



Planning Advisory Committee Report

Report Number: PLAN2025-022

Meeting Date: April 9, 2025

Title: **Applications to Amend the Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30 at 4 Riverwood Park Road, Lindsay - Eatson Properties Inc.**

Description: Applications to facilitate the development of a motor vehicle dealership and an enclosed self-storage facility located at lands described as 57R-10588 Part 1 to 3; Part of Lots 2, 5 and 6, Registrar's Compiled Plan 560; Part of Lot 15 Concession 5, Geographic Township of Ops

Type of Report: **Regular Meeting**

Author and Title: Raphael Romeral, Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

Recommendation(s):

That Report **PLAN2025-022, Applications to Amend the Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30 at 4 Riverwood Park Road, Lindsay - Eatson Properties Inc.,** be received for information;

That an Official Plan Amendment respecting application D01-2024-009, substantially in the form attached as Appendix D to Report PLAN2025-022, be approved and adopted by Council;

That a Zoning By-law Amendment respecting application D06-2024-024, substantially in the form attached as Appendix E to Report PLAN2025-022, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Eatson Properties Inc.
Applicant:	Kevin M. Duguay Community Planning and Consulting Inc.
Property Description:	Legal Description: 57R-10588 Part 1 to 3; Part of Lots 2, 5 and 6, Registrar's Compiled Plan 560; Part of Lot 15 Concession 5, Geographic Township of Ops Municipal Address: 4 Riverwood Park Road
Official Plan:	'Highway Commercial' and 'Rural' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zoning By-law:	'Highway Commercial (CH) Zone' and 'Agricultural Exception Three (A-3) Zone' (Schedule 'A') in the Township of Ops Zoning By-Law 93-30, as amended
Lot Area:	1.99 ha. (4.94 ac.)
Servicing:	Water: Individual private well Sanitary: Individual private septic system Stormwater: Ditches/Swales
Access:	Provincial – Highway (Highway 35) Private Right-Of-Way (Riverwood Park Road / Wagstaff Road – CKL2024-004)
Existing Uses:	The Subject Lands are currently vacant
Adjacent Uses:	North: Commercial (motor vehicle sales facility) East: Rural (vacant), Commercial (vehicle service station) South: Commercial (motor vehicle sales facility), Residential (single detached residential dwellings) West: Commercial (commercial garage with open storage)

Rationale:

The applicant is seeking to develop a self-storage facility and a motor vehicle sales facility at 4 Riverwood Park Road (Subject Land). To facilitate this development, an Official Plan Amendment is required to amend the City of Kawartha Lakes Official Plan by redesignating a portion of the Subject Land from the 'Rural' designation to a 'Highway Commercial Exception'. This redesignation will accommodate the proposed self-storage facility, which is currently not a permitted use under the existing designation.

In addition to the Official Plan Amendment, an amendment to the Township of Ops Zoning By-law 93-30 is necessary. The Zoning By-law amendment seeks to rezone the Subject Land from the 'Highway Commercial (CH)' zone and 'Agricultural Exception Three (A-3)' zone to a 'Highway Commercial Exception 19 (CH-19)' zone. While the motor vehicle sales facility is permitted within the 'Highway Commercial (CH)' Zone, the self-storage facility is not. Therefore, the zoning amendment will permit the self-storage facility within the Subject Land. The concept also includes 42 spaces for the motor vehicle sales facility, and 22 parking spaces for the self-storage facility, which does not meet the parking requirement in the Township of Ops Zoning By-Law 93-30. Therefore, the zoning amendment would also be required to accommodate the parking deficiency for the proposed motor vehicle sales facility and self-storage facility.

This amendment will enable the diversification of commercial activities on the site, enhancing its economic potential while maintaining compatibility with existing zoning regulations.

Additionally, a Holding (H) provision will be placed on the zoning to address the identified archaeological potential of the site. This provision ensures that no development or site alteration occurs until an archaeological assessment is completed and any cultural heritage concerns are resolved, thereby safeguarding the area's historical significance.

