



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2024-049</b>
<b>Meeting Date:</b>	August 7, 2024
<b>Title:</b>	<b>Amendment to the Village of Bobcaygeon Zoning By-law 16-78 at 89 Prince St West in the former Village of Bobcaygeon now in the City of Kawartha Lakes</b>
<b>Description:</b>	Application to amend the Village of Bobcaygeon Zoning By-law 16-78 to permit the proposed expansion of a dairy manufacturing operation including a dairy retail store, outdoor patio, and associated parking - D06-2024-012
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Lindsay Nooren, MCIP, RPP Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

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### Recommendation(s):

**That** Report PLAN2024-049, Amendment to the Village of Bobcaygeon Zoning By-law 16-78 at 89 Prince St West in the former Village of Bobcaygeon now in the City of Kawartha Lakes, be received; and

**That** Report PLAN2024-049, Amendment to the Village of Bobcaygeon Zoning By-law 16-78 at 89 Prince St West in the former Village of Bobcaygeon now in the City of Kawartha Lakes, be referred back to staff to address agency comments and for further review of technical studies.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**Background:**

- Owner:** Kawartha Dairy Ltd. (Mallot Creek Group c/o Luke Slater)
- Applicant:** Diana Keay, D.M.Wills and Associates
- Legal Description:** 89, 96, 100 & 102 Prince Street West; 52, 60, 82 & W/S Joseph Street; and 82, 94, 103 & E/S Head Street, Lots 11 and 12, West Side of Head Street, and Lots 11, 12 and 13, East Side of Head Street, and Lots 11, 12 and 13 West Side of John Street, and Part of John Street (Closed by By-law 18-91, Instrument R283430), and Lot 11 and Part of Lot 14 West Side of Joseph Street, Registered Plan 70 in the City of Kawartha Lakes
- Official Plan:** 'Urban Settlement Area' in Schedule 'A-5' of the City of Kawartha Lakes Official Plan; and, 'Urban' in Schedule 'A-2' of the Victoria County Official Plan
- Zoning:** Restricted Industrial (M1), Restricted Industrial Special, Exception Two (M1-S2), Urban Residential Type One (R1), Urban Residential Type Two (R2)
- Area:** The Subject Lands encompass a total area of approximately 2.11 hectares (5.22 acres) with the main manufacturing facility having approximately 228.16 metres (748.56 feet) of frontage on Prince Street West. Kawartha Dairy Limited is comprised of several lands uses across a total of twelve (12) properties associated with the dairy production and manufacturing operation.
- Site Servicing:** City owned and operated well system and septic system
- Existing Uses:** A manufacturing plant and retail store are located at the main industrial building of 89 Prince Street West. Several storage containers are also located on the southwest portion. On the east side of the industrial building is storage and a single-detached dwelling at 83 Prince Street West, with access from Prince Street West. To the east of the former road allowance is a single detached dwelling located at 52 Joseph Street. To the north are two adjacent employee entrances on Prince Street West, providing access to a gravel parking lot for employees located at 60 Joseph Street and to a single detached dwelling and storage building at 74 & W/S Joseph Street. A single-detached dwelling with a separate entrance occupies the northwest portion of the Subject Lands, addressed as 103 Head Street. On the west side of the road are 82 & 94 Head Street and a single-detached dwelling. To the south of the main industrial building are four residential lots. 102 Prince Street West

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contains a single-detached dwelling; 100 Prince Street West is vacant; and the west portion of 96 Prince Street West is a single-detached dwelling while the east portion of 96 Prince Street West is an icehouse with parking.

Adjacent Uses: North - Several residential lots developed in the form of single-detached dwellings. On the north side of North Street is Jermyn Lumber, TSL AutoStop, the Bobcaygeon Public School, and residential lots. Northeast of the property is Tommy Anderson Park on Duke Street.

East – Several single-detached dwellings

South – The Ice Hut convenience store and several single-detached dwellings

West – Bobcaygeon Senior Centre and further south on Head Street is a strip of single-detached homes and a bed & breakfast establishment. A woodland area is located behind the Senior Centre and houses, with a wetland swamp located in the southern portion of the woods closer to Front Street West.

