

The Corporation of the City of Kawartha Lakes

AGENDA

PLANNING COMMITTEE MEETING

PC2016-04

Wednesday, April 6, 2016

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:

Mayor Andy Letham

Councillor Isaac Breadner

Councillor Brian S. Junkin

Councillor Gord Miller

Councillor Patrick O'Reilly

Councillor Heather Stauble

Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1.	<u>CALL TO ORDER AND ADOPTION OF AGENDA</u>	
2.	<u>DECLARATIONS OF PECUNIARY INTEREST</u>	
3.	<u>PUBLIC MEETING</u>	
3.1	PLAN2016-024 Ian Walker, Planner II An application to amend the Town of Lindsay Zoning By-law 2000-75 to permit an additional retail establishment and storage use as an additional use in the Mixed Residential Commercial Special Twelve (MRC-S12) Zone at 36 Wellington Street, Lindsay (REYMAS PROPERTY INC. - Planning Application D06-16-013)	4 - 12
3.2	PLAN2016-025 Ian Walker, Planner II An application to amend the Township of Emily Zoning By-law 1996-30 to rezone a portion of the land from Agricultural (A1) Zone to Highway Commercial (C2) Zone on an agricultural lot identified as 4208 Highway 7, Geographic Township of Emily (KRELL - Planning Application D06-16-014)	13 - 28
3.3	PLAN2016-028 David Harding, Planner I An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on a portion of the property from Rural General (A1) Zone to Rural General Special Twenty-Six (A1-S26) Zone on land described as Part of Lot 6, Concession 12, former Township of Manvers, City of Kawartha Lakes, identified as 323 Fleetwood Road (CEDARDALE FARMS LIMITED – Planning File D06-16-012)	29 - 38
4.	<u>BUSINESS ARISING FROM PUBLIC MEETING</u>	
5.	<u>DEPUTATIONS</u>	
6.	<u>CORRESPONDENCE</u>	

7. CITY OF KAWARTHA LAKES REPORTS

7.1 PLAN2016-021 39 - 57

Mark LaHay, Planner II

Zoning By-law Amendment (D06-15-008) Application to permit portions of the existing 299 trailer park sites for seasonal use, internal road and ancillary uses located on the property and to facilitate a new multi-purpose recreational building on a portion of the property identified as 2346 Pigeon Lake Road (567957 ONTARIO LIMITED)

7.2 PLAN2016-026 58 - 82

Sherry L. Rea, Planning Coordinator

Application for Zoning By-law Amendment to rezone the subject land to permit 25 condominium townhouse dwelling units, to be developed within 5 Blocks on Block 13, Plan 57M-782, being vacant land on Chadwin Drive, Lindsay (FAIRGROUNDS CENTRE (LINDSAY) INC.)

8. ADJOURNMENT

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-024

Date: April 6, 2016

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 10 - Lindsay

Subject: An application to amend the Town of Lindsay Zoning By-law 2000-75 to permit an additional retail establishment and storage use as an additional use in the Mixed Residential Commercial Special Twelve (MRC-S12) Zone at 36 Wellington Street, Lindsay (REYMAS PROPERTY INC. - Planning Application D06-16-013).

Author/Title: Ian Walker, Planner II

Signature: 

Recommendations:

RESOLVED THAT Report PLAN2016-024, respecting Town Plan Part Lot 8 North of Wellington Street, former Town of Lindsay, identified as 36 Wellington Street, Application D06-16-013, be received;

THAT unless information becomes available at the Public Meeting that raises issues not already addressed by this report, that the zoning by-law amendment, substantially in the form attached as Appendix "C" be referred to Council for approval and adoption;

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application; and

THAT pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, as amended, the Council having considered the revisions to the draft By-law to decrease the minimum number of parking spaces from 17 spaces to 8 spaces for a retail establishment for a heating, ventilation and air conditioning (HVAC) sales outlet with accessory storage within the existing building as an additional use, deems no further public notice to be necessary.

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:

Background:

The applicant has submitted an application to amend the "Mixed Residential Commercial Special Twelve (MRC-S12) Zone" category in order to permit a retail establishment for a heating, ventilation and air conditioning (HVAC) sales outlet with accessory storage within the existing building as an additional use on the lot.

Owner:	Reymas Property Inc. – Bill Massey
Applicant:	M.V. Wilson Engineering Inc. – Mark Wilson
Legal Description:	Town Plan Part Lot 8 North of Wellington Street, former Town of Lindsay
Designation:	Residential-Commercial, Town of Lindsay Official Plan
Zone:	Mixed Residential Commercial Special Twelve (MRC-S12) Zone on Schedule 'A' of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	852.2 sq. m. [9,147.6 sq. ft. – MPAC]
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Vacant Brownfield Site With Commercial Building
Adjacent Uses:	North: Residential, Bond Street East: Residential, Commercial, William Street North South: Wellington Street, Commercial West: Residential, Cambridge Street North

Rationale:

The lot is located on the north side of Wellington Street, between Cambridge Street North and William Street North, in the former Town of Lindsay. The applicant proposes to amend the existing zone category to include two additional uses: a retail establishment HVAC sales outlet use, and an accessory storage use within the existing building. The existing property is a brownfield (previously developed) site which has been vacant for approximately five (5) years. Previous uses on the property include an automobile equipment outlet and a tow-truck dispatch office. The Official Plan (OP) designation of Residential-Commercial applies to properties along collector or arterial roads, and transitioning from residential to non-residential uses. Multiple commercial uses, public garages, and automobile service stations are not permitted in this designation. The proposed uses will permit re-development of the property to be in closer conformity with the OP.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review.

1. Planning Justification Report prepared by Clark Consulting Services, dated November 2015. The report discusses and assesses the

proposal in context of the 2014 Provincial Policy Statement, the Council adopted and appealed City of Kawartha Lakes Official Plan (Lindsay Secondary Plan), the Town of Lindsay Official Plan, and the Town of Lindsay Zoning By-law, as amended.

2. Site, Grading and Drainage Plan, Revision 1, prepared by M.V. Wilson Engineering Inc., dated November 4, 2015. The Plan outlines the existing development and proposed parking and loading spaces on the lot.
3. Building Elevations, Revision 1, prepared by M.V. Wilson Engineering Inc., dated November 4, 2015. These drawings show the façade of the existing building.
4. Ministry of the Environment – Record of Site Condition #88715, filed October 10, 2015.
5. Letter addressing Storm Drain Connections, prepared by M.V. Wilson Engineering Inc., dated November 2, 2015.

Staff has reviewed the Planning Justification Report and documents in support of this application to amend the Zoning By-law.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and the majority of growth will be accommodated through intensification. The lot is located within the Lindsay settlement area. Section 2.2.2.1 accommodates population and employment growth by directing a significant portion of new growth to the built-up areas; encouraging cities and towns to develop as complete communities with a diverse mix of land uses; easy access to local stores and services; and planning and investing for a balance of jobs and housing to reduce the need for long distance commuting. This application serves to permit additional uses which attract employment opportunities.

Therefore, this application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 1.1.3.3 requires planning authorities identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Redevelopment shall be directed in accordance with the policies of Section 2 and 3 of the PPS.

The subject lot is not within or adjacent to any natural heritage features or species at risk (SAR) identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The lot is designated Urban Settlement Area in the City's Official Plan (OP), as adopted by Council in 2010 and approved by the Minister in 2012. Sections and policies of the City's OP have been appealed to the Ontario Municipal Board. The Lindsay Secondary Plan (LSP) was endorsed by Council on December 8, 2015, and forwarded to the Board, as part of that appeal. Therefore, the former Town of Lindsay Official Plan (Lindsay OP) designation of Residential-Commercial applies to this property. The use of land in the Residential-Commercial designation includes uses such as offices, eating establishments, service and convenience retail and similar types of uses. Section 4.2.4 of the Lindsay OP requires off-street parking be provided on-site. Payment of cash-in-lieu of parking is offered as an alternative if on-site parking is not adequate. Based on the Planning Justification Report, adequate parking can be provided on-site for the proposed use.

The Economic Development Objectives for Commerce include guiding "the maintenance and growth of commerce in the City through the development of proactive and flexible land use policies for all areas of economic activity". Land within the Residential-Commercial designation is subject to site plan control, in accordance with Section 4.2.2 of the Lindsay OP.

Therefore, this application conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The lot is zoned Mixed Residential Commercial Special Twelve (MRC-S12) Zone in the Town of Lindsay Zoning By-law 2000-75. The MRC-S12 Zone permits the following commercial uses: an art gallery; artist's supply establishment; florist; museum; office; optical establishment; personal service establishment; retail establishment carrying only handicraft works, antiques or clothing; and a studio. This application proposes to permit a HVAC sales outlet as an additional retail establishment use, with accessory storage inside the existing building. This application complies with all required provisions of the MRC-S12 Zone, with the exception of the number of parking spaces. As noted in Recommendation #4 above, the application also requires that the minimum number of parking spaces be reduced from seventeen (17) spaces to eight (8) spaces, for the proposed use. The change to the parking requirement was not included in the public notice, however the applicant has requested this change. Planning staff considered this change minor and recommend that no further public notice is necessary, as the intent and purpose of the zoning by-law amendment is not altered as a result of the change.

This application will comply with all other relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it promotes and provides for economic development opportunities.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is connected to full municipal services within the Lindsay municipal service area.

Consultations:

Notice of this application was circulated to landowners within 120 metres of the subject land, plan-review agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

Agency Review Comments:

March 14, 2016 – The Building Division advised it has no concerns.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support this application to amend the Zoning By-law. These studies have been circulated to the appropriate landowners, plan-review agencies and City Departments for review and comment. The application conforms to the 2006 Growth Plan and is consistent with the 2014 Provincial Policy Statement. Conformity with the Town of Lindsay Official Plan has also been demonstrated. The rezoning will ensure the subject land complies with the Zoning By-law. All other zoning provisions within the MRC-S12 Zone will be maintained.

Conclusion:

Staff support the application based on the information contained in this report and the comments received as of March 23, 2016. Provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



PLAN2016-024
Appendix A.pdf

Appendix 'B' – Site Plan Drawing – dated November 4, 2015



PLAN2016-024
Appendix B.pdf

Appendix 'C' – Draft Zoning By-law Amendment



PLAN2016-024
Appendix C.pdf

Phone:	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
E-Mail:	iwalker@city.kawarthalakes.on.ca
Department Head:	Chris Marshall, Director
Department File:	D06-16-013

'LINDSAY'

APPENDIX "A"

to
REPORT

PLAN 2016-034

FILE NO.

D06-16-013th

BOND ST.

SUBJECT
LAND

CAMBRIDGE ST. N.

WELLINGTON ST.

PEEL ST.

WILLIAM ST. N.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016 -

APPENDIX "C"
to
REPORT PLAN2016-024
FILE NO. D06-16-013

**A BY-LAW TO AMEND THE TOWN OF LINDSAY ZONING BY-LAW NO. 2000-75 TO
REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

[File D06-16-013, Report PLAN2016-024, respecting Town Plan Part Lot 8 North of Wellington Street, former Town of Lindsay, identified as 36 Wellington Street – REYMAS PROPERTY INC.]

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a retail establishment for a heating, ventilation and air conditioning (HVAC) sales outlet with accessory storage within the existing building as an additional use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-__.

Section 1:00 Zoning Details

Property Affected: The Property affected by this by-law is described as Town Plan Part Lot 8 North of Wellington Street, former Town of Lindsay, City of Kawartha Lakes.

- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to delete Section 12.3.12 i) Commercial h), and replace it with the following:

h) Retail establishment that carries handicraft works, antiques or clothing; or a heating, ventilation and air conditioning (HVAC) sales outlet with accessory storage within the existing building

and Section 12.3.12 ii) is further amended to add the following:

- g) For the HVAC use listed in h) above, the minimum number of parking spaces shall be eight (8).

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-025

Date: April 6, 2016

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 15 - Emily

Subject: An application to amend the Township of Emily Zoning By-law 1996-30 to rezone a portion of the land from Agricultural (A1) Zone to Highway Commercial (C2) Zone on an agricultural lot identified as 4208 Highway 7, geographic Township of Emily (KRELL - Planning Application D06-16-014).

Author/Title: Ian Walker, Planner II

Signature: 

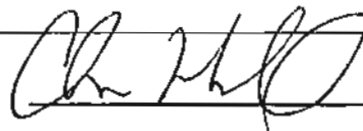
Recommendations:

RESOLVED THAT Report PLAN2016-025, respecting Part of Lot 11, Concession 3, geographic Township of Emily, identified as 4208 Highway 7, Application D06-16-014, be received; and

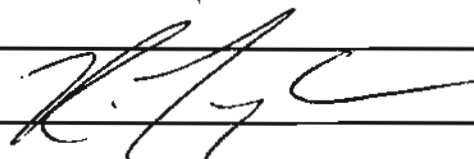
THAT Zoning By-law Amendment Application D06-16-014, respecting 4208 Highway 7, be refused as the application:

1. does not conform to the Mineral Aggregate Resources policies as set out in Section 4.2.3 of the 2006 Growth Plan;
2. is not consistent with the Rural Lands and Mineral Aggregate Resources policies as set out in Sections 1.1.5 and 2.5 respectively, of the 2014 Provincial Policy Statement; and
3. does not conform to Section 24 of the City of Kawartha Lakes Official Plan, being the Sand and Gravel Resource Designation policies.

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

The applicant has submitted an application to rezone a portion of the lot in order to allow commercial uses, including a refreshment trailer as a restaurant use, and a retail sales establishment use. The entire property is zoned Agricultural (A1) Zone, which permits agricultural and agriculture-related uses, such as a farm produce outlet. The A1 Zone does not permit commercial uses, such as a restaurant or a retail sales establishment. As such, the owners have applied to amend the Zoning By-law to permit the commercial uses on a portion of the lot.

Owner:	Thomas and Shirley Krell
Legal Description:	Part of Lot 11, Concession 3, geographic Township of Emily
Designation:	Sand and Gravel Resource Area, City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone on Schedule 'A', Township of Emily Zoning By-law No. 1996-30
Lot Area:	17.4 ha. [44.0 ac. – MPAC]; 0.36 ha. subject to rezoning
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserviced
Existing Uses:	Agricultural, Rural Residential
Adjacent Uses:	North: Highway 7, Agricultural, Rural Residential East: Industrial, Rural Residential South: Agricultural West: Rural Residential

Rationale:

The lot is located on the south side of Highway 7, to the east of the former Village of Omemee, west of Emily Park Road, in the geographic Township of Emily. The applicant proposes to rezone a 79.8 m. by 46.2 m. (0.36 ha./0.88 ac.) portion of the lot, located adjacent to the Highway. Refer to Appendix 'C'. The proposed zone amendment would permit new commercial development to be established, in accordance with the Highway Commercial (C2) Zone provisions in the Township of Emily Zoning By-law. The applicant has submitted a letter, indicating their desire for the proposed zoning, and the works proposed for Phase 1. The brief does not provide any justification for the proposed zoning amendment. The application and supporting documents have been circulated to landowners within 0.5 km of the subject lot, various City Departments and commenting plan-review Agencies which may have an interest in the application.

Provincial policies require the identification and protection of mineral aggregate resources for long-term use. This includes preventing development and activities which would hinder the establishment of new aggregate operations for known deposits of mineral aggregate resources.

This property is located in an area that has a high potential for sand and gravel extraction. The Official Plan (OP) designation of Sand and Gravel Resource identifies and protects the aggregate resource from incompatible land uses and conserves the resource for future extraction. The OP policies permit uses which protect sand and gravel resources by directing permanent development away from these areas.

