



Planning Advisory Committee Report

Report Number:	PLAN2022-054
Meeting Date:	September 14, 2022
Title:	Township of Ops Zoning By-law Amendment for 368-388 Angeline Street South
Description:	To amend the Township of Ops Comprehensive Zoning By-law 93-30 to permit the development of the subject site
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Planning Officer – Large Developments & Urban Design

Recommendations:

That Report PLAN2022-054, **Township of Ops Zoning By-law Amendment for 368-388 Angeline Street South**, be received for information; and

That Report PLAN2022-054, **Township of Ops Zoning By-law Amendment for 368-388 Angeline Street South**, be referred back to staff for processing until review of the technical studies has been completed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The lands known as 368 and 388 Angeline Street South in the former Township of Ops currently contain two single-detached dwellings and accessory structures (Appendix A). Under the City of Kawartha Lakes Official Plan (Official Plan), the properties are designated as Development Plan Area Ten (DP-10) and zoned Agricultural (A) Zone under the Township of Ops Zoning By-law. Staff note that DP-10 contemplates Highway Commercial zoning explicitly and prescribes criteria for the evaluation of application of such zoning.

Owner:	Melody Garden Inc.
Applicant:	The Biglieri Group Ltd. c/o Michael Testaguzza
Legal Description:	Concession 5, Part Lot 16, 57R-509, Parts 3 and 4
Official Plan:	Development Plan Area Ten (DP-10) City of Kawartha Lakes Official Plan
Zoning:	Agricultural (A) Zone – Township of Ops Comprehensive Zoning By-law 93-30
Area:	Approximately 3.28 hectares
Site Servicing:	Municipal water, sanitary and storm sewer services
Existing Uses:	Two single-detached dwellings, accessory structures and agricultural.
Adjacent Uses:	North and East – Fairgrounds and exhibition center West – Residential South – Undeveloped institutional East – Residential

Rationale:

Proposal:

The applicant is proposing to rezone the subject lands to permit development of a commercial complex that includes seven buildings to be built out over two phases. Phase One includes a service station, car wash, general commercial and restaurant. Phase Two consists of a hotel, general commercial and restaurant. To facilitate this commercial development, the applicant is proposing to rezone the properties from

Agricultural (A) Zone to Highway Commercial Exception X (CH-XX) Zone. The following materials were submitted in support of these applications:

- 1) Planning Rationale Report (April 2022), prepared by the Biglieri Group. This report provides a review of the proposed development and its alignment with the Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, the City of Kawartha Lakes Official Plan, 2012 and the Township of Ops Comprehensive Zoning By-law 93-30. Also provided are summaries of the additional materials submitted. This Report is currently under review by staff.
- 2) Hydrogeology Assessment (April 2022), prepared by Pinchin Ltd. The purpose of this study was to characterize the soil and groundwater conditions of the site, evaluate the dewatering requirements for the proposed construction and operations phases of the development, assess the groundwater quality of potential discharge water, assess the pre- and post-construction water balance, evaluate potential impacts on the surrounding environment due to the proposed development, and provide recommendations concerning mitigative measures, if required. This study is currently under review.
- 3) Geotechnical Report (April 2022), prepared by Pinchin Ltd. The purpose of the geotechnical investigation is to determine and review the subsurface conditions and soil engineering characteristics. This study is currently under review.
- 4) Agricultural Impact Brief and Minimum Distance Separation Calculations (March 2022), prepared by Clark Consulting Services. This report provides an analysis of livestock facilities in the area and potential impacts to agricultural lands as a result of the proposed development. This study is currently under review.
- 5) Functional Servicing and Stormwater Management Report (April 2022), prepared by Greystone Engineering Inc. The objectives of this study are to confirm the location of existing infrastructure and evaluate and confirm the capacity for sanitary servicing and water. This study is currently under review.
- 6) Traffic Impact Study (April 2022), prepared by Asurza Engineers Ltd. The purpose of this study is to review, assess and determine any traffic impact from the proposed development. This study is currently under review.
- 7) Species at Risk Assessment (April 2022), prepared by GHD Ltd. The purpose of this assessment was to determine the potential presence of habitat for species at

risk and compliance with the Endangered Species Act. This study is currently under review.

- 8) Stage 1 Archaeological Assessment Report and Statement of Indigenous Engagement (April 2022), prepared by AECOM Canada Ltd. This study describes the geography, land use history, previous archaeological field work and current conditions of the study area. It concludes that a Stage 2 Archaeological Assessment must be completed. Staff note that field work for the Stage 2 was completed in August and the reports are being prepared. The Stage 1 assessment is under review and the Stage 2 will be reviewed upon receipt.
- 9) Conceptual Site Plan Layout (April 2022), prepared by Greystone Inc.
- 10) Comprehensive Design Analysis (April 2022), prepared by the Biglieri Group.
- 11) Survey (October 2021), prepared by IBW Surveyors.

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.

The subject lands are outside of the Urban Settlement Area of Lindsay and not designated as Prime Agricultural under the City's Official Plan. Therefore, relevant policies under sections 1.1.4 Rural Areas in Municipalities and 1.1.5 Rural Lands in Municipalities apply.

Section 1.1.4.1 of the PPS provides direction on supporting rural areas. Specifically, 1.1.4.1 (e) prescribes the efficient use of rural infrastructure and public service facilities and 1.1.4.1 (f) prescribes promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources. Regarding 1.1.4.1 (e), the applicant proposes to service the development with municipal services that currently extend along Angeline Street South to the adjacent Lindsay Fairgrounds. The Functional Servicing and Stormwater Management Report submitted in support of this application is being reviewed.

