



Preliminary Preconsultation Summary
Circulation Date: January 17, 2022

Confidential Matter

Preconsultation Circulation Date:	Circulated By Email – Monday, January 17, 2022 Comments Due By – Friday, January 28, 2022
File Number:	D38-2022-004
City Departments and Agencies who may have an interest:	<p>Andy Letham, Mayor Andrew Veale, Ward 4 Councillor Office of the Chief Administrative Officer Clerks Office Municipal Law Enforcement and Licensing Division Legal Division Realty Services Accessibility Advisory Committee Development Services Department Planning Division Building and Septic Division Economic Development Division Engineering and Corporate Assets Department Public Works Department Community Services Department Human Services Department Fire and Rescue Services Risk Management Official, Kawartha Conservation Kawartha Region Conservation Authority Curve Lake First Nation Trent-Severn Waterway/National Historic Site of Canada Ministry of Transportation Haliburton, Kawartha, Pine Ridge District Health Unit Ministry of the Environment, Conservation and Parks Region of Durham Township of Brock</p>
Applicant and Consultants Present for Meeting:	Circulation by email only
Owner:	<p>Tommy's Country Diner Inc. [REDACTED] [REDACTED]</p>
Applicant:	<p>TD Consulting Inc. [REDACTED] [REDACTED]</p>

Project Description:	The applicant proposes to redevelop the property to include a gas bar, drive-thru and dine-in restaurant and/or convenience store, and a commuter parking lot.
Site Address / Location including Roll No. and Property Identification No.:	10357 Simcoe Street; 57R-7920 Parts 1 and 2; Part of Lot 1 Concession 2, Geographic Township of Mariposa; ARN 165111001087905; PIN 631940168
Lot Area:	0.91 ha. (2.25 ac.)
Method of Servicing:	Water: Individual private well Sanitary: Private septic system Stormwater: Ditches/Swales
Housing Affordability:	Not Applicable
Entrance/Road Access & Other Road Frontages:	Municipal – Arterial (Simcoe Street – KL Rd 2; Ramsey Road – KL Rd 28)
Widening, Easement, Etc.:	Potentially – To Be Determined
Municipal Drain:	Not Applicable
Heritage Designation:	Not Applicable
Source Water Protection:	Not Applicable
Conservation Authority Regulatory Jurisdiction:	Kawartha Region Conservation Authority (Kawartha Conservation) – Ontario Regulation 182/06
Agencies Who May Have Interest/Jurisdiction & Reason:	Kawartha Conservation – Memorandum Of Understanding (MOU) for Natural Heritage/Hazards Curve Lake First Nation – Any identified interests All Williams Treaty First Nations – Duty to consult and accommodate Haliburton Kawartha Pine Ridge District Health Unit (Health Unit) – Restaurant; Food Preparation Shop; Small Drinking Water System Ministry of the Environment, Conservation and Parks (MECP) – Potential on-site sewage system >10,000L/day (for high water uses); Species at Risk (SAR) Community Services – Cash-In-Lieu of Parkland Public Works, Roads – Entrance Permit/Review Region of Durham and Township of Brock – Within 1 km of proposal
Applicable Provincial Policy and Plan(s):	Provincial Policy Statement, 2020 (PPS) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan)

Provincial Policy and Plan Comments:	The entire property is mapped as Prime Agricultural Area in the Provincial Agricultural System.
Growth Management Strategy (GMS):	The proposal is not within the Settlement Boundary Area identified in the City’s 2011 Growth Management Strategy
Official Plan Designation:	‘Prime Agricultural’ (Schedule ‘A-2’) in the City of Kawartha Lakes Official Plan (Official Plan)
Official Plan Comments:	The designation permits agricultural uses, agriculture-related uses, and single detached dwellings accessory to other permitted uses. The designation does not permit commercial uses. Regarding Section 15.3.8., the scale and proposed new uses (gas bar and convenience store) are not similar to the existing use. Therefore, this proposal would not be considered a minor expansion of an existing commercial use. Existing uses are subject to Section 34.1 of the Official Plan. Based on the proposal, an Official Plan Amendment is required.
Zoning:	‘Highway Commercial Exception Nine (C2-9) Zone’ (Schedule ‘A’) in the Township of Mariposa Zoning By-law 94-07, as amended
Zoning Comments:	The “C2-9” zone only permits a take-out restaurant and a farm produce outlet use. The “C2” zone permits a maximum of two (2) commercial and industrial uses including: a motor vehicle service station; a restaurant, including drive-in restaurant; and retail sales establishments. A drive-thru restaurant is not listed as a permitted use in any zone. A rezoning is required.
Anticipated Planning Act Applications required for the proposal to proceed:	Official Plan Amendment Rezoning Site Plan Approval