Staff have reviewed the sketch and letter provided by the applicant. While the applicant has indicated they want to establish a commercial use on the property, there is no planning justification as to how the use is consistent with provincial policy and accessory to the permitted agricultural uses. Council's decision to permit additional uses on this property should be based on consistency with the provincial planning documents and conformity with the City's OP.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses which cannot locate in settlement areas. Municipalities are encouraged to plan for economic opportunities within rural settlement areas which serve the needs of rural residents and area businesses. The GP also requires the identification of significant mineral aggregate resources, and the development of a long-term strategy for ensuring the wise use, conservation, availability, and management of these resources. New commercial uses which restrict or prevent access to and extraction of the resources would not conform with the GP.

Therefore, this application does not conform with the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides that on rural lands, permitted uses are: the management or use of resources; resource-based recreational activities; limited residential development; home occupations and home industries; cemeteries; and other rural land uses. Section 1.1.4.1 provides that healthy, integrated and viable rural areas should be supported by using rural infrastructure efficiently, and promoting the sustainable management or use of resources. Section 1.1.4.2 directs growth and development to rural settlement areas. Section 1.1.5.2 provides that in rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses. Sections

1.1.5.4 and 1.1.5.5 require development be appropriate to the infrastructure planned or available, to avoid the need for unjustified or uneconomical expansion of the infrastructure. Sections 1.1.5.7 and 1.1.5.8 provide that agricultural uses and agriculture-related uses should be promoted and protected in accordance with provincial standards.

Section 2.5.1 provides that mineral aggregate resources shall be protected for long-term use, and where provincial information is available, they shall be identified. Existing mineral aggregate resource operations are protected from development and activities which would hinder the ability to expand or continue their use, or which would be incompatible for reasons of public health, safety, or environmental impact. In known deposits and on adjacent lands, development and activities which would prevent the establishment of new operations can only be permitted if the extraction of the resource would not be feasible, or if the proposed commercial development serves a greater long-term public interest, and issues of public health, safety and environmental impact can be addressed.

Therefore, this application is not consistent with the PPS.

Official Plan Conformity:

The lot is designated Sand and Gravel Resource Area in the City's Official Plan (OP). An objective of the OP is to protect sand and gravel resources from land uses which are incompatible with possible future extraction. Section 24.3.1 lists permitted uses as agriculture, forestry and open space passive recreational uses. The proposed commercial uses are not permitted in this designation. Section 24.3.3 allows development and activities which would preclude or hinder the establishment of new aggregate operations if the aggregate resource use would not be feasible, or the proposed land use serves a greater long term public interest, and issues of public health and safety, and environmental impacts are addressed. In accordance with Section 24.3.8, a study by a qualified professional must be completed to the satisfaction of Council, to demonstrate the extraction of sand and gravel has no commercial potential. This study has not been submitted.

Therefore, this application does not conform to the policies of the Official Plan.

Zoning By-Law Compliance:

The lot is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-law 1996-30. The A1 Zone permits agricultural and agriculture-related uses, in addition to accessory uses, including a single detached dwelling. The proposed commercial uses include: a veterinary clinic; hotels, motels, or motor hotels; a motor vehicle sales establishment, service station and/or fuel bar; a recreational establishment; a restaurant; and large scale retail sales establishments. Approximately 3,600 sq. m. of the lot is proposed to be rezoned to Highway

Commercial (C2) to permit the proposed highway commercial uses. The remainder of the agricultural property would remain in the A1 Zone.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

While this application may temporarily align with the vibrant and growing economy strategic goal, as it provides for an economic development opportunity; it is likely that the proposed commercial uses will be incompatible with the activities associated with the future extraction of the existing aggregate material.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The agricultural land, including the 0.36 ha. to be rezoned is unserviced. The existing single detached dwelling is serviced by a private sanitary sewage disposal system and individual well. If this application is successful, the commercial use will require a new private sanitary sewage disposal system and/or reserve sewage system capacity for hauled sewage, in accordance with Section 1.6.6.6 of the PPS.

Consultations:

Notice of this application was circulated to landowners within a 500 metre radius of the property, plan-review agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

Agency Review Comments:

March 14, 2016 – The Building Division has no concerns.

March 15, 2016 – The Building Division Sewage System Program advised that on-site disposal can be established for the uses outlined in the request, however, the extent of development will be limited based on the size of on-site sewage disposal system which can fit in the portion of the property zoned to permit the use.

March 17, 2016 – The Engineering and Assets Department has no objection.

March 20, 2016 – John Shannon, neighbour, objects to the application on the basis of traffic safety concerns. See Appendix 'D'.

March 23, 2016 – The Community Services Department has no concerns.

December 17, 2015 – Through the Preconsultation process, the Ministry of Transportation (MTO) provided comments indicating this site is within the MTO control area, and subject to MTO approvals and permits. Phase 1, for a commercial use of a mobile chip truck, requires a minimum setback of 14 m. from the MTO right-of-way, and the upgrading of the existing residential entrance to a paved commercial entrance with 80 metre paved taper. Geotechnical field work and a pavement design report are required, prepared by an MTO RAQs approved consultant. Phase 2, to include additional commercial uses, requires a site plan, traffic impact study and stormwater management report. Costs of all studies and improvements are the responsibility of the landowner/developer.

Development Services – Planning Division Comments:

All information submitted has been circulated to the appropriate Agencies and City Departments for review and comment. No Planning Justification Report has been submitted, indicating how the proposed uses conform with the relevant provincial policies. Staff cannot support the application as it does not conform to the Mineral Aggregate Resources policies as set out in Section 4.2.3 of the 2006 Growth Plan, is not consistent with the Rural Lands and Mineral Aggregate Resources policies as set out in Sections 1.1.5 and 2.5 respectively, of the 2014 Provincial Policy Statement, and does not conform to Section 24 of the City of Kawartha Lakes Official Plan, being the Sand and Gravel Resource Designation policies.

Conclusion:

In light of the policies contained in the Growth Plan, the Provincial Policy Statement, and the City's Official Plan, staff respectfully requests that the application be refused.

Attachments:

Appendix 'A' – Location Map



PLAN2016-025
Appendix A.pdf

Appendix 'B' – Sketch for Zoning Amendment – received February 9, 2016



PLAN2016-025
Appendix B.pdf

Appendix 'C' – Aerial Photo



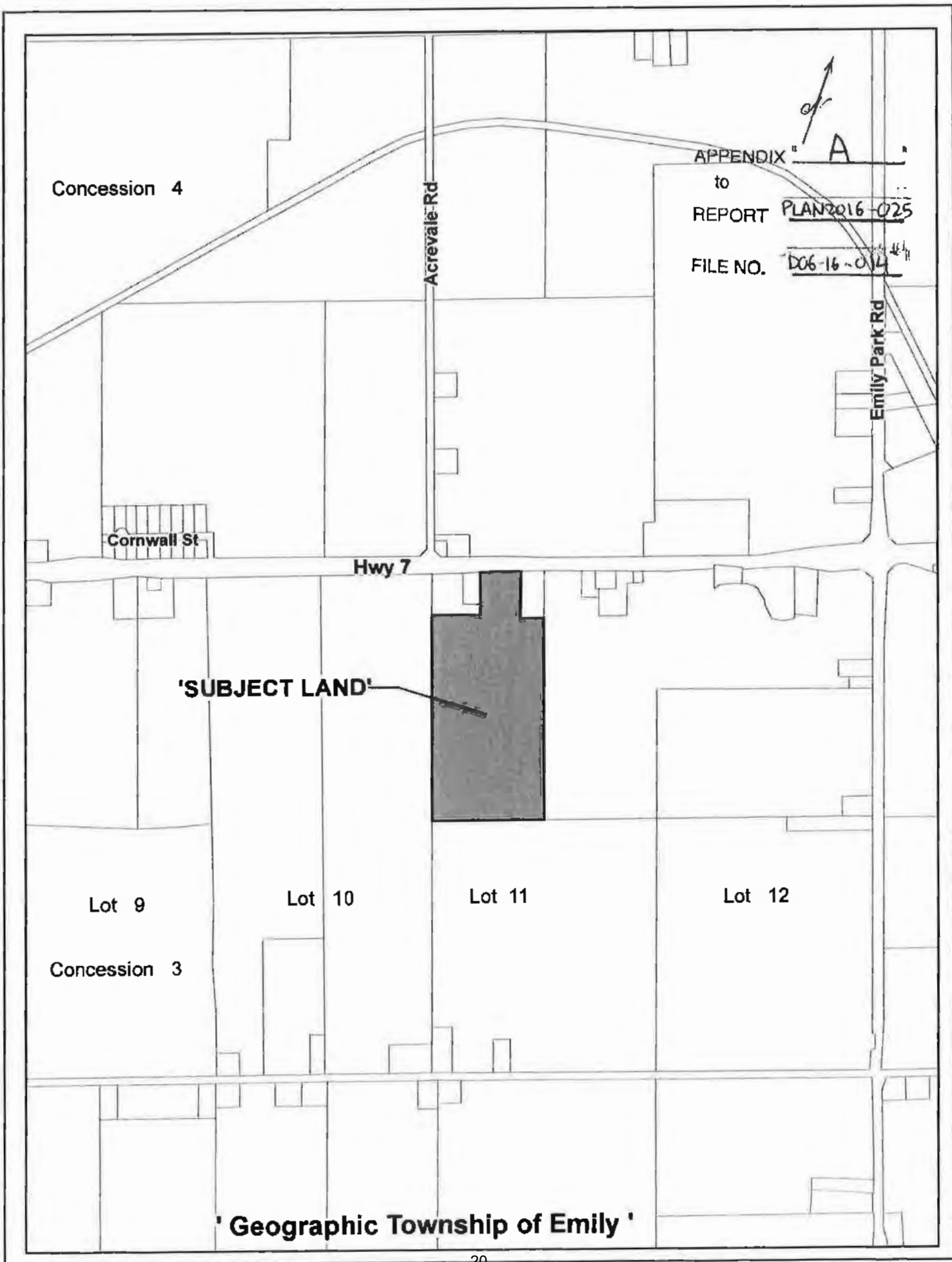
PLAN2016-025
Appendix C.pdf

Appendix 'D' – Public and Agency Comments



PLAN2016-025
Appendix D.pdf

Phone:	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
E-Mail:	iwalker@city.kawarthalakes.on.ca
Department Head:	Chris Marshall, Director
Department File:	D06-16-014



South

APPENDIX

B

to

REPORT

PLAN 2016-025

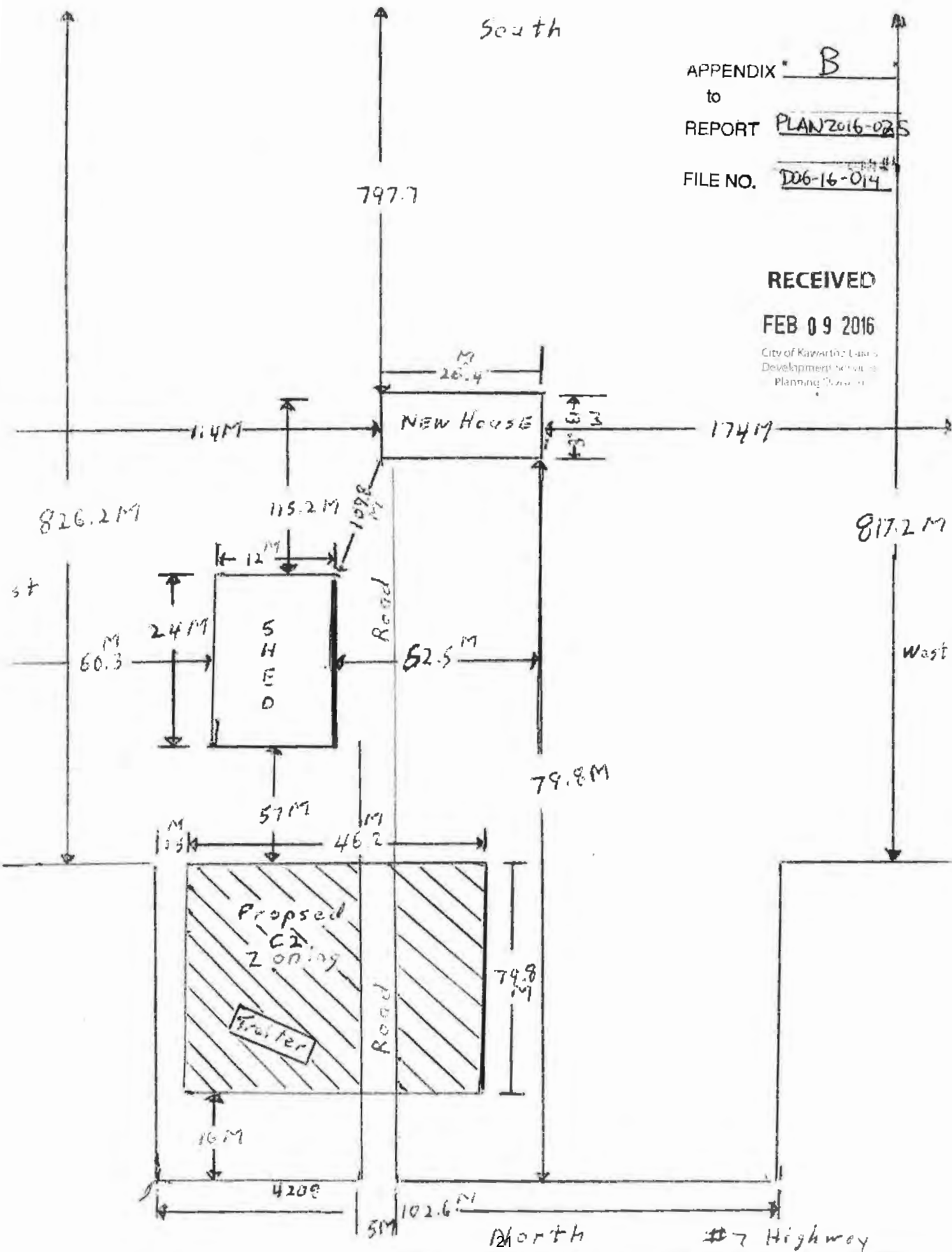
FILE NO.

D06-16-014

RECEIVED

FEB 09 2016

City of Kawartha Lakes
Development Services
Planning Division





Legend

- Road Centreline
- Contours
- Property ROLL#
- Lots and Concessions
- KRCA Regulated Areas
- ▨ LSRCA Regulated Areas
- ▨ ORCA Regulated Areas
- ▨ Surface Water Intake Protection
- ▨ Wellhead Protection Area VSU
- ▨ Wellhead Protection Area VSC

APPENDIX
to
REPORT
FILE NO.

Notes

2013 Air Photo

PLAN 2016-025
D06-16-0147

C



Ian Walker

From: Derryk Wolven
Sent: Monday, March 14, 2016 3:37 PM
To: Ian Walker
Subject: D06-16-013, D06-16-014

Categories: ZBL

APPENDIX D
to
REPORT PLAN 2016 025
FILE NO. D06-16 014

Please be advised the Building Division has no concerns with the following applications.

Kind regards,

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@city.kawarthalakes.on.ca

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Ian Walker

From: Anne Elmhirst
Sent: Tuesday, March 15, 2016 4:45 PM
To: Ian Walker
Subject: D06-16-014 - 4208 Highway 7

Categories: ZBL

Hello Ian,

RE: Application for a Zoning By-law Amendment
4208 Highway 7
Part Lot 11, Conc. 3
Former Emily Township, City of Kawartha Lakes
D06-16-014
Roll No: 165100100809300

The City of Kawartha Lakes Building Division – Sewage System Program has received and reviewed the above-noted rezoning application. The effect of the zoning change will permit the uses listed in the Highway Commercial Zone, including a restaurant use for a chip truck and retail sales establishment uses.

