



Planning Advisory Committee Report

Report Number:	PLAN2022-075
Meeting Date:	November 30, 2022
Title:	Rezoning Application by Austin and Alana Westlake
Description:	Rezoning Application (D06-2022-025) to Recognize a Towing Operation with Related Outdoor Storage and Minor Vehicle Inspection and Repairs as a Secondary Use to the Residential Use on the Property
Type of Report:	Public Meeting
Author and Title:	Richard Holy, Director of Development Services

Recommendations:

That Report PLAN2022-075, **Rezoning Application – Austin and Alana Westlake**, be received;

That, provided that there are no substantive public concerns raised at the Public Meeting, the rezoning application for the Austin and Alana Westlake, substantially in the form attached as Appendix 'C' to Report PLAN2022-075 be approved by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The development is located at 43 and 46 Deane Street North in Omemee (see Appendix "A") and is operating a towing business with related outdoor storage of vehicles. The operation is also associated with the Ontario Provincial Police for roadside towing of vehicles. The owner purchased the former railway property and has cleaned the grounds and repaired the existing buildings. The outdoor towing compound has been enclosed with a steel fence matching the colour of the existing buildings. A single detached dwelling has also been constructed on the property. Given that the owner lives on the property, the proposal is being considered as a live-work proposal.

Minor repairs relating to the towing operation may be conducted when vehicles are brought into the facility. This would essentially ensure that vehicle fluids are contained to minimize environmental impact and that they can be safely transported away from the facility. All fluids are contained in separate storage containers to ensure safe handling.

The owner has submitted the rezoning application so that the towing operation and related outdoor storage is formally recognized through the Village of Omemee Zoning By-law 1993-15 as a permitted use.

Owner:	Austin and Alana Westlake
Applicant:	Design Plan Services
Legal Description:	Plan 109, Block 10, Midland Railway lands, former Village of Omemee
Official Plan:	Urban in the County of Victoria Official Plan
Zoning:	Residential Type One (R1) Zone and Community Facility (CF) Zone in Village of Omemee Zoning By-law 1993-15
Area:	1.14 hectares (2.82 acres) total lot area 0.67 hectares (1.67 acres) area of rezoning
Site Servicing:	The property will be serviced by well and septic system which jointly serve the dwelling.
Existing Uses:	The property currently contains a single detached dwelling, a large storage shed used for minor repairs related to the towing operation, a building used for office space and minor repairs related to the towing operation, and the outdoor vehicle storage compound.

Adjacent Uses: North: Vacant land and Trans Canada Trail
 East: Scott Young Public School
 South: Urban residential
 West: Vacant land and urban residential

Rationale:

Design Plan Services has submitted the rezoning application on behalf of Austin and Alana Westlake to change to the R1 and CF zones on the property to an appropriate zone to recognize the existing towing operation and related outdoor storage area as a secondary use to the residential use on the property. Repairs related to the operation are also being requested as a related use. The following items were submitted as part of the complete application.

1. Planning Justification Brief prepared by Design Plan Services and dated July 6, 2022. The report outlined how the proposal addressed Provincial Policy and Official Plan conformity and outlined site development and servicing.
2. Site Plan prepared by Design Plan Services and dated July 14, 2022.
3. Survey Plan prepared by Coe Fisher Cameron and dated July 13, 2018.
4. Correspondence with Curve Lake First Nation, dated June 2022.
5. Functional Service Brief, dated March 30, 2021, prepared by Ken Westlake.
6. Entrance Permit Review Letter, dated May 9, 2022, issued by the City of Kawartha Lakes.

Staff have reviewed the Planning Justification Brief and accept its discussion and conclusions.

Provincial Policies:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A balance between economic development, efficient use of resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

The policies in Part V, Section 1.0 provide direction on building strong and healthy communities in the province's urban areas. It identifies that long-term prosperity and social well-being depend on managing change and promoting the efficient use of land. Accordingly, Section 1.1 provides policy direction on managing and directing land use to achieve efficient development and land use patterns. Considering the main residential use of the subject property, and the business operation which is claimed in part to have existed since 1947, the proposal to legalize this existing business operation would not have any additional impact on the surrounding neighbourhood than what is currently experiencing. Thus, this ZBA is consistent with the following policies:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;
- b. accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, and additional residential units), employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e. promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and
- g. ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The subject property is within the Omemee Urban Settlement Area and is subject to Section 1.1.3 of the PPS. The following policies are met by the proposed application to legalize the existing use of the subject property:

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - a. efficiently use land and resources; and
 - b. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The proposal is to legalize the existing business operation on the subject property, hence the employment opportunities that are currently provided on the subject property will be maintained. The non-residential use is proposed to be permitted as a secondary use, in a live-work scenario, to the current residential use of the subject property. Section 1.7 encourages economic prosperity within the province's settlement areas. The following policies are relevant to the subject proposal:

- a. promoting opportunities for economic development and community investment-readiness; and
- b. encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.

