



Planning Report

To: Reeve Harrison and Members of Council
Township of Algonquin Highlands

From: Greg Corbett
Planning Consultant

Re: 1801552 Ontario Limited (Old Mill Marina)
1569 Russell Landing Road
Part Lot 15, Concession 12
Parts 1 & 2, 19R-6745
Sherborne, Township of Algonquin Highlands

Date: January 6, 2010

ORIGIN

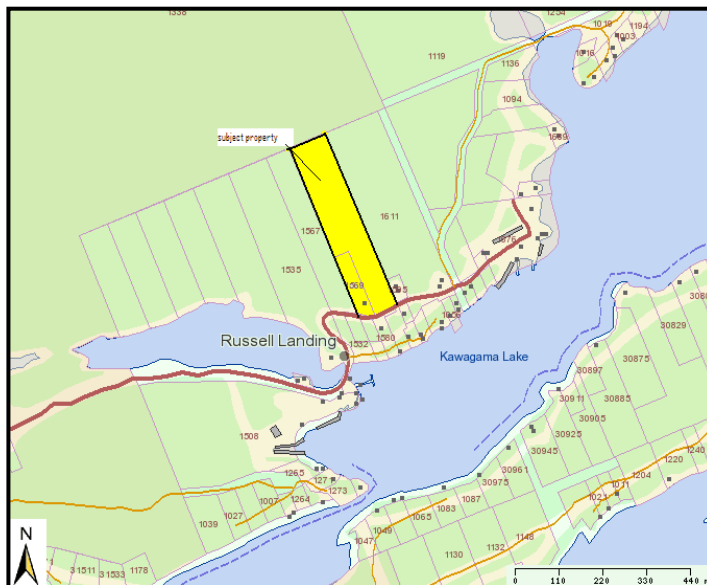
The Township has received a Zoning By-law Amendment application from 1801552 Ontario Limited to rezone property located on Russell Landing Road from the Rural (RU) Zone to the Recreational Commercial (C3) Zone to permit the use of the land for boat storage.

BACKGROUND

Subject Lands

The property is located on the northern side of Russell Landing Road, within Lot 15, Concession 12, Sherbourne and more particularly described as Parts 1 & 2, 19R-6745. It has a total area of approximately 4.65 hectares (11.5 acres) with 110 metres (360 feet) of frontage on Russell Landing Road.

Property Location



A site inspection of the property was conducted on January 6, 2010. The property is currently vacant, with the previous structures on the property having been recently removed, resulting in a cleared area approximately 30 metres from Russell Landing Road. The property is relatively level, with some undulating areas and aside from the cleared area where the previous structures were located, the remainder of the property is well treed.

The property is located in an area interspersed with residential and commercial uses. Old Mill Marina is located to the east of the property and Mountain Trout House Marina to the west, with the intervening area consisting of residential. There is a small cabin and outbuilding on the adjacent property to the west in the vicinity of the existing driveway and a dwelling on the adjacent property to the east, which is also owned by the applicant. There are some existing dwellings on the opposite side of Russell Landing Road, some on properties which extend to Kawagama Lake and others on backlot properties.

Proposal

The applicant is proposing to use the property for boat storage in association with Old Mill Marina on Kawagama Lake, which is approximately 350 metres to the east of the property along Russell Landing Road. A 930 square metre (10,000 square foot) storage building with a height of 10.6 metres (35 feet) is proposed. An area is to be cleared for the storage building and also to permit outside storage of trailers. According to the information submitted with the application, the outside storage area and the storage building will maintain a 15 metre (50 foot) setback from the side lot lines and approximately 40 metres (135 feet) from the road. The existing forested area in these setback areas is to be maintained, with the exception of that necessary to facilitate the re-alignment of the driveway.

Access to the property is to be gained directly from Russell Landing Road, with the existing driveway being proposed to be relocated so that it no longer encroaches on the adjacent property. No water or septic services are being proposed as the property is only intended to be used for storage.

The applicant has indicated that the additional boat storage is required due to increasing demand for this service by residents and the lack of area to accommodate this growth on the Old Mill Marina property. In addition to the increasing demand for boat storage, the use of shrinkwrap, and more specifically its disposal, has become increasingly difficult and the additional storage building proposed would alleviate this need.

An information package outlining the proposal was distributed to neighbours in the Fall of 2009 by the applicant.

ANALYSIS

Official Plan

The Algonquin Highlands Official Plan was approved, with modifications, by the Ministry of Municipal Affairs and Housing on September 20, 2005.

The property is located within the "Rural" designation according to Schedule A3 of the Official Plan. Schedules "B" and "C" to the Official Plan identify environmental resources in the Township so that they can be properly managed, preserved and protected. A review of Schedules "B" and

“C” indicate that no specific environmental resources have been identified on the lands subject to the proposal.

Policies for development within the “Rural” designation are contained within Section 5.3 of the Official Plan. Section 5.3.1.2 of the Official Plan calls for the preservation and promotion of the rural character of the Township with Section 5.3.1.4 stating that the dominant consideration in addressing Rural development proposals being impact on the rural character. In this case, the proposal to use the land for boat storage would not appear to detract from the Rural character of the area from either a use or aesthetic perspective. Activity on the land will be confined to relatively short periods in the Spring and Fall, when boats are put into storage and taken out of storage. From an aesthetic perspective, as the proposal has the storage building well setback from the road and side lot lines, with the forest cover to be maintained within these setback areas, the proposed storage building will be well buffered from the travelling public and adjacent properties.