The property has been assessed to ensure that a sewage disposal system can be accommodated within the boundaries of the proposed commercial portion. We are of the opinion that on-site sewage disposal can be established for the uses outlined in the zoning request. However, the extent of development will be limited to the ability of the portion zoned commercial to sustain on-site sewage disposal systems to service the uses.

Permits will be required for any proposed on-site sewage disposal systems.

Should you have any questions or concerns, please do not hesitate to contact me.

Kind regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division
180 Kent St. W.,
Lindsay, ON
K9V 2Y6
(t) 705-324-9411 ext. 1882
(f) 705-324-5514

Ian Walker

From: Christina Sisson
Sent: Thursday, March 17, 2016 3:57 PM
To: Ian Walker
Cc: Sherry Rea; Doug Carroll; Roberta Perdue; Andrew Clements
Subject: D06-16-014 - Rezoning Application - 4208 Highway 7

Categories: ZBL

Good afternoon,
Further to our review of the notice for the above noted rezoning application and further to our comments and attendance at the pre-consultation meeting, Development Engineering confirms we have no objection to the proposed rezoning and have no further comment on the proposal.
Thank you,

CHRISTINA

***Christina Sisson, P.Eng.
Lean Six Sigma Black Belt
Supervisor, Development Engineering***

csisson@city.kawarthalakes.on.ca
City of Kawartha Lakes
Engineering & Assets Department
P.O. Box 9000
12 Peel Street
Lindsay, Ontario K9V 5R8
(705) 324-9411 Ext. 1152

Ian Walker

From: John Shannon <regel@ican.net>
Sent: Sunday, March 20, 2016 8:31 PM
To: Ian Walker
Subject: File # D06-16-014

Categories: ZBL

Mr. Walker

I have **"Major"** concerns about this requested amendment. Especially about:

- 1) **Traffic Safety:** how could you possibly consider a narrow commercial entrance-way right in the middle of two converging 80 km / hr fast lanes; also, within 150 meters of a significant intersection? This requires a complete redesign of the existing structure of HWY 7 at this point. Anything short of a complete new turning lane on the north side and even the south side **is mandatory for public safety**. Prior to the turning lane change immediately east of this location in front of the previous gas station, **a man was decapitated in a similar road way configuration**. *I have witnessed many other accidents and near misses. Not a day goes by without horns blowing at other cars. Even the Post Office has designated this stretch of roadway "Too dangerous" to deliver mail to our existing roadside mail boxes.*

East bound traffic from Omemee is doing 80 to 90 KLM / Hr at Acrevale side Road. At that point there is a sign stating " 300" meters for the right lane to converge into the left lane. Also, east bound traffic must go over a "Knoll" at the intersection. Add to this the weaving in and out of high speed traffic to get around the new commercial driveway traffic moving at near zero velocity, , and this narrows the driving lanes to a **single dangerous point of high collision probability!** How many accidents are going to occur, especially in any kind of misty weather. This amendment requests that traffic from both sides slow down and even stop , at the 150 meter mark where the road is already at its narrowest point to complete with high volume traffic entering and exiting a 5m/15' entranceway? Stop it now!

- 2) My ability to enter my own driveway is currently a major aggravation and even dangerous when driving east trying to make a left hand turn. The added congestion and stopped cars trying to **enter and pull out of a narrow 5M/ 15' driveway is a recipe for disaster!** My Front living room is only 40 ' from the middle of this new intersection! I do not want cars crashing into my front room. I do not want to be faced with more time lost getting in and out of my driveway.
- 3) I am calling for the immediate halt to this amendment, until there is a **major traffic impact study done**.
- 4) I am contacting the MOT and alerting them to this extremely dangerous development. I will request that **the roadway involved be redesigned and the cost to do so be paid for by the requesting party**.
- 5) I am prepared to **seek legal advice about the loss of real estate value** to my property should this proceed. I own the property immediately across the HWY 7.
- 6) How many people **must be endangered for the sake of a...."Fish & Chip Truck!!!"** Who does this benefit? **Not the traveller and not the City of Kawartha Lakes.**
- 7) I will hold the City of Kawartha Lakes liable for any and all liabilities pertaining to this amendment and will willingly testify for anyone injured, due any negligence on your behalf prior to and in the passing of this amendment.
- 8) Do not pass this amendment without major studies into all areas of concern.

I will in the Intrim, try to contact Mr. Walker and other authorities regarding this matter. If for some reason beyond my control, that I am unable to attend, I request that this letter be read.

Please confirm that you have received this email, thank you.

John Shannon

John Shannon

Tel: 705-799-2517

Email: regel@ican.net

I intend to be present at the April 6th, 2016 meeting At 1:00 pm.

Tomorrow morning, I will start with the following M.O.T. offices, until I locate the appropriate governing body:

Central Region , Downsview 416-235-5412

Eastern Region , Kingston, 613-544-2220

Northeastern Region, North Bay, 705-472-7900



Catch the Kawartha spirit

*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

RECEIVED

MAR 23 2016


City of Kawartha Lakes
Development Services
Planning Division

MEMORANDUM

DATE: March 18, 2016
TO: Ian Walker, Planner II
FROM: Craig Shanks, Director of Community Services
RE: Application for Zoning By-law Amendment File No. D06-16-014

This memorandum serves to confirm receipt of the application for Zoning By-law Amendment submitted by Thomas and Shirley Krell.

The Community Services Department wishes to advise that we have no concerns or comments with respect to this application.



Craig Shanks
Director of Community Services

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-028

Date: April 6, 2016
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 16 - Manvers

Subject: An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on a portion of the property from Rural General (A1) Zone to Rural General Special Twenty-Six (A1-S26) Zone on land described as Part of Lot 6, Concession 12, former Township of Manvers, City of Kawartha Lakes, identified as 323 Fleetwood Road (CEDARDALE FARMS LIMITED – Planning File D06-16-012).

Author/Title: David Harding, Planner I

Signature:



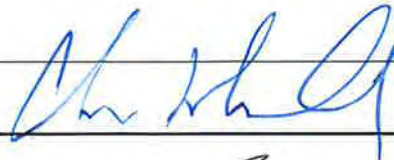
Recommendations:

RESOLVED THAT Report PLAN2016-028, respecting Part of Lot 6, Concession 12, geographic Township of Manvers, and identified as 323 Fleetwood Road, Application No. D06-16-012, be received;

THAT a Zoning By-law Amendment respecting application D06-16-012, substantially in the form attached as Appendix "C" to Report PLAN2016-028, be approved and adopted by Council; and

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

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

On January 12, 2016, The Committee of Adjustment granted provisional consent to Application D03-15-013 to sever an approximately 0.59 ha. (1.5 acre) residential lot containing a single detached dwelling with residential accessory buildings, and retain approximately 40.1 ha. (99.1 acres) of agricultural land and open space. The retained land will be used (consolidated) in conjunction with other non-abutting agricultural land owned by Cedardale Farms Limited. There are no agricultural buildings or structures on the retained portion of the property.

As a condition of provisional consent the agricultural land to be retained is to be rezoned to prohibit residential use.

Owner:	Cedardale Farms Limited	
Applicant:	Robert Clark, Clark Consulting Services	
Legal Description:	Part of Lot 6, Conc. 12, geographic Township of Manvers	
Designation:	Prime Agricultural and Environmental Protection, City of Kawartha Lakes Official Plan	
Zone:	Rural General (A1) Zone and Open Space (01) Zone on Schedule 'A' of the Township of Manvers Zoning By-law No. 87-06	
Lot Area:	Total – 40.7 ha. (100.6 ac.) Severed – 0.59 ha. (1.5 ac.), Retained – 40.1 ha. (99.1 ac.)	
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserved	
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)	
Adjacent Uses:	North:	Agricultural, Rural Residential
	South:	Agricultural, Rural Residential, Aggregate Extraction
	West:	Agricultural, Rural Residential, Cemetery
	East:	Agricultural, Rural Residential, Decommissioned Landfill

Rationale:

Cedardale Farms Limited acquired the subject property to expand their agricultural operations. Severing the dwelling from the agricultural lands enables Cedardale Farm Limited to remain focused on agriculture rather than becoming landlords.

The subject property is located northeast of the Fleetwood Road and Janetville Road intersection (refer to Appendix "A"). The subject property and the surrounding lands are primarily prime agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil the condition that residential use of the retained agricultural land be prohibited.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

This application conforms to the Growth Plan (GP). Section 4.2.2 indicates that Ministers, in consultation with municipalities, are to develop additional policies for protection of areas identified as prime agricultural land.

Provincial Policy Statement, 2014 (PPS):

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (a) and 2.3.4.1 (c) 2 permits the severance of dwellings from agricultural land that is managed as part of a larger farm operation provided that the agricultural lot is of sufficient size to accommodate future change in the type or size of agricultural operation and that new dwellings are prohibited on the remaining agricultural land.

Section 2.3.3.3 requires the creation of new lots to be subject to minimum distance separation (MDS) formulae. The applicant has submitted a calculation from a qualified Agrologist that the severed lot exceeds MDS 1 and 2 criteria.

Rezoning the remaining agricultural land ensures the agricultural use of the property and surrounding agricultural practices is protected from further development of incompatible residential uses. As the severance is proposed within the manicured lawn surrounding the existing dwelling, no land is being removed from agricultural production. As no land is being removed from production the lot is of sufficient area to operate an assortment of agricultural uses.

The application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan). The Environmental Protection designation is confined to and the area surrounding a pond and watercourse to the northwest. No change is proposed to the area within the Environmental Protection designation. Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from

fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

The City, through its Official Plan and in accordance with provincial policy, permits the severance of dwellings that are surplus to a farm operation. Where the farm operation acquires non-abutting lands, one of the criteria of both policy documents is that the agricultural use of the land be protected from further residential development. Rezoning the land to prohibit residential development ensures this protection.

This application proposes no change to the existing land uses, no land will be removed from production as a result of the severance, and the agricultural land, through rezoning, will be preserved and protected for future agricultural use.

Therefore, this application conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The majority of the land is zoned Rural General (A1) Zone and a small portion is zoned Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, see Appendix "B". The A1 Zone permits the severance of a lot in that zone to be subject to the Rural Residential Type One (RR1) Zone provisions provided it does not exceed 1 ha. The lot to be created exceeds the minimum lot area (2,045 sq. m.) and frontage (38 m.) requirements of the RR1 Zone. The buildings on the lot to be severed comply with the RR1 setbacks.

The lot to be retained meets the requirements of the A1 and O1 Zones, mainly that the lot maintains a frontage of 183 m. and area of 38 ha. (93.9 ac.). The purpose of the zoning by-law amendment is to prohibit residential use on the land to be retained and maintain the agricultural use of the land to comply with provincial and municipal policy. The application complies with the relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

Servicing Comments:

The agricultural land is unserviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

Consultations:

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division, Community Services Department and the Engineering and Assets Department raised no issues as a result of circulation.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The rezoning will ensure the subject land is preserved for agricultural use. All other zone provisions within the Rural General Zone will be maintained. The Open Space Zone category on the subject land will not be changed by the proposed zoning by-law amendment.

Conclusion:

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of March 22, 2016. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2016-028.pdf

Appendix 'B' – Applicant Sketch – dated January 2016



Appendix B to
PLAN2016-028.pdf

Appendix 'C' – Draft Zoning By-law Amendment



Appendix C to
PLAN2016-028.pdf

Phone:	705-324-9411 or 1-888-822-2225 ext. 1206
E-Mail:	deharding@city.kawarthalakes.on.ca
Department Head:	Chris Marshall
Department File:	D06-16-012

Con 13

'JANETVILLE'

William Ave

Janet Dr

Manvers Dr

Lot 6

APPENDIX " A "
to
REPORT PLAN 2016-028
FILE NO. D06-16-012

Con 12



Janetville Rd

**SUBJECT
LAND**

Fleetwood Rd

Lot 4

Lot 5

Lot 6

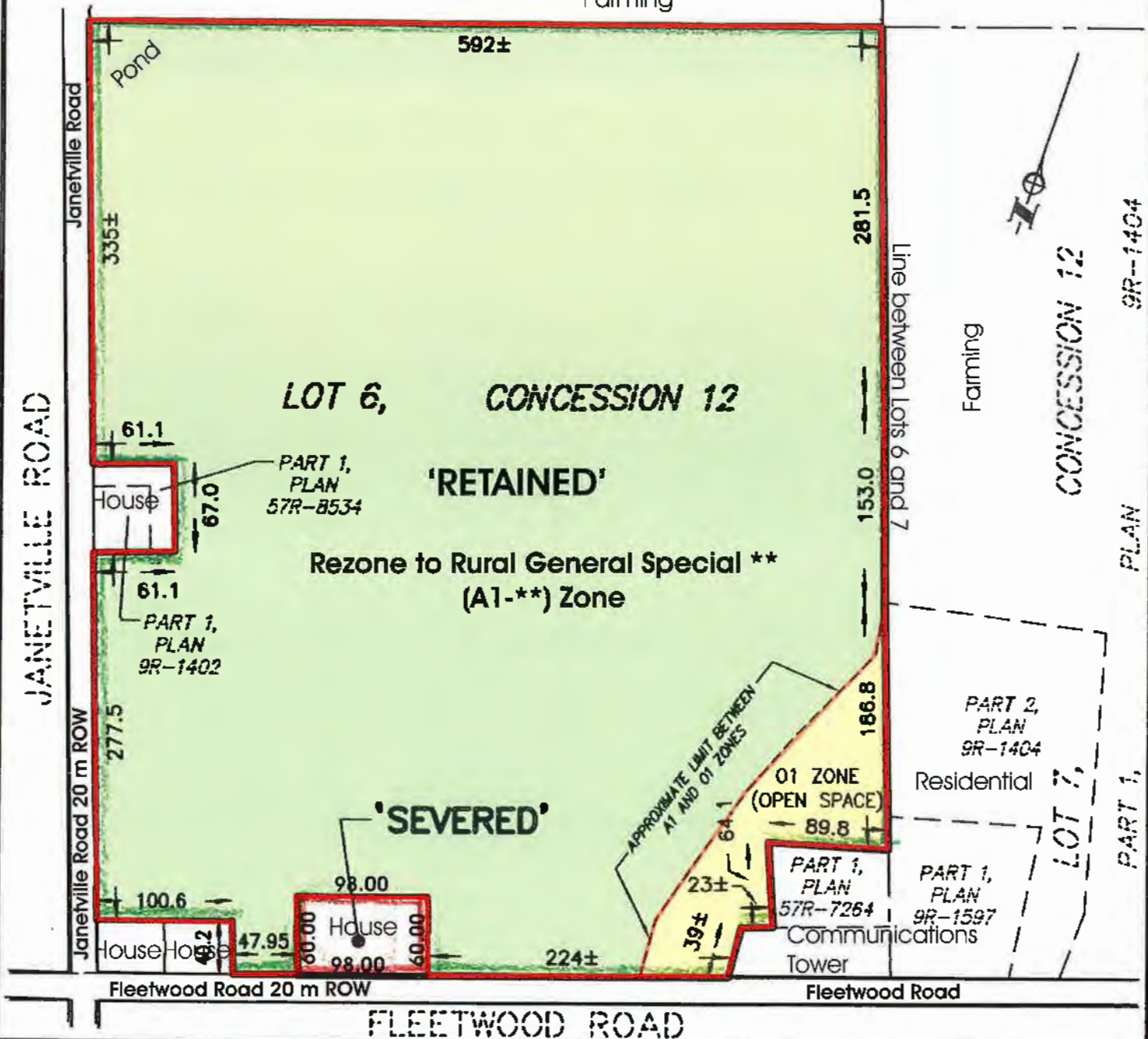
GEOGRAPHIC TOWNSHIP OF MANVERS


Con 11


APPENDIX B
to
REPORT PLAN 2016-028

KEY MAP

Farming



 Rezone to General Rural Special ** (A1-**) Zone

 Maintain as Open Space (O1) Zone

NTS

CLARK

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

to
REPORT PLAN2016-028

BY-LAW 2016 -

FILE NO D06-16-012**A BY-LAW TO AMEND THE TOWNSHIP OF MANVERS ZONING BY-LAW NO. 87-06
TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

File D06-16-012, Report PLAN2016-028, respecting Part of Lot 6, Concession 12, identified as 323 Fleetwood Road – CEDARDALE FARMS LIMITED.