Policy Conformity

Provincial Planning Statement 2024 (PPS 2024)

The Provincial Planning Statement (PPS) 2024 provides a policy framework for land use planning within the Province of Ontario. The 'Subject Land' is located outside of settlement areas, and are subject to Section 2.5.1 of the PPS, which recognizes the

importance of rural areas to the economic success of the province. The proposed self-service storage facility and motor vehicle dealership aims to revitalize an underutilized site for commercial purposes, ultimately promoting economic diversification in the area, a key objective of the PPS. This aligns with Section 2.1.6, which encourages complete communities through diverse land uses that stimulate economic growth.

Furthermore, this development is considered an "other rural land use" under Section 2.6.1(g) that can be sustained by existing rural service levels. It avoids the need for uneconomical infrastructure expansion, which is consistent with the PPS directive to support a diversified rural economy while minimizing constraints on agricultural and resource-related uses. The development will rely on private on-site water and wastewater facilities, as addressed in technical reports by Engage Engineering, aligning with Section 3.1. This approach optimizes the use of existing infrastructure and ensures that the development is financially viable over its lifecycle, in line with the PPS policies on infrastructure planning and management.

In conclusion, the proposed amendments are consistent with the PPS, supporting economic growth, efficient land use, and infrastructure management while protecting the rural character of the area.

City of Kawartha Lakes Official Plan (2012)

The Subject Lands are designated as 'Highway Commercial' and 'Rural' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan (CKLOP). The applicant proposes an Official Plan Amendment to redesignate the entire property as 'Highway Commercial Exception' to facilitate the development of a motor vehicle dealership and a self-storage facility.

This redesignation aligns with CKLOP's Section 6, which promotes economic development by enhancing commercial activities to serve residents and visitors. The proposed development introduces new commercial uses, supporting the City's economic growth objectives. Specifically, it introduces a motor vehicle sales use and a self-storage facility, both of which are new to this location and enhance commercial diversity.

The CKLOP encourages Highway Commercial development in areas with high accessibility and minimal traffic conflict. The Subject Lands, with frontage on Provincial Highway No. 35, meet these criteria. The concept plan ensures no direct vehicular access from the property to the highway, respecting the designation's intent.

While the 'Highway Commercial' designation permits motor vehicle sales, self-storage is not a permitted use, requiring a policy exception under Section 21 of the CKLOP. The applicant is requesting this exception.

The rear (west) portion of the property, currently designated 'Rural', will be redesignated to 'Highway Commercial' to ensure consistency with the predominant land use. This aligns with the designation's purpose of accommodating commercial activities along arterial roads and highways.

The CKLOP encourages communal services for Highway Commercial developments where feasible. However, due to both the location of the subject property and separation from municipal infrastructure by roadways, private on-site services are proposed. Technical studies, including a hydrogeological report, confirm the suitability of the property for these private services, which is permissible under the Provincial Planning Statement when communal services are impractical.

The proposed motor vehicle sales facility, with a floor area of approximately 1,000 square meters, complies with the CKLOP's size restrictions for individual establishments within the 'Highway Commercial' designation. However, the combined floor area of the proposed motor vehicle sales and self-storage facility exceeds the maximum permitted total gross floor area of 2,000 sq. m. on a single lot, as stipulated in Section 21.2.4. Therefore, the proposed self-storage use requires relief from this provision.

The proposed Official Plan Amendment aligns with the goals and objectives of the City of Kawartha Lakes Official Plan. The redesignation and policy exception facilitate economic development by introducing diverse commercial uses, ensuring accessibility, and respecting the intent of the 'Highway Commercial' designation. The use of private on-site services is justified and supported by technical studies, adhering to provincial and municipal planning policies. Therefore, the proposed amendment is consistent with the CKLOP's vision for sustainable economic growth and development."

Township of Ops Zoning By-law 93-30

The Subject Lands are currently zoned Highway Commercial (CH) Zone and Agricultural Exception Three (A-3) Zone in the Township of Ops Zoning By-law. The Zoning By-law Amendment seeks to rezone the property to a modified 'Highway Commercial (CH)' zoning by-law exception to accommodate the proposed uses of a motor vehicles sales use and a self-storage facility. While the CH zone currently permits a motor vehicle dealership, it does not permit a self-storage facility as a standard permitted use. The

proposed amendment aims to address this by allowing self-storage facilities within the CH zone through a zoning by-law exception.