The applicant is proposing to rezone the portions of the 'Subject Lands' to facilitate the expansion of the existing Kawartha Dairy Manufacturing Plant, Kawartha Dairy. An addition to the manufacturing plant including a retail store and patio component is proposed for the properties linked to 89 Prince Street West. The development of an off-site employee parking lot is proposed at 82 & 94 Head Street and a dairy museum is proposed at 96, 100 & 102 Prince Street West. Additionally, the water feature will be realigned to continue along the west end of the site and connect to the existing culvert located beneath the intersection of Prince Street West and Head Street. Many of the existing buildings will be demolished to facilitate the expansion. Portions of the existing manufacturing plant and freezer storage, homestead, and single-detached building used as an office at 82 Joseph Street, and the truck entrance from Head Street will be maintained.

The existing manufacturing plant will be removed for the proposed 6,502.73 square metre (69,994.80 square foot) addition for a total industrial building size of 6,860.23 square metres (73,842.9 square feet). The retail component of the manufacturing plant building at 89 Prince Street West is to be removed and a new retail store is proposed to be constructed at 52 & 60 Joseph Street. As proposed, the retail store would be 294.33 square metres (3,168.14 square feet) with access from Joseph Street and a driveway

for deliveries on Prince Street West. The retail store will also include an outdoor patio area and 30 parking spaces for customers.

## **Rationale:**

The following documents were submitted with the application for review:

- Draft Zoning By-law Amendment prepared by D.M Wills and Associates;
- Noise and Vibration Impact Study, prepared by RWDI Consultants dated November 9th, 2023;
- Restricted Land Use Notice Prepared by Kawartha Conservation, dated April 16th, 2024;
- Traffic Impact Study prepared by D.M. Wills dated November 2023;
- Preliminary Flood Study Report prepared by Sanchez Engineering Inc. dated June 2021;
- Plan of Survey prepared by IBW Surveyors dated November 19th, 2021;
- Phosphorus Loading Assessment prepared by D.M. Wills Associates Ltd. Dated December 4th, 2023;
- Topographic Survey prepared by IBW dated November 25, 2021;
- Functional Servicing and Stormwater Management Report prepared by Mallot Creek Group, dated November 3rd, 2023;
- Cultural Heritage Evaluation Report prepared by MHBC dated January 2022;
- Environmental Impact Study prepared by Mallot Creek Group dated June 2021;
- Planning Justification Report prepared D.M. Wills dated April 2024;
- Natural Channel Design Report prepared by D.M Wills dated June 2021;
- Neighbourhood Open House Summary Report prepared by D.M Wills dated March 2024;
- Preliminary Building Elevations prepared by Christopher Z Tworowski dated October 2021;
- Geotechnical Investigation prepared by Cambium Inc dated August 21st 2021;
- Hydrogeological Assessment prepared by Cambium Inc. dated August 2021;
- Elevation and Floor Plan design prepared by Mallot Creek Group dated June 2023; and
- Site Plan prepared by Mallot Creek Group dated June 2023.

Through this Amendment, properties currently zoned 'Urban Residential Type Two (R2)' Zone would be rezoned to 'Restricted Industrial Special Two (M1-S2)' Zone in order to permit the development of a dairy retail store, outdoor patio, and associated parking. Portions of the properties currently zoned 'Urban Residential Type One (R1)' Zone and 'Urban Residential Type Two (R2)' Zone will be rezoned to 'Central Commercial (C1)' Zone to permit the development of a staff parking lot and to permit the development of a museum with associated visitor parking.

## **Policy Conformity**

### **Provincial Policy Statement (PPS 2020)**

The PPS provides a policy framework for land use planning within the Province of Ontario.

As per Section 1.1.1, healthy, livable, and safe communities are outlined. This includes policies related to promoting efficient development patterns that can sustain the financial wellbeing of the province and municipalities over the long term as well as ensuring efficient land use patterns in settlement areas. This section speaks to settlement areas being the prime focus for growth and development. The Subject Lands are within the Bobcaygeon settlement area.

Section 1.2.6 speaks to land use compatibility which mentions protecting the long-term viability of existing and planning manufacturing facilities where there is a need for the use, provided adverse impacts to surrounding lands are mitigated and minimized. Moreover, as per Policy 1.3, Employment, opportunities should be made for economic development and competitiveness.