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Concession 12, Part of Lot 6, geographic Township of Manvers, City of Kawartha Lakes, 323 Fleetwood Road.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from Rural General (A1) Zone to Rural General Special Twenty-Six (A1-S26) Zone for the land referred to as 'A1-S26', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

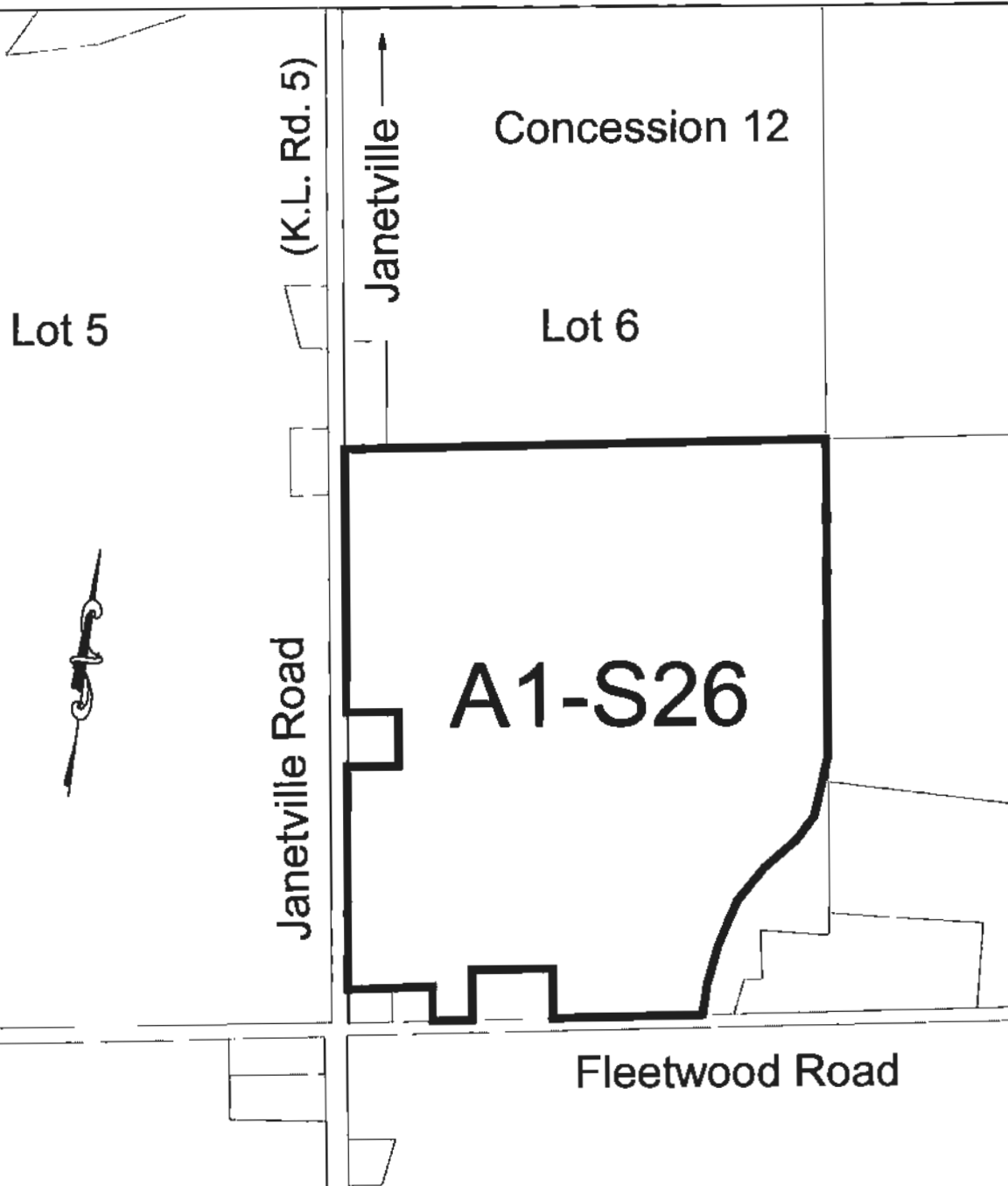
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____



GEOGRAPHIC TOWNSHIP OF MANVERS

Concession 11

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-021

Date: April 6, 2016
Time: 1:00 p.m.
Place: Council Chambers
(Regular meeting)

Ward Community Identifier: 14

Subject: Zoning By-law Amendment (D06-15-008) Application to permit portions of the existing 299 trailer park sites for seasonal use, internal road and ancillary uses located on the property and to facilitate a new multi-purpose recreational building on a portion of the property identified as 2346 Pigeon Lake Road (567957 ONTARIO LIMITED)

for

Author/Title: Mark LaHay, Planner II

Signature:

SAE

Recommendations:

RESOLVED THAT Report PLAN2016-021, "567957 ONTARIO LIMITED – D06-15-008", be received;

THAT a Zoning By-law Amendment respecting application D06-15-008, substantially in the form attached as Appendix 'F' to Report PLAN2016-021, be approved and adopted by Council; and

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

Department Head:

Chris Hall

Corporate Services Director / Other:

Chief Administrative Officer:

R. J. C.

Background:

At the Council Meeting of September 22, 2015, Council adopted the following resolution:

Moved by Mayor Letham, seconded by Councillor Miller,
RECOMMEND THAT Report PLAN2015-076, 567957 Ontario Limited and Belmac Estate Properties Inc. - D06-15-008, be received; and
THAT the application respecting the proposed amendment to the Township of Emily Zoning By-law be referred back to staff for further review and processing to allow additional time to address comments raised by abutting residents.

CARRIED PC2015-048

This report addresses that direction.

To address public concern with the rezoning of the abutting waterfront lot at the southeast corner, identified as 284 Lakeshore Drive (owned by Belmac Estate Properties Inc.), the applicant has revised the application to delete this property. Instead, the proposed multi-purpose recreation building is now proposed to be located on land already zoned Campground Commercial (C4). Refer to Appendix "B". The application proposes to apply the C4 Zone to the portions of the lot previously developed by the existing 299 trailer sites for seasonal use, internal road, ancillary uses and to facilitate a new multi-purpose recreation building. The owner has agreed to and staff recommends a Holding (H) provision to ensure the development of the multi-purpose recreation building is subject to site plan control.

Proposal:	The application was originally presented to change a portion of the "Agricultural (A1) Zone" to "Campground Commercial (C4) Zone" and the "Limited Service Residential (LSR) Zone" and a portion of the "Campground Commercial (C4) Zone" to "Campground Commercial Exception Three - Holding (C4-3)(H)" Zone to recognize the existing seasonal trailer park and ancillary uses and to permit a new multi-purpose recreation building on a portion of the property zoned LSR.
Amendment:	The owner has amended the application to remove the portion of the property zoned LSR and to relocate the proposed multi-purpose recreation building onto land now zoned C4, between the existing swimming pools and administration office/store.
Owners:	567957 Ontario Limited and Belmac Estate Properties Inc.
Agent:	T.M. Robinson Associates, Tom Robinson
Legal Description:	Part of Lots 22 & 23, Concession 14, Geographic Township of Emily
Official Plan:	"Rural", "Environmental Protection" and "Waterfront" in the City of Kawartha Lakes Official Plan.

	"Significant Woodland" Natural Heritage Feature.
Zoning:	"Campground Commercial (C4) Zone", "Recreation Commercial (C3) Zone", "Limited Service Residential (LSR) Zone" and "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30.
Site Size:	38.29 ha. (94.61 ac. - MPAC) – total land holding
Site Servicing:	Communal well and septic systems
Existing Uses:	Agricultural, forest, wetland
Adjacent Uses:	North: Rural/Agricultural East: Pigeon Lake, Happy Days house boat rental/marina South: Rural residential and Lakeview Arts Barn West: Rural/Agricultural

Rationale:

The subject land is located at 2346 Pigeon Lake Road, which is located at the southeast quadrant of the Pigeon Lake Road and Colony Road intersection, with approximately 663 metres of frontage along Pigeon Lake. Just over half of the total land holding is occupied by the existing 299 trailer sites. The "Lonesome Pine Resort" also provides various ancillary facilities including pools, beaches, playgrounds, sports field, pavilion, docking, laundry, store, office and an area for maintenance and storage buildings.

The current zoning does not recognize a portion of the existing "Lonesome Pine Resort" seasonal trailer park use, which is legal non-conforming on the portion of the property currently zoned "Agricultural (A1) Zone". The southeast waterfront portion of the abutting Belmac Estate Properties Inc. property which is zoned "Limited Service Residential (LSR)" has been removed from the application and the proposed multi-purpose recreation building will now be located on a portion of land currently zoned C4, which is proposed to be rezoned to C4-3(H). The recreation building will contain washrooms, laundry facilities, a reception area and store, an open air patio style facility for group functions and community gatherings and an office to serve the patrons of the campground. As such, the applicant has applied for rezoning and provided a supporting rationale to facilitate the zone change, as amended.

Supporting Documents

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by T.M Robinson Associates, dated April 2015. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, and the Council adopted City of Kawartha Lakes Official Plan.

2. Functional Servicing Report prepared by C.C. Tatham and Associates, Consulting Engineers, dated May 2, 2014. The report addresses sanitary servicing, water supply and distribution, access, drainage and utilities. The report concluded that the existing resort is adequately equipped with appropriate servicing and utilities.
3. York North Archaeological Assessment and Supplementary Documentation (Stage 1-2), dated July 2014. The Stage 1 Background Study was conducted to analyse and determine the overall archaeological potential of the development property. The Stage 2 Property Assessment was conducted to test and sample the areas of high archaeological potential for the presence of any prehistoric or historic archaeological resources.
4. York North Archaeological Assessment and Supplementary Documentation (Stage 3), dated August 2014. The Stage 3 Site Specific Assessment was conducted as a result of the presence of cultural materials uncovered during the Stage 2 survey. The Stage 3 Assessment recommended that no further fieldwork or investigation be conducted for the specific identified site and that the entire study area be cleared of archaeological conditions.
5. Acceptance letters from the Ministry of Tourism, Culture and Sport dated December 24, 2014 with respect to the review of the Stage 1-2 and Stage 3 Reports.
6. Site Plan prepared for Parkbridge Lifestyle Communities Inc. (PLCI), dated July 2014. The Plan illustrates the layout of the trailer park resort and general location of proposed recreational building and also illustrates the areas proposed to be rezoned.
7. Elevation Survey prepared by Eagle Mapping Ltd., dated May 23, 2014.
8. Revised Site Plan prepared for PLCI, dated July 2014 and revised June 9, 2015. The Plan illustrates the layout of the trailer park resort along with a revised and reoriented general location of proposed downsized recreational building.
9. Revised Site Plan prepared for PLCI, dated July 2014 and revised January 12, 2016. The Plan illustrates the layout of the trailer park resort along with a revised location of the proposed recreational building now within the existing C4 Zone.

In addition, Staff have received a Planning Report Addendum prepared by T.M. Robinson Associates, dated March 15, 2016 and an Amended Rezoning Application, dated March 16, 2016.

Staff has reviewed the Planning Justification Report and Planning Report Addendum prepared by T.M. Robinson Associates in support of the revised application to amend the Zoning By-law. Staff concur with the rationale and planning opinion provided.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe (Growth Plan):

The location and setting of the Lonesome Pine Resort conforms with the policies of Section 2.2.9 of the Growth Plan for Rural Areas where development outside of settlement areas is permitted by Section 2.2.2.1(i) related to the management or use of resource-based recreational activities.

Provincial Policy Statement (PPS):

The 2014 PPS is an expression of provincial interests in land use planning. This includes matters such as building healthy communities and land use patterns, wise use of resources, protecting public health and safety, and implementation. The recreational residential setting of the Lonesome Pine Resort on Pigeon Lake is consistent with the Rural Lands policies of Section 1.1.5 which permits resource-based recreational uses and promotes recreational, tourism and other economic opportunities. In addition, development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Official Plan Conformity:

The subject land is designated "Rural", "Environmental Protection" and "Waterfront" on Schedule "A" in the City's Official Plan. A small area of the property is identified as "Significant Woodland" on Schedule "B" in the City's Official Plan.

The new location of the proposed recreation building is within the "Rural" designation which permits uses such as active and passive recreation uses and facilities. Although the "Rural" land use designation policies are generally directed toward more traditional rural and agricultural uses, certain recreational activities such as golf courses and ski resorts are also permitted.

Prior to the adoption of the City of Kawartha Lakes Official Plan (2012), the Victoria County Official Plan designated the majority of the subject lands as "Shoreline", which permitted trailer park facilities. As such, the "Existing Uses" policies of Section 34.1 of the City's Official Plan recognize the existing trailer park as a permitted use in this location and conforms with the Official Plan.

Zoning By-law Compliance:

The subject land is zoned "Campground Commercial (C4) Zone", "Recreation Commercial (C3) Zone", and "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30. The development of the new recreation building is proposed within the current C4 Zone area and the existing trailer park development is within the C4 and A1 Zones as illustrated on the site plan attached as Appendix "B". The existing C4 zone permits a trailer camp or park, a public or private park, ancillary retail uses, and a dwelling unit accessory to the

above permitted uses, is subject to the RR2 zone setback and yard requirements.

The applicant has submitted a revised application to amend the Zoning By-law, for consideration. The application proposes to apply the Campground Commercial (C4) Zone to the portions of the existing trailer park that are presently zoned A1; and to permit a new recreation building on lands zoned C4. An exception zone will be added to more specifically refine the by-law requirements for the recreation building and a Holding (H) provision will apply to ensure the portion of the trailer park facility proposed for development of the new recreational building is subject to site plan control.

Other Alternatives Considered:

No other alternatives have been taken into consideration.

Financial Considerations:

There are no financial considerations for the City, unless the application was to be appealed to the Ontario Municipal Board.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the exceptional quality of life strategic goal as it promotes and provides recreational opportunities.

Review of Accessibility Implications of Any Development or Policy:

All site and building accessibility matters will be addressed through site plan approval. The Site Plan Agreement will address all external accessibility requirements of the Building Code, if required. The site plan application will be circulated to the City's Accessibility Advisory Committee for comment.

Servicing Comments:

The private water and wastewater systems are subject to the approval and requirements of the Ministry of Environment and Climate Change (MOECC).

Consultations:

Notice of this application was previously circulated in accordance with the requirements of the *Planning Act*. Notice of this application was circulated to the prescribed persons within 500 metres, agencies and City Departments. A sign advertising the public meeting held on June 10, 2015 was erected on the Pigeon Lake Road property frontage. To date we have received the following comments:

Agency Review Comments: (from initial circulation of recreation building location)

Kawartha Lakes Fire & Rescue indicated that a Fire Route will be required from Pigeon Lake Road to the proposed recreation centre conforming to the requirements of the Ontario Building Code.