The zoning by-law exception would be added to the CH zone to include self-storage facilities as a permitted use. This modification supports the diversification of commercial activities on the Subject Land, enhancing its utility and economic potential while maintaining compatibility with the existing zoning framework.

The Township of Ops Zoning By-law, specifically Section 2.17, outlines parking requirements. However, the by-law's provisions are outdated and do not adequately address the proposed land uses, particularly motor vehicle sales and self-storage. The category "Farm Implement Sales and Services Motor Vehicle Dealership" is clearly inapplicable, and the general provision of 1 space per 35 square meters of Gross Floor Area, while technically applicable, does not reflect contemporary parking demands for these types of facilities.

Despite the by-law's limitations, the proposed 42 parking spaces for the motor vehicle sales facility are deemed sufficient. This number accounts for customer parking, staff parking, and potential overflow, aligning with general parking standards for similar dealerships. It ensures that the eastern portion of the property will have adequate parking capacity, mitigating potential traffic congestion.

Similarly, the zoning by-law lacks specific parking requirements for self-storage. Applying the general provision would result in an excessive 106 spaces, which is unrealistic for this type of facility. Self-storage customers typically park directly adjacent to their units for loading and unloading, minimizing the need for extensive parking areas. Therefore, the proposed 22 parking spaces are considered appropriate and reflective of the actual parking demand for this use. It is important to note that modern parking standards and best practices should be considered in these reviews, as the existing by-law is not aligned with the current operational standards of these types of businesses.

Additionally, the proposed zoning for the Subject Lands will require a Holding (H) provision due to identified archaeological potential. Development or site alteration is prohibited until this provision is lifted. To remove the Holding symbol, an archaeological assessment must be completed by a licensed archaeologist, following the Standards and Guidelines for Consultant Archaeologists. The report must be submitted to the City and entered into the Ontario Public Register of Archaeological Reports, with recommendations confirming no further cultural heritage concerns or detailing

conservation measures. Additionally, the application must demonstrate that the archaeologist engaged with the Williams Treaties First Nations to their satisfaction.

The proposed Zoning By-law Amendment, including the site-specific exception and the Holding provision, aligns with the intent of the Township of Ops Zoning By-law while addressing the unique characteristics of the proposed development. The proposed parking provisions, though deviating from the outdated by-law, are justified based on contemporary standards and the operational needs of the land uses. The required archaeological assessment ensures the protection of cultural heritage resources. Therefore, the amendments are considered appropriate and support the orderly development of the Subject Lands.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024-2027 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 these strategic priorities, the proposed Official Plan Amendment and Zoning By-law Amendment contribute to a vibrant and growing economy through the proposed commercial use.

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:

The Planning Division received the application submission package on November 15, 2024, which included the following reports and plans in support of the application:

1. Planning Justification Report, by Kevin M. Duguay Community Planning and Consulting Inc., dated October 10, 2024
2. Zoning bylaw Amendment Application, by Kevin M. Duguay Community Planning and Consulting Inc, dated October 15, 2024
3. Official Plan Amendment Application, by Kevin M. Duguay Community Planning and Consulting Inc, dated October 15, 2024
4. Topographic Survey, prepared by A.R. Wakeling Surveying Technical Surveys, dated January 19, 2023
5. Legal Survey, by Coe Fisher Cameron Land Surveyors, dated May 4 2017
6. Geotechnical Investigation Report; by Cambium Inc; dated October 1, 2024
7. Hydrogeological Assessment, by Cambium Inc, dated October 4, 2024
8. Concept Sewage Design, by Cambium Inc, dated October 4, 2024
9. Traffic Impact Study, by Asurza Engineers; dated March 13, 2024
10. Traffic Impact Study Appendix, by Asurza Engineers; dated March 13, 2024
11. Site Plan, by Engage Engineering Ltd; dated February 23, 2023
12. Preliminary Stormwater Management Report, by Engage Engineering Ltd., dated October 2024
13. Fire Flow Technical Memo, by Engage Engineering Ltd, dated October 4, 2024;
14. Phase II Environmental Site Assessment, by Cambium Inc, dated September 2, 2021;
15. Agricultural Impact Brief and Minimum Distance Separation Review, by Clark Consulting Services, dated January 19, 2023;
16. Geotechnical Investigation & Installation of Monitoring Wells by AME Materials Engineering, dated December 6, 2019; and
17. Memorandum, by Kevin M. Duguay Community Planning and Consulting Inc., dated March 17, 2025

