

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2020-02

Wednesday, March 11, 2020

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Tammy Smith

Jason Willock

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. **Call to Order and Adoption of Agenda**
2. **Declarations of Pecuniary Interest**
3. **Public Meeting**
- 3.1 **PLAN2020-007** 5 - 16

Anna Kalnina, Planner II
Official Plan and Zoning By-law Amendments to facilitate a residential severance of an existing dwelling (2152 City Road 36)

That Report PLAN2020-007, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received; and

That Report PLAN2020-007 respecting Applications D01-2020-001 and D06-2020-003 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.
- 3.2 **PLAN2020-010** 17 - 29

Mark LaHay, Planner II
An application to amend the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-law 1996-30 (88 Centreline Road)

That Report PLAN2020-010, respecting Part Lots 11 and 12, Concession 7, geographic Township of Emily, Applications D01-2019-006 and D06-2019-037, be received; and

That the proposed Zoning By-law Amendment respecting Applications D01-2019-006 and D06-2019-037, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.
- 3.3 **PLAN2020-011** 30 - 39

Mark LaHay, Planner II
An application to amend the Township of Manvers Zoning By-law 87-06 (281 Pigeon Creek Road)

That Report PLAN2020-011, respecting Part Lot 5, Concession 13, geographic Township of Manvers, Application D06-2020-001, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2020-001, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

4. Business Arising from Public Meeting

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2020-006

40 - 58

Ian Walker, Planning Officer – Large Developments

Official Plan and Zoning By-law Amendments to permit a hotel and ancillary uses (140 Angeline Street South)

That Report PLAN2020-006, Part of Lot 18, Concession 5, Former Town of Lindsay, DDB Investment Group Limited – Applications D01-2019-003 and D06-2019-029, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report PLAN2020-006, be referred to Council for adoption;

That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2020-006, be referred to Council for approval and adoption; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

8. Adjournment

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-007

Meeting Date: March 11, 2020

Public Meeting

Title: Official Plan and Zoning By-law Amendments to facilitate a residential severance of an existing dwelling

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-law 6-87 on land described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 (Parkbridge Lifestyle Communities Inc.)

Ward Number: Ward 6

Author and Title: Anna Kalnina, Planner II

Recommendations:

That Report PLAN2020-007, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received; and

That Report PLAN2020-007 respecting Applications D01-2020-001 and D06-2020-003 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted applications for an official plan amendment and a zoning by-law amendment. The proposal is to amend the 'Rural' designation to include a Special Provision, and to amend the 'General Rural (A1) Zone' and 'Open Space (OS) Zone' with Exception Zones. The purpose of the amendments is to facilitate a severance of an existing dwelling from the existing recreational commercial operation. The proposed residential lot would be approximately 1.8 hectares and the retained lands would be approximately 46.7 hectares. See Appendices 'A' and 'B'. The existing recreational commercial operation is not intended to be affected by the severance.

Owner:	Parkbridge Lifestyle Communities Inc.
Applicant:	EcoVue Consulting Services Inc.
Legal Description:	Part Lot 5, Concession 4, Geographic Township of Verulam
Designation:	Rural and Environmental Protection on Schedule 'A' of the City of Kawartha Lakes Official Plan
Zone:	'General Rural (A1) Zone', 'Recreational Commercial (C3) Zone', 'Recreational Commercial Exception Two (C3-2) Zone', 'Recreational Commercial Exception Three (C3-3) Zone', 'Open Space (OS) Zone' and 'Open Space Exception Five (OS-5) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law 6-87
Lot Area:	48.63 hectares [120.17 acres]
Site Servicing:	Proposed severed residential lot – private well and septic system, and ditches Proposed retained lot – Communal water and wastewater systems with ditches
Existing Uses:	Single detached dwelling, 226 site campground resort (Nestle In Resort) and 62 site park model trailer community (Heron's Landing Resort)
Adjacent Uses:	North: Rural land East: Emily Creek South: Mobile home park (Glenway Village) and rural land West: Rural land

Rationale:

The existing single detached dwelling on the property is located east of Dunsford Creek and has an existing access to City Road 36. The two-storey dwelling is serviced by a private septic and well and has a detached garage. The dwelling was used by the previous recreational park operators to live on-site. The

business model has changed since and the dwelling is no longer necessary for park operation purposes.

An Official Plan Amendment is required to re-designate the lands from Rural to Rural Special Policy Area in order to facilitate a residential lot severance that is not a lot for a retiring farmer or a surplus dwelling as a result of farm lot consolidation. The Environmental Protection designation is proposed to remain unaffected.

The Zoning By-law Amendment is required to permit a 1.8 hectare residential lot area that is otherwise not permitted. The applicant is also proposing to establish a 30 metre vegetation protection buffer from Dunsford Creek by way of zoning that area to an Open Space Exception (OS-**) Zone. The proposed effect of the Exception zone is to recognize the existing buildings and structures, and allow for their expansions subject to conditions.

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

1. Official Plan Amendment and Zoning By-law Amendment Applications received January 10, 2020.
2. Planning Justification Report, prepared by EcoVue Consulting Services dated August 23, 2019. This document discusses the appropriateness of the applications in the context of the Provincial Policy Statement (2014), Growth Plan (2019), the City of Kawartha Lakes Official Plan (2012) and the Township of Verulam Zoning By-law 6-87.
3. Addendum Letter to the Planning Justification Report (August 23, 2019), prepared by EcoVue Consulting Services dated February 10, 2020. The letter supplements the review of the Provincial Policies in the Planning Justification Report and provides a rationale for the requested lot size.
4. Agricultural Impact Assessment, prepared by Clark Consulting Services dated September 4, 2018. This report evaluates impacts of the uses on the local area, as well as review of the Minimum Distance Separation Formulae.
5. Sewage Works Assessment for Due Diligence, prepared by C.C. Tatham & Associates Ltd. dated November 21, 2016. The report provides findings of a two-day sewage assessment conducted in September, 2016.
6. Drinking Water Systems Assessment for Due Diligence, prepared by CC. Tatham & Associates Ltd. dated November 21, 2016. The report provides a review of the drinking water systems, physical condition of equipment and facilities, and compliance with applicable guidelines, procedures and regulations.
7. Topographic Survey, prepared by EcoVue dated December 14, 2018.

8. Revised Topographic Survey, prepared by EcoVue dated February 7, 2020.
9. Consent Sketch, prepared by EcoVue dated February 15, 2018.
10. Revised Consent Sketch, prepared by EcoVue dated February 10, 2020.

Staff has reviewed the Planning Justification Report and the Addendum Letter that was prepared and filed in support of the applications and has reviewed other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans.

Provincial Policy Statement, 2014 (PPS)

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

Policy 1.1.4.1 encourages that the existing housing stock on rural lands be conserved and redeveloped. The PPS policy 1.1.5.5 further provides that development on rural lands must be appropriate to the infrastructure which is planned or available. The proposed severance would have the effect of preserving the existing dwelling and utilizing the existing and available infrastructure associated with the dwelling.

Creation of lots must comply with the Minimum Distance Separation (MDS) Formulae as per policy 1.1.5.9. The applicant has submitted an Agricultural Impact Assessment (AIA) that includes a review of the MDS. The AIA document finds that the proposed severance is exempt from the MDS Formulae under the Guideline 8 – MDS Setbacks for Lot Creation, as the proposed severed and retained lot is for an existing non-agricultural use.

The property has significant woodlands along Dunsford Creek and a provincially significant wetland (PSW). Policy 2.1.1 requires that natural features, including significant woodlands, be protected for the long term. Policy 2.1.5 provides that development and site alteration is not permitted in significant woodlands and PSW's unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The definition of development includes lot creation. Through the pre-consultation, the Kawartha Conservation staff exempted the proposal from an Environmental Impact Study, as the intent of the proposed severance is to sever an existing dwelling, rather than facilitate new development. Furthermore, the proposed severance is outside of the 120 metres from the PSW that is located on the subject property.