Preliminary Comments:

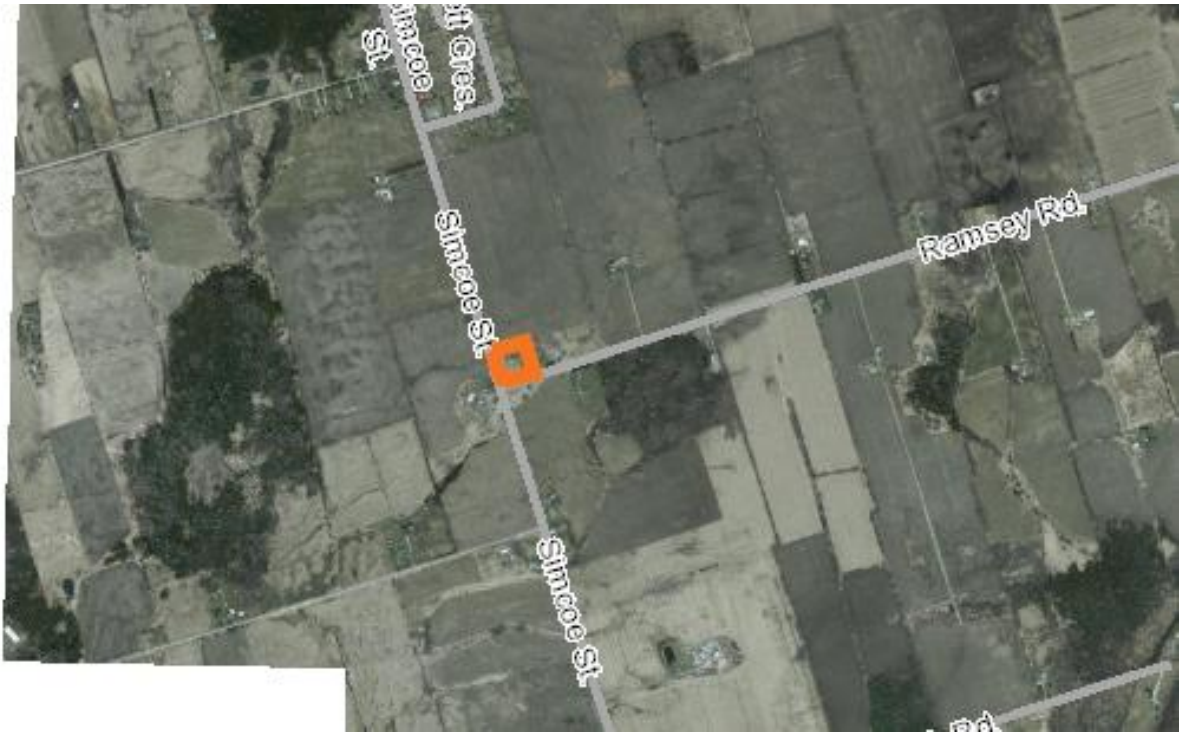
Please Note: The comments below are preliminary in nature, based on the submitted materials received to date, and are subject to change. The purpose of this report and these comments are to facilitate the circulation review. Based on the results of the circulation review, a final report will be prepared to provide the applicant with a list of required applications and supporting documentation for those applications.