Staff deemed the application 'complete' under the requirements of the Planning Act on November 27, 2024, and initiated Agency consultation on November 27, 2024, with a requested review period of the application submission package by December 10, 2024.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. The public has been notified of the application through circulation of the Notice of Public Meeting on December 10, 2024.

The following comments were provided by agencies during the consultation period:

Planning and Development – Policy Planning reviewed the proposal and have recommended the applicant be reminded that the zoning by-law requires that parking spaces should remain available for parking, and not storage of vehicle inventory. Additionally, there does not appear to be any accessible parking provided for the self-storage area. Please circulate policy planning on the eventual site plan application so it can be reviewed against established design and other relevant policies in the Official Plan.

Planning and Development – Dillon Planning recommend the proposed zoning on the Subject Lands would be subject to a Holding (H) provision as the lands have been identified as having archaeological potential. No development or site alteration shall be undertaken on the subject property until the Holding provision is removed. The following shall be required in order to remove the Holding symbol:

- An archaeological assessment of the property has been completed by a licensed archaeologist in compliance with the Standards and Guidelines for Consultant Archaeologists and a report has been submitted to the City and entered into the Ontario Public Register of Archaeological Reports with a recommendation of one of the following:
 - No archaeological site of cultural heritage value or interest has been identified and no further archaeological assessment is required;
 - Any identified archaeological site is of no further cultural heritage value or interest and any impacts have been successfully mitigated;
 - Any identified archaeological site of further cultural heritage value or interest in conserved and protected in a manner as detailed in the archaeological assessment.
- A complete application to remove the holding provision shall include documentation to confirm that the licensed archaeologist engaged with the Williams Treaties First Nations to their satisfaction in preparing and finalizing the archaeological report.

Economic Development – Business has reviewed the proposal and have no further comments.

Development Services - Building and Septic Division reviewed the proposal and provided the following comments:

- An OBC Data matrix is required
- The distance from hydrant to furthest opening to be denoted (storage buildings)

- A site servicing plan is required
- Development charges may be applicable

Engineering and Corporate Assets Department – Development Engineering

reviewed the proposal and have no further comments.

Indigenous Communities - Alderville First Nation require an archaeological assessment as archaeological potential is identified on the Subject Property. Alderville First Nation expects to be engaged on any fieldwork.

Enbridge Gas reviewed the proposal and has no further comments.

Ministry of Transportation reviewed the proposal and have provided the following comments:

- Once the OPA/ZBA decision has been finalized, the Ministry looks forward to receiving the Site Plan application for approval. Please continue to utilize this.
 - Land Development file number for all future submissions related to this site-specific application (MTO-LD-2024-43S-000550). The minimum submittal for this Site Plan application should include an Engineered/Scaled Site Plan, Stormwater Management Report, and a Terms of Reference from the Traffic Consultant. The Ministry advises the review of any technical reports can take up to 4 – 6 weeks to complete.
- A cursory review of the submitted Site Plan reveals the following deficiencies:
 - The Ministry will require an updated Site Plan which clearly denotes the 14m setback requirement.
 - The MTO requires a 14-meter setback from the MTO highway property line for all structures above and below ground. This includes internal roads, stormwater management, ponds, fire routes, required parking, parking for events, etc. Please add these setback requirements and measurements to the site plan for this development.
 - Please provide the distance of the entrance from the curve at the intersection of Hwy 35 and Riverwood Park Road (Wagstaff Road).
- The Ministry requires an illumination plan to clarify how the site will be illuminated. Please ensure these plans illustrate that no light from the site escapes onto the Ministry's right of way. The developer must provide the following:
 - To-scale site plan showing the location and the highway.
 - Lighting layout showing pole/luminaire locations and orientation.