In Section 3.0 Protecting Public Health and Safety, policy 3.1.1 provides that development shall generally be directed to areas outside of hazardous lands adjacent to streams which are impacted by flooding hazards and/or erosion hazards. Furthermore, policy 3.1.2 provides that development and site alteration are not permitted in a floodway. The applications propose to facilitate the creation of a lot that is directly adjacent to Dunsford Creek. The lot lines of the proposed

lot would be within the flooding and/or erosion hazard. The application shows the flood limit (250.5m elevation) on a revised Consent Sketch (Appendix 'C'). Staff have considered policy 3.1.2 and are satisfied that the proposed application is consistent with this PPS policy. The proposal does not create new or increase the existing hazards associated with property damage or loss of life in an event of a flood. The existing dwelling, and the existing access to the property and the dwelling are outside of the flood hazard, which means that in an event of a flood, the dwelling and persons would be accessible by emergency vehicles. Lastly, the application is not proposing any site alteration that would exacerbate flooding conditions or cause environmental impacts.

Further to the above discussion, this application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (GP)

The GP directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

Policy 4.2.3.1 provides that development is not permitted within key natural heritage features and key hydrologic features, which includes significant woodlands, fish habitat, streams and wetlands. However, policy 4.2.3.1 excepts expansions to existing buildings and structures, provided that the expansion brings the use more into conformity with the GP. Similar to the discussion on the PPS, the proposed severance is not anticipated to create any negative land use, environmental or ecological impacts.

Policy 4.2.4.1 provides that a proposal for a new development within 120 metres of a significant woodland, fish habitat and a key hydrologic feature requires a natural heritage evaluation or hydrologic evaluation that identifies a vegetative protection zone that is no less than 30 metres from the feature. The applicant supplied a hydrologic evaluation in the addendum letter to the Planning Justification Report recognizing that the proposed severance provides an opportunity to protect natural features. Further to the hydrologic evaluation, the applicant proposes to re-zone the area 30 metres from Dunsford Creek as Open Space Exception (OS-**) Zone. The Exception would have the effect of prohibiting new development or site alteration in areas prone to flooding, while recognizing existing buildings and structures.

Policy 4.2.6.3 recognizes that outside of settlement areas there may be an interface between agricultural uses and non-agricultural uses. Where avoidance is not possible, the GP requires that compatibility is achieved by minimizing and mitigating adverse effects. An AIA concluded that there are no apparent impacts of the existing uses on surrounding agricultural lands.

Therefore, this application is consistent with the GP.

City of Kawartha Lakes Official Plan, 2012 (OP)

The OP designates the subject lands Rural and Environmental Protection, and identifies an overlay of Significant Woodlands, PSW and a Petroleum Well. The applicant has requested to amend the Rural designation to Rural with a Special Provision. The Special Provision would facilitate the creation of a residential lot that is over 1 hectare, that is not a lot for a retiring farmer or a lot with a surplus dwelling.

The Rural designation contemplates and permits limited, low density single detached dwellings. Rural residential severances, however, are limited to the creation of a residential lot for a retiring farmer or a surplus dwelling as a result of farm lot consolidation. The residential severances are contemplated by the policies only in the context of agricultural uses. Given that the subject lands are used for non-agricultural uses, Staff look to the goals and objectives of the Rural designation.

The goals and objectives of the Rural designation (sections 16.1 and 16.2) support the protection of agricultural land from non-farm activities and support the preservation of rural character. The proposed applications are not proposing new non-agricultural uses, or any additional buildings or structures that may have the effect of changing the rural character; therefore, the proposed severance is considered to be in keeping with the intent of the Rural designation.

For development in Rural designation, the MDS Formulae must be used to ensure appropriate buffering as per policy 16.3.2. The applicant has considered the MDS requirements in the submitted AIA and found that the proposed severance is exempt from the Formulae.

Policy 17.3.3 states that a lot may be created where it is partially designated Environmental Protection provided that there is sufficient lot area outside of the Environmental Protection designation in the abutting land use designation, as is the case on the subject property. In general, the OP requires that residential lots in the Rural designation do not exceed 1 hectare in area and are not less than 4,000 square metres. The proposed lot would have lands designated Rural and outside of the Environmental Protection designation in excess of 1 hectare.

The proposed lot size includes north-west area between Dunsford Creek and the existing dwelling. The applicant rationalizes that this area should be included with the residential lot, as it would be inaccessible for the purposes of Nestle In due to the watercourse. Furthermore, the lot is proposed to include the treed area to the east of the existing dwelling for the purposes of creating and maintaining a visual and physical buffer between the recreational activities and the residential use. Lastly, the existing dwelling is set back about 75 metres from the City Road 36, which further influences the proposed lot size. Although the lot size exceeds the intended size of a non-farm, residential lot in the Rural designation, Staff is satisfied that the proposed lot size is reasonable for the specific conditions present on the subject property and would create sufficient separation to mitigate the interface between the different uses.

Policy 17.3.4 provides that in some instances, an evaluation must be undertaken to confirm the boundary of the Environmental Protection designation and to demonstrate that the land is not subject to flooding or other physical hazard. The revised Consent Sketch shows that the property is subject to flooding, but the existing dwelling and the driveway are outside the floodline, Section 17.6 provides that existing non-conforming buildings or structures located in a floodplain may be enlarged, expanded or altered subject to conditions, including that new or existing hazards are not created or aggravated, and that the development is not a threat to human health and safety.

Development in or within 120 metres of a significant woodland and a PSW may be permitted if it is demonstrated that there will be no negative impacts on the natural features or on the ecological functions. It has been determined, however, that no studies are required as buildings and structures are existing. Furthermore, the proposed severance is more than 120 metres from the wetland and therefore, OP policies regarding PSWs do not apply.

Section 13 provides that development is prohibited within 75 metres of a petroleum well unless it has been decommissioned. An existing petroleum well is located in the north-east corner of the subject property. The severance, however, is proposed beyond 75 metres from the well.

The applicant has submitted the appropriate background studies and plans to demonstrate conformity with the OP.

Township of Verulam Zoning By-law 6-87 (ZBL)

There are currently six zones on the property: 'General Rural (A1) Zone', 'Recreational Commercial (C3) Zone', 'Recreational Commercial Exception Two (C3-2) Zone', 'Recreational Commercial Exception Three (C3-3) Zone', 'Open Space (OS) Zone' and 'Open Space Exception Five (OS-5) Zone'. The proposed severance is subject to the A1 and OS zones. The applicant is proposing to amend the A1 zone to add an exception to allow a 1.8 hectare residential lot, which is in excess of the maximum 1 hectare permitted lot area in the Zoning By-law, and to amend the OS zone to add an exception to delineate a 30-metre vegetation protection buffer. The applicant also proposes that the OS zone have an exception that recognizes the existing buildings within the proposed 30 metre vegetation protection buffer and permits expansions to the buildings and structures subject to conditions. Staff are generally supportive of recognizing a vegetation protection buffer and prohibiting development or site alteration in areas prone to flooding. Staff continue to evaluate the appropriateness of the request in the context of the existing zoning provisions for non-conforming uses.

The proposed severance would create a retained lot where recreational activities are intended to continue unaffected. Within the proposed retained lot, the area abutting the proposed residential lot would remain zoned A1. The resulting abutting remnant A1 area would be about 1.5 hectares. This area would have the effect of allowing an agricultural use and a single detached dwelling. The applicant has provided that the land is not farmed and there are no plans to

expand the commercial use into the remnant A1 area. Staff are considering the effect of the proposed consent as it relates to the proposed abutting A1 area and its continued use as part of a larger A1 operation on the property.

Consent Application Process

The applicant intends to submit a Consent application following approval of the proposed Official Plan and Zoning By-law Amendments.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

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

Relationship of Recommendations To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies four Strategic Priorities:

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

The applications align with a vibrant and growing economy, as they meet the goal of protecting and supporting agricultural land and rural business, while also supporting tourism by responding to the changing needs of the business model. The applications also support a healthy environment by promoting sustainable development.

Consultations:

Notice of these applications was circulated to persons within a five hundred (500) metre radius in accordance with the Planning Act and Council direction, agencies and City Departments which may have an interest in the application. To date, we have received the following comments:

Public

To date, Staff received two calls from individuals seeking clarification about the proposal and whether the proposal would have the effect of changing the use of the recreational park.

