



Planning Advisory Committee Report

Report Number:	PLAN2022-073
Meeting Date:	November 30, 2022
Title:	Amend the Township of Fenelon Zoning By-law 12-95 at 327 Snug Harbour Road, Fenelon – 2779722 Ontario Limited and 2779723 Ontario Limited
Description:	An application to amend the Township of Fenelon Zoning By-law to facilitate a future vacant land plan of condominium for 27 lots for single detached dwellings and to amend the development standards of the 'Tourist Commercial Exception Six (C3-6) Zone' to facilitate the redevelopment of the properties identified as 327 Snug Harbour Road, Fenelon (2779722 Ontario Limited and 2779723 Ontario Limited)
Type of Report:	Public Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2022-073, **Amend the Township of Fenelon Zoning By-law 12-95 at 327 Snug Harbour Road, Fenelon, 2779722 Ontario Limited and 2779723 Ontario Limited – Application D06-2022-029**, be received; and

That PLAN2022-073 respecting Application D06-2022-029 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted an application for a zoning by-law amendment for two properties identified as 327 Snug Harbour Road in the Geographic Township of Fenelon. The proposal is to permit a 27-unit vacant land plan of condominium development by:

- a) Changing the zone category from the 'Tourist Commercial – Holding [C3(H)] Zone' to the 'Rural Residential Type One Exception ** (RR1-**) Zone' and the 'Environmental Protection (EP) Zone';
- b) Changing the zone category from the 'Tourist Commercial Exception Seven Holding [C3-7(H)] Zone' to the 'Rural Residential Type One Exception ** (RR1-**) Zone' and the 'Rural Residential Type One Exception YY (RR1-YY) Zone';
- c) Changing the zone category from the 'Rural Residential Type Three (RR3) Zone' to the 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone'; and
- d) Amending the 'C3-6' zone permitted uses and standards.

The future draft plan of condominium will allow the creation of the future vacant lots and common elements, including the internal roads, stormwater management features, and marina boat storage and ancillary storage block for the condominium users. The existing four-plex dwelling will be converted into a marina/development office with short-term rental accommodations. The owner completed a Preconsultation application with the City in October of 2021, and first submitted this application in July of 2022. All items were received and the application deemed complete on October 17, 2022.

Owners: 2779722 Ontario Inc. and 2779723 Ontario Inc. c/o Jay Allen

Applicant: TD Consulting INC. c/o Tom deBoer

Legal Description: Vacant Land/327 Snug Harbour Road – 57R-4924 Parts 1 and 2; Part of Bed of Sturgeon Lake; Part of Lot 5, Concession 8, Geographic Township of Fenelon; and
327 Snug Harbour Road – 57R-4924 Part 3; Part of Lot 5, Concession 8, Geographic Township of Fenelon

Designation: 'Waterfront' and 'Environmental Protection' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan

Zone: 'Tourist Commercial Holding [C3(H)] Zone'; 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone'; 'Tourist Commercial Exception Seven Holding [C3-7(H)] Zone'; 'Environmental Protection (EP) Zone'; and 'Rural Residential Type Three (RR3) Zone' on

Schedule 'A' of the Township of Fenelon Zoning By-law Number 12-95

Lot Area:	15.0 hectares [37.0 acres]
Site Servicing:	Proposed private services: individual private wells, on-site sewage systems, and ditches and swales
Existing Uses:	Vacant Land; Marina (Mooring of Snug Harbour); Four-plex
Adjacent Uses:	North: Sturgeon Lake East: Pasture Road; Agricultural South: Vacant Agricultural West: Low Density Shoreline Residential Development

Rationale:

The properties are located on the northwest and southeast side of Snug Harbour Road, to the west of Pasture Road, bounded by vacant agricultural land on the south and Sturgeon Lake to the north. See Appendix 'A'. The subject properties are located in a shoreline residential neighbourhood, with low density single detached dwellings on relatively smaller shoreline lots (approximately 1,500 square metres) and some single detached dwellings on larger waterfront backlots (approximately 6,000 square metres). The remainder of the surrounding land uses are large agricultural lots. See Appendix 'B'.