- Luminaire installation information such as mounting height, orientation angle, shielding info, etc.
- Luminaire material information including catalog info and photometric data file.
- Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum. Any light spillage in the MTO right-of-way or glare issues arising from illumination on the development site will be the responsibility of the proponent to address and will be noted as a condition on the MTO Building and Land Use permit.
- Please note that MTO is not responsible for noise mitigation for the proposed development including noise barriers or berms. Should the proponent wish to mitigate noise exposure, all costs, financial and otherwise, associated with noise mitigation will be the sole responsibility of the property owner and subject to MTO approval.
- Any Development-Driven Highway Improvements will be the sole financial responsibility of the developer.
- A Term of Reference must be submitted prior to the submittal of a Traffic Impact Study or Traffic brief to the Ministry by MTO a RAQS qualified transportation consultant. The Ministry will require the submittal of a Terms of Reference as detailed in Part 3 of the MTO Traffic Impact Study Guidelines 2023.
- While municipalities may develop and apply their own policies and technical guidelines for developments impacting highways under their jurisdiction, MTO's TIS guidelines shall apply to all developments undertaken within MTO's corridor permit control area and shall be used to prepare and submit TIS in support of permits from MTO. Where separate studies are submitted to each road authority, the inputs and outputs of the analyses are expected to be in agreement and consistent with each other.
- The pre-TIS briefing package shall include the following:
 - A site plan that must include the following details:
 - Plan title
 - Name of the applicant
 - Scale
 - North point
 - Highway number
 - Lot and concession numbers and the limits of the property
 - Location of existing and proposed buildings, structures
 - Proposed parking area layout with the maximum number of vehicles

- to be accommodated at one time,
 - Elevation of the area adjoining the highway and the proposed drainage system for the development,
 - Location of existing and proposed entrances
 - Location and names of adjacent roads
 - Clearly defined study area/limit
 - Growth rate suggestion
 - Development details, including:
 - Type of development (i.e., residential, commercial, industrial, etc.)
 - Projected size of development (i.e., number of units, gross floor area (GFA), etc.)
 - Stages or phasing schemes of the development
 - Traffic information:
 - Expected peak hour number and percentages of vehicles entering and leaving the property from each direction,
 - Times of the peak hour(s)
 - Number of days per week and the specific days of the week that the development is expected to be open to the public,
 - Any previous Traffic Impact Studies
- After the Ministry has had the opportunity to review the Site Plan, Traffic Impact Report, Stormwater Management Brief, and other technical reports, comments will be provided. Should the comments be favorable, the Ministry will then instruct the property owner or their designate to apply for the required Ministry Building and Land Use and Signage permits. Please advise the property owner not to apply for any Ministry permits until directed to do so.
 - The MTO will require permits for any location signage that are within 400m from MTO right-of-way or are visible from Highway 401. All signage must be 3m from the ROW, shown on the site plan, and a permit is required. The permit application can be submitted online using the Highway Corridor Management Online Services at: HCMS - MTO's online permit application wizard (gov.on.ca), only after MTO approvals have been confirmed.
 - Please note that the Ministry reserves the right to modify and expand on these preliminary comments as further information is submitted to MTO for review.
 - The Ministry does advise that should there be any changes to any of the previously submitted documentation, that Ministry review and approvals are required prior to implementation of any changes.
 - MTO, as an agent of the Crown, will not issue an approval that will contravene another

regulatory agency's statutory mandate. Therefore, prior to issuing any approvals, MTO requires confirmation that the necessary approvals from the municipality and other regulatory agencies have been granted, approvals in principle have been provided or no approvals are required.

Kawartha Lakes Conservation Authority reviewed the proposal and have no further comments.