The proposed Zoning By-law Amendment would support efficient development patterns within the settlement area and promote economic growth and prosperity for the Village of Bobcaygeon. As the manufacturing plant is already an established and prestigious business entity within the Village of Bobcaygeon, it is already compatible with the surrounding land uses and its continued growth will only benefit the economic competitiveness locally and throughout the province. Section 1.6 speaks to the infrastructure needs within communities and how new developments will ensure the optimization, feasibility, and financial viability of the existing infrastructure long term. Through studies submitted with this application, the applicant has considered these policies against the merits of the proposal.

Section 2.1 speaks to natural heritage. The applicant has submitted a scoped Environmental Impact Study with the rest of the application to address the natural heritage features on the site. Additionally, this is in keeping with the Natural Hazards policies in Section 3.1 of the PPS. The applicant has included buffers for the identified natural heritage feature and continues to work with Staff on how the proposal can best protect and enhance this feature with no adverse impacts.

**Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan provides further provincial policy direction with respect to growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life. The Subject Lands are subject to the policies applicable to Settlement Areas within the Growth Plan.

The proposal conforms to and considers the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) in particular, Subsections 1.2.3 (Relationship with the Provincial Policy Statement), Section 2.2.1 (Managing Growth), Section (2.2.5 (Employment), and Section 4.2.2 (Natural Heritage System).

The proposed development is supported by full municipal services and supports the growth and employment policies of the Growth Plan by directing growth to settlement areas and contributing to local and provincial economic development. The applicant has submitted the list of studies requested by staff to ensure appropriate and compatible development, that is in keeping with the existing neighbourhood character and community framework, as proposed. The applicant continues to work with staff to ensure that no adverse impacts are experienced as a result of this application.

**City of Kawartha Lakes Official Plan (2012)**

The City of Kawartha Lakes Official Plan (CKLOP) replaces the former Victoria County Official Plan (VCOP) to reflect the overall vision established by the City as a single tier municipality and approval authority. However, the corresponding policies for the Bobcaygeon Secondary Plan are under appeal at the Ontario Land Tribunal, and as such, the 'Urban' designation policies of the VCOP continue to apply.

Urban policies as outlined in the VCOP are to be for residential, recreational, institutional, industrial, cultural, and commercial purposes. The use proposed will serve has an industrial and commercial development meant to continue and enhance the services offered by Kawartha Dairy to serve the people and visitors of Bobcaygeon.

**Village of Bobcaygeon Zoning By-law 16-78**

The Subject Lands are currently zoned, in part 'Restricted Industrial Special Two (M1-S2)', 'Urban Residential Type One (R1)' and Urban Residential (R2)' on Schedule 'A' in the Village of Bobcaygeon Zoning By-law, as amended.

The applicant is proposing to amend the site-specific 'Restricted Industrial Special Two (M1-S2)' Zone to permit the proposed development of a dairy manufacturing operation

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and rezone properties currently zoned 'Urban Residential Type Two (R2)' Zone to 'Restricted Industrial Special Two (M1-S2)' Zone to permit the development of a dairy retail store, outdoor patio, and associated parking and rezone portions of the properties currently zoned 'Urban Residential Type One (R1)' Zone and 'Urban Residential Type Two (R2)' Zone to 'Central Commercial (C1)' Zone to permit the development of a staff parking lot and to permit the development of a museum with associated visitor parking.

Zoning deficiencies are shown on the following statistics table provided by the applicant:

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<u>SITE STATISTICS TABLE - EXISTING MANUFACTURING BUILDING WITH OFFICE SPACE AND HOMESTEAD</u>				
ADDRESS	89 PRINCE STREET W, BOBCAYGOEN, ON, CA			
ZONING	RESTRICTED INDUSTRIAL SPECIAL EXCEPTION TWO (M1-S2) ZONE			
REGULATIONS	EXISTING	REQUIRED	PROPOSED	VARIANCE
MIN. LOT AREA (ha)	1.34	0.167	±1.7922	N
MIN. LOT FRONTAGE (m)	85.0	30.0	171.58	N
MIN. LOT DEPTH (m <sup>2</sup> )	140.88	-	140.88	N
MAX. BUILDING AREA (m <sup>2</sup> )	±2,403.45	-	7,764.28	N
MAX. LOT COVERAGE (%)	16.6	50	16.6	N
MIN. LANDSCAPE COVERAGE (%)	83.4	-	83.4	N
MAX. BUILDING HEIGHT (m)	6.9	11.0	9.14	N
SETBACKS (m)				
MIN. FRONT	1.66	1.6	24.45	N
MIN. REAR	2.3	6.0	20.41	N
MIN. INTERIOR SIDE (E)	5.47	0.0	-	-
MIN. EXTERIOR SIDE (E)	-	8.0	5.95	Y
MIN. EXTERIOR SIDE (W)	31.09	8.0	31.01	N
MIN. CENTERLINE FROM ROAD	11.93	-	36.63	-
WATER YARD	6.5	6.0	5.93	Y
PARKING				
PARKING RATIO	THE FIRST 2800m <sup>2</sup> OF THE PREMISES, 1 PER 40m <sup>2</sup> OF FLOOR AREA OR PORTION THEREOF AND FOR ANY ADDITIONAL FLOOR AREA, 1 PER 100m <sup>2</sup> FOR FLOOR AREA OR PORTION THEREOF			
NO. OF PARKING SPACES	±24	61	25	Y
PARKING SPACE DIMENSIONS (m)	3.0 X 5.5	(3.0 X 6.0) (MIN. AREA 17m <sup>2</sup> )	3.0 X 6.0	N
NO. OF ACCESSIBLE SPACES	-	4	2	Y
ACCESSIBLE SPACE DIMENSION (m)	-	(3.0 X 5.7) (MIN. AREA 17m <sup>2</sup> )	3.0 X 6.0	N
NO. OF LOADING SPACE	-	2	6	N
LOADING SPACE DIMENSION (m)	-	4.0 X 17.0	4.0 X 20.0	N

Staff are working with the applicant to address the zoning deficiencies related to exterior side yard, water yard, and parking.

### **Other Alternatives Considered:**

No other alternatives have been considered.



## **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

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

In alignment with strategic priorities, the proposed rezoning would facilitate the expansion of an existing Dairy Manufacturing Plant that would aim to protect natural heritage, and which supports a healthy environment and encourages sustainable growth and economic prosperity, which supports a vibrant and growing economy.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. No comments from the public were received at the time of report writing. As of July 17, 2024, the following agency and public comments have been received.

## **Agency Comments:**

**Development Services Department – Planning Division** reviewed the proposal and asked the applicant to clarify how some of the proposed buildings and structures meet the applicable zoning provisions. The applicant is working with planning staff to further address these.

**Development Services Department – Natural Heritage (Dillon Planning ecologist on behalf of the City of Kawartha Lakes)** reviewed the proposal and

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noted several concerns with the Scoped Environmental Impact Study. The applicant has met with the ecologist to discuss these concerns and is revising their EIS as required.

**Engineering and Corporate Assets Department – Development Engineering**

reviewed the proposal and have provided comments that have been relayed back to the applicant. At the time of this staff report, the applicant has received the comments from Development Engineering and are addressing these on an updated Site Plan that is forthcoming.

**Development Services Department - Building and Septic Division** reviewed the proposal and has no concerns or objections.

**Fire Prevention** reviewed the proposal and had no concerns or objections.

**Kawartha Regional Conservation Authority** is in the process of reviewing the proposal and comments are forthcoming.

**Conclusion**

The application generally conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also generally conforms to the policies of the City of Kawartha Lakes Official Plan.

The rezoning to address the applicable deficiencies and proposed uses associated with the expansion is generally appropriate in principle. However, Planning Staff respectfully recommend that the application be received for informational purposes only, and referred back until refinements to the Zoning By-law Amendment and respective technical studies have been addressed, specifically as it relates to zoning deficiencies and Natural Heritage considerations.

**Attachments:**

Appendix A Location Map



APPENDIX A - KD  
LOCATION MAP.doc

## Appendix B Site Plan



APPENDIX B - KD  
SITE PLANS.docx

## Appendix C Aerial Photo



APPENDIX C - KD  
AERIAL.docx

**Department Head email:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)

**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D06-2024-012