Agency Review Comments

February 13, 2020	Building has no concern. The consent application will be required to demonstrate adequate setbacks to satisfy Ontario Building Code requirements for spatial separation from existing agricultural buildings.
February 14, 2020	Engineering has no objection to the proposed Official Plan Amendment and the Zoning By-law Amendment.
February 25, 2020	Kawartha Conservation has no objection to the applications. Kawartha Conservation does not normally permit development within a floodplain/flooding hazard, however they recognize that the proposal will not result in any additional buildings, grading, structures, etc. within the hazard, and all structures within the hazard are existing.

Attachments:

The following attached documents may include scanned images of maps and drawings. If you require an alternative format, please call Anna Kalnina, Planner II, (705) 324-9411 extension 1393.

Appendix 'A' – Location Map



PLAN2020-007
Appendix A Location Map

Appendix 'B' – Consent Sketch



PLAN2020-007
Appendix B Consent Sketch

Appendix 'C' – A1 Revised Consent Sketch

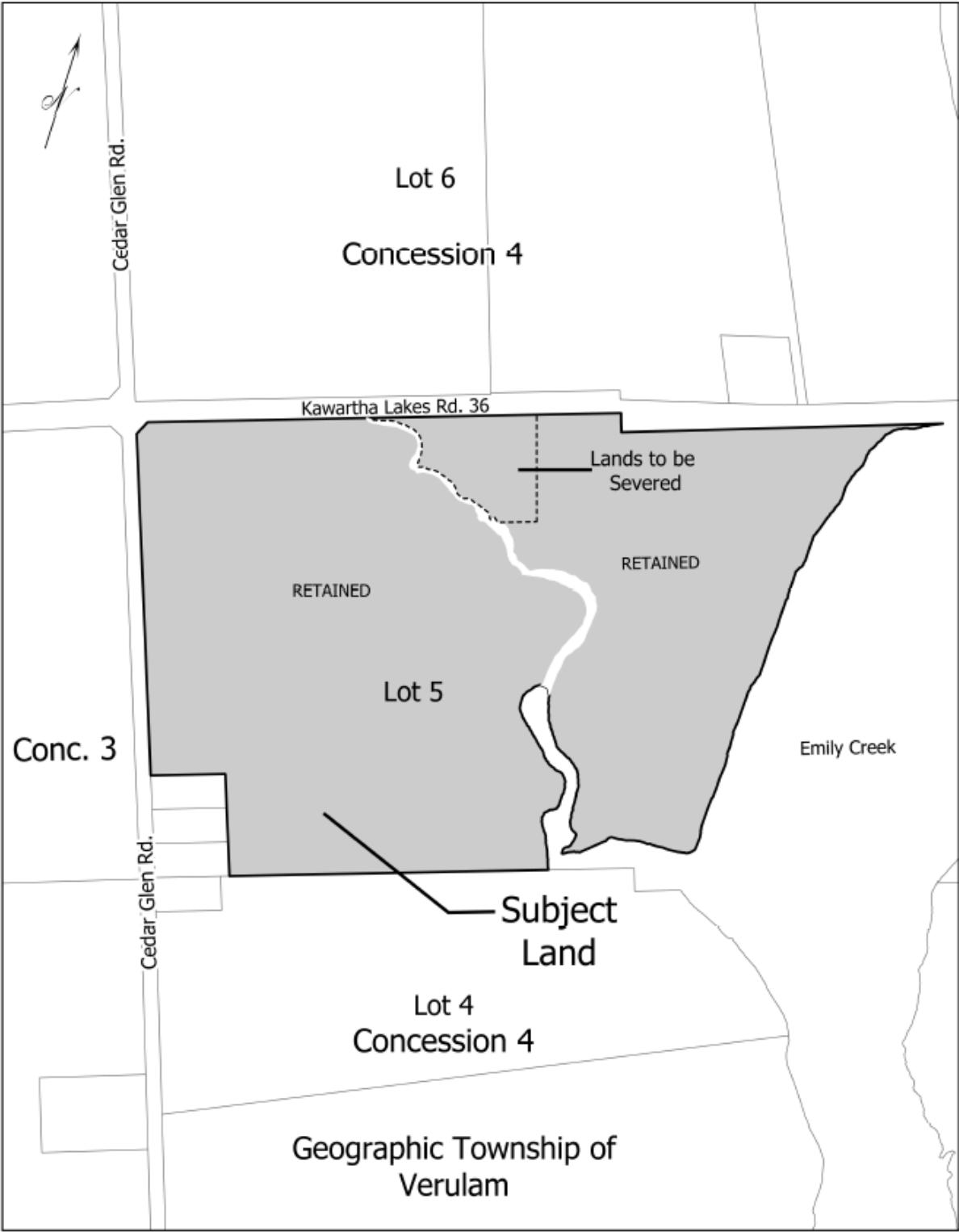


PLAN2020-007
Appendix C Revised

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2020-001 and D06-2020-003





The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-010

Meeting Date: March 11, 2020

Public Meeting

Title: An application to amend the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-law 1996-30

Description: To add a Special Policy Area to the Rural designation to facilitate a severance of a portion of the subject land containing an existing second detached dwelling and change the Agricultural (A1) Zone to an Agricultural Exception (A-**) Zone to establish appropriate uses and zone provisions for the proposed severed and retained land, on Part Lots 11 and 12, Concession 7, geographic Township of Emily, 88 Centreline Road (Caton)

Ward Number: 6 - Emily

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2020-010, respecting Part Lots 11 and 12, Concession 7, geographic Township of Emily, Applications D01-2019-006 and D06-2019-037, be received; and

That the proposed Zoning By-law Amendment respecting Applications D01-2019-006 and D06-2019-037, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	The proposal would redesignate approximately 1.2 ha. (3 ac.) of the northern portion of the subject land from “Rural” to “Rural” with a “Special Policy Area” to permit the existing second detached dwelling (addressed as 94 Centreline Road) to be severed, and to rezone this portion of the subject land from Agricultural (A1) to an Agricultural (A1-*) Exception Zone with appropriate zone provisions for a rural residential use and to rezone the balance of the approximately 6.7 ha. (16.6 ac.) of the subject land proposed to be retained from Agricultural (A1) to an Agricultural (A1-*) Exception Zone with appropriate uses and zone provisions to recognize the existing accessory buildings and detached dwelling addressed as 88 Centreline Road.
Owners:	Jeremy Caton
Applicant:	Tom deBoer, TD Consulting Inc.
Legal Description:	Part Lots 11 to 12, Concession 7, except Part 2, Plan 922-H, geographic Township of Emily
Official Plan:	“Rural”, “Waterfront” and “Environmental Protection” with Provincially Significant Wetlands and Significant Woodlands Natural Heritage Features in the City of Kawartha Lakes Official Plan
Zoning	“Agricultural (A1) Zone” and “Limited Service Residential Exception Four (LSR-4) Zone” in the Township of Emily Zoning By-law No. 1996-30
Site Size:	19.46 acres (7.88 ha.) - MPAC
Site Servicing:	Each dwelling on the subject land is serviced by a separate private individual well and a private individual sewage disposal system
Existing Uses:	Residential/Rural
Adjacent Uses:	North: Rural Residential/Agricultural East: Waterfront Residential/Pigeon River South: Waterfront Residential/Pigeon River/Env. Protection West: Centreline Road/Rural/Agricultural

Rationale:

The owner has applied to amend the official plan and zoning by-law to facilitate the severance of a portion of the subject land containing an existing second detached dwelling and establish appropriate zone provisions for the proposed severed and retained land. The subject lands are in a rural area and located

north of Peace Road on the east side of Centreline Road and west of the Pigeon River. The existing detached dwellings were built circa 1955 and 1960 according to MPAC records along with an attached and detached garage built circa 1960. The proposed land to be severed is located on approximately 1.2 ha. (3 ac.) of the northern portion of the subject land and contains a second dwelling.