If the applicant decides to proceed with the proposal upon completion of the Preconsultation process, it is **anticipated** that the applicant will be required to submit the application(s) listed above, accompanied by a Planning Justification Report (PJR) outlining and justifying the proposal with respect to the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

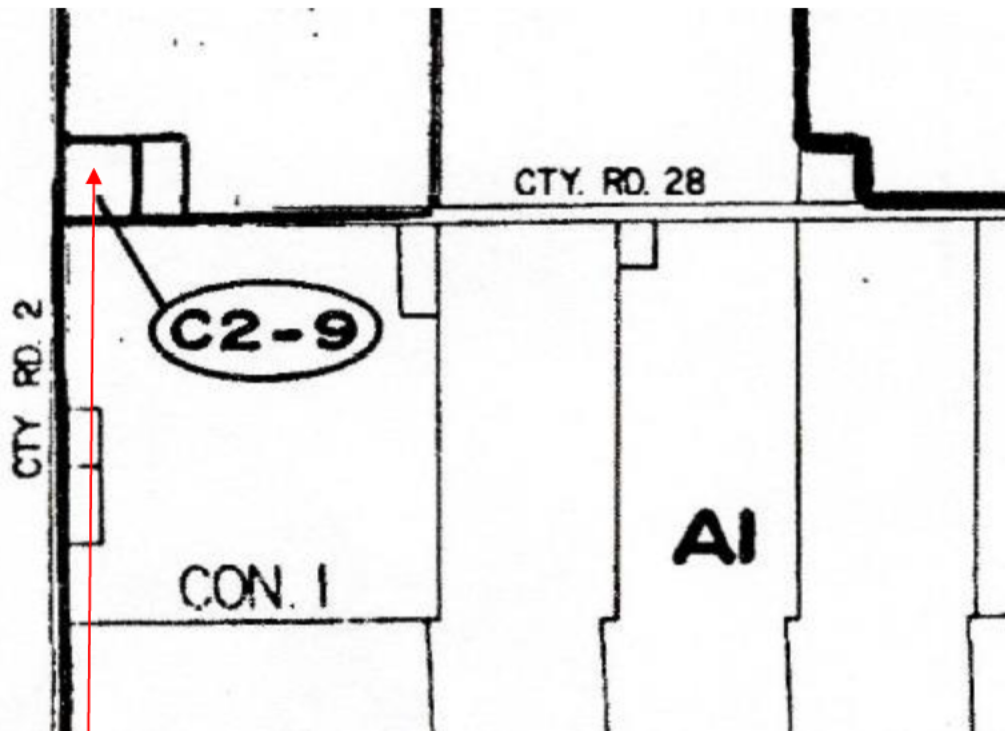
and including Amendment 1, 2020 (Growth Plan); and the City of Kawartha Lakes Official Plan (Official Plan). Should these application(s) be approved, a site plan application will be necessary to approve the development.

The applicant may be required to provide technical studies to support the necessary servicing for the property. Additional comments may be provided by other agencies. **All final comments and submission requirements will be summarized in a final report, to be circulated to the applicant and interested parties following the circulation review.**

Location Map



Zoning Schedule



Approximate Location of the Subject Lands

2018 Air Photo



Application Form



Sherry L. Rea, Planning Co-ordinator
Development Services - Planning Division
City of Kawartha Lakes
180 Kent St. W., Lindsay ON K9V 2Y6
Tel: 705-324-9411 x1331
Fax: 705-324-4027
srea@city.kawarthalakes.on.ca

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City of Kawartha Lakes
Development Services
Planning Division

CITY OF KAWARTHA LAKES
PRECONSULTATION APPLICATION FOR
PROPOSED AMENDMENTS UNDER THE
PLANNING ACT

1. APPLICANT INFORMATION:

1.1. Name of Applicant:

Name:	Address:	City:	Postal Code:
<input type="text" value="TD Consulting INC."/>	<input type="text" value="REDACTED"/>	<input type="text" value="Lindsay"/>	<input type="text" value="REDACTED"/>
Tel No:	Fax No.:	Email:	
<input type="text" value="REDACTED"/>	<input type="text"/>	<input type="text" value="REDACTED"/>	

1.2. Name of Owner(s) (If different from applicant):

Name:	Address:	City:	Postal Code:
<input type="text" value="Tommy's Country Diner Inc."/>	<input type="text" value="10357 Simcoe Street N"/>	<input type="text" value="Moriposa"/>	<input type="text" value="K0M 2C0"/>
002737181 Ontario Inc.			
Tel No.:	Fax No.:	Email:	
<input type="text" value="REDACTED"/>	<input type="text"/>	<input type="text" value="REDACTED"/>	

1.3. Communication should be sent to:

Check Applicable One:

- Owner
 Applicant

Or to the following:

Name:	Address:	City:	Postal Code:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tel No.:	Fax No.:	Email:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

