



Planning Advisory Committee Report

Report Number:	PLAN2021-042
Meeting Date:	August 4, 2021
Title:	Zoning By-law Amendment for 1449 Highway 7A, Manvers
Description:	To amend the Township of Manvers Comprehensive Zoning By-law 87-06 to permit the reuse of the existing building as a automotive repair and service station
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2021-042, **Zoning By-law Amendment for 1449 Highway 7A, Manvers**, be received for information; and

That Report PLAN2021-042, **Zoning By-law Amendment for 1449 Highway 7A, Manvers**, be referred back to staff to address issues raised through the public consultation process and agency review for further review until such time that all comments have been addressed.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The land known as 1449 Highway 7A in the former Township of Manvers is owned by the City of Kawartha Lakes (City). This property is the former Bethany Fire Hall that relocated in 2018 and has been vacant since (Appendix A and B). Under the City of Kawartha Lakes Official Plan (Official Plan), this property is designated Hamlet and zoned 'Community Facility (CF)' Zone and 'Open Space (O1)' Zone under the Township of Manvers Comprehensive Zoning By-law 87-06.

Owner:	City of Kawartha Lakes
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 6, Registered Plan No. 6, and Part Lot 23, Concession 8.
Official Plan:	Hamlet Settlement Area – City of Kawartha Lakes Official Plan
Zoning:	Community Facility (CF) Zone and Open Space (O1) Zone - Township of Manvers Comprehensive Zoning By-law 87-06
Area:	Approximately 0.29 hectares
Site Servicing:	Full municipal water, sanitary and storm sewer services
Existing Uses:	Former site of Bethany Fire Hall. Currently unoccupied.
Adjacent Uses:	North: Residential and Agricultural East: Commercial South: Residential and Commercial West: Residential

Rationale:

Proposal:

The applicant is proposing to rezone part of the subject land to permit an automobile service center that would be ancillary to the existing automotive operation south across Highway 7A. The proposed rezoning would permit the retrofit of the existing fire hall into a garage on the main floor with a parts and storage area on the second. Under the current CF Zone, such a use is not permitted and a rezoning to Highway Commercial (C2) Zone is proposed for only the CF Zone portion of the site with the existing O1 Zone remaining as is. See Appendix C where CF Zone and O1 Zone are respectively delineated in purple and green. In support of these applications, the following materials were submitted:

- 1) Planning Justification Report (February 2021) prepared by EcoVue Consulting Services Inc. This Report provides an outline of the site and a description of the proposed amendment. Included is an analysis of the proposal as it aligns with the Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan (2012), and Township of Manvers Comprehensive Zoning By-law 87-06.
- 2) Spill Control and Response Management Plan prepared by Gourley Automotive. This document outlines the spill control procedures for the proposed use.
- 3) Species at Risk Memo (November 2020) prepared by GHD Limited. This Memo provides an assessment of potential species at risk on the subject land. It concludes that no species at risk (SAR), or habitat of threatened or endangered species were present on the property or building and that no negative effects to SAR or their habitat are expected following project completion.
- 4) Traffic Brief (February 2021) prepared by Nextrans Consulting Engineers (NextEng Consulting Group Inc.). This Brief provides an analysis of the proposed use and potential traffic volumes should the application be approved. The Brief concludes that the proposed use would have a minimal impact and traffic and would not warrant changes to the existing road and lane configurations.
- 5) Proposed Site Plan (May 2021) prepared by TD Consulting Services Inc.
- 6) Building Plans and Elevations (January 2020) prepared by Kawartha Lakes Drafting & Design.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. Staff feels that the proposed amendment is generally supported by the PPS in the following ways.

The subject land is located within a Settlement Area indicated by the Hamlet designation applied by the City of Kawartha Lakes Official Plan. As such, Section 1.1.3 Settlement Areas of the PPS apply. Since the proposal consists of reusing the existing structure and no expansion of municipal servicing is required, sections 1.1.3.2.a) and b) are satisfied. Furthermore, with the site adjacent to and accessed off of Highway 7A, a proposed amendment to a commercial zone is considered freight-supportive.

In addition to the above, rural settlement area policies under 1.1.4 also apply. With a retrofit and reuse of an unoccupied site in a suitable scale with sufficient servicing, both 1.1.4.2 and 1.1.4.3 are satisfied.

