law)	In accordance with Section 19.116	The easterly lot line along Little Britain Road shall be deemed to be the 'Lot Line, Front'
Minimum Front Yard Setback (East – Along Little Britain Road)	12 metres	12 metres
Minimum Exterior Side Yard Setback (North – Along Highway 7/35)	12 metres	14 metres for all new development; and 12 metres for the existing development
Minimum Exterior Side Yard Setback (South – Along Little Britain Road)	12 metres	9 metres or the existing, whichever is less

<b>Zone Standard:</b>	<b>‘M’ Zone:</b>	<b>Proposed ‘M-9’ Zone:</b>
Minimum Landscaped Area	20%	20% or the existing, whichever is less
Open Storage Area	No open storage area shall be located: (a) in a front yard or a exterior yard;	Shall be permitted in any yard other than the South Exterior Side Yard

The Planning Justification Report identifies that the proposal is not changing any of the existing buildings, structures, driveways and/or site parking. The property fronts onto a Provincial Highway, and as such, a 14 metre setback is required along Highway 7/35 by the Ministry of Transportation Ontario (MTO), for any new development, including buildings or structures.

On this basis, the application will comply with the provisions of the Zoning By-law.

### **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

This application aligns with the Vibrant and Growing Economy priority by attracting new business and expanding local employment opportunities.

## **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, on-site sewage holding tank, and swales. No changes to the existing servicing 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 September 25, 2020, we have received the following comments:

### **Public Comments:**

To date, no public comments have been received.

### **Agency Review Comments:**

- |                    |   |
|--------------------|---|
| September 11, 2020 | The Building Division has no concerns with the application.   |
| September 11, 2020 | The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment.   |
| September 22, 2020 | The Ministry of Transportation Ontario (MTO) advised they support the proposal in principle, however note that they can not complete the review of the application, as the future use of property is not known at this time. If a new business moves into the site as is, then a site plan will not be required. If any changes are proposed to the site, a Site Plan, Stormwater Management Plan, and revised Traffic Study will be required. In the future, MTO will require a small sliver of the property for future highway improvements. A 14 metre MTO setback applies to any new structures or facilities. A full copy of the MTO comments is included as Appendix 'C'. |
| September 25, 2020 | The Economic Development Division advised they are supportive of this application, as the existing use of agricultural equipment sales are to be permitted to continue as a permitted use in the rezoning. This will support the agricultural community, should another business looking to serve the agricultural community  |



seeks to locate on this property. This aligns well with the Kawartha Lakes Strategic Plan; the Economic Development Strategy; and the Agriculture and Food Action Plan by providing additional opportunities for employment and increased businesses across a broad range of uses.

## **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. The application conforms to the 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards based on the existing development of this property, to permit the new uses. Any future traffic issues will be addressed through the subsequent Site Plan Control application to establish the future new use of the property.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be **Approved**.

## **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**



PLAN2020-047  
Appendix A.pdf

### **Appendix 'B' – Existing Plan of Survey, dated January 18, 2018**



PLAN2020-047  
Appendix B.pdf

### **Appendix 'C' – MTO Comments, dated September 22, 2020**



PLAN2020-047  
Appendix C.pdf

## Appendix 'D' – Proposed Zoning By-law Amendment



PLAN2020-047  
Appendix D.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D06-2020-019