Engineering had concerns with the property owner retaining a legal right-of-way to Lakeshore Drive for the property that was to be rezoned from Limited Service Residential (LSR) to Campground Commercial (C4) as it will be using the existing access to Pigeon Lake road. Although the existing right-of-way to Lakeshore Drive is not intended to be used, Engineering was concerned about the potential for a future commercial access for the entire site if this right-of-way access is retained on title. With respect to the requirement for a consolidated stormwater management/drainage plan, Engineering has agreed to defer this to the Site Plan stage.

The Public Works Water/Wastewater Division has no concerns but requests further detail and clarification with respect to the Functional Servicing Report (FSR) at the Site Plan Stage. Private water and wastewater systems are subject to the approval and requirements of the Ministry of Environment and Climate Change (MOECC).

The Kawartha Region Conservation Authority (KRCA) has confirmed that all of the existing trailers and the location for the proposed recreation building are situated outside of the Pigeon Lake floodplain (i.e. above the 246.9 mASL flood contour). The KRCA has further advised that based on their site observations, that the proposed recreation building may be able to proceed in the location currently proposed without resulting in a negative impact on the adjacent fish habitat provided that appropriate construction mitigation measures are implemented and a maximized vegetative buffer area is established between the building and the shoreline. In this regard a detailed Environmental Impact Study (EIS) would be necessary during the detailed design stage (through site plan approval) to assess the sensitivity of the adjacent fish habitat and identify measures specific to the site and the development proposed that will adequately ensure no negative impact.

The Building Division anticipates that the proposed recreation centre building will fall under Part 3 of the Ontario Building Code and will likely require the provision of on site water for fire fighting.

The Hiawatha First Nation and Alderville First Nation have advised the proposal will have little impact on their First Nation's traditional territory and/or rights. They wish to be kept apprised of any updates, archaeological findings and/or environmental impacts, should they occur.

Enbridge Gas Distribution does not object to the rezoning application.

Parks Canada – Trent Severn Waterway requests to be circulated on the site plan application for this property as their interests relate to a minimum 30 metre setback from the water and naturalization of the shoreline.

Public Comments: (from initial circulation and recreation building location)

The owners of 280 and 282 Lakeshore Drive to the south of the portion of the subject lands that was proposed for the recreational building, expressed concern with noise, privacy, proximity and access potential through an existing right-of-way that was originally established to provide access to 284 Lakeshore Drive. Larry McLaughlin provided one combined written submission in opposition outlining the concerns of several local residents relating to the status of the right of way, access for construction traffic, proximity of the proposed community building to residential neighbours, noise, increased vehicular traffic, potential for problematic behaviour and environmental concerns, which was distributed to Committee members prior to the public meeting.

The owner of 2352 Pigeon Lake Road expressed concern as the extent of his property was not properly illustrated on the site plan drawing circulated with the notice. The owner of 89 Colony Road inquired whether the remaining agricultural land will be for camping use and whether additional campsites or campers will be permitted. He had concerns with additional traffic and noise. He also wanted to know whether the Kawartha Region Conservation Authority (KRCA) reviewed the proposed recreational building.

At the Public Meeting on June 10, 2015, the Planning Committee was advised by the author of receipt of several comments by telephone regarding potential future expansion of the park, noise and traffic concerns with respect to an existing right of way that could provide access

The Owner's Planning Consultant, Tom Robinson, of T.M. Robinson Associates noted that in response to comments received from neighbours, the proposed site plan was being revised to incorporate the following: corrected property entrance location, reduced size of proposed recreation building and relocation of the recreation building away from residential properties. He stated that there is no intended use of the existing right of way by the resort now or in the future and that there is no proposal for future expansion of the operation.

Four residents made deputations at the Public Meeting, including the owner of 282 Lakeshore Drive, and the co-owners of 278 Lakeshore Drive, 221 Crosby Drive and 45 Colony Road who reiterated concerns related mainly to proximity, noise, potential expansion of the facility, traffic, fencing and the potential use of the existing right-of-way for access to/from Lakeshore Drive.

At the September 9, 2015 Planning Committee Meeting, the owner's Planning Consultant, Tom Robinson was a deputation as well as Larry McLaughlin, a resident of 278 Lakeshore Drive, who spoke on behalf of several local residents outlined in the correspondence he provided at that meeting. Mr. McLaughlin expressed concern related to the deeded access (right-of-way) to Lakeshore Drive and requested that the minimum setback be increased to 40 metres from any property line, expressing concern regarding noise, trespassing and privacy. Mr. Robinson's confirmed his client agreed to have the matter referred back to staff in order to address outstanding matters, including issues identified by neighbouring residents.

Agency Review Comments: (circulation of revised recreation building location)

The Building Division advise that although not a requirement of the rezoning, issues with respect to spatial separation to the (LSR) lot boundary will need to be addressed. As a result, the 4.5m setback illustrated will need to be increased.

Engineering notes this parcel does not have frontage on a municipally maintained road and access is limited to a registered right-of-way.

The Kawartha Region Conservation Authority advised that their previous comments (above) will still apply.

Parks Canada – Trent Severn Waterway advised they are pleased to see the building located a greater distance from the water. During the demolition of the identified two existing buildings, it is strongly recommended that the mature trees located in close proximity are not removed, nor harmed by this work. With this rejuvenation of resort facilities, and given the extent of development within the subject property, there is also an opportunity to rehabilitate the shoreline in this location with plantings of native vegetation to support the health of Pigeon Lake.

Kawartha Lakes Fire and Rescue has no concerns at this time.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the application and the revised application. These reports and background studies and revised plans have been circulated to the appropriate Agencies and City Departments for review and comment. Comments have been received from the circulated Agencies and City Departments, including the KRCA, Trent-Severn Waterway, Building, Engineering and Public Works.

It is appropriate to apply the Campground Commercial (C4) Zone to the entire existing "Lonesome Pine Resort" seasonal trailer park use. This use has already been established for a number of years and no additional impact is anticipated.

The portion of the land including the recreation building is to be rezoned to Campground Commercial Exception Three (C4-3) with a (H) Holding symbol. The purpose of the Holding Zone is to ensure that a site plan is registered on the property along with a detailed Environmental Impact Study (EIS). The EIS will

ensure appropriate construction mitigation measures are implemented between the building and the shoreline so that there is no negative impact on the adjacent fish habitat. Some of the other issues the site plan process will address are:

- the siting of the recreational building and its elevations;
- site servicing;
- stormwater management;
- lot grading and drainage;
- driveway location and access;
- noise attenuation;
- illumination;
- landscaping; and
- site signage.

Staff will ensure through this process that the construction and development respects the environment and adjacent residential properties. The "Campground Commercial Exception Three (C4-3) Zone" will only permit access to these lands over existing land zoned C4 from Pigeon Lake Road. The proposal will comply with all required yard setback requirements. In addition, the proposed recreation building will be limited in height to a one-storey building and will not be permitted to be used as a wedding or banquet facility.

The proposed zoning by-law recognizes that the only access to the resort and recreational amenity area is from Pigeon Lake Road. No other alternative or secondary access is intended or proposed. As the separate property known as 284 Lakeshore Drive, owned by Belmac Estate Properties Inc., is no longer part of the application, it is not subject to the rezoning and will not be merged together with the larger holdings.

In summary, the revised location for the proposed recreation building to the existing C4 zone is appropriate as it will provide increased distance and visual separation from neighbouring residential properties and would appear to be situated approximately 40 m. from neighbouring properties to the east and south. This new location should alleviate the proximity concerns raised by the neighbouring residents.

Conclusions:

The application has been reviewed in consideration of comments from the neighbouring residents, circulated agencies, relevant provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Emily Zoning By-law. In consideration of the comments contained in this report, Staff respectfully recommends that the proposed rezoning application be approved by Council.

Attachments:



Appendix 'A'.pdf



Appendix 'B'.pdf



Appendix 'C'.pdf



Appendix 'D'.pdf

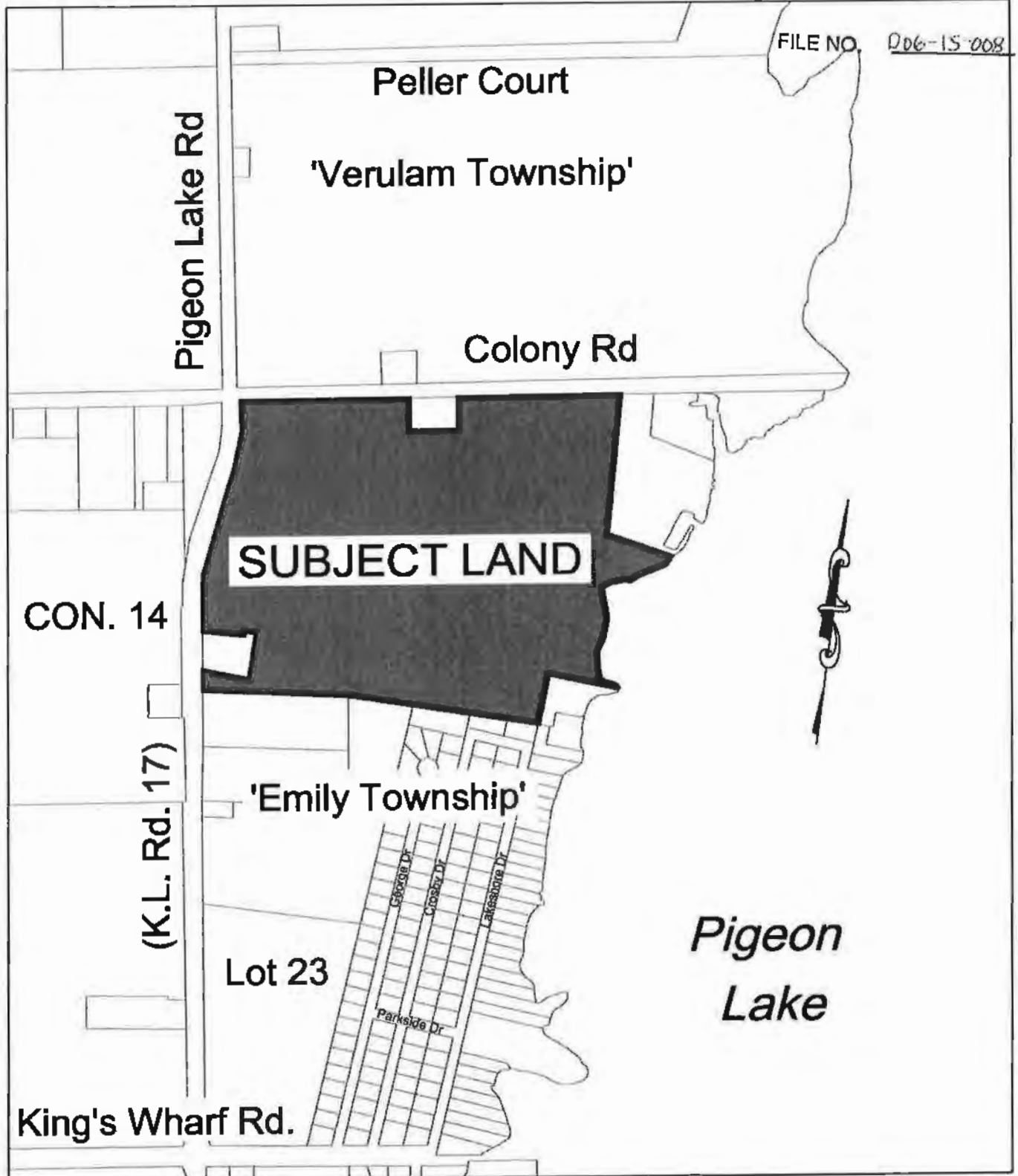


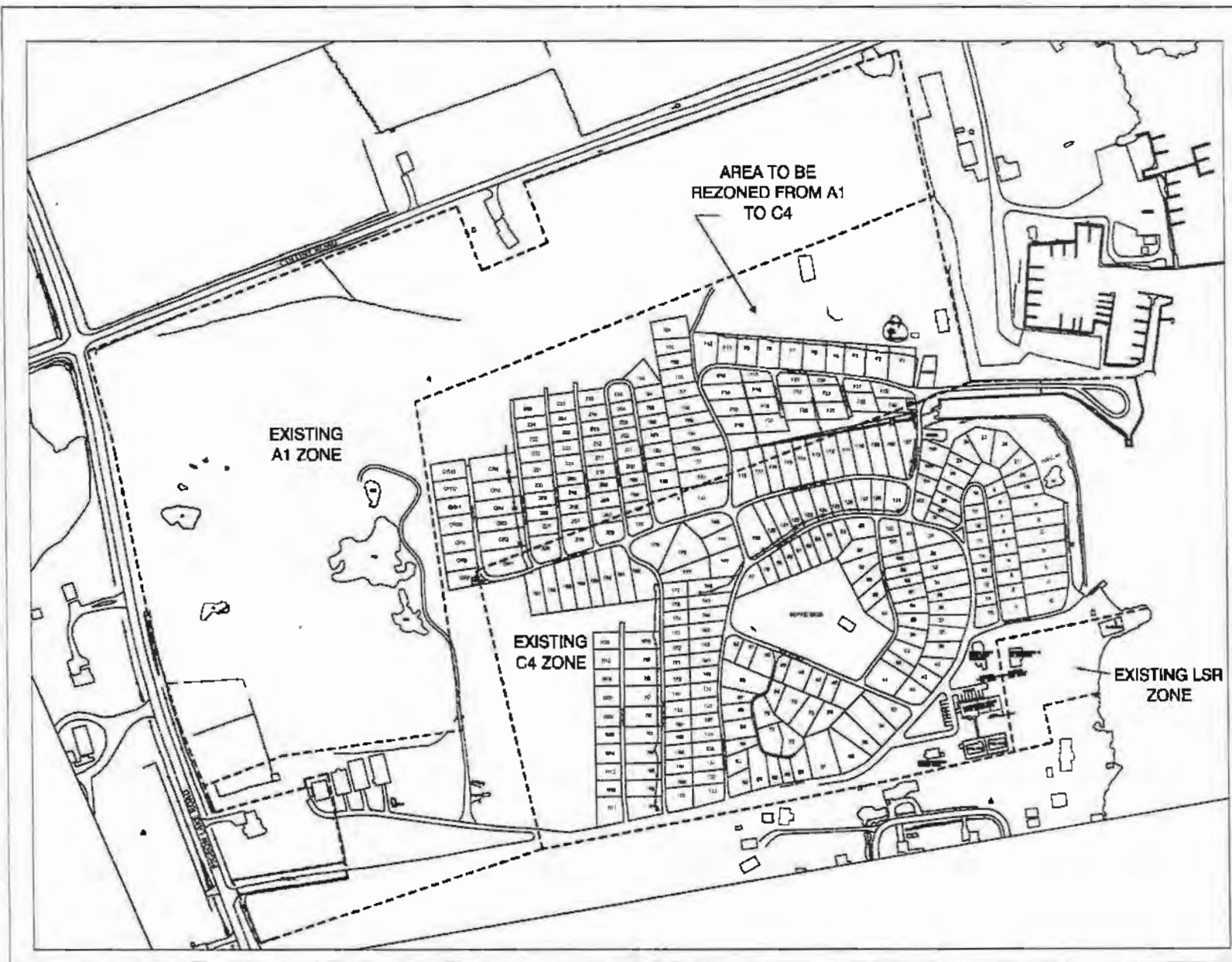
Appendix 'E'.pdf

Appendix "A" – Location Map
Appendix "B" – Revised Site Plan and Enlargement
Appendix "C" – Preliminary Building Elevations
Appendix "D" – Aerial Photo
Appendix "E" – Draft Zoning By-law

Phone:	705-324-9411 ext. 1324 or 1-888-822-2225 ext. 1324
E-Mail:	mlahay@city.kawarthalakes.on.ca
Department Head:	Chris Marshall
Department File:	D06-15-008

FILE NO. 006-15-008





APPENDIX B
to
REPORT PLAN 2016-021
FILE NO. D06-15-008

No.	Date	Description	By
1	JAN 12/16	ISSUED FOR REVIEW	SP
2	JAN 12/16	ISSUED FOR REVIEW	SP
3	FEB 2/16	ISSUED FOR REVIEW	SP
4	JAN 12/16	ISSUED FOR REVIEW	SP
5	AUG 1/14	ISSUED FOR REVIEW	SP

REVISIONS

Do not scale drawings.
Contractor is to check all dimensions and report any variations or discrepancies to the designer before proceeding with construction.