Based on the analysis provided above, the proposal to rezone part of the subject property to legalize an existing business operation on the subject property, is consistent with the policies mentioned within the Provincial Policy Statement (2020). The proposed residential use, with a secondary non-residential use, contemplates a more efficient and intensive use of land by providing both residential and economic opportunities.

Staff feels that the application conforms to the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020:

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, 2020 (Growth Plan).

Section 2.2.1 of the Growth Plan addressed that the vast majority of growth is to be directed to the settlement areas that are within the delineated built boundary and can support the achievement of complete communities. The subject proposal conforms with the following policies:

4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities.

Section 2.2.2 of the Growth Plan addresses developments within the Delineated Built-up Areas. The proposal conforms to the following policies:

Section 2.2.2 of the Growth Plan addresses developments within the Delineated Built-up Areas. The proposal is within the Built boundary and as such will count towards the City's intensification targets.

Section 2.2.5 addresses economic development and competitiveness in the GGH. Considering the proposed ZBA is to maintain and legalize the existing business operation on the subject property, the following policies of Section 2.2.5 of the Growth Plan are applicable:

1. Economic development and competitiveness in the GGH will be promoted by:
 - a. making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
 - d. integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The subject property is located within the Delineated Built-up Area of the Growth Plan. This application proposes to recognize the existing business operation that is secondary to the main residential use within the subject property. The business operation provides towing, indoor and outdoor storage, and vehicle inspection services. The location of the subject property is appropriate for the existing business operation due to its close proximity to Highway 7. As such, this application makes more efficient use of land by providing residential, economic, and employment opportunities which directly encourages the development of complete communities.

Staff feels that the application conforms to the policies of the Growth Plan.

Official Plan Conformity:

The property is designated "Urban" in the County of Victoria Official Plan. This proposed rezoning application conforms to the land use policies in the County of Victoria Official Plan. The proposed use is low intensity in nature and is developed on a large property with sufficient setbacks to abutting properties. The use is located at the end of street and generates minimal impact on the surrounding properties. The outdoor towing compound has been enclosed with steel as a screen from the street, shielding and late noise and potential inconvenience from head lights. Therefore, the use would be compatible with surrounding properties and in conformity with the County of Victoria Official Plan land use policies.

Zoning By-Law Compliance:

The residential lands are zoned “Residential Type One (R1) Zone” in the Village of Omemee Zoning By-law 1993-15. Given that the Zoning By-law does not permit the existing use, the applicant has submitted a rezoning application to recognize the existing towing operation with related outdoor storage and minor vehicle inspection and repairs as a secondary use to the residential use on the property.

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 Vibrant and Growing Economy priority by providing economic opportunities for local businesses to operate.

[Kawartha Lakes Strategic Plan 2020-2023](#)

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.

Servicing Comments:

The development is serviced through a common septic system and well. The development has an approved entrance from the Public Works Department.

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 or inquiries have been received on the application to date.

Agency Review Comments:

The application was also circulated to all required agencies for comment. The Engineering and Corporate Assets Department, Building and Septic Division, KRCA, Curve Lake First Nation, Enbridge, and Trillium Lakelands District School Board have no concerns with the proposed zoning by-law amendment.

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. The application conforms to the Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the County of Victoria Official Plan has also been demonstrated.

The applicant will be required to submit a site plan application essentially outlining what presently exists on the property. This will ensure that the operation doesn't expand or change in use. A site plan agreement will be registered on title.

In summary, the proposed zoning amendment (see Appendix "C") recognizes the towing operation and outdoor compound in conjunction with the residential dwelling that exists today and will not change or intensify site.

Conclusion:

City staff has completed their review of the rezoning application and supports the proposed zoning by-law amendment contained in Appendix "C" to the Report. Provided that there are no substantive comments raised by the public, Staff respectfully recommends that the proposed zoning by-law amendment be forwarded to Council for approval.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Director of Development Services, (705) 324-9411 extension 1246.

Appendix "A" – Location Map



PLAN2022-075 -
Appendix A.pdf

Appendix "B" – Site Plan



PLAN2022-075 -
Appendix B.pdf

Appendix "C" – Proposed Zoning By-law Amendment



PLAN2022-075 -
Appendix C.pdf

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Department File: D06-2022-025