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

1. Official Plan and Zoning By-law Amendment Applications received October 11, 2019.
2. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated September 30, 2019 and revised January 14, 2020, which evaluates the proposed amendments within the context of relevant Provincial Policies, the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-law 1996-30.
3. Agricultural Impact Assessment, Agricultural Brief and Minimum Distance Separation Report, prepared by Clark Consulting Services, dated June 25, 2019, evaluates the proposed official plan and zoning amendments for potential impacts on surrounding farming operations and concludes that the applications do not result in a loss of agricultural production or productive lands and does not affect agricultural product yield and establishes that Minimum Distance Separation (MDS) requirements for Type 1 land uses have been met.
4. Conceptual Lot Layout Site Plan prepared by TD Consulting Inc., dated October 2019, illustrates the proposed boundaries of the severed and retained lands and existing dwelling unit locations and individual septic systems and existing driveway access from Centreline Road to each dwelling.
5. Sketch for Proposed Severance, prepared by IBW Ontario Land Surveyors, dated April 30, 2019 illustrates proposed lot boundaries and existing buildings, driveway areas, septic systems and wells.

Staff has reviewed the Planning Justification Report and Agricultural Impact Assessment/Brief and MDS Report and other supporting documentation provided in the context of evaluating relevant policies and generally accepts the rationale provided along with the conclusions given. Staff recommends that the application be referred back to Staff until such time as commenting Agencies, including Kawartha Conservation and City Departments have submitted comments and any concerns have been addressed.

The effect of the official plan and zoning change is to facilitate the severance of a portion of the subject land containing an existing second detached dwelling and establish appropriate zone provisions for the proposed severed and retained land. The applicant has indicated that the proposed second dwelling to be severed (municipally addressed as 94 Centreline Road and incorrectly labelled

as #84 on the submitted lot layout and severance sketch plans) has existing independent services for well and septic as well as an existing separate driveway access. Following approval of the proposed Official Plan and Zoning By-law amendments, the applicant intends to submit the associated Consent application.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

The subject land is located within the Natural Heritage System mapping prepared by the Province, which does not apply until it has been implemented in the City's Official Plan. The proposed development is within 120 metres of key natural heritage features, being woodlands, wetlands and fish habitat within the Natural Heritage System and within 120 metres of a key hydrologic feature. Portions of the subject land are also regulated by the Kawartha Region Conservation Authority.

Based on the information submitted and the comments provided by KRCA referenced in the PPS section below, as there is no new development, it is anticipated that there will not be any negative impacts on the natural features or their ecological functions in relation to Natural Heritage Features that would require a Natural Heritage Evaluation, and therefore the applications would appear to conform to the policies of the 2019 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. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Section 1.1.4.1 encourages conservation and redevelopment of existing housing stock on Rural Lands. Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include limited residential development that is appropriate for the available infrastructure and promotes development that is compatible with the rural landscape and can be sustained by rural service levels. In reviewing these applications in the context of permitting limited residential development on rural lands, Staff have reviewed the scale of the development,

capacity of available infrastructure, context of the surrounding area and whether it would be in keeping with the rural character.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. Portions of both the proposed severed and retained land contain unevaluated wetland and are also regulated by the Kawartha Region Conservation Authority (KRCA). Significant Woodland has been mapped on and within 120 metres of the subject land and the proposed severed land is within 120 metres from this Natural Heritage Feature. KRCA previously advised based on comments obtained through pre-consultation that a site visit is required by their staff to ascertain the extent of the unevaluated wetland and in addition, requested that the wetland and woodland features be placed in protective zoning to protect the ecological and hydrologic functions of these features. Due to the nature of the development and the fact the proposed severed and retained lands already contain single detached dwellings and that no additional development is proposed through the applications, KRCA advised that a Natural Heritage Evaluation is not required. Given this direction, is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

Further confirmation is needed from KRCA to determine consistency with the PPS.

Official Plan Conformity:

The subject land is designated Rural, Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan with Provincially Significant Wetland (limited to small southwest portion of retained lands) and Significant Woodland Natural Heritage Features located on and within 120 m. of the subject land. Agricultural land impacts are minimized as the proposed severed land containing the second dwelling is not being used for agricultural purposes. In addition, for the reasons outlined in the PPS Section above, as there is no new development, it is not anticipated that there will be negative impact on the natural features and ecological functions of the identified significant woodland and wetland natural heritage features.

The Rural policies promote and protect agricultural lands from fragmentation and non-farm activities to ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas. In addition, the rural character and the maintenance of the natural countryside is to be preserved and promoted through the provision of the wise use and management of resources. Where farming uses exist, new uses that are compatible with and not hindering the agricultural use will be permitted. Permitted uses within this designation include limited low density single detached dwellings. The proposed severance of

the subject property containing the second dwelling requires an Official Plan amendment, as the Rural designation only permits residential lot creation for a dwelling deemed surplus to a farming operation due to farm consolidation, or a retirement lot for a bonafide retiring farmer. In this case, a Special Policy Area would be applied to the Rural designation to facilitate the proposed severance of approximately 1.2 ha of land.

The Rural policies also require that the minimum distance separation formulae will be used to ensure appropriate buffering to protect existing agricultural operations. The applicant has submitted an Agricultural Impact Brief and MDS Report and calculations, which concludes that there is no impact on Agricultural uses nor any loss of agricultural production capability and MDS setbacks for Type 1 land uses in relation to the existing barns within the review area are met in accordance with Provincial Formulae. The proposal would therefore meet the policies of the Official Plan, subject to confirmation by KRCA.

Zoning By-Law Compliance:

The majority of the subject land is zoned Agricultural (A1) Zone with a small portion adjacent to the waterfront zoned Limited Service Residential Exception Four (LSR-4) Zone in the Township of Emily Zoning By-law 1996-30. In order to permit the proposed use, a rezoning application has been submitted for consideration to facilitate the proposed severance by amending the Agricultural (A1) Zone to recognize reduced lot frontage and area of the proposed severed land. It is suggested that Section 7.2.1.7 of the A1 Zone be amended to direct development of the proposed severed land to the permitted uses and zone provisions of the Rural Residential Type One (RR1) Zone category. This zone category permits a single detached dwelling, but not an agricultural use. The proposed zoning on the retained land to be amended will continue to permit existing A1 uses, including a detached dwelling and agricultural uses; however, the A1 Zone is proposed to be amended to recognize reduced lot frontage and area and accessory building location. The proposed applications appear to comply with all other provisions of the zoning by-law.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments are appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application would align with the exceptional quality of life and healthy environment goals as it provides housing options for residents while protecting agricultural and environmental resources.

Servicing Comments:

The existing dwellings on the subject land are each serviced by an independent private individual well and a private sewage disposal system. The Building Division Part 8 Sewage Systems Program has reviewed the applications including the submitted Conceptual Lot Site Plan prepared by TD Consulting Inc.

Consultations:

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

Public Comments:

At the time of writing this report, public comments were received from 4 separate residents. A resident of 12 Evergreen Street, a resident of 16 Mitchell Drive on the other side of the Pigeon River, and another resident called to inquire as to the purpose of the applications. The owners of 24 Evergreen Street provided comments via email concerning the purpose of the applications, permitted uses and the use of the right-of-way providing access to their property as well as concerns regarding a barrier that is in place at the end of Evergreen Street leading to the waterfront portion of the subject land.

Staff responded that the applications do not affect the existing right-of-way on the subject land that benefits the waterfront property owners who rely on using Chestnut Street and Evergreen Street to access their properties. In addition, Staff advised that the proposed severed parcel would be rezoned to an A1 exception zone for just rural residential type uses (i.e. not agricultural uses) and the proposed retained parcel would be rezoned to an A1 exception zone that would continue to be used for existing uses and continue to permit the uses in the A1 Zone. Upon further evaluation and a site visit, Staff determined that the location of the gate is at the end of Evergreen Street where it terminates at the waterfront section of the subject land.

Agency Review Comments:

On February 17, 2020, the Building Division advised they have no concerns.

On February 19, 2020, Community Services advised they have no comments or concerns.

On February 19, 2020, Development Engineering advised that further to their comments on the pre-consultation file D38-2019-017 for the subject property, they confirm they have no objection and no engineering requirements for the proposed Official Plan Amendment and Zoning By-law Amendment.