Section 1.7 Long Term Economic Prosperity, contains a number of policies that are conducive to maintaining a healthy economy. 1.7.1.a prescribes the promoting of opportunities for economic development and community investment-readiness which Staff feel is achieved through the proposed zoning by-law amendment. The subject site operated as the Bethany Fire Hall until 2018 and has been vacant since. The proposed zoning by-law amendment would permit reuse of the building as a commercial operation.

Section 2.1 Natural Heritage is applicable to this application as a Provincially Significant Wetland, the Pigeon Lake No. 23 Complex, runs through the subject land and the site is within Ecoregion 6E as indicated in the PPS. As per section 2.1.4.a, development and site alteration shall not be permitted in significant wetlands in Ecoregion 6E. The proposal consists of retrofitting and reusing the existing structure that lies outside of the significant wetland. Therefore, the proposed amendment complies with this section.

Section 2.1.7 states that, "development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements." In support of this application, GHD Limited submitted a Species at Risk Memo that concluded no species at risk or habitat or threatened or endangered species were present on the property or building and that no negative effects to species at risk or their habitat are expected following project completion. Therefore, the proposed amendment complies with this section of the PPS.

Section 2.1.8 states that development or site alteration shall not be permitted on lands adjacent to the above-mentioned natural heritage features unless, "the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions." While no environmental impact study was required as part of this application, the application and supporting materials were circulated to the Kawartha Region Conservation Authority (KRCA) as the property is entirely within a Regulated Area. Staff are awaiting comments from the KRCA.

Considering the above analyses, staff feel that Section 2.1.1 is achieved: Natural heritage features and areas shall be protected for the long term.

Staff feels that the analysis provided in the Planning Justification Report generally supports the proposal and full PPS conformity will be determined once the application review is complete.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As described above, the subject land is located within a Settlement Area and is supported by relevant policies prescribed by the Growth Plan including directing growth where connections can be made to existing municipal servicing and directing development generally away from hazardous lands. As described in the Planning Justification Report submitted by EcoVue Consulting Services Inc. in support of the application, a Fleetwood Creek tributary floodplain is approximately 7 metres from the existing building. The Report notes that the building and parking spaces are located approximately 6.5 metres beyond the top-of-creek thus outside of the hazardous lands and in compliance with Section 2.2.1.2.e.

As described in the previous section of this report, the proposed retrofit of the existing building will be serviced using existing municipal water and sewer and will not require any modifications to the lane or roadway. Staff feel that the proposed amendment generally complies with the Growth Plan.

City of Kawartha Lakes Official Plan

The City of Kawartha Lakes Official Plan (Official Plan) provides policy direction for planning within the municipality. As prescribed by the Official Plan Schedule A-1, the subject site is designated Hamlet Settlement Area and Environmental Protection.

Under the Strategic Goal of Environment, objectives addressing the protection and recognition of natural heritage features and wetlands is significant (3.1.2, 3.2.d, and 3.2.f). Through the Species at Risk Memo and Planning Justification Report submitted in support of this application, and consultation with the Kawartha Region Conservation Authority, staff feel that such policies and objectives are satisfied and that natural heritage features in the vicinity are acknowledged. Through the site plan process, measures to maintain the integrity of the natural heritage features will be confirmed. Staff also feel that that the objective of the Environmental Protection Designation (Section 17), is met for the same reasons: "prevent development or site alteration on lands which are hazardous due to flooding, poor drainage, deep organic soils, erosion, steep slopes, or any other physical condition which could cause loss of life, personal injury, property damage or degradation of the environment."

As per the Official Plan, the goals of the Hamlet Settlement Area designation (Section 19) are: to recognize existing hamlets and support their function of providing for limited residential, social and commercial needs of the rural area; and, to accommodate small-scale residential and non-residential development within existing settlement areas. The intent of the proposed amendment is to allow the existing automotive business south across Highway 7A to increase capacity and better serve the needs of area residents. Staff acknowledge that the proposed amendment would permit the expansion of a currently operating small-scale automotive repair and service centre in a manner that is suitable in scale for the area. Given that reuse of the existing building is proposed, the gross floor area of the new use is limited. The OP contemplates the proposed use through Section 19.3.1 which permits “service and repair establishment manufacturing”, and as such staff feel that the proposal complies with the permitted uses.