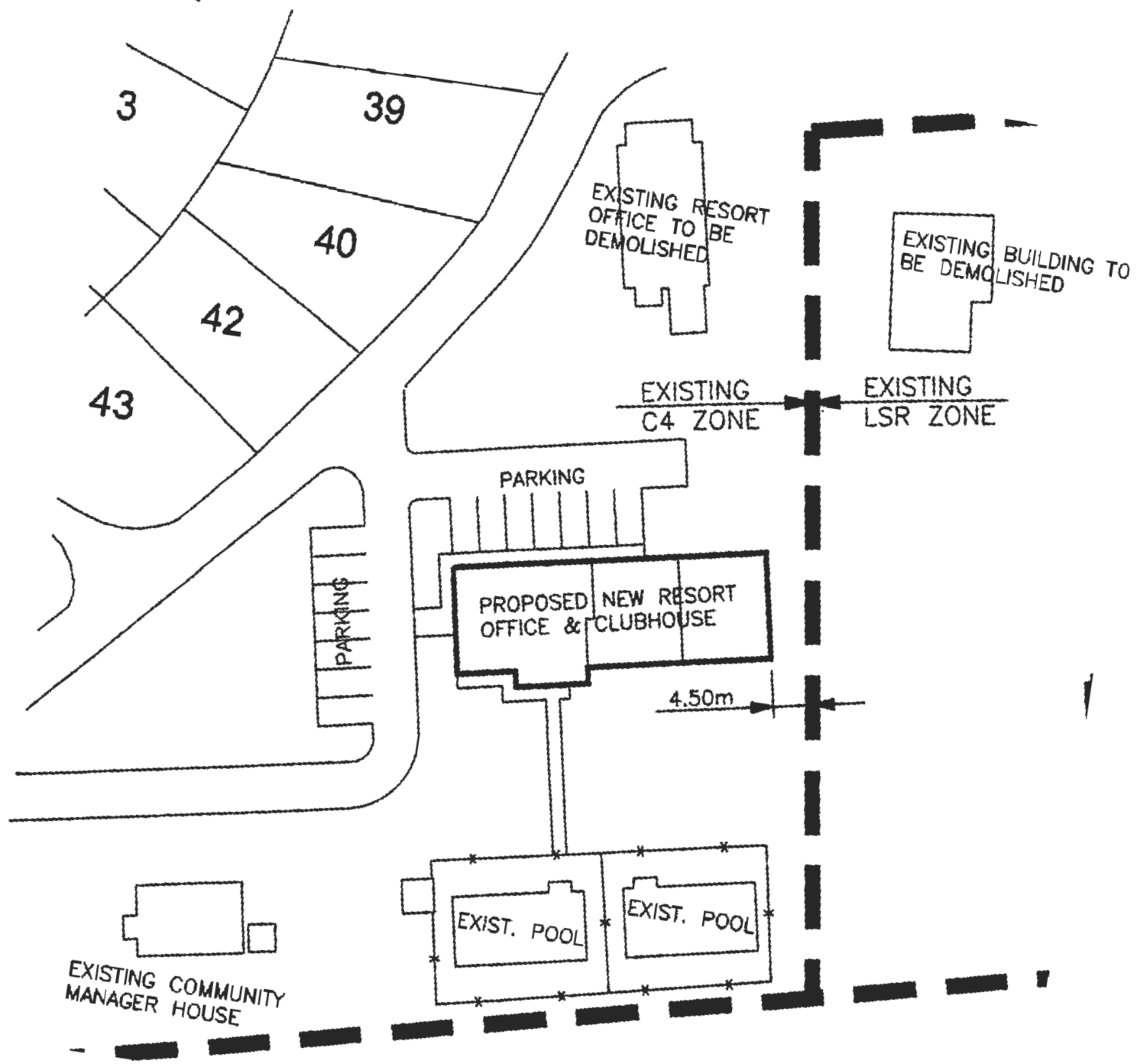
B
Parkbridge
INCORPORATED

DATE: APR 2014
BY: MC
CHECKED:
APPROVED:
LDB DESIGN ARCHITECTURE INC.

LONESOME PINE
2346 PIGEON
LAKE ROAD
BURLINGTON, ON

SITE PLAN

Scale: NYS Section: SP
Project No: Drawing No: **SP1**



5

Plan 2016-021

Dok-15-008

DRAWING HISTORY



© 2000 Blackwell Science Ltd
Journal of Internal Medicine 247: 111–118

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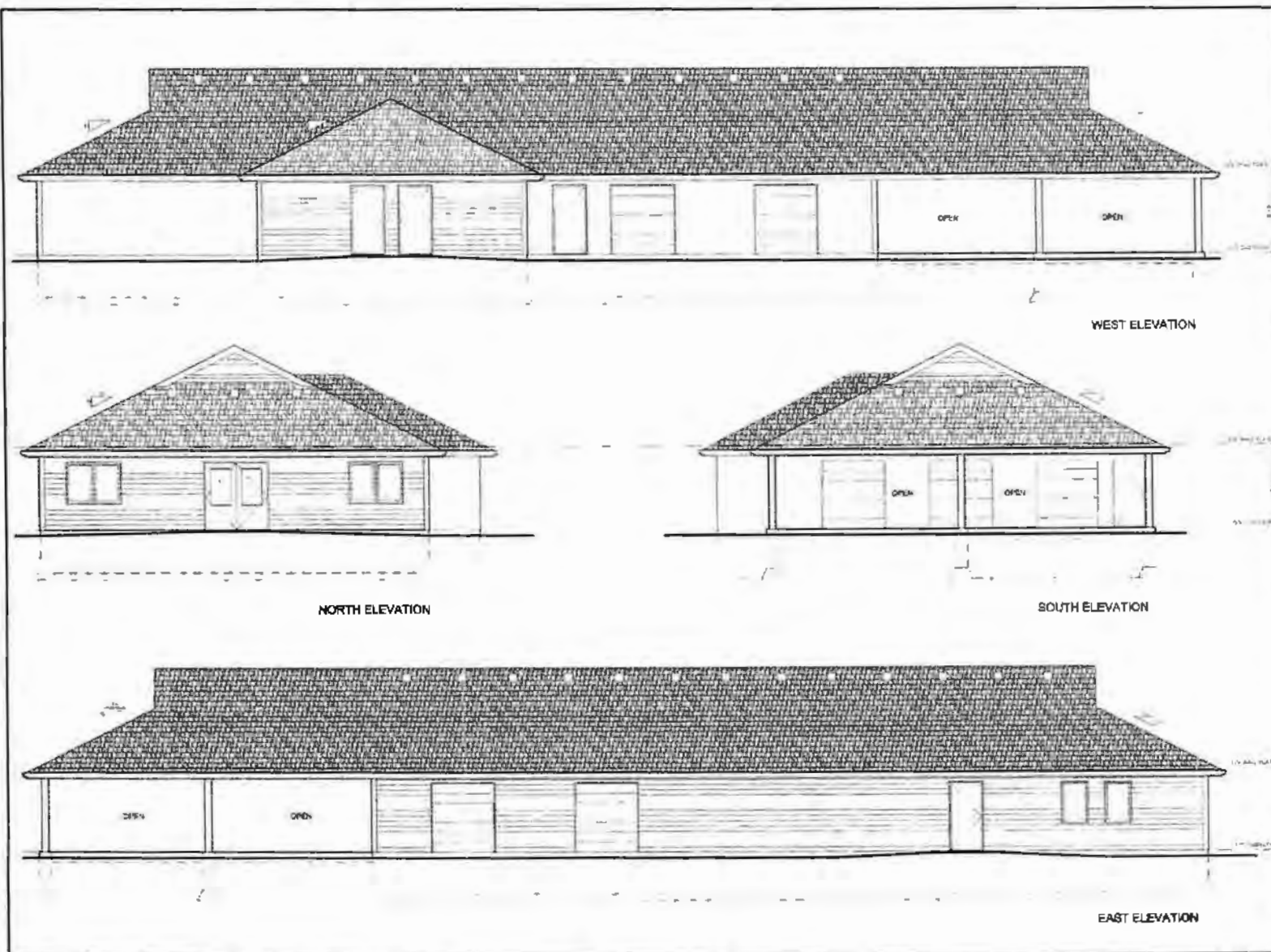
Brian Awde Architects

NEW CLUBHOUSE

PO BOX 4 LAKE ROAD
BOBCAYLCON ONTARIO

ELEVATIONS

14. (10) $\frac{1}{2}$ 5.



2346 Pigeon Lake Road (Emily)



Legend

- Road Centreline
- Upper Municipalities
- Property ROLL#
- Lots and Concessions
- Petroleum Well
- Wetlands
 - Locally Significant Wetlands
 - Provincially Significant Wetlands
 - Unevaluated Wetlands
- Water Body
 - Waterbodies
 - Woodland
 - CKL_River_Buff15m
 - KRCA Regulated Areas

APPENDIX "D"
to
REPORT PLAN 2016-021
FILE NO. D06-15-008

Notes

D06-15-008

0.38

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT PLAN 2016-021

BY-LAW 2016 -

FILE NO. D06-15-008**A BY-LAW TO AMEND THE TOWNSHIP OF EMILY ZONING BY-LAW NO. 1996-30
TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

[File D06-15-008, Reports PLAN2015-052, PLAN2015-076 and PLAN2016-021, respecting Part of Lots 22 & 23, Conc. 14, identified as 2346 Pigeon Lake Road-567957 ONTARIO LIMITED]

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to recognize the existing development of 299 trailer park sites for seasonal use, ancillary uses and permit a new multi-purpose recreation building on a portion of the land. A Holding symbol (H) shall be applied to ensure that a portion of the property is subject to site plan control.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lots 22 & 23, Conc. 14, Geographic Township of Emily, City of Kawartha Lakes, 2346 Pigeon Lake Road.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 17.3:
 - "17.3.3 Campground Commercial Exception Three (C4-3) Zone.
 - 17.3.3.1 Notwithstanding subsection 17.1.1, on land zoned C4-3, the permitted uses shall include a recreation building with a maximum floor area of 415 sq. m., containing enclosed and unenclosed gathering areas accessory to a C4 zoned area to be used by trailer park residents and their guests, in addition to existing ancillary uses, and associated parking and driveway areas. A dwelling unit will continue to be permitted on land zoned C4-3. A wedding and/or banquet facility use are not permitted.
 - 17.3.3.2 Notwithstanding any other zoning by-law requirement to the contrary, access to lands zoned C4-3 shall only be obtained over abutting land zoned C4 from Pigeon Lake Road.
 - 17.3.3.3 Notwithstanding subsection 17.2.1.5, the maximum building height for a recreation building shall not exceed one-storey.
 - 17.3.3.4 All other applicable requirements of Section 17.1 and Section 17.2 will continue to apply.
 - 17.3.3.5 On land zoned C4-3, the removal of the (H) Holding Symbol shall be in accordance with the following:
 - (a) completion of an Environmental Impact Study to the satisfaction of the City; and

(b) the owner shall enter into a site plan agreement with the City for any development on land zoned C4-3."

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone categories from the "Agricultural (A1) Zone" to "Campground Commercial (C4) Zone" and "Campground Commercial (C4) Zone" to "Campground Commercial Exception Three (C4-3)(H) Holding Zone" on a portion of the land for the land referred to as 'C4' and 'C4-3(H)', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

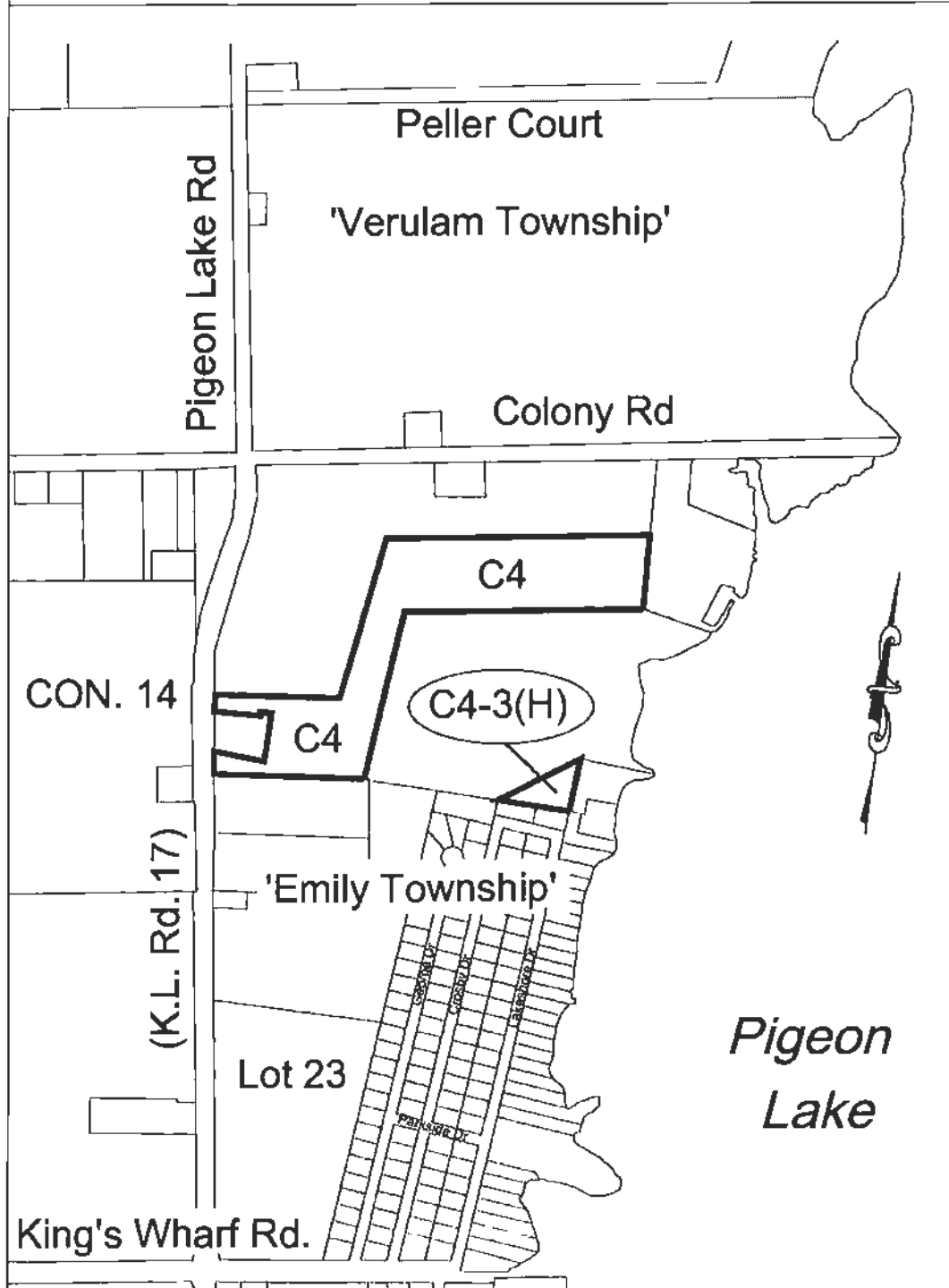
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____



The Corporation of the City of Kawartha Lakes

Planning Report

Report Number PLAN2016-026

Date: April 6, 2016

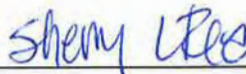
Time: 1:00 p.m.