On February 25, 2020, Enbridge Gas Inc. advised they do not object to the proposed applications.

On February 27, 2020, the Part 8 Sewage System Program Supervisor advised the residential dwellings have been located on the property with a method of sewage disposal for an undetermined amount of time. A review of the historical records indicates that the sewage disposal systems servicing the existing dwellings were installed prior to 1974. Under the provisions of the Ontario Building Code, as the use continues, the properties will have a method to dispose of the sanitary waste. In order to support a consent application for a future severance of the above-noted property, the location of the existing sewage systems serving the dwellings will need to be identified through site visit. This will allow confirmation that each individual sewage system will be wholly contained within the property boundaries proposed and to determine that there is adequate space available to ensure the systems can be replaced to today's standards. Fees will be required for this review. As such, the Building Division – Sewage System Program can support the proposed amendments.

Development Services – Planning Division Comments:

At this time, comments have not been received from all circulated agencies, including Kawartha Conservation and City Departments. The applications are being evaluated in the context of applicable policies and provisions. Should protective zoning be implemented for the woodland and unevaluated wetland areas, additional information is required to determine appropriate boundaries in this regard. Staff recommends that the applications be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments contained in this report, staff respectfully recommend that the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2020-010.pdf



Appendix 'B'
PLAN2020-010.pdf



Appendix 'C'
PLAN2020-010.pdf



Appendix 'D'
PLAN2020-010.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C' – Proposed Severance Sketch for OPA and ZBA

Appendix 'D' – Conceptual Lot Site Plan

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

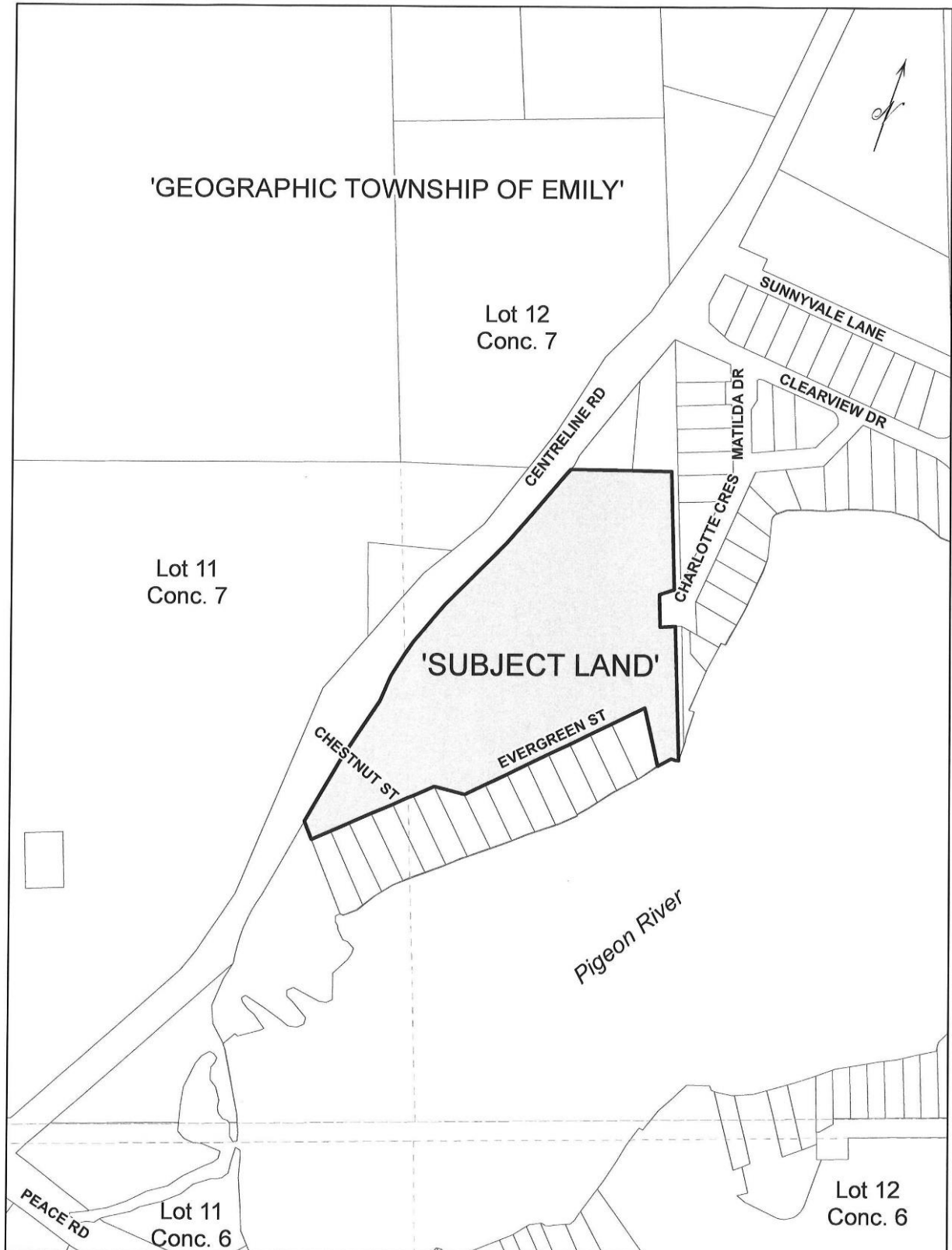
Department File: D01-2019-006 and D06-2019-037

to

REPORT PLAN2020-010

FILE NO: D01-2019-006

D06-2019-037



88 Centreline Road, geographic Township of Emily

APPENDIX " B "

to

REPORT PLAN2020-010

FILE NO: DO1-2019-006

D06-2019-037

Legend

- ☐ Property ROLL
- ☐ Lots and Concessions
- Wetlands**
 - ☒ Locally Significant Wetlands
 - ☒ Provincially Significant Wetlands
- Water Body**
 - ☒ Waterbodies
 - ☒ Unevaluated Wetlands
- ☒ Woodland
- ☒ Road Centreline (2016 Needs)
- ☒ Upper Municipalities
- ☒ Lower Tier Municipalities
- ☒ KRCA Regulated Areas

Notes



0.22

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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to