Section 19.3.6 states that “New commercial or industrial development should be planned as an extension of the existing area or as an infilling in the existing and industrial areas and it should not be allowed to infiltrate unnecessarily into residential areas.” East and south of the of subject sites are commercially zoned property containing a restaurant and the parent business of the proposed use. There are residential uses to the west and southwest of the site, however, natural boundaries are realized with the presence of the Provincially Significant Waterway and Highway 7A. Staff feel that the proposed rezoning to commercial is appropriate given the adjacent land uses and natural boundaries.

As this property is adjacent to Highway 7A, Section 28.7 Provincial Highways applies. As part of the application review, materials were circulated to the Ontario Ministry of Transportation for review (MTO) who noted no concern with the proposed amendment. Staff feel that the application generally aligns with the City of Kawartha Lakes Official Plan.

Township of Manvers Comprehensive Zoning By-law 87-06

The property is currently zoned ‘Open Space (O1)’ Zone and ‘Community Facility (CF)’ Zone. In order to facilitate the proposed retrofit and reuse of the building, the applicant is proposing to rezone the CF Zone portion of the site to ‘Highway Commercial Exception Zone (C2-X)’ Zone. The purpose of the Exception Zone is to acknowledge deficiencies with the site and building under the C2 Zone. Zone provisions and compliance are described in the table below:

Provision	C2 Zone	Existing	Complies
Minimum Lot Area	4000 m ² (0.4 ha)	0.3 ha	No

Provision	C2 Zone	Existing	Complies
Minimum Lot Frontage	45m	30.57m	No
Minimum Front Yard Setback	15m	7.18m	No
Minimum Side Yard Setback	12m	0.84m	No
Minimum Rear Yard Setback	12m	32.8m	Yes
Maximum Height	11m	6.6m	Yes
Parking Spaces	5	3	No

Staff feel that acknowledging the deficiencies through the Exception Zone is the appropriate tool to permit the use. The site is unique as it is split by a provincially significant waterway with O1 Zoning which explains the substantial side yard setback deficiency. Given that the proposal includes retrofitting and reusing the existing building, staff support accommodating the deficiencies to facilitate this.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendment would facilitate the retrofit and reuse of an existing building to permit the expansion of an established business in the Bethany area.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process. Additionally, sale of lands deemed to be surplus is a practice of strong asset management.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 120m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

At the time of report writing, one phone call was received requesting further information on the proposed use and its relationship to the existing automotive service south of the subject land across Highway 7A. Staff explained that the proposed amendment would permit a small expansion to the operation and be ancillary in nature.

Agency Review Comments:

Building Division (July 7, 2021) – Advise that the change of use will require a building permit for renovations dealing with fire separations, Ontario Building Code requirements for a repair garage and sanitary facilities for the repair shop and proposed mercantile.

Ministry of Transportation (July 16, 2021) - MTO in principal has no concern with the proposed zoning amendment and proposed land use of car servicing. Please note that MTO requires a 14m setback from highway right of way for all buildings or structure on the property. It is noted that the existing building that is going to be converted only has a 7m setback, MTO is willing to accept this existing condition with no significant changes proposed to the building. For future reference, if the owner was proposing significant changes to the property (i.e. improvements/additions), they would need to meet the 14m setback requirement.

- In respect to parking on the site, the MTO setback is 14 metres for all required parking and will need to be adhered to for any future development or permit applications for the site. It is MTO policy that all required parking, as per the municipal zoning bylaw be a minimum of 14 metres from the property limit. MTO does allow additional parking as close as 3 metres for additional parking beyond the municipal requirement. No parking is permitted within 3 metres of the property limit.
- Although MTO is prepared to allow the existing entrance to remain as it currently is, any future development of the site, building additions, etc. will require the existing access be upgraded to current MTO commercial entrance standards. The site is within MTO permit range and if any changes are proposed to the site, an MTO building & land use permit would be required.

Development Services – Planning Division Comments:

The proposed amendment would facilitate the adaptive reuse of an existing building and allow an established business to expand close to its primary location. Considering the materials submitted in support of this application and the acknowledgement of the Natural Heritage Features in the vicinity of the site, staff feels that the application aligns with the PPS, Growth Plan, and City of Kawartha Lakes Official Plan.

Conclusion:

Staff recommends that this report for the proposed Zoning By-law Amendment for 1449 Highway 7A be referred back to staff for further review and consideration until comments from agencies have been received and evaluated.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf

Appendix 'A' – Location Plan

Appendix 'B' – Aerial Photo

Appendix 'C' – Zoning Map

Appendix 'D' - Site Plan

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