



Council Report

Report Number: PLAN2022-068

Meeting Date: November 1, 2022

Title: **Removal of Holding Provision, Keith and Donna Buckley**

Description: An application to amend the Township of Ops Zoning By-law to remove the Holding provision on the property from an Agricultural Exception Twenty-One Holding [A-21(H)] Zone to permit a yoga studio and office space for health practitioners as a secondary use and establish applicable development standards on the subject land at 1407 Elm Tree Road.

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

Recommendations:

That Report PLAN2022-068, **Part of Lot 19, Concession 1, geographic Township of Ops, identified as 1407 Elm Tree Road, Keith and Donna Buckley – D06-2022-015**, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix 'C' to Report PLAN2022-068, be adopted by Council; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	This application proposes to remove the Holding (H) symbol from the Agricultural Exception Twenty-One Holding [A-21(H)] Zone. The effect of the amendment is to permit a yoga studio and office space for health practitioners as a secondary use to a main agricultural use on a portion of the subject land and establish applicable development standards on the subject land at 1407 Elm Tree Road.
Owners:	Keith and Donna Buckley
Applicant:	D.M. Wills Associates Limited
Legal Description:	Part of Lot 19, Concession 1, geographic Township of Ops
Designation:	Prime Agricultural and Environmental Protection on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A) Zone and Agricultural Exception Twenty-One Holding [A-21(H)] Zone in the Township of Ops Zoning By-law 93-30, as amended
Lot Area:	80.34 hectares (198.53 acres – MPAC)
Site Area:	0.89 hectares (approx. 2.2 acres of land subject of application)
Site Servicing:	Private individual well and septic system

Rationale:

The subject land is located west of Lindsay and northeast of the hamlet of Little Britain. A portion of the property was zoned Agricultural Exception Twenty-One Holding [A-21(H)] by By-law 2021-204. A Site Plan application has been submitted for an on-farm diversified use, being a use consisting of office space for health practitioners and a yoga studio (health hub) on the subject land. The Holding (H) symbol was placed to ensure that Site Plan Approval was obtained.

The applicant has submitted site plans, which were circulated for review by commenting departments and agencies. A subsequent site plan submission will address the comments received to permit the plans to be approved. As a result, it is now appropriate to remove the (H) Holding provision.

The owner has applied to have the Holding (H) provision removed to allow the construction of the health hub facility on the subject land (See Appendix B) in accordance with the A-21 zone provisions, as amended. The development of this

property is subject to the owner submitting plans with the City for approval. Site plan approval is nearing completion with construction expected to begin in the near future. On this basis, it is appropriate for Council to consider removal of the Holding (H) provision.

Applicable Provincial Policies:

The application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan) and is consistent with the Provincial Policy Statement, 2020 (PPS).

Official Plan Conformity:

The subject land is designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). The proposed on-farm diversified use is within the Prime Agricultural designation. The proposed development conforms to the applicable policies of the designation.

Zoning By-Law Compliance:

The portion of the property being considered by this application is zoned 'Agricultural Exception Twenty-One Holding [A-21(H)]' Zone, which permits a health hub consisting of a yoga studio and office space for health practitioners as an additional use, subject to site specific development standards. The subsequent site plan submission will demonstrate compliance with the site-specific 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 at this time.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal.

Servicing Implications:

The agricultural land contains a private drilled well, which services the existing single detached dwelling and is also intended to service the proposed health hub use on the subject land. A new private sewage disposal system is proposed to support the proposed new use.

Consultations:

Notice of this application was given in accordance with the Planning Act. At the time of writing this report, no comments were received.

Development Services – Planning Division Comments:

Staff support the application based on the information contained in this report and as such, 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 appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II at 705.324.9411 ext. 1324.

Appendix 'A' – Location Map



Appendix 'A'
PLAN2022-068.pdf

Appendix 'B' – Proposed Site Plan



Appendix 'B'
PLAN2022-068.pdf

Appendix 'C' – Draft Zoning By-law



Appendix 'C'
PLAN2022-068.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-015