The properties consist of approximately 15.0 hectares, and contain various buildings associated with the marina, and a four-plex on the currently residential zoned lot. The applicant is applying on behalf of the owners to rezone both properties to permit a 27-unit vacant land plan of condominium, consisting of 27 lots for single detached dwellings on private services, with 4 units fronting on Snug Harbour Road, and 23 units fronting on the private condominium roads. Each dwelling unit would have access to the common element uses, including a marina boat storage and ancillary storage unit. Site specific development standards would be addressed through the site-specific exception zones. See Appendix 'C' and 'D'.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to the various City Departments and commenting agencies for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated July 12, 2022. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including

- Addendum 1, 2020 (Growth Plan); the City of Kawartha Lakes Official Plan; and the Township of Fenelon Zoning By-law 12-95. A Draft Zoning By-law Amendment and Schedule are included as an appendix.
2. Functional Servicing Report prepared by BaseTech Consulting Inc., dated July, 2022. The report discusses and assesses the proposal in context of services, including private on site water and sewage works, site grading, and stormwater management.
 3. Stormwater Management Report prepared by BaseTech Consulting Inc., dated July, 2022. The report discusses and assesses the proposal in the context of stormwater management controls, low impact design, water balance, and sediment and erosion control.
 4. Scoped Environmental Impact Study prepared by GHD Limited, dated June 30, 2022. The report discusses and assesses the potential for impacts to natural heritage features, and provides mitigation recommendations.
 5. Geotechnical Investigation Report prepared by Geo-Logic Inc., dated April 2014. The report examines the existing soil and subsurface conditions of the site.
 6. Hydrogeologic Assessment – Update prepared by GHD Limited, dated November 18, 2021. The report examines the existing soil and subsurface conditions relating to infiltration of water on the site and water availability for servicing.
 7. Phase One Environmental Site Assessment (ESA) Update Report prepared by GHD Limited, dated January 8, 2022. The report discusses and assesses the historical uses on and around the property, and provides an update based on former Phase One and Two ESAs completed in 2013.
 8. Update/Addendum Study Report to 2011 Traffic Impact Study prepared by Tranplan Associates Inc., dated June, 2022. The report discusses and assesses the proposal in context of any improvements required to Snug Harbour Road to support the proposed development.
 9. Ministry of the Environment and Climate Change Letter – Record of Site Condition (RSC) Number 213546, dated July 7, 2014. The letter acknowledges filing of the RSC.
 10. Revised Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services, dated January 9, 2013. The assessment reviews the potential for archaeological artifacts or features to be present on the site.
 11. Ministry of Tourism, Culture and Sport Letter – Review and Entry into the Ontario Public Register of Archaeological Reports, dated January 2, 2013. The letter acknowledges filing of the findings of the Stage 1 & 2 Archaeological Assessment.

12. Email from Curve Lake First Nation to Jay Allen, dated March 2, 2022. The email acknowledges discussions with Earthworks Archaeological Services.
13. Plan of Survey prepared by IBW Surveyors, dated March 31, 2022.
14. Plan of Survey Showing Topographic Detail prepared by Ivan B. Wallace Ontario Land Surveyor Ltd., dated May 29, 2014.
15. Draft Plan of Vacant Land Condominium prepared by IBW Surveyors, dated July 8, 2022.
16. Conceptual Landscape Site Plan prepared by Michael E. McGuire Landscape Architect, dated June 26, 2022.
17. Conceptual Lot Plan Landscape prepared by Michael E. McGuire Landscape Architect, dated July 8, 2022.

All the reports have been circulated to the applicable City Departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment, and until such time as all agency and City Departments comments have been received and addressed.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):

Section 2.2.9 3. of the Growth Plan provides that development outside of settlement areas may be permitted on rural lands for: a) the management or use of resources; b) resource-based recreational activities; and c) other rural land uses that are not appropriate in settlement areas, provided they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Section 2.2.9 4. of the Growth Plan provides that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include where appropriate, resource-based recreational dwellings for seasonal accommodation. In accordance with Section 2.2.9 6., these lands were designated for development in the City's Official Plan. The existing lot is designated 'Waterfront' which allows for this type of development. The applicant has submitted the appropriate studies to demonstrate the development can be serviced and appropriately placed outside of the natural features.

The applicant has submitted the appropriate technical reports for consideration and review. Through the appropriate revisions to the technical reports and plans, conformity with the policies of the Growth Plan should be demonstrated.

