

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

Report Number PLAN2020-053

Meeting Date: November 4, 2020

Public Meeting

Title: An application to amend the Township of Manvers Zoning By-law 87-06

Description: An amendment to adjust the zoning to recognize the current contractor's shop uses (insulation and electrical businesses) on the property and establish applicable development criteria and site standards for an expansion to the building. The property is described as Part of Lot 23, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 174 Highway 7A.

Ward Number: 8

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

Recommendation:

That Report PLAN2020-053, Part of Lot 23, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 174 Highway 7A, "Connor – D06-2020-009", be received; and

That the application 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is a commercially zoned lot in the southwest corner of the rural neighbourhood of Yelverton. The lot contains a former automotive garage business now used as a contractor's shop since 2016. The current businesses within the building are Envirotech Insulation and Envirotech Electrical Services Inc.

The applicant is applying to recognize the uses and to facilitate the expansion of the businesses on the property. As a result of this expansion, new development standards are being sought. The development standards will also allow for the placement of a third business (photography studio) within the expanded building. A photography studio is a permitted use upon the property.

The applicant has submitted the following documentation in support of their proposal which was circulated for comment and review:

1. Planning Justification Brief dated March 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited).
2. Planning Justification Brief Addendum dated July 15, 2020 prepared by D.M. Wills Associates Limited.
3. Stormwater Management Brief dated March 2020 prepared by D.M. Wills Associates Limited.
4. Traffic Letter dated July 15, 2020 prepared by D.M. Wills Associates Limited.
5. Sewage Brief dated march 13, 2020 prepared by by D.M. Wills Associates Limited (Landmark Associated Limited)
6. Phase One Environmental Site Assessment Report dated July 14, 2016 prepared by GHD
7. Phase Two Environmental Site Assessment Report dated July 14, 2016 prepared by GHD
8. Preliminary Grading and Drainage Plan dated July 21, 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited)
9. Hydrogeologic Investigation Report dated February 7, 2020 prepared by GHD.
10. Topographic Survey Plan prepared by Coe Fisher Cameron Land Surveyors dated August 14, 2018.
11. Preliminary Concept dated July 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited).

Owners: Mark and Kelly Connor

Legal Description: Part Lot 3, Concession 8, geographic Township of Manvers

Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan 2012
Zone:	General Commercial (C1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	2,828.1 square metres
Site Servicing	Private individual well and holding tank

Rationale:

Provincial Policies:

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

The Growth Plan directs the vast majority of growth to settlement areas. Growth in rural settlement areas that is not on full municipal services is to be limited.

Policy 2.2.9 permits development outside of settlement areas compatible with the surrounding uses and rural landscape, may be sustained by rural service levels, and will not adversely affect agricultural or resource-based uses.

Policy 2.2.5.1 encourages economic development through the use of underutilized employment lands and employment densities.

The subject property is a commercially zoned parcel within the rural community of Yelverton, surrounded in all directions by residential and a cemetery use. As such, the property is not utilized for agricultural uses nor is it in a location where this is likely.

The proposal conforms with the Growth Plan as it proposes to better utilize an existing commercial property within the rural community of Yelverton by proposing three uses: an electrical contractor's shop, an insulation contractor's shop, and a photography studio.

Provincial Policy Statement, 2020 (PPS):

Policy 1.1.4 identifies that 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.

Policy 1.1.4.1 identifies that healthy, viable and integrated rural areas are to be supported by activities such as supporting the diversification of the economic base and employment opportunities.

Yelverton is not identified as a rural settlement area, so it is considered rural land. While most development within rural areas is to be directed to rural settlement areas, the PPS does make provisions for development upon rural lands. While the proposed use is not specifically listed within 1.1.5.2 as a resource or resource management use, a residential use, an agricultural use or

an agricultural-related use, the existing businesses do offer services that may be utilized by those uses. Further, policy 1.1.5.7 emphasizes that when considering a diversified rural economy, agricultural and resource-related uses are to be protected. The proposed use is on a commercially zoned parcel surrounded in all directions by residential and a cemetery use within Yelverton. No adverse impacts to the agricultural or resource economy are anticipated as a result of permitting the use.

While the rural lands are within the Prime Agricultural area, policies 2.3.3.1 and 2.3.6 require non-agricultural uses to avoid impacts to prime agricultural area operations and to utilize lands with little to no agricultural potential.

The proposal is consistent with the PPS as the proposal is to increase employment within a rural area that does not impact agricultural or resource uses.

Official Plan Conformity:

The subject land is designated 'Prime Agricultural' within the City of Kawartha Lakes Official Plan 2012 (Official Plan). The objective of the designation is to protect agricultural operations as well as agriculture-related businesses from incompatible uses. The designation recognizes the existence of historic clusters of residential lots and by extension the other non-residential use lots near them. The Official Plan permits a zoning by-law amendment to recognize these uses.

This application proposes no change to the existing lot fabric and will not impact the surrounding agricultural uses.

The application conforms with the Official Plan.

Zoning By-law Compliance:

The subject land is zoned 'General Commercial (C1) Zone' in the Township of Manvers Zoning By-Law 87-06.

The C1 Zone permits a wide assortment of goods and service uses, including the photography studio that is proposed within a part of the building addition.

Contractor's shop uses are proposed along with modifications to the site's development standards. The development standards are anticipated to address a variety of items including building setback and parking requirements.

In order to ensure the orderly development of the site, adhere to the by-law's landscaping requirements, and address Engineering Division's comments, a holding (h) provision will be required to impose site plan control.

As the property abuts Highway 7A, the Ministry of Transportation's comments will feature prominently in any by-law which is crafted. Ministry of Transportation comments have yet to be received as of the writing of this report.

Further analysis and dialogue is needed in order to establish what the site specific development standards will be.

Other Alternatives Considered:

No 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 Recommendation(s) 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 and exceptional quality of life as it provides opportunity to provide employment to trades involved in building construction and building maintenance.

Servicing Comments:

The property is serviced by a private individual well and holding tank.

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 Development Engineering Division advises that they have no objection to the proposal and that detailed review and comments will be provided at the site plan stage.

The Building Division advises that they have no concern with the application.

The Community Services Department advises that they have no concerns with the application.

The Agriculture Development Officer raised no concerns as a result of the circulation and Economic Development Division is supportive of the proposal.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and Official Plan and is consistent with the Provincial Policy Statement. A contractor's shop is not listed as a permitted use, the existing building and the addition does not meet current setback requirements, and adjustments to the parking requirements are needed,

which the applicant has recognized in their submission. A definition for the use must be crafted, which will require further discussion with the applicant. The applicant is also seeking a review of the landscape buffer and loading space requirements. A referral back to staff will allow additional time to receive comments from the Ministry of Transportation (MTO), have the discussion with the applicant needed as part of the by-law crafting process, and allow the draft by-law to be available for review and comment before returning to the Planning Advisory Committee's regular meeting schedule.

Conclusion:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms with the Official Plan. Staff respectfully recommends that the application be referred back to staff for further review and processing until such time as all outstanding comments are received and a draft by-law brought forward for comment.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2020-05

Appendix 'B' – Aerial Photograph



Appendix B to
Report PLAN2020-05

Appendix 'C' – Concept Plan



Appendix C to
Report PLAN2020-05

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Department Head: Chris Marshall

Department File: D06-2020-009