Permitted uses within the “Rural” designation include commercial ventures related to outdoor recreation and space extensive uses that would not be appropriate in a settlement designation (Section 5.3.7.1). Section 5.3.7.2 specifically references boat storage as a commercial use appropriate for the “Rural” area, subject to a site specific review of the proposal so that Council can be satisfied of the following:

- The proposed use is compatible with the character of the area;
- Adequate water, sewer, parking, loading facilities and landscaping can be provided on site;
- The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties; and,
- The proposed use is accessed by a publicly owned and maintained year round road that can accommodate the traffic generated by the proposed development.

The property is located in close proximity to Kamagama Lake and two existing marinas servicing Kawagama Lake, Old Mill Marina (Kawagama) Limited and Mountain Trout House Limited. The provision of boat storage facilities in relatively close proximity to waterfront areas would be in character with a waterfront recreational area.

The use of the property for boat storage would not require significant services such as water or sewer services. Given that the proposed use is not intended to be accessible to the general public, the parking and loading facilities required would be limited and can be easily accommodated on this relatively large property.

The sketch submitted with the application indicates that the storage area and the storage building will be setback a minimum of 15 metres (50 feet) from the side lot lines and 35 metres (115 feet) from Russell Landing Road and that the forested area in these setbacks is to be maintained. Such an increased setback and maintenance of vegetation should assist in buffering the proposed use from the neighbouring properties. Furthermore, as indicated previously, the activity associated with the use of the property would appear to be relatively limited. As such, the proposal would not appear to have a negative impact on the enjoyment and privacy of the neighbouring properties.

Access to the property is to be gained from Russell Landing Road, a publicly owned and maintained year round road. The property is located at crest of a relatively steep hill on Russell Landing Road. The existing entrance to the property is located at the crest of the hill and its

relocation would appear to be an improvement from a sight line perspective, however it should be confirmed that there are appropriate sight lines to facilitate the new entrance and its use for commercial purposes.

Section 9.5 of the Official Plan provides for the use of Site Plan Control by the Township if required by Council. Site plan control is used to ensure that there are no impacts on adjacent properties and the property is developed as intended. In this case, given the low impact nature of the proposed development, such issues may not be as prevalent and requirements can be incorporated into the proposed zoning of the property, as detailed below, which will address the pertinent issues in this case. As such, Council may want to consider not requiring a formal site plan agreement in this case.

In consideration of the foregoing, the proposal would appear to conform with the Official Plan.

Zoning By-law 03-22

By-law 03-22 was adopted by Council June 19, 2003, and came into effect upon approval of the Ontario Municipal Board on September 10th, 2004.

According to Schedule 9, the property is zoned "Rural (RU)". The applicant is proposing to rezone the lands to the "Recreational Commercial (C3)" Zone to facilitate the proposed use of boat storage. The C3 Zone would permit a number of other commercial uses, such as a golf course, restaurant, tourist establishment and others, that have not been evaluated in relation to this property. As such, it would be appropriate to include an exception with the zoning to limit the permitted uses. This has been discussed with the applicant who has indicated that the preference would be to maintain as many options as possible. In reviewing the permitted uses within the C3 Zone, some would require the submission of additional information such as servicing and environmental reports in order for them to be considered. As such it is recommended that the permitted uses be limited to the commercial use requested, being boat storage and those uses that would have been permitted in the Rural Zone and are also permitted in the C3 Zone, being conservation, public use and single detached dwelling.

In addition to restricting uses, consideration should also be given to increasing the required interior side yard setback from 6 metres to 15 metres as set out in the application and the front yard setback from 12 metres to 35 metres and stipulate that these setbacks would also apply to outside storage areas and require appropriate screening of any outside storage area. Furthermore, as outside storage is not included in lot coverage, the amount of area used for outside storage should be limited. Such a zoning would be similar to the zoning established by Recreational Commercial Exception Seven (C3-7) Zone for a boat storage facility located on County Road No. 11, south of Kushog Lake.

It should be noted that the proposal indicates that the proposed building is to have a height of 10.7 metres (35 feet), which would exceed the permitted height in the Zoning By-law of 10 metres (32.8 feet). Given the relatively minor nature of this additional height, the property location and the buffering proposed, this additional height could be included in the site specific zoning for the property.

Provincial Policy Statement

The 2005 Provincial Policy Statement would apply to this proposal.

Section 1.1.4.1 g) of the Provincial Policy Statement addresses uses in the Rural Areas in Municipalities and states that “recreational, tourism and other economic opportunities should be promoted”.

Section 2.0 addresses the wise use and management of resources and states that “Ontario’s long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agriculture, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits”.

The proposed development would address a need within the municipality and increase economic opportunities within the rural area of the Township without any apparent impacts on the natural resources of the municipality. As such, the proposal would be consistent with policies of the Provincial Policy Statement.

CONCLUSIONS AND RECOMMENDATIONS

Based on this review, the proposal would appear to be appropriate for the site, be in character with the area, will not adversely impact neighbouring properties, and will assist in meeting an increasing need for boat storage.

In accordance with Section 5.3.2.2 of the Official Plan, a zoning amendment will be necessary to facilitate the proposed development, application for which has been received, and should be site specific to the property and facilitate the development as proposed. The appropriate zoning for the property would be the Recreational Commercial (C3) Zone with specific exceptions recommended to:

- i) restrict the use of the property to boat storage, conservation, public use and single detached dwelling;
- ii) require an increased side yard setback of 15 metres;
- iii) require an increased front yard setback of 35 metres;
- iv) require that any outside storage comply with the required front, rear and side yard setbacks, be limited to 50% of the lot area and be screened from adjacent properties and public streets by buildings, vegetation or fencing; and
- v) permit a maximum building height of 11 metres.

It is recommended that a Zoning By-law be drafted as set out above and a public meeting be held in accordance with Section 34 of the *Planning Act*, to obtain public input on the proposed rezoning of the property.

Yours truly,

PLANSCAPE



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