2. DESCRIPTION OF SUBJECT LAND (Complete the applicable lines.)

Conc. Number(s):	Lot Number(s):	Lot(s)/Block(s):	Part Number(s):
<input type="text" value="2"/>	<input type="text" value="Part Lot 1"/>	<input type="text"/>	<input type="text" value="1 & 2"/>
Local Municipality (Prior to Jan 1, 2001):	Registered Plan Number:	Reference Plan Number:	
<input type="text" value="Mariposa"/>	<input type="text" value="57R7920"/>	<input type="text"/>	
Municipal Address (911 Address):	Assessment Roll Number(s) (if known):		
<input type="text" value="10357 Simcoe Street"/>	<input type="text" value="165111001087905"/>		

3. CURRENT LAND USES:

Please describe the current uses on the property:

<input type="text" value="Commercial - Chip truck"/>
--

4. PROPOSED LAND USES:

Please describe a written description of the proposed uses to go on the property:

Redevelopment of the existing food establishment known as Tommy's Country Diner, including a proposed gas bar, drive-thru and dine-in restaurant and/or convenience store.
This commercial lot was removed from Agricultural use decades ago due to the traversing drainage course to the East between the subject property and the residential lot making Agricultural production challenging and therefore the farmer sold it for others uses.
It is also proposed, should it be desirable to the City, that a portion be used for a commuter lot as part of the redevelopment as shown on the site plan.

Complete the following as applicable.

Note: It is recognized that this is a proposal for presentation to the City. Therefore, a best estimate or variations on the proposal are permissible.

Proposed Land Use - Residential:

Type of Use:

- Single Detached
- Semi Detached
- Duplex
- Townhouses
- Apartments

Total

Number of units or dwellings:

Single Detached:

Area (ha):

Semi Detached:

Area (ha):

Duplex:

Area (ha):

Townhouses: **Area (ha):**

Apartments: **Area (ha):**

Total GFA of Buildings:

Proposed Land Use - Commercial:

Gross Floor Area of Buildings:

Proposed Land Use - Industrial:

Gross Floor Area of Buildings:

Proposed Type of Use - Institutional (specify):

Specify:

Gross Floor Area of Buildings:

Type of Use - Park, Open Space:

Type of Use - Other:

Type of Use - Roads:

TOTALS:

5. Please describe any site alteration or grading on the subject land, including adding earth or other material?

Describe:

6. Please outline any existing or previous industrial or commercial use on the subject or adjacent land.

Outline:

7. Please describe the proposed servicing:

Water (connected to municipal system, individual lot servicing, communal system, well, surface source, etc.):

Waste Water (connected to municipal system, individual lot servicing, or communal system):

Private septic

Storm Water Management:

Ditches and swales

Road Access - Internally and Externally:

Access from Ramsey Road

8. Additional Information

Please provide additional information that may be of assistance in reviewing the proposal:

9. Please include additional information such as a plan of the property, concept plan, etc.

(a concept plan on letter, legal or 11 x 17 size paper would be beneficial to circulate to the Preconsultation Committee)

Personal information contained on this form is collected pursuant to the Municipal Act, 2001 and will be used for the purpose of responding to your request. Questions about the collection of this information should be directed to the City Clerk or Deputy-Clerk at 705-324-9411 extension 1295 or 1322.

This application can be submitted to the Planning Division at the following address by e-mail, fax or in hard copy. If you have any questions please contact:
Sherry L. Rea, Planning Co-ordinator
Development Services - Planning Division
City of Kawartha Lakes
180 Kent St. W., Lindsay ON K9V 2Y6
Tel: 705-324-9411 x1331 Fax: 705-324-4027
srea@city.kawarthalakes.on.ca

Supplementary Information



311 George St. N. Suite 200
Peterborough, ON K9J 3H3
T 705.876.8340 | F 705.742.8343
www.ecovueconsulting.com

November 29, 2021

City of Kawartha Lakes
180 Kent Street
Lindsay, ON

Attn: Ms. Sherry Rea, MCIP, RPP
Development Planning Supervisor



**Re: Proposed Pre-Consultation Submission – Tommy’s Country Diner (10357 Simcoe Street)
Part of Lot 1, Concession 2, former Township of Mariposa, City of Kawartha Lakes
EcoVue Reference: 21-2128**

Dear Ms. Rea,

This letter is being submitted in response to previous Pre-Consultation Comments, and as a supplement to an updated Pre-Consultation submission, related to the redevelopment of an existing food establishment known as Tommy’s Country Diner (formerly Annie’s Country Diner) at the above-noted property. The current proposal includes a proposed gas bar, drive-thru and dine-in restaurant and/or convenience store, all of which would replace the existing Tommy’s Country Diner building.