With regards to 1.1.4.(f) and economic diversification, staff feel that the proposed uses are complementary to the tourism/tourist-attraction use adjacent to the subject lands. Development of the described tourist accommodations and amenities (service station, car wash, general commercial, restaurant and hotel) in this location provides opportunities for employment and sustainable tourism development which satisfies Long-Term Economic Prosperity policies within Section 1.7.

In consideration of the agricultural use of the subject lands and the PPS provisions for resource management and use of agricultural land, an Agricultural Impact Brief (Brief) and Minimum Distance Separation (MDS) Review were prepared and submitted in support of this application. As per the Brief, approximately 2 hectares of the subject land is used for agricultural production. The Brief and MDS Review are under review.

Final PPS conformity will be determined once reviews of the technical materials are complete.

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

In order 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).

The Growth Plan prescribes policies specific to the conservation of Natural Heritage Features. Staff note that there are no Natural Heritage features or key hydrologic features within or 120m away from the subject site. Therefore, no vegetation protection zone is required.

Similar mitigation and conservation policies also pertain to endangered species at risk. The Species at Risk Assessment states that there is no habitat of a threatened or endangered species at risk and that no natural heritage constraints have been identified on, or adjacent to, the subject lands. Staff note that this Assessment is currently under review.

Following review of technical studies, staff will evaluate complete Growth Plan conformity.

City of Kawartha Lakes Official Plan

The subject lands are designated as Development Plan Area Ten (DP-10) under the City's Official Plan. Staff note that the DP-10 area was established under the notion that it would be rezoned to the Highway Commercial Zone. This is evident through sections

31.18.1 and 31.18.2 of the Official Plan which prescribe the Highway Commercial policies of the Official Plan and criteria for contemplation should a development application be received. Said criteria and staff comments are as follows:

- 1) Council is satisfied that there is sufficient capacity in the Lindsay water supply and distribution system, and sufficient capacity in the Lindsay sewage treatment plant and collection system to permit the subject lands to be serviced;
 - A Functional Servicing and Stormwater Report, Geotechnical Report and Hydrogeology Assessment were submitted in support of this application. These materials are currently under review.
- 2) Council is satisfied that an on-site stormwater management system can be provided which satisfies City standards and the requirements of the Ministry of Transportation of Ontario;
 - In addition to the above, this application and materials have been circulated to the Ministry of Transportation for review. At the time of report writing, no comments have been received.
- 3) Council is satisfied that the lands can be adequately accessed meeting the requirements of the Ministry of Transportation for only a right in, right out access on Angeline Street, with no access off Highway 7;
 - A Traffic Impact Study was submitted in support of this application and has been sent to the Ministry of Transportation for review. At the time of report writing, no comments have been received.
- 4) Arrangements have been completed for the transfer of any required road widenings along the Angeline Street and Highway 7 frontages of the subject lands.
 - Same as above.
- 5) An archaeological review of the site has been completed.
 - A Stage 1 Archaeological Assessment was completed and submitted in support of this application that concluded a Stage 2 Archaeological Assessment is required. Field work for the Stage 2 was completed in August. At the time of writing this report, staff await the Stage 2 assessment report.

With regards to the Highway Commercial Designation, the purpose of the designation is to accommodate existing small area and individual commercial activities located on or at the intersection of arterial roads or provincial highways that provide convenient access and exposure. Staff note that this site is located at the intersection of Highway 7/35 and Angeline Street which are, respectively, a provincial highway and arterial road. The uses proposed with this development also align with those contemplated under the Highway Commercial Designation--motor vehicle service station and fuel bar, restaurant, hotel, and general retail.

Servicing of the development is proposed as an extension to municipal servicing which is the approach encouraged by section 21.2.2. Staff are evaluating this method through the materials submitted with this application.

With the Lindsay Exhibition fairgrounds adjacent to the subject lands, proposing a hotel and other tourism-related commercial uses offers an economic development opportunity aligning with both Tourism and Commerce policies prescribed by the Official Plan.

Once review of supporting materials is complete, reviewed, staff will determine conformity with the City's Official Plan.

Township of Ops Comprehensive Zoning By-law 93-30

The property is currently zoned Agricultural (A) Zone which does not permit any of the proposed uses. The applicant is proposing a rezoning to Highway Commercial Exception (CH-XX) Zone to accommodate the development.

Staff feel that the proposed uses and redevelopment are appropriate within the Highway Commercial Zone. Further review of the internal operation of the site, including parking requirements, is required before a final zoning by-law can be brought forward for approval.

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 development of new commercial businesses and tourist accommodations.

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.

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:

No public comments have been received at the time of report writing.

Agency Review Comments:

Supervisor, Part 8 Sewage Systems, Building Department (August 2022) – It appears that the property is proposed to be serviced by municipal sanitary. As such, there are no comments for the proposed zoning amendment at this time.

Community Services (August 2022) – No comments on the proposal.

Engineering Department (August 2022) – no comments on the proposed rezoning.

Development Services – Planning Division Comments:

Staff feel that the proposed development of 368-388 Angeline Street South has merit from a land use and policy perspective while noting that technical reviews are underway. Conformity with the PPS, Growth Plan and Official Plan will continue to be evaluated while comments from reviewing agencies are received.

Conclusion:

Staff respectfully recommends that the application to rezone 368-388 Angeline Street South be referred back to staff until technical reviews have been completed and comments from the public have been addressed.

Attachments:

Appendix 'A' – Location Plan



Appendix A.pdf

Appendix 'B' – Aerial Photo



Appendix B.pdf

Appendix 'C' - Site Plan



Appendix C.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-019