



## Planning Advisory Committee Report

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**Report Number:** PLAN2021-040

**Meeting Date:** July 14, 2021

**Title:** Amend the Village of Fenelon Falls Official Plan and Zoning By-law 89-25 at 205 Francis Street East - 3770010 Canada Inc.

**Description:** To amend the Institutional – Community Facility designation with a site-specific special policy and amend the Community Facility Exception One (CF-1) Zone to also permit federal, provincial and local government offices and business, professional or other administrative offices and accessory uses in addition to the existing permitted medical clinic use

**Type of Report:** Public Meeting

**Author and Title:** Mark LaHay, Planner II, MCIP, RPP

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### Recommendations:

**That** Report PLAN2021-040, respecting Part Block W, Plan 100, Part Francis Street, Part 1, Plan 57R-4276, Former Village of Fenelon Falls, identified as 205 Francis Street East, "3770010 Canada Inc. – Applications D01-2021-002 and D06-2021-012", be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment 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.

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

The purpose of the proposed Official Plan and Zoning By-law Amendments is to amend the 'Institutional – Community Facility' designation with a site specific policy to also permit business and professional offices and to amend the Community Facility Exception One (CF-1) Zone to also permit federal, provincial and local government offices and business, professional or other administrative offices in addition to the existing permitted medical clinic use and to permit a coffee shop and/or confectionary shop accessory to an office or a medical clinic. The amended 'CF-1' Zone would also include site specific development standards to recognize the existing parking stall size.

Owners:	3770010 Canada Inc. (c/o James Pollock)
Applicant:	D.M. Wills Associates Limited (c/o Amanda Dougherty)
Legal Description:	Part Block W, Plan 100, Part Francis Street, Part 1, Plan 57R-4276, Former Village of Fenelon Falls
Designation:	"Institutional – Community Facility" on Schedule 'A' of the Village of Fenelon Falls Official Plan
Zone:	"Community Facility Exception One (CF-1) Zone" on Schedule 'A' of the Village of Fenelon Falls Zoning By-law No. 89-25
Lot Area:	0.60 ha (1.48 ac.)
Site Servicing:	Municipal water and sanitary sewer, drainage swales and storm sewers
Existing Uses:	Medical Offices/Clinic
Adjacent Uses:	North: Vacant residential/residential East: Concession Road/Rural residential/Agricultural South: Francis Street East/Residential/Fenelon River West: Vacant residential/Residential/Fenelon River

## Rationale:

The subject property, municipally known as 205 Francis Street East, is located on the northwest corner of Concession Road and Francis Street East, a collector road (see Appendix 'A'). The subject property is on the easterly edge of the Village of Fenelon Falls and borders the geographic Township of Fenelon and contains a 2-storey building with a ground floor area of approximately 554.4 sq. m. (5,967.5 sq. ft.) that was constructed in 1985 along with associated parking and driveway areas and mature

treeline along the north and east sides (see Appendices 'B' and 'C'). No changes or additions to the building or site alterations are proposed.

The effect of the Official Plan Amendment and Zoning By-law Amendment applications will permit business and professional offices and government offices together with permitting a coffee shop and/or confectionary shop as an accessory use within the existing building in addition to the existing permitted medical clinic use, subject to site specific development standards. The subject land is serviced by municipal water and sanitary sewer and storm sewers. The existing development is accessed from both Concession Road and Francis Street East.

Amendments to the Official Plan and Zoning By-law are necessary to permit offices other than medical offices or clinic, which would include additional community facility type uses such as government offices, together with certain compatible general commercial uses, such as business, professional or other administrative offices. Currently, a number of vacancies exist in the building as the site-specific zoning only permits medical clinics and associated accessory uses. The owner wishes to add the additional permitted uses to diversify the mix of uses which are in demand to make the subject property more economically sustainable.

The applicant has submitted the following reports and plans in support of the applications for review:

1. Official Plan Amendment Application received May 25, 2021.
2. Zoning By-law Amendment Application received May 25, 2021.
3. Planning Justification Report prepared by D.M. Wills Associates Limited, dated January, 2021. The reports discuss and assess the proposal in the context of the 2020 Provincial Policy Statement, Growth Plan, Village of Fenelon Falls Official Plan, and the Village of Fenelon Falls Zoning By-law.
4. Site Plan prepared by D.M. Wills Associates Limited, dated January 2021 based on a Plan of Survey prepared by E.G. Gurnett Limited (OLS) dated November 18, 1996 illustrating existing site features, building location, parking and access.
5. Entrance Review Letter prepared by the East Maintenance Area Public Works Supervisor, dated December 15, 2020 confirming that the entrance located on the subject property complies with the City of Kawartha Lakes Entrance By-law 2017-151.
6. Email correspondence from Curve Lake First Nation Archaeological Program Administrator dated August 25, 2020 waiving the requirement for an archaeological assessment as no ground disturbing activities are expected.

All of the above submitted reports and plans have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Justification Report that was prepared and filed in support of the applications and is further reviewing the supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans. Staff recommends that the applications be referred back to Staff to allow the public to provide comment, and until such time as commenting Agencies and City Departments and the public have submitted comments and any concerns have been addressed.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (as amended):**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The existing development is on full municipal services and is located within the Fenelon Falls settlement area. The GP envisions increasing intensification of the existing built-up area that will support complete communities that feature a diverse range and mix of land uses, including residential and employment uses, and convenient access to local stores and services. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

As the subject land is considered within a settlement area, the Natural Heritage System policies of the Growth Plan do not apply.

Therefore, these applications appear to conform to the policies of the Growth Plan.