REPORT PLAN2020-010

FILE NO: D01-2019-006

D06-2019-037



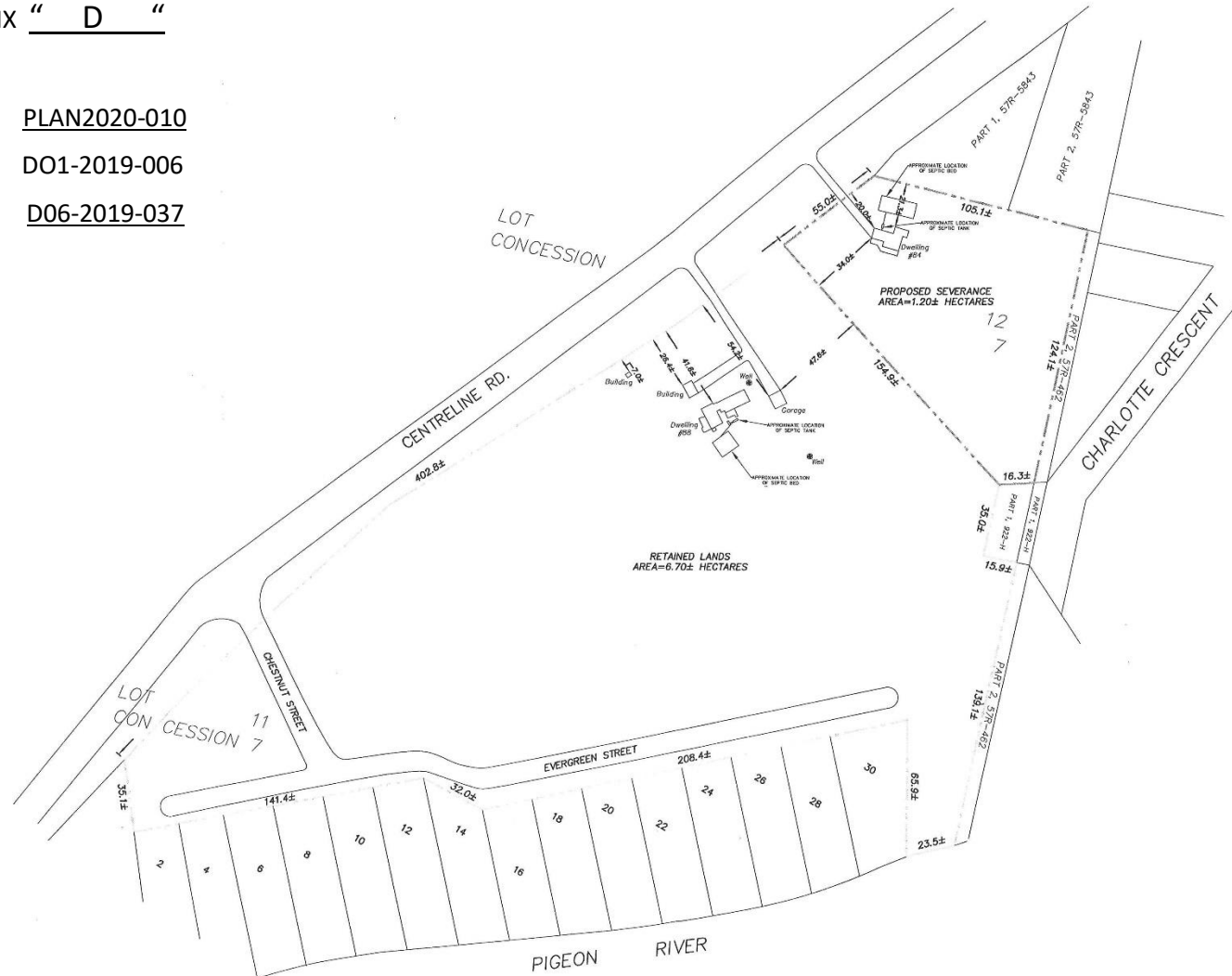
APPENDIX " D "

to



REPORT PLAN2020-010

FILE NO: DO1-2019-006

D06-2019-037



RECEIVED
OCT 11 2019
City of Kawartha Lakes
Development Services
Planning Services

SURVEY INFORMATION PROVIDED BY:	
 IBW SURVEYORS <small>5503 HIGHWAY #2 SOUTH, BELLEVILLE, ONTARIO, K8N 4Z7 905.850.9100 / 905.850.9101 905.850.9100 / 905.850.9101</small>	
NO.	DATE
DESCRIPTION	
BY	
REVISIONS	
PROJECT TITLE:	
88 COUNTY ROAD 10 OMEECE CITY OF KAWARTHA LAKES ROLL# 16510010322100	
DRAWING TITLE:	
SITE PLAN PROPOSED LOT SEVERANCE	
 TD Consulting INC. <small>105 RUELLE DU COMMERCE, SUITE 100, ST-HUBERT, QUEBEC H3B 2K9 Phone: (514) 333-9461 Email: info@tdconsulting.ca</small>	
DRAWN BY:	PROJECT NO:
TD	019-203
RECORDED BY:	REVISION NO:
TD	SP-1
DATE:	SCALE:
OCT 2019	NTS

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-011

Meeting Date: March 11, 2020

Public Meeting

Title: An application to amend the Township of Manvers Zoning By-law 87-06

Description: To change the Open Space (O1) Zone to the Open Space Exception (O1-*) Zone to permit a larger single detached replacement dwelling to be constructed on an existing foundation, on Part of Lot 5, Concession 13, being Part 1, Plan 57R-9026, geographic Township of Manvers, 281 Pigeon Creek Road (Prentice)

Ward Number: Ward 8 - Manvers

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2020-011, respecting Part Lot 5, Concession 13, geographic Township of Manvers, Application D06-2020-001, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2020-001, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

Proposal:	The proposal would rezone the subject land from the Open Space (O1) Zone to the Open Space Exception (O1-**) Zone. The effect of the zoning amendment is to add a single detached dwelling as an additional permitted use to be reconstructed on an existing foundation and to implement appropriate development standards. The rezoning application is the result of a building enforcement issue, whereby an “Order to Comply” has been issued. The existing legal non-conforming dwelling was being renovated; however, it was modified beyond what Section 20.10 (c) and/or (e) of the Township of Manvers Zoning By-law 87-06 would permit with respect to renovation and/or replacement as the size, height and volume were being increased due to the change in roof height to accommodate upstairs floor space and with the proposed addition of a covered porch and dormer to the dwelling.
Owner/Applicant:	Shelly Prentice/Jerry Prentice
Legal Description:	Part Lot 5, Concession 13, being Part 1, Plan 57R-9026, geographic Township of Manvers
Official Plan:	“Prime Agricultural”, with Significant Woodlands Natural Heritage Feature within 120 metres in the City of Kawartha Lakes Official Plan
Zoning	“Open Space (O1) Zone” in the Township of Manvers Zoning By-law No. 87-06
Site Size:	17,474 sq. ft. [0.4 ac.] (1,618.7 sq. m.) - MPAC
Site Servicing:	The lot is serviced by municipal water and a private individual sewage disposal system
Existing Uses:	Residential (dwelling being reconstructed)
Adjacent Uses:	North: Open Space/Agricultural East: Commercial/Janetville Road/Residential South: Pigeon Creek Road/Open Space/Rural/Agricultural West: Open Space/Rural Residential/Agricultural

Rationale:

The owner has applied to permit a larger single detached replacement dwelling on an existing foundation with a modified roofline to accommodate a second storey with dormers along with a covered porch on the subject land. The subject lands are on the western fringe of the Hamlet of Janetville and located on the north side of Pigeon Creek Road, west of Janetville Road. The original single

detached dwelling was built circa 1850 along with an accessory building (garage/shop) constructed circa 1989 according to MPAC records.

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

1. Zoning By-law Amendment Application received November 29, 2019.
2. Planning Letter prepared by the property owner, dated November 28, 2019, explaining the reasons a zoning by-law amendment application was required and providing the status of other stakeholder requirements.
3. Site Plan prepared by Wilcox Architects Inc., dated November 28, 2019, which illustrates the proposed reconstructed 2-storey dwelling on an existing foundation along with proposed covered deck, the existing shed and the location of the existing driveway and septic system.
4. Main and Second Floor Plans prepared by Wilcox Architects Inc., dated November 28, 2019, which illustrate the planned floor space for each floor including the covered porch (deck).
5. Building Elevations, prepared by Wilcox Architects Inc., dated November 28, 2019, illustrates the proposed elevations from each direction.
6. Plan of survey of subject property (Part 1, Plan 57R-9026) registered September 16, 2004 and adjoining property to the north and east (Parts 1 & 2, Plan 9R-2755) registered June 18, 1991.
7. Autoreply email response from Species at Risk in Ontario (SARO), dated November 14, 2019.

Staff has reviewed the Planning Letter and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies. Staff recommends that the application be referred back to Staff until such time as commenting Agencies, including Kawartha Conservation and City Departments have submitted comments and any concerns have been addressed.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses

and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Section 4.2.2 provides for the protection of natural heritage features and biodiversity identified within official plans. The proposed rezoning to recognize and regulate the existing development on the westerly portion of the environmentally protected land is consistent with these policies.

The majority of the subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature but within 120 metres of a key natural heritage feature within the Natural Heritage System, being significant woodland and within 120 metres of a key hydrologic feature, being a watercourse. Confirmation is required from Kawartha Conservation (KRCA) as to whether there are any applicable policy requirements related to the Natural Heritage System given the relative minor nature and extent of redevelopment.