Conclusion and Recommendation:

The proposal represents good land use planning by promoting the development of underutilized land, fostering economic growth within the rural economy, and safeguarding environmentally sensitive areas in accordance with policies of the PPS, City of Kawartha Lakes Official Plan, and Township of Ops Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment and Official Plan Amendment respecting applications D01-2024-009 and D06-2024-024, substantially in the form attached as Appendix 'D' and Appendix 'E' to Report **PLAN2025-022**, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Dillon Planning at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Site Mapping – Location Map – see following pages

Appendix B – Aerial – see following pages

Appendix C – Site Plan – see following pages

Appendix D – Draft Official Plan Amendment & Schedule



Appendix D OPA
PLAN2025-022.docx

Appendix E – Draft Zoning By-law Amendment & Schedule



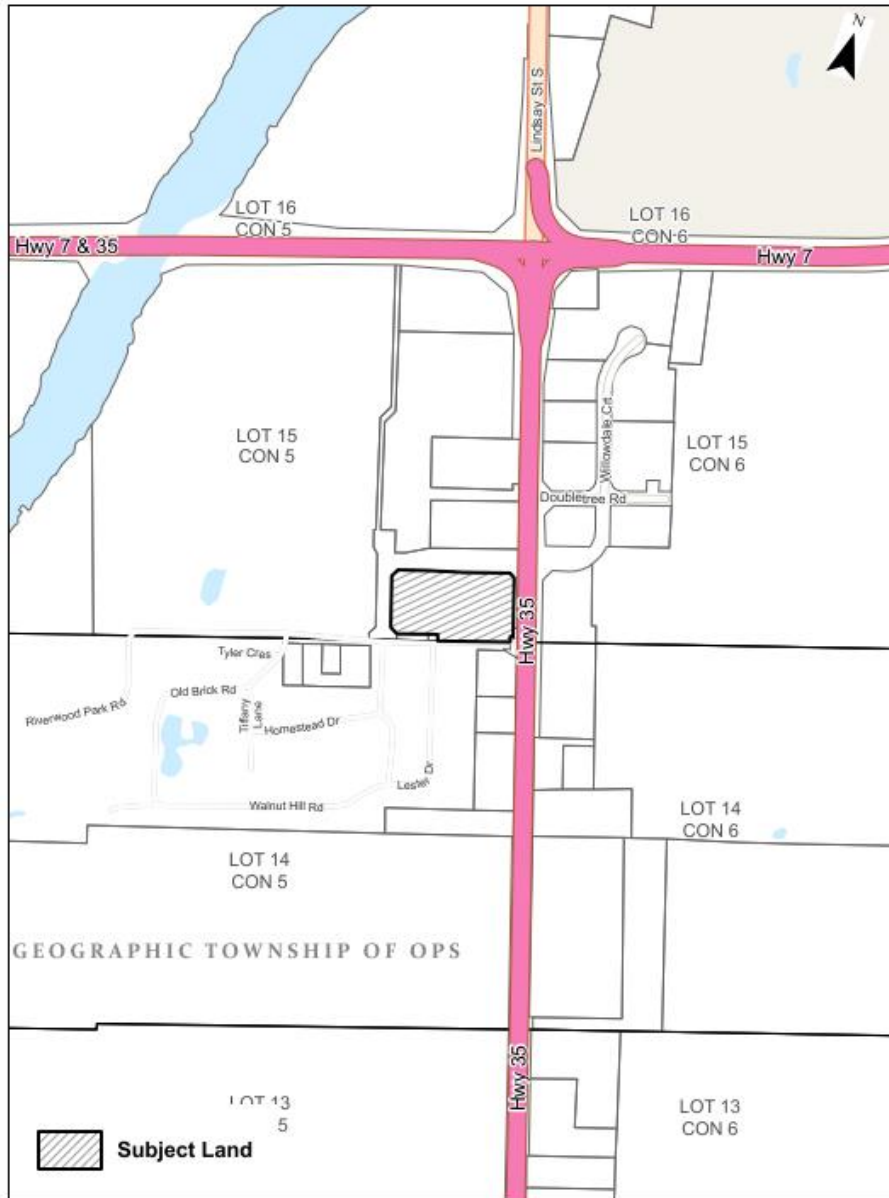
Appendix E ZBA
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Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D01-2024-009 & D06-2024-024

Appendix A – Site Mapping – Location Map



Appendix B – Aerial



Appendix C – Site Plan

