

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2017-044

Date: June 27, 2017

Time: 2:00 p.m.

Place: Council Chamber

Ward Community Identifier: 12

Subject: Rezoning Application to the Township of Ops Zoning By-law 93-30 to Remove the Holding (H) Symbol to Permit a Restaurant with a Drive-Through Facility at 2934 Highway 35, Lindsay (Song & Song Inc.)

Author: Richard Holy, Manager of Planning

Recommendations:

RESOLVED THAT Report PLAN2017-044, respecting Part of Lots 14 and 15, Concession 6, geographic Township of Ops, identified as 2934 Highway 35, Lindsay, "Song & Song Inc. – Application D06-33-085", be received;

THAT Zoning By-Law Amendment application D06-33-085 identified as 2934 Highway 35, Lindsay, as generally outlined in Appendix "C" to Report PLAN2017-044, be approved and adopted by Council; and

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

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:

Background:

This application proposes to remove the Holding (H) symbol from Schedule “A” of the Township of Ops Zoning By-law 93-30, which regulates development and use of lands located at 2934 Highway 35. The removal of the Holding (H) symbol would permit the subject land to be developed with a restaurant and a drive-through facility in accordance with the permitted uses in the “Highway Commercial Exception Fourteen (CH-15) Zone”.

Owner:	Song & Song Inc.
Applicant:	D.G. Biddle & Associates Limited c/o Michael Fry
Legal Description:	Part of Lots 14 and 15, Concession 6, geographic Township of Ops
Official Plan:	“Highway Commercial” in the City of Kawartha Lakes Official Plan
Zoning:	“Highway Commercial Exception Fourteen - Holding (CH-14(H)) Zone” in the Township of Ops Zoning By-law 93-30
Lot Area:	2.2 ha (5.4 acres)
Site Servicing:	Private well, sewage disposal, and stormwater management services
Adjacent Uses:	North: Highway commercial East: Agricultural South: Highway commercial West: Highway 35 and highway commercial

Rationale:

The subject land was zoned as “Highway Commercial Exception Fourteen – Holding (CH-14(H)) Zone” on July 8, 2014 (By-law 2014-201). The existing buildings were demolished and replaced with a new gas station and restaurant with a drive-through facility. The Holding (H) symbol is to be removed to permit development of the lot in accordance once site plan approval has been granted.

The owner has executed the Site Plan Agreement with the City on June 30, 2016. The Agreement secures for the proposed site plan works and contains the approved site plan drawings. Therefore it is appropriate for Council to consider removal of the Holding (H) provision for this portion of the lot.

Provincial Policies:

The application conforms to the 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement.

Official Plan Conformity:

The property is designated “Highway Commercial” in the City of Kawartha Lakes Official Plan. The proposed use on the property conforms to the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned “Highway Commercial Exception Fourteen – Holding (CH-14(H)) Zone”, which permits specific uses, subject to established development provisions. The proposed use on the property would comply with the applicable zoning provisions. The applicant has submitted a rezoning application for removal of the Holding (H) provision to implement the proposed development.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless Council’s decision is appealed by the owner/applicant to the Ontario Municipal Board. In the event of an appeal there could be costs for legal representation and planning staff.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

Council adopted the 2016 – 2019 Strategic Plan and identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goals as it promotes and provides for expanded business opportunities.

Review of Accessibility Implications of Any Development or Policy:

Accessibility matters will be implemented through the Site Plan Approval and Building Permit processes.

Servicing Comments:

The property will be serviced by a private well, sewage disposal system, and stormwater management services.

Consultations:

The appropriate City Departments and external agencies were consulted through the site plan approval process.

Development Services – Planning Division Comments:

The City and the Owner have executed the Site Plan Agreement. Staff supports this application based on the information contained in this report and the comments received. As such, staff respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Richard Holy, Manager of Planning, 705-324-9411 ext. 1246.



PLAN2017-044
Appendix A.pdf



PLAN2017-044
Appendix B.pdf



PLAN2017-044
Appendix C.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan

Appendix 'C' – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall, Director

Department File: D06-33-085