Place: Council Chambers

Regular meeting

Ward Community Identifier: Lindsay – Ward 9

Subject: Application for Zoning By-law Amendment to rezone the subject land to permit 25 condominium townhouse dwelling units, to be developed within 5 Blocks on Block 13, Plan 57M-782, being vacant land on Chadwin Drive, Lindsay, (FAIRGROUNDS CENTRE (LINDSAY) INC.).

Author/Title: Sherry L. Rea, Planning Coordinator **Signature:** 

Recommendations:

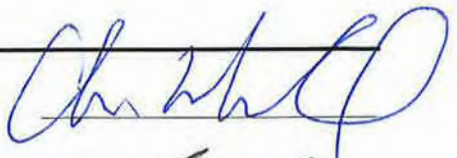
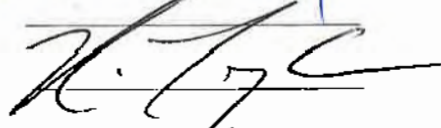
RESOLVED THAT Report PLAN2016-026, respecting Block 13, Plan 57M-782, Lindsay, being vacant land on Chadwin Drive, Application No. D06-15-018, be received; and

THAT Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be refused without prejudice as the application does not conform to the General Intensification policies as set out in Section 2.2.3 of the 2006 Growth Plan, is not consistent with the intensification policies as set out in Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement and does not conform to Sections 4 and 18.4 of the City of Kawartha Lakes Official Plan, being the Growth Management and Intensification Areas policies respectively.

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:

Background:

The statutory public meeting was held by the Planning Committee on October 14, 2015 and following resolution was passed:

Moved by Councillor Junkin, seconded by Mayor Letham,
RECOMMEND THAT Report PLAN2015-081 respecting **Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes, and being vacant land on Chadwin Drive, Application D06-15-018**, be received; and
THAT Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be referred back to staff to allow the applicant to submit the following:

1. A Supplementary Planning Justification Report that has regard to
 - a) the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular, consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area; and,
 - b) Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.
2. A Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study should demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term. The study should also assess how the proposal fulfills the City's affordable housing policies for 25% affordability.

CARRIED PC2015-051

This report addresses that direction.

The proposal is to permit 25 condominium townhouse dwelling units on the property, to be developed within 5 Blocks. The Zoning By-law Amendment proposes to rezone the land from the Residential High-Rise One Special Eleven Holding (RH1-S11)(H) Zone to the Residential Multiple Two Special (RM2-S**) Zone. The proposed development will be accessed from Chadwin Drive with individual townhouse units accessed from a private condominium road. No direct

vehicular access onto Colborne Street West is proposed, although the proposal includes pedestrian linkage through to Chadwin Drive. The townhouse dwelling units will be developed on full municipal services. See Appendix "A" and "B" attached.

Owner: Fairgrounds Centre (Lindsay) Inc.

Applicant: Kevin Duguay, Community Planning and Consulting Inc.

Legal

Description: Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes.

Official Plan: Designated Residential on Schedule "A" of the Town of Lindsay Official Plan.

Zone: Residential High-Rise One Special Eleven Holding (RH1-S11)(H) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75.

Total Area: 1.13 ha.

Site Servicing: Proposed full urban services – water, sanitary sewer, storm sewer, streetlights, curb and gutter.

Existing Use: Vacant land.

Adjacent Uses: North: Colborne Street West and Residential
 South: Chadwin Drive and Municipal Park
 East: Local Commercial and Adelaide Street
 West: Mid-rise Residential

Rationale:

The subject land is located within a plan of subdivision in the central area of Lindsay which is bordered by Colborne Street West to the north, Angeline Street North to the west, Adelaide Street to the east and the Ross Memorial Hospital to the south. The property is part of the former Lindsay Fairgrounds and is currently being redeveloped with freehold townhouses, each with direct frontage on Chadwin Drive and a commercial block fronting Angeline Street North which includes a retail and medical office/clinic use and lab with ancillary uses and a restaurant.

As part of the redevelopment of the Lindsay Fairgrounds property, Council, on March 3, 2015, rezoned the subject land to Residential High-Rise One Special Eleven Holding (RH1-S11)(H) to permit the land to be developed with an apartment building containing 117 units. A Holding provision was applied to ensure development did not proceed until the North West Trunk (NWT) Sanitary Sewer was commissioned and payment of the North West Trunk Municipal Act Capital Charge was secured. On August 11, 2015, the owner submitted an

application to amend the Zoning By-law to reduce the number of approved units on site from 117 to 25 to permit a condominium townhouse development. A plan of condominium has not been submitted at this time.

As a result of the direction received from Planning Committee at the October 14, 2015 public meeting, staff received a further Supplementary Planning Opinion dated November 25, 2015, prepared by Kevin Duguay. See Appendix "C" attached. The planning opinion addressed intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP) and concluded that the proposed development is consistent with the policy directives of the 2014 PPS, conforms with the policy directives of the 2006 Growth Plan and is in keeping with the general purpose and intent of the City's OP, specifically Section 18.4 of the Plan and the Town of Lindsay Zoning By-law.

Staff has reviewed the justification provided by the applicant's consultant to support a development proposal on the subject property for 25 condominium townhouse units. The challenge is justifying the de-intensification from the approval of 117 apartment units, previously granted by Council just one year ago. The Supplementary Planning Opinion does not justify the de-intensification from 117 units to 25 units. Notwithstanding that the property owner provided realtor letters confirming that the subject property could not be developed based on market conditions, that is a business decision and not planning rationale. Council's decision to reduce the number of previously approved units should be based on consistency with the provincial planning documents and conformity with the City's OP.

Applicable Provincial Policies:

Staff acknowledges the justification provided by the applicant's consultant to support a development proposal on the subject property for 25 condominium townhouse units. As previously stated, the challenge is justifying the de-intensification from the prior approval of 117 apartment units. Policy 2.2.3 being the General Intensification policies of the Growth Plan is critical to this application. It states that by the year 2015 and for each year thereafter, a minimum of 40 percent of all residential development occurring annually will be within the built-up area. As part of the provincial acceptance of the City's Growth Management Strategy (GMS), a reduced intensification target of 30% was approved. Council's previous approval for 117 units contributed to the target set by the Province for residential development within the built-up area of Lindsay.

Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement (PPS) also apply to this application. These sections speak to planning authorities identifying appropriate locations and promoting a range of opportunities for intensification and redevelopment where it can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The definition of intensification means the

development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

City of Kawartha Lakes Official Plan:

The City's OP was approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, it is located within the Urban Settlement Boundary for Lindsay and is subject to the Growth Management and Intensification Areas contained in the OP. The following Sections should be considered:

1. Section 4 being the Growth Management policies state that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by directing a significant portion of new growth to the built-up areas of the community through intensification and focusing intensification in intensification areas.
2. Section 18.4 being the Intensification Areas policies state that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up. Specifically, Section 18.4.2 states that to promote intensification and achieve the intensification target of the City it is the policy of this plan to:
 - Encourage intensification generally throughout the built-up area;
 - Identify intensification areas to support achievement of the intensification target;
 - Recognize intensification corridors as a key focus for development to accommodate intensification;
 - Plan for a range and mix of housing, taking into account affordable housing needs.

To reduce the number of units from 117 to 25 would not conform to the Growth Management and Intensification Areas policies contained in the OP. The subject property is an ideal location to accommodate intensification as it is located on the periphery of the former Lindsay Fairgrounds redevelopment project, adjacent to an arterial road and is transit and pedestrian supportive.

Official Plan Conformity:

Block 13 is designated Residential on Schedule "A" of the Town of Lindsay Official Plan (LOP). The predominant use of land in the Residential designation

shall be a variety of dwelling types. Within the Residential designation there are three densities of residential development; low, medium and high density.

The applicant has submitted a site plan to demonstrate conformity with the LOP. The density, height and character of the proposed townhouses is in keeping with the character of adjacent uses and the development will be subject to site plan approval prior to the issuance of a building permit. The dwellings will not have direct access onto Colborne Street West but will be accessed via Chadwin Drive. Servicing has been confirmed under the previous development proposal and a new neighbourhood park has been developed immediately south of Block 13. Landscaping, buffering and other site amenities are part of the site plan approval process.

Zoning By-law Compliance:

Block 13 is zoned Residential High-Rise One Special Eleven Holding (RH1-S11)(H) in the Town of Lindsay Zoning By-law. The applicant is requesting a zoning amendment to Residential Multiple Two Special ** (RM2-S**) to permit 25 condominium townhouse dwelling units. A complete zoning review has not been undertaken as staff is unable to support the application for rezoning pursuant to provincial policy and the Growth Management and Intensification Areas policies contained in the City of Kawartha Lakes Official Plan.

Other Alternatives Considered:

There remains opportunity to review alternative development proposals that require less reduction in approved dwelling units. No other alternatives were proposed at this time.

Financial Considerations:

There are no financial considerations for the City, unless Council's decision respecting the approval or refusal of the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The City's Strategic Plan Framework outlines Council's Vision of a Community that is naturally beautiful and offering an exception lifestyle by pursuing Strategic Goals including a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment. More intensive development of these lands aligns with the Exceptional Quality of Life and a Healthy Environment Goals in that new and existing residents will have a choice in housing that is transit and pedestrian

supportive and has connectivity to shopping, medical facilities and parks and open space.

Review of Accessibility Implications of Any Development or Policy:

All site and building accessibility matters for the proposed development will be addressed through site plan approval. The Site Plan Agreement would address all external accessibility requirements of the Building Code, Fire Code and upgrades of adjacent municipal infrastructure if required. The site plan application will be circulated to the Accessibility Committee for comment.

Servicing Comments:

Functional Servicing Reports (FSR) were circulated to the City's Engineering and Public Works Divisions for review and comment at the time of filing of the original applications for the residential Block 13 and for the commercial Block 16. Engineering Division did not require a revised FSR for the proposed townhouse development. A detailed servicing review will be undertaken through the site plan approval process.

Development Services – Planning Division Comments:

Staff cannot support the proposed de-intensification in light of the Growth Management policies contained in the OP. Under Section 18.4, being the Intensification Area policies and specifically, the targets set by the Province, the City's requirement is that beginning in 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area. The previous approval granted to this site contributes to the City's ability to achieve the intensification targets. In fact, this is a candidate site that is located on an arterial road and is transit and pedestrian supportive to shopping (National Grocers/Giant Tiger Plaza), medical facilities (Ross Memorial Hospital/Walk-In Clinic) and recreational space (Wilson Fields/tennis courts, baseball and soccer fields). While the City has a limited number of additional sites for intensification, there are servicing constraints (i.e. capacity constraints with the Colborne Street Sewage Pumping Station) delaying development on those sites. The subject property has confirmed servicing with the recent commissioning of the North West Trunk (NWT) Sanitary Sewer.

As noted in the previous staff report PLAN2015-081 (See Appendix "D"), staff was willing to meet with the applicant and consider an alternative development proposal that may require less reduction in approved dwelling units. Staff met with Kevin Duguay on January 11, 2016 to discuss alternative development proposals (i.e. mid-rise building containing 50 units). Mr. Duguay advises that he has reviewed development options with his client and confirms that as a result of a pending purchase and sale agreement, is requesting that the application for the 25 townhouse units be reconsidered by Planning Committee.

It has been determined that a Housing Needs Assessment is no longer required as it was acknowledged that the City does not have regional and local parameters against which to evaluate the development proposal. As a result it cannot be confirmed that the development proposal conforms with the housing policies set out in the OP. Staff anticipate more detailed policies will be incorporated into the Secondary Plans for the urban settlement areas.

Section 5.3.5 of the City's Official Plan which states that in the interim of a housing strategy being in place, Council shall strive for 25% of all new development to be affordable to low and moderate households. The implementation of a City initiated process will establish the criteria to determine conformity with the housing policies in the Official Plan.

Finally, comprehensive land use planning will help the City to achieve its long term intensification goals as established through provincial policy. The City will need to encourage and maintain intensification opportunities within the Lindsay Built Boundary on sites such as this one to provide a variety of housing options. While the existing density of 117 units may not be achievable in the immediate term, land use planning should be based on a longer term vision, in which case, the site will become viable.

Staff cannot support the application as it does not conform to the General Intensification policies as set out in Section 2.2.3 of the 2006 Growth Plan, is not consistent with the intensification policies set out in Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement and does not conform to Sections 4 and 18.4 of the City of Kawartha Lakes Official Plan, being the Growth Management and Intensification Areas policies respectively. As such, staff respectfully requests that the application be refused without prejudice.

Consultations:

No further consultations were considered at this time.

Attachments:

Appendix "A" – Location Map



Schedule 'A' -
Location Map.pdf

Appendix "B" – Site Plan for Residential Block 13



Schedule 'B' - Site
Plan for Residential B

Appendix "C" – Supplementary Planning Opinion dated November 25, 2015 and prepared by Kevin Duguay.



Schedule 'C' -
Supplementary Planni

Appendix "D" – Staff Report PLAN2015-081



Schedule 'D' - Staff
Report PLAN2015-08

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Department Head: Chris Marshall

Department Files: D06-15-018

APPENDIX "A"
to
REPORT PLAN 2016-1026
FILE NO. DCP-15-018







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APPENDIX " C "
to
REPORT PLAN2016-026

FILE NO. D06-15-018

Memo

To: Sherry Rea MCIP, RPP
Senior Planner, City of Kawartha Lakes

From: Kevin M. Duguay MCIP, RPP

Date: November 25, 2015

Re: **Block 13, PLAN 57M-782**
(Lindsay) City of Kawartha Lakes
Zoning By-law Amendment Application
City File No D06-15-018
(KMD File 2013-65)

I have prepared this memorandum as a follow-up to the Planning Committee meeting held October 14, 2015 and our ensuing correspondence/communications regarding the above-captioned.

It was confirmed by City Planning Staff that a "Supplementary Planning Opinion" be prepared to address item 1 (a) of Report PLAN2015-081 (attached).

The subject Application contemplates a 25 (twenty-five) unit townhouse development having vehicular access from Chadwin Drive. The concerned property, being Block 13 of Plan 57M782, commonly referred to as Block 13 of the Fairground Subdivision, represents the last residential block to be developed within this particular subdivision. The property was rezoned in March 2015 to RH1-S11-H – Residential High Rise One, Special Eleven Holding to permit a multiple unit apartment dwelling/development. This land use approval represented the culmination of three (3) years of application processing through the City's Planning Department.

The property owner has produced professional realtor letters that have confirmed the subject property could not be developed based upon market conditions – preference. In other words if status quo was in effect the property would not be developed.