As summarized in previous Pre-Consultation Comments of July 13, 2017, staff concluded that an Official Plan amendment (OPA) (in addition to a Zoning By-law Amendment) will be required in order to redesignate the subject property to a designation that will permit the proposed commercial uses.

Notwithstanding the information provided in the Pre-Consultation Comments, it is our opinion that an OPA is not required, as the City of Kawartha Lakes Official Plan allows for the continuation and expansion of existing commercial uses within the Prime Agricultural designation. The intent of this letter is to provide the further rationale for this opinion in advance of comments related to a revised Pre-Consultation submission.

1.0 EXISTING SITE AND PROPOSAL

The subject property is located at the northeast corner of Simcoe Street and Ramsey Road, in the southwest corner of the City of Kawartha Lakes (former Mariposa Township), and immediately south of the Sonya Hamlet Area. As noted, the property currently contains Tommy’s Country Diner, a small “chip truck”-style establishment that provides take-out food. The site is open year-round and offers picnic tables for outdoor dining when weather permits. The site is accessed by both Simcoe Street and Ramsey Road, and includes a large parking lot with space for approximately 40-50 vehicles.

The subject property is zoned the Highway Commercial Exception Nine (C2-9) Zone, according to Schedule ‘A’ to the Township of Mariposa Zoning By-law (MZBL).



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As per Section 17.3.9.1, the C2-9 Zone "may only be used for a take-out restaurant and a farm produce outlet". In order to permit the additional commercial uses (gas station and convenience store), a Zoning By-law amendment (ZBA) is required that will amend the C2-9 Zone.

2.0 CITY OF KAWARTHA LAKES OFFICIAL PLAN CONSIDERATIONS

The subject property is currently located within the Prime Agricultural designation, according to Schedule 'A-3' to the City of Kawartha Lakes Official Plan (CKLOP). Although most non-agriculture-related commercial uses are not permitted within the Prime Agricultural designation, the CKLOP provides flexibility in situations where there are existing commercial uses on Prime Agricultural-designated properties.

As per Section 15.3.8 (Prime Agricultural designation – Policies), "*existing commercial or industrial uses may be zoned to recognize the existing use or a similar use provided that the use:*

- a) *will have no adverse effects upon surrounding uses;*
- b) *will comply with the Minimum Distance Separation criteria; and*
- c) *any expansion will be minor in size".*

In short, Section 15.3.8 states that existing (or similar) commercial uses may continue to exist, or in some cases expand, in the Prime Agricultural designation, provided those uses are appropriately zoned.

In this case, the applicant is proposing to redevelop the existing property, which includes an existing commercial use that is recognized with existing zoning (C2-9). The redevelopment of the site to include additional commercial uses does not *expand* the use beyond the existing zone boundary or the subject property. It is understood that the intent of Section 15.3.8 c) above is to not permit the physical expansion of the existing or contemplated non-agricultural use beyond its current limits, so as to protect adjacent agricultural lands. As such, the proposed redevelopment, which will take place entirely within the C2-9 Zone, will conform to this requirement.

Furthermore, the subject property does not provide any valuable function as part of the larger agricultural system. The property has been separated from the adjacent agricultural lands and has been continuously used for a take-out restaurant for many years. Redevelopment of the site will ensure the continuous use of the site for commercial uses into the future.

As will be discussed in a future Planning Justification Report, the proposed use will not adversely affect surrounding land uses and will comply with Minimum Distance Separate formulae.



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3.0 SUMMARY

Based on the above, it is our opinion that the proposed redevelopment of the site for a gas station, restaurant/convenience store is permitted under the existing use policies contained within Section 15.3.8 of the Prime Agricultural designation in the CKLOP.

Should you have any questions on the foregoing, please do not hesitate to contact the undersigned.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.

A handwritten signature in black ink, appearing to read "J. Kent Randall", is written over a horizontal line.

J. Kent Randall B.E.S. MCIP RPP
Principal Planner