### **Provincial Policy Statement, 2020 (PPS):**

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.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines in Section 1.1.1 how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Section 1.3.1 pertaining to employment states that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses, and take into account the needs of existing and future businesses.

Section 1.6.6 pertains to sewage, water, and stormwater. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, which are the preferred form of servicing for settlement areas to support protection of the environment and minimize risks to human health and safety.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions and directed away from natural or human-made hazard lands. The proposed development does not appear

to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS. With respect to natural hazards, as identified in Section 3 of the PPS, the Kawartha Region Conservation Authority (KRCA) previously advised through pre-consultation that portions of the property are regulated by Kawartha Conservation due to the presence of hazard lands and as such no development, including site alteration, grading, structures, etc., is permitted within their regulated area prior to obtaining a Permit. Given the nature of the applications, KRCA advised they had no concern.

In consideration of the above, these applications would appear to be consistent with the PPS.

### **Official Plan Conformity:**

The “Institutional – Community Facility” designation in the Village of Fenelon Falls Official Plan applies to this property, as the policies in the proposed “Institutions and Community Facilities” designation in the Fenelon Falls Secondary Plan (SP), is subject to appeal to the Ontario Land Tribunal.

The intent of the Institutional – Community Facility designation is to ensure that adequate lands are available for institutional, educational and cultural facilities in keeping with the needs of the community. In this regard, institutional and community facility uses include health, welfare and educational establishments, government offices and similar uses and activities. The predominant use of the lands is for health, welfare and educational uses such as hospitals and schools, public libraries, places of worship, daycare facilities, fraternal association halls and other similar places of assembly, along with arenas and similar public recreational facilities, governmental offices, police stations or fire halls, and related uses and activities.

Under the policies of Section 3.5.3 a., when considering the establishment of new institutional or community facility uses, Council shall have regard for the following matters in assessing the appropriateness of the location, namely:

- i. that the proposal is of a scale which may be integrated with the established character of the area and that the use is compatible with adjacent land uses and designations contained in this Plan; and
- ii. that the proposed site is adjacent an arterial or collector road and that an adequate level of access is available.

In addition, under policy 3.5.3 e., adequate buffer planting, screening and/or fencing shall be provided between institutional and/or community facility uses and adjacent residential uses.

Furthermore, under policy 3.5.3 f., adequate parking and loading areas shall be provided in accordance with the specific needs of the institutional or community facility use and access points to such areas shall be limited in number and designed in a manner which will minimize the danger to vehicular and pedestrian traffic.

The pre-consultation comments specified that site plan approval is required for this development, along with a 2% cash-in-lieu of parkland dedication. Through the site plan approval process any required land dedication (i.e. daylight triangle) to the City would be provided through the registration of the site plan agreement.

Staff is further reviewing the application in relation to the policies of the Official Plan as well as the general policies of the proposed SP for institutions and community facility use within the settlement area of Fenelon Falls.

Conformity with the Official Plan will be established through the further review of the applications.

### **Zoning By-Law Compliance:**

The subject land is zoned "Community Facility Exception One (CF-1) Zone" in the Village of Fenelon Falls Zoning By-law 89-25. The permitted uses of the CF-1 zone are restricted to that of only a medical clinic together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto. In all other respects, the provisions of the Community Facility (CF) Zone apply.

The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to amend the Community Facility Exception One (CF-1) Zone, to also permit federal, provincial and local government offices and business, professional or other administrative offices in addition to the existing permitted medical clinic use and to permit a coffee shop and/or confectionary shop accessory to an office or a medical clinic within the existing building. The amended 'CF-1' Zone would also include site specific development standards to recognize the existing parking stall size.

Additional review is required to determine if any other site specific zoning provisions are required to be recognized.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities:**

The Council Adopted 2020-2023 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 providing employment opportunities to attract new businesses in the City of Kawartha Lakes.

### **Financial/Operation Impacts:**

There are no financial/operational considerations unless Council's decision to adopt or its refusal to adopt the requested amendments is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Servicing Comments:**

The subject land is serviced by municipal water and sewer services. No impact on existing services or infrastructure is anticipated.

### **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

### **Public Comments:**

At the time of writing the report, no public comments were received.

### **Agency Review Comments:**

On June 16, 2021, the Building and Septic Division Building Plans Examiner noted no concerns with the above noted applications.

On June 16, 2021, the Building and Septic Division Part 8 Sewage Systems Supervisor noted the property is serviced by Municipal sewers. As such, the Building and Septic Division has no comments as they relate to private on-site sewage disposal.

On June 21, 2021, the Engineering and Corporate Assets Department advised they have no objection and no comments to the proposed Official Plan Amendment and Zoning By-law Amendment.

On June 21, 2021, the Heritage Planning Economic Development Officer advised that there are no heritage specific comments related to the application and that there is no

need to undertake an archaeological assessment as there will be no ground disturbing activities.

## **Development Services – Planning Division Comments:**

The applications for Official Plan Amendment and Zoning By-law Amendment appear to conform to the Growth Plan and be consistent with the Provincial Policy Statement. Staff is further reviewing the applicable policies of the Official Plan as well as the provisions of the zoning by-law for any required amendments. The appropriate background documentation in support of the applications has been submitted and circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Therefore, Staff recommends the applications be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, 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 Amendment and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and 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 Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2021-040.pdf



Appendix 'B'  
PLAN2021-040.pdf



Appendix 'C'  
PLAN2021-040.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Existing Site Plan

**(Acting) Department Head email: [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)**

**(Acting) Department Head: Richard Holy**

**Department Files: D01-2021-002 and D06-2021-012**