The City Planning Department has also indicated in their Report PLAN2015-081 and as part of their presentation to the City Planning Committee that they support, in principle the proposed land use, saving and except the noted concern as it would pertain to the Growth Management policies of the City's Official Plan.

The development contemplates 25 (twenty-five) dwelling units on a property having a lot area of 1.18 hectares or 2.92 acres. The forgoing represents a density of 1 dwelling per 472 square metres of lot area.

Both the 2006 Growth Plan for the Greater Golden Horseshoe Area and the 2014 Provincial Policy Statement directs development to occur within "settlement areas" and within built-up areas, greenfield sites and other appropriate components of a settlement area.

The former Town of Lindsay is recognized as a settlement area forming part of a series of Communities within the outer ring of the 2006 Growth Plan. The subject property also forms part of the built boundary of the Lindsay Planning Area. There is not a dispute amongst Planners in this regard.

The policies of the City's Official Plan direct a minimum of 30% (thirty percent) of all residential development occur annually within the built-up area of the municipality. The subject proposed is approved would represent 25 (twenty-five) dwelling units to be developed within the "built-up" area of the Lindsay Community. This is in keeping with the residential yield (productions policy).

This is not the only residential development site within the built-up area of the Lindsay Community. Staff and Planning Committee members both attested to this reality as part of the October 15, 2015 Planning Committee Meeting.

Additionally, Lindsay does not represent the only "settlement area" as recognized (designated by the City's Official Plan).

A review of Section 18.4 Intensification Areas (see attached) addresses how "intensification" will be achieved throughout the City.

The policies speak to:

- The identification of intensification areas;
- Intensification corridors;
- Plan for a range and type of housing; and

- Related matters.

The proposed development is in keeping with the policies of section 18.4 of the Plan. I could not ascertain the designation of intensification corridors as part of the Plan.

Summary

It is my continued professional opinion that the proposed development is:

- Consistent with the policy directives of the 2014 PPS;
- In conformity with the policy directives of the 2006 Growth Plan;
- In keeping with the general purpose and intent of the City official Plan, including (specifically) Section 18.4 of the Plan;
- In keeping with the general purpose and intent of the Town of Lindsay Zoning By-law; and
- Is representative of good planning.

Yours truly,



Kevin M. Duguay, MCIP, RPP

The Corporation of the City of Kawartha Lakes

Planning Report

Report Number PLAN 2015-081

Date: October 14, 2015

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: Lindsay – Ward 9

Subject: Application for Zoning By-law Amendment to rezone the subject land to permit 25 condominium townhouse dwelling units, to be developed within 5 Blocks on Block 13, Plan 57M-782, being vacant land on Chadwin Drive, former Town of Lindsay, now City of Kawartha Lakes (FAIRGROUNDS CENTRE (LINDSAY) INC.).

Author/Title: Sherry L. Rea, Planning Coordinator **Signature:** 

Recommendation:

RESOLVED THAT Report PLAN2015-081, respecting Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes, and being vacant land on Chadwin Drive, Application No. D06-15-018, be received;

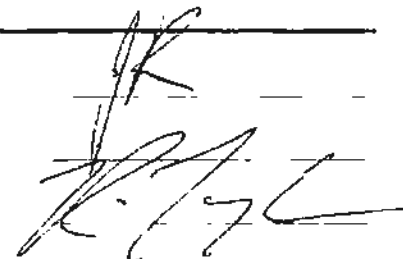
THAT Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be referred back to staff to allow the applicant to submit the following:

1. A Supplementary Planning Justification Report that has regard to
 - a) the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular, consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



residential development occurring annually within the municipality will be within the built-up area; and,

- b) Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.
2. A Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study should demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term. The study should also assess how the proposal fulfills the City's affordable housing policies for 25% affordability.

Background:

The proposal is to permit 25 condominium townhouse dwelling units on the property, to be developed within 5 Blocks. The Zoning By-law Amendment proposes to rezone the land from the Residential High-Rise One Special Eleven Holding (RH1-S11)(H) Zone to the Residential Multiple Two Special (RM2-S**) Zone. The proposed development will be accessed from Chadwin Drive with individual townhouse units accessed from a condominium road. There will be no direct vehicular access onto Colborne Street West, although the proposal includes pedestrian linkage through to Chadwin Drive. The townhouse dwelling units will be developed on full municipal services. See Appendix "A" and "B" attached.

Owner:	Fairgrounds Centre (Lindsay) Inc.
Applicant:	Kevin Duguay, Community Planning and Consulting Inc.
Legal	
Description:	Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes.
Official Plan:	Designated Residential on Schedule "A" of the Town of Lindsay Official Plan.
Zone:	Residential High-Rise One Special Eleven Holding (RH1-S11)(H) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75.
Total Area:	1.13 ha.

Site Servicing: Proposed full urban services – water, sanitary sewer, storm sewer, streetlights, curb and gutter.

Existing Use: Vacant land.

Adjacent Uses: North: Colborne Street West and Residential
South: Chadwin Drive and Municipal Park
East: Local Commercial and Adelaide Street
West: Mid-rise Residential

Rationale:

The subject land is located within a plan of subdivision in the central area of Lindsay which is bordered by Colborne Street West to the north, Angeline Street North to the west, Adelaide Street to the east and the Ross Memorial Hospital to the south. The property is the former Lindsay Fairgrounds and is currently being redeveloped with a number of townhouses accessed by a new internal road known as Chadwin Drive, a commercial block fronting Angeline Street North to include a retail and medical office/clinic use and lab with ancillary uses and a restaurant.

On March 3, 2015, the subject land was rezoned to Residential High-Rise One Special Eleven Holding (RH1-S11)(H) to permit the land to be developed with an apartment building containing 117 units. A Holding provision was applied to ensure development did not proceed until the North West Trunk (NWT) Sanitary Sewer was commissioned and payment of the North West Trunk Municipal Act Capital Charge was secured. The owner now proposes to reduce the number of approved units on site from 117 to 25 to permit a condominium townhouse development. A plan of condominium has not been submitted at this time.

In support of the application, the applicant has submitted the following:

1. Planning Justification Report prepared by Kevin Duguay, Community Planning and Consulting Inc. and dated August 7, 2015. The report discusses and assesses the proposal in context of the Growth Plan, 2014 Provincial Policy Statement, Town of Lindsay Official Plan and the Town of Lindsay Zoning By-law 2000-75.

In correspondence to the City, the applicant indicated that a Preconsultation meeting was not undertaken given the City's and concerned Agencies familiarity with the subject land. The City accepted the rationale; however, as the application represented a new and different development proposal, requested that the applicant provide an Addendum to the Planning Justification Report (PJR) that recognized the current development approvals available to the property and justified the request to reduce the number of approved residential dwellings units from 117 to 25. The requested addendum to the PJR was to have regard to the following:

1. Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular,

consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area for Lindsay as identified through the Growth Plan.

2. Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.

Although, the applicant submitted a Supplementary Planning Justification Report dated September 18, 2015, Staff remains concerned that sufficient justification has not been submitted that addresses the requests identified in Items 1 and 2 above and recommends that the application be referred back to Staff until such time that the required justification has been provided.

The approvals for the proposed apartment building were originally initiated in 2013 and from 2013, up to and as recently as the early part of 2015, the development team for the apartment building proposal was aggressively seeking approvals for additional dwelling units. The detailed analysis for the supply and demand for residential land conducted under the City's Growth Management Study (GMS), concluded that there was sufficient land capacity to accommodate the expected population growth throughout the City. The majority of growth is to occur in Lindsay. In Appendix 1 of the City's GMS the subject land is allocated 37 units. However, the City accepted the developer's Engineering rationale for the additional dwelling units based on fewer townhouses constructed in the balance of the Fairgrounds subdivision and with the understanding that the development was NWT dependent, recommended approval for 117 units. Under the current proposal, the applicant is now requesting to reduce the number of approved dwelling units from 117 to 25, representing even fewer units than the 37 units identified under the City's GMS.

As a result, Planning Staff required the applicant to explain what factors contributed to the request to increase the density from 37 to 117; and then from 117 to 25 just 6 months later. The applicant submitted 2 letters from real estate sales representatives which indicated that the rate for apartment rentals in the Lindsay core would not justify building an apartment building consisting of 117 units and the rent would be higher to justify the construction of the building. The appropriate study to justify the request is a Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study would demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term.

Applicable Provincial Policies:

Staff reviewed the Planning Justification Report (PJR) and the Supplementary Planning Justification Report prepared by Kevin Duguay, Community Planning and Consulting Inc. and agrees with the planning rationale contained in the report. The application serves to permit residential development that is an urban form (townhouses) that is compact and transit supportive. However, neither report justifies the proposed reduction in the number of units from 117 to 25, which was only approved by Council in March 2015.

Policy 2.2.3 being the General Intensification policies of the Growth Plan is critical to this application. It states that by the year 2015 for each year thereafter, a minimum of 30 percent of all residential development occurring annually will be within the built-up area. Council's approval for 117 units contributed to the target set by the Province for residential development within the built-up area of Lindsay. As part of the provincial acceptance of the City's GMS, a reduced intensification target of 30% was approved.

City of Kawartha Lakes Official Plan:

The City's Official Plan (OP) was approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, it is located within the Urban Settlement Boundary for Lindsay and is subject to the Growth Management, Intensification Areas and Housing policies contained in the OP. The following Sections should be considered:

1. Section 4 being the Growth Management policies state that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by directing a significant portion of new growth to the built-up areas of the community through intensification and focusing intensification in intensification areas.
2. Section 18.4 being the Intensification Areas policies state that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up. Specifically, Section 18.4.2 states that to promote intensification and achieve the intensification target of the City it is the policy of this plan to:
 - Encourage intensification generally throughout the built-up area;
 - Identify intensification areas to support achievement of the intensification target;
 - Recognize intensification corridors as a key focus for development to accommodate intensification;
 - Plan for a range and mix of housing, taking into account affordable housing needs

3. Section 5.3.5 being the Housing policies state that in the interim of a housing strategy being in place, Council shall strive for 25% of all new development to be affordable to low and moderate households.

To reduce the number of units from 117 to 25 would not conform to the growth management, intensification area and housing policies contained in the OP. The subject property is an ideal location to accommodate intensification as it is located on the periphery of the former Lindsay Fairgrounds redevelopment project, adjacent to an arterial road and is transit supportive.

Official Plan Conformity:

Block 13 is designated Residential on Schedule "A" of the Town of Lindsay Official Plan (LOP). The predominant use of land in the Residential designation shall be a variety of dwelling types. Within the Residential designation there are three densities of residential development; low, medium and high density. Pursuant to Section 4.1.2.2 of the LOP, medium density residential units shall include triplex dwellings, four-plex dwellings, row or block townhouse dwellings and similar medium profile residential buildings not exceeding 4 storeys in height. Section 4.1.2.2 of the LOP provides criteria for medium density development as follows:

- a) The density, height and character of the development is in keeping with the adjacent uses;
- b) The height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
- c) The development shall be encouraged to have direct access to a County, arterial or collector road, where possible and appropriate;
- d) The water mains and sanitary sewers shall be capable of accommodating the development, or the developer has committed to extend services at no expense to the Town, subject to the phasing policies of this Plan;
- e) The development is adequately serviced by parks and school facilities in accordance with Section 4.6.3 of this Plan;
- f) In development incorporating walk-up apartments, block townhouse dwellings and similar medium-profile residential buildings, on site recreational facilities or amenities such as playground equipment maybe required to service the development;
- g) The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized; and
- h) Except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report of the road network to accommodate the expected

traffic flows, and the adequacy of water and sewer services shall be prepared by the applicant and approved by the Municipal Engineer

The applicant has submitted a site plan to demonstrate conformity with the OP. The density, height and character of the proposed townhouses is in keeping with the character of adjacent uses and the development will be subject to site plan approval prior to the issuance of a building permit. The dwellings will not have direct access onto Colborne Street West but will be accessed via Chadwin Drive. Servicing has been confirmed under the previous development proposal and a new neighbourhood park has been developed immediately south of Block 13. Landscaping, buffering and other site amenities are part of the site plan approval process.

Zoning By-law Compliance:

Block 13 is zoned Residential High-Rise One Special Eleven Holding (RH1-S11)(H) in the Town of Lindsay Zoning By-law. The applicant is requesting a zoning amendment to Residential Multiple Two Special ** (RM2-S**) to permit 25 condominium townhouse dwelling units. A complete zoning review will be undertaken once staff is in receipt of the requested additional information.

The development remains NWT dependent and as such, staff will recommend that a Holding (H) symbol/provision be applied until such time that payment of the applicable NWT Municipal Act Capital Charge has been received. Once this item has been addressed, the owners will apply to amend the Zone, pay the prescribed fee and a By-law to remove the (H) symbol will be prepared for Council's consideration.

Site Plan Approval:

The expectation is that the site will be developed using strong urban design guidelines. Using site plan control there is opportunity to develop the site with appropriate street facades, pedestrian friendly corridors, and appropriate lighting and landscaping while regulating site operations such as parking and waste containment.

Through the site plan process, the following development principles will be implemented:

- High quality of building design given the project is located on a collector road in Lindsay.
- Staff will ensure that the development does not impact surrounding residential uses. Landscaping buffer and privacy fencing will be considered to ensure that the adjacent residences are not adversely impacted by the proposed use. The applicant will also be required to ensure that stormwater from the subject lands does not impact surrounding properties.

- The development will need to be well landscaped with perimeter tree plantings and landscaping in front of the building.
- The entrance to the project and any interior walkways should protect pedestrians.
- An illumination plan will be required for approval to ensure that there is no light trespass affecting adjacent residences, other private properties, or the function of the road. Floodlighting will not be permitted.

Other Alternatives Considered:

There is still an opportunity to review alternative development proposals that require less reduction in approved dwelling units.

No other alternatives were proposed at this time.

Financial Considerations:

There are no financial considerations for the City, unless Council's decision respecting the approval or refusal of the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendation(s) To Strategic Priorities:

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment. These applications align with the Prosperity and Quality of Life Priorities in that new residents will be attracted to the City with the development of residential subdivisions that have connectivity to new parks and open space for walking and cycling trails.

Review of Accessibility Implications of Any Development or Policy:

All site and building accessibility matters for the proposed development will be addressed through site plan approval. The Site Plan Agreement would address all external accessibility requirements of the Building Code, Fire Code and upgrades of adjacent municipal infrastructure if required. The site plan application will be circulated to the Accessibility Committee for comment.

Servicing Comments:

Functional Servicing Reports (FSR) were circulated to the City's Engineering and Public Works Divisions for review and comment at the time of filing of the original applications for the residential Block 13 and for the commercial Block 16. Engineering Division did not require a revised FSR for the proposed townhouse development. A detailed servicing review will be undertaken through the site plan approval process.

Development Services – Planning Division Comments:

Staff is requesting additional information that demonstrates and justifies the request for the reduction in approved dwellings units from 117 to 25. In particular, the justification should include comment on the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In addition, staff is requesting a Housing Analysis Study prepared by a certified Housing Analyst. As such, staff respectfully requests that the application be referred back to staff.

Consultations:

No further consultations were considered at this time.

Attachments:

Appendix "A" – Location Map



Schedule 'A' -
Location Map.pdf

Appendix "B" – Site Plan for Residential Block 13



Schedule 'B' -
Proposed Site Plan.px

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Department Head: Ron Taylor

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APPENDIX "A"
to
REPORT PLAN 2015-081
FILE NO. DCP-15-018

Colborne St. West

Angeline St. North

Chadwin Drive

Adelaide St. North

PLAN
57M-782

SUBJECT LAND

'LINDSAY'



SUBJECT LAND
(Plan 57M-782, Block 13)