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. The PPS provides that in rural areas, permitted uses and activities shall relate to the management or use of resources; resource-based recreational uses; limited residential development; and other rural land uses. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management. This development is proposed on private individual well and on-site sewage systems.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3).

The applicant has submitted the appropriate technical reports for consideration and review. Subject to confirmation from the relevant City Departments and circulated agencies and through any appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be demonstrated.

Official Plan Conformity:

The subject property is designated 'Waterfront' and 'Environmental Protection' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (Official Plan). The proposed plan of condominium development is located within and corresponds with the 'Waterfront' designation, which permits limited low density residential development and accessory uses.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through completing the review and

any appropriate revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

Zoning By-Law Compliance:

The subject properties are zoned 'Tourist Commercial Holding [C3(H)] Zone'; 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone'; 'Tourist Commercial Exception Seven Holding [C3-7(H)] Zone'; 'Environmental Protection (EP) Zone'; and 'Rural Residential Type Three (RR3) Zone' in the Township of Fenelon Zoning By-law 12-95 (Zoning By-law). The applicant has requested the following schedule changes:

- a) Change the zone category from the 'Tourist Commercial – Holding [C3(H)] Zone' to the 'Rural Residential Type One Exception ** (RR1-**) Zone' for 4 dwelling units and the 'Environmental Protection (EP) Zone' for the stormwater management features;
- b) Change the zone category from the 'Tourist Commercial Exception Seven Holding [C3-7(H)] Zone' to the 'Rural Residential Type One Exception ** (RR1-**) Zone' for 23 dwelling units and the 'Rural Residential Type One Exception YY (RR1-YY) Zone' for the ancillary storage area; and
- c) Change the zone category from the 'Rural Residential Type Three (RR3) Zone' to the 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone' for the existing four-plex.

In addition to the schedule changes, the 'C3-6' zone permitted uses and standards will be amended as follows:

- Include a snack bar and short-term rental accommodation as ancillary uses to the marina facility use;
- Allow for short-term rental accommodation and a marina/development office; and
- Include site-specific development standards.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through the appropriate revisions to the technical reports and plans, full compliance with the provisions of the Zoning By-law should be achieved.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with the 'Exceptional Quality of Life' priority by continuing to allow a new development which provides new housing stock; and aligns with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Financial/Operation Impacts:

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

Servicing Comments:

Private individual water and sewage services are proposed for the development.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 500 metre radius of the properties; and 2 signs were posted on the properties. As of November 18, 2022, we have received the following comments:

Public Comments:

To date, comments have been received from Gus Sarantopoulos, Mustaque Lalani, Jim Wray, Nadine and Bruce Heaslip, and Yvone and Naveed. Each of the inquirers have noted they are neighbouring property owners who have an interest in the application, and have requested copies of the submitted materials to review. One of the commenters noted that the previous owner of the WannaStay Trailer Park had a full service restaurant in the same building noted to include the proposed snack bar. Other

comments or questions included what style of dwellings would be constructed; if there was a better description of the proposed rental accommodation; if any services (such as Enbridge) would be extended to the development; and if the proposed storage will be indoor or outdoor.

Agency Review Comments:

- November 14, 2022 The Fire and Rescue Department advised they have no concerns at this point.
- November 16, 2022 The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment, and noted there are other comments that must be addressed through any subsequent Planning Act application. The comments relate to conveyance of Snug Harbour Road to the City; further details for the stormwater management proposed; and roads and entrances. A copy has been provided to the owner and applicant.
- November 16, 2022 Curve Lake First Nation advised they require a File Fee of \$250.00 in accordance with their Consultation and Accommodation Standards. The proposed development may require a Special Consultation Framework for the project. They request a summary statement indicating how the project will address their areas of concern. A copy has been provided to the owner and applicant.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff until such time as all comments have been received, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as all 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 email or call Ian Walker, Planning Officer – Large Developments, iwalker@kawarthalakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2022-073
Appendix A.pdf

Appendix B – 2018 Air Photo – Surrounding Neighbourhood



PLAN2022-073
Appendix B.pdf

Appendix C – Proposed Conceptual Site Plan, dated June 26, 2022



PLAN2022-073
Appendix C.pdf

Appendix D – Proposed Conceptual Lot Plan, dated July 8, 2022



PLAN2022-073
Appendix D.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-029