Provided the KRCA is satisfied, the application conforms to the policies of the 2019 Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The 2014 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. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Section 1.1.4 of the PPS provides that rural assets and the protection of the environment be leveraged as foundations for a sustainable economy and the conservation of biodiversity.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. A Significant Woodland Natural Heritage feature has been mapped within 120 metres of the subject land and the entirety of the subject land is within the Kawartha Conservation (KRCA) regulated area, which requires a permit prior to any site alteration and/or development. KRCA previously advised based on comments obtained through pre-consultation that although the subject property is within the vicinity of significant woodlands, a watercourse and unevaluated wetlands natural heritage features, they have no concern with the application and also advised that the applicant had received a permit from Kawartha Conservation in June 2019 for the proposed works. Based on the above, it is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

In consideration of the above, it would appear that the application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated “Prime Agricultural” in the City of Kawartha Lakes Official Plan. Agricultural land impacts are minimized as no new non-agricultural use is being introduced; only the reconstruction of a larger single detached replacement dwelling on an existing foundation on an existing lot or record which was not previously used for agricultural purposes.

The Prime Agricultural designation also contemplates residential development on lots that were historically severed from a larger agricultural parcel and acknowledges that these residential lots may be recognized as permitted uses within the zoning by-law provided they existed prior to the adoption of the City of Kawartha Lakes Official Plan. Therefore, an Official Plan amendment is not required.

In consideration of the above, it would appear that this proposal would conform to the policies of the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

In order to permit the proposed use, a rezoning application has been submitted for consideration to permit as a site specific exception, a larger single detached replacement dwelling use in the Open Space (O1) Zone of the Township of Manvers Zoning By-law 87-06 for the subject land. The existing uses of the (OS) Zone do not permit buildings or structures except for erosion or flood control. If the application is approved, a single detached dwelling unit would be permitted in accordance with the implementing Zoning By-law, along with site specific development standards. It is recommended that the dwelling location be tied to the existing foundation to limit development on the subject land, including limiting the number of accessory structures to preserve the environmental integrity of the subject land. This may require that only the existing developed portion of the property contain an exception to permit the residential use along with appropriate zone provisions for setbacks, accessory buildings, etc.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

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

Relationship of Recommendations to the 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application would align with the healthy environment priority as it provides protection to the environment by limiting development on the subject land.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is currently serviced by municipal water and a private sewage disposal system. The Building Division Part 8 Sewage Systems Program has reviewed the submitted plans.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius outside the Hamlet Settlement Area and within 120 metre radius within Janetville, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

At the time of writing this report, no public comments were received.

Agency Review Comments:

On February 20, 2020, the Building Division advised they have no concerns.

On February 20, 2020, Species at Risk Ontario (SARO) advised there are no requirements under the ESA to undergo a Species at Risk site assessment for lot severances, passing zoning by-laws, or land sales or purchases.

On February 24, 2020, Development Engineering advised from an engineering perspective they confirm they have no objection to the proposed Zoning By-law Amendment.

On February 24, 2020, Community Services advised they have no concerns or comments.

On February 27, 2020, the Part 8 Sewage System Program advised that the proposal for a zoning by-law amendment to permit additional living space can be supported provided it does not include additional plumbing fixtures; otherwise the components of the sewage system would need to be upgraded. If required, there is adequate space to construct a new sewage disposal system meeting today's standards.

Development Services – Planning Division Comments:

At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2020-011.pdf



Appendix 'B'
PLAN2020-011.pdf



Appendix 'C'
PLAN2020-011.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Site Plan

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

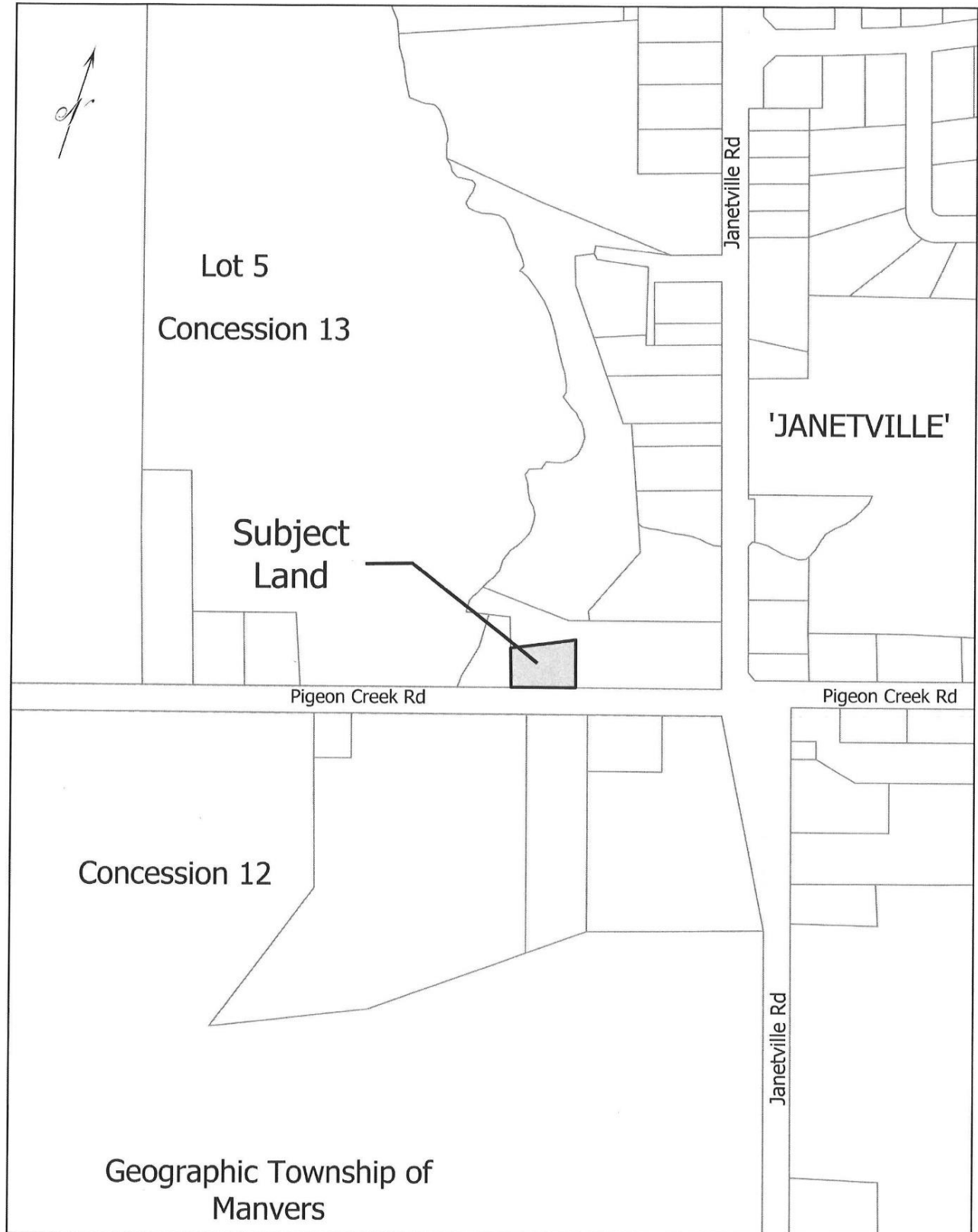
Department File: D06-2020-001

APPENDIX " A "

to

REPORT PLAN2020-011

FILE NO: D06-2020-001



281 Pigeon Creek Road, geographic Twp. of Manvers

APPENDIX " B "

to

REPORT PLAN2020-011

FILE NO: D06-2020-001



Legend

- Property ROLL
- Lots and Concessions
- Water Body
 - Waterbodies
 - Unevaluated Wetlands
- Woodland
- CKL_River_Buff15m
- Road Centreline (2016 Needs)
- Upper Municipalities
- Lower Tier Municipalities
- KRCA Regulated Areas

