



Planning Advisory Committee Report

Report Number:	PLAN2021-012
Meeting Date:	March 10, 2021
Title:	Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor
Description:	D06-2020-009
Type of Report:	Regular Meeting
Author and Title:	David Harding, RPP, MCIP, Planner II

Recommendations:

That Report PLAN2021-012, **Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor**, be received;

That a Zoning By-law Amendment respecting application D06-2020-009, substantially in the form attached as Appendix "D" to Report PLAN2021-012, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

At its November 4, 2020 meeting the Planning Advisory Committee referred the application back to staff in order to collect all outstanding agency comments and for further review and processing. Those comments were received and the review concluded.

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 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

Applicant: Darryl Tighe/Emma Drake – D.M. Wills Associates Limited

Legal Description: Part Lot 3, Concession 8, geographic Township of Manvers, now City of Kawartha Lakes

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):

Yelverton is a cluster of non-agricultural lots surrounded by agricultural operations. Yelverton and the agricultural lands around it are within the "Prime Agricultural" designation of the Official Plan. Yelverton and the agricultural lands around it is classified as Rural Area within the PPS.

Policy 1.1.4 identifies that rural areas are important to the economic success of the Province and the quality of life within it. 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. Rural character is to be built upon and rural amenities and assets leveraged. Opportunities for economic activities within prime agricultural areas in accordance with Policy 2.3 are encouraged.

While the lands are within the prime agricultural area, policy 2.3.6 requires 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 upon an existing non-agricultural lot beside a highway, and that use does not impact agricultural or resource use operations.

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.

The subject property is located within a cluster of non-agricultural lots known as Yelverton. Yelverton is surrounded by agricultural uses.

The subject property does not abut an agricultural land use. 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. It is the only commercially zoned lot within Yelvetron. There is a community facility lot for the cemetery and the rest of the lots within Yelvetron have residential zoning.

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.

Contractor's shop is not a defined use with the zoning by-law nor is it listed as a permitted use. A definition is provided within the attached by-law amendment in Appendix D permits contracting businesses such as the electrical and insulation businesses along with accessory outdoor storage. Given the residential surroundings of the site, outdoor storage requirements are set to match that of the zone and are to be within the rear or side yard.

The development standards will address building/outdoor storage setback and parking requirements.

The front and flankage yard setbacks proposed allow the addition to be constructed in-line with the existing building's north wall (15 metres is currently required and 10 metres is proposed) and construct a deeper building that comes closer to Yelvetron Road (15 metres is required; 9.9 metres is proposed). The proposed 6 metre yard setback will not only cover off the proposed building footprint, but provide for future building infill between the proposed addition and existing building and delineate the outdoor storage area setback. The proposed 6 metre side and flankage yard requirements are proposed to mirror the rear yard setback requirement of the C1 Zone and provide sufficient landscaped buffer space in accordance with Section 20.14.

The subject property is defined as a corner lot. However, the front lot line by definition is a small boundary segment at the corner of Highway 7A and Yelvetron Road. The existing building faces Highway 7A and the proposed addition is also to face Highway 7A. In order to better reflect how the property functions, the by-law amendment proposes to classify the north lot line as the front lot line.

The parking requirement has been calculated at 13, or 1 per 30 square metres of floor area. The application proposes to reduce this to 12: 8 in the front yard and 4 in the rear yard. The Planning Justification Brief provided, identifies the rear yard parking lot will be used to store work vehicles, and the front parking lot will be used for customer and employee vehicles. There are four employees for the insulation and electrical business,

and a single employee is anticipated for the photography studio. The remaining three spaces in the front parking lot would be for customers. No more than two customer vehicles are anticipated at any one time for the photography business, and no customer parking is anticipated given the contracting nature of the electrical and insulation businesses. Should the businesses grow or change, there is sufficient land to provide additional spaces.

The north parking area contains parking along one side. This parking is proposed to be extended further west towards the west entrance. Aisle width along the north side of the site is constrained to 4 metres due to the proximity of the existing building to the north lot line. There is additional aisle width for vehicle turning contained on Ministry of Transportation (MTO) land between the travelled portion of the highway and lot in the form of a grassed island. The MTO is not proposing to remove the island. The by-law amendment proposes to recognize this existing aisle situation.

The aisle width for the south parking area is proposed at 6 metres. The south parking area is for company vehicles and has parking on one side of the aisle. The reduction also allows for the retention of a tree. The by-law amendment proposed to recognize the proposed aisle configuration.

An amendment is proposed to the frequency and composition of the landscaped buffer requirements in Section 20.14 in order to provide some additional flexibility to tree and shrub placement at the site plan stage.

In order to ensure the orderly development of the site, adhere to the by-law's landscaping requirements, and address Engineering Division's and the Ministry of Transportation's comments, a holding (H) symbol is required to impose site plan control, which can be seen in Appendix D.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The 2020-2023 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.

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.

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.

The Ministry of Transportation has no concerns with the rezoning application as the proposal does not encroach any further than the existing commercial building. The property is within the MTO permit control area and MTO approval/permits are required for all proposed works. Additional technical comments were provided regarding entrance requirements and stormwater management in anticipation of the circulation of the site plan application.

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 do not meet current setback requirements, and adjustments to the parking requirements are needed.

The by-law amendment proposed in Appendix D allows for the orderly development of the site. A holding symbol will allow an additional measure of control over the orderly development of the site and to design suitable buffers given the surrounding residential uses.

Conclusion:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the Official Plan. Staff supports the application based on the information contained in this report and the comments received as of February 24, 2021. Staff respectfully recommends that the Planning Advisory Committee consider referring the application to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2021-01

Appendix 'B' – Aerial Photograph



Appendix B to
Report PLAN2021-01

Appendix 'C' – Concept Plan



Appendix C to
Report PLAN2021-01

Appendix 'D' – Draft By-law Amendment



Appendix D to
Report PLAN2021-01

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Department File: D06-2020-009