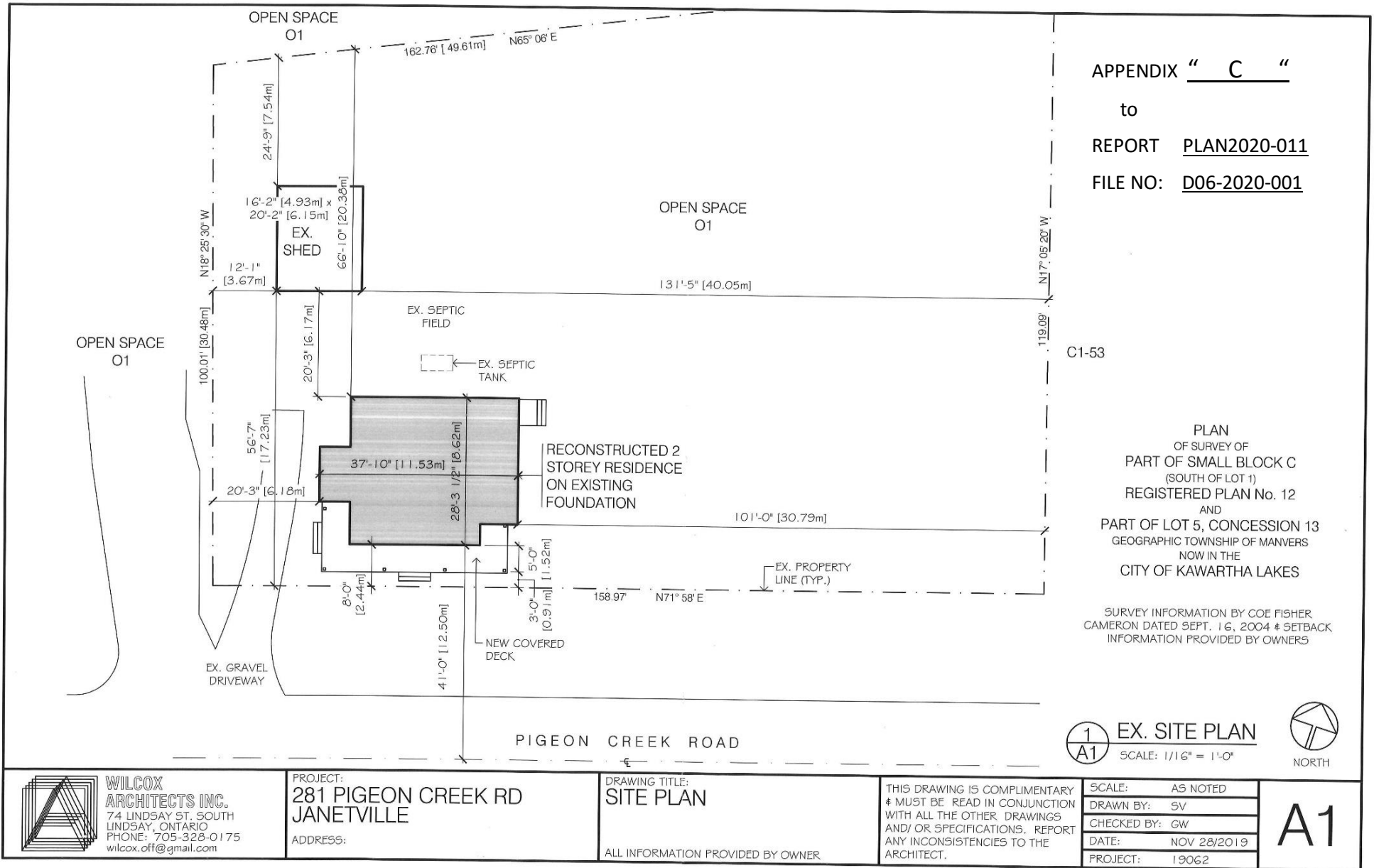
Notes

0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-006

Meeting Date: **March 11, 2020**

Regular Meeting

Title: Official Plan and Zoning By-law Amendments to permit a hotel and ancillary uses

Description: Applications to amend the Town of Lindsay Official Plan and Zoning By-law to permit a range of commercial uses, including a hotel and ancillary uses on the property identified as 140 Angeline Street South, Lindsay (DDB Investment Group Limited)

Ward Number: **Ward 7 – Lindsay**

Author and Title: **Ian Walker, Planning Officer – Large Developments**

Recommendations:

That Report PLAN2020-006, **Part of Lot 18, Concession 5, Former Town of Lindsay, DDB Investment Group Limited – Applications D01-2019-003 and D06-2019-029**, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report PLAN2020-006, be referred to Council for adoption;

That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2020-006, be referred to Council for approval and adoption; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on November 6, 2019 and following resolution was passed:

PAC2019-074

Moved By Mayor Letham

Seconded By M. Barkwell

That Report PLAN2019-064, **Part of Lot 18, Concession 5, Former Town of Lindsay, DDB Investment Group Limited – Applications D01-2019-003 and D06-2019-029**, be received; and

That PLAN2019-064 respecting Applications D01-2019-003 and D06-2019-029 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Carried

This report addresses that direction.

The applicant has submitted applications for an official plan amendment and a zoning by-law amendment. The proposal is to change the land use designation from the 'Residential' designation to the 'General Commercial' designation and to change the zone category from the 'Residential One (R1) Zone' to the 'General Commercial Special Thirteen (GC-S13) Zone', to permit a range of commercial uses appropriate for the site, including a five storey, up to 80 unit hotel with ancillary uses such as a restaurant, and site-specific development standards relating to height and setbacks.

Owner:	DDB Investment Group Limited c/o Don Brown
Applicant:	Kevin M. Duguay Community Planning c/o Kevin Duguay
Legal Description:	57R-8940 Parts 1 to 8; Part of Lot 18, Concession 5, Geographic Township of Ops, Former Town of Lindsay; and 57R-8210 Parts 1, 5 and 6; Plan 61 Part Lots 9 to 12; Part of Lot 18 and 19, Concession 5, Geographic Township of Ops, Former Town of Lindsay
Designation:	Residential on Schedule 'A' of the Town of Lindsay Official Plan. The land is identified as fronting on a County Road on Schedule 'C' – Transportation Network
Zone:	Residential One (R1) Zone on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	8,140.5 square metres [2.01 acres]

Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land
Adjacent Uses:	<p>North: Hydro One Substation; Hotel (Days Inn & Suites); Veterinary Clinic (Kawartha Animal Hospital)</p> <p>East: Lindsay Recreation Complex; Sir Sandford Fleming College (Frost Campus)</p> <p>South: Multi-purpose trail (Trans-Canada Trail); Auk Trail; Senior Citizens Home (Victoria Manor)</p> <p>West: Angeline Street South; McGibbon Boulevard; Low Density Residential</p>

Rationale:

The property is located on the east side of Angeline Street South, between Auk Trail to the south and Mary Street West to the north, and opposite to McGibbon Boulevard in the southwest quadrant of Lindsay. The subject property is located in a mixed use area, with single detached dwellings on the west side of Angeline Street South; a hydro substation, limited commercial uses (veterinary clinic and Days Inn) and low density residential uses to the north; undeveloped lands directly to the southeast; and institutional uses (Sir Sandford Fleming College and Victoria Manor) to the east and south respectively. See Appendix 'A'.

The properties subject to this proposal are currently vacant and consist of approximately 0.81 ha. The applicant has concurrently applied for a consent (File D03-2019-042), to sever the southern portion of the former railway property and consolidate it with the abutting lands to the west. The applicant is applying on behalf of the owner to re-designate and rezone the larger consolidated property to permit commercial uses appropriate for the site, including an up to 80 unit hotel having 5 storeys and a maximum gross floor area of 4,500 square metres. The most recent proposal for the hotel incorporates an indoor swimming pool, small meeting room, and a restaurant, along with 76 suites. See Appendix 'B'. An increase in height to 18 metres is also requested to accommodate the 5 storeys including the rooftop mechanical, and due to the existing change in grades on the site (a drop of approximately 1 storey sloping from northwest to southeast).

The applicant has submitted a Supplementary Planning Justification Report with respect to the proposed 'General Commercial' designation and corresponding 'General Commercial (GC) Exception Zone'. Planning staff accept the rationale and justification provided in the updated report.

The various reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment, with no concerns or issues, and any issues raised through the public process have been addressed to the satisfaction of staff.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

These lands are identified as being within the 'Settlement Area' of Lindsay. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The City has expended significant cost in providing additional servicing capacity in the Colborne Street sewershed by replacing and upgrading aging infrastructure to accommodate growth in this area.

The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The applications conform to the Growth Plan in that they serve to permit a variety of commercial uses and in particular the need for accommodation in support of events and activities occurring in the City. The applications will also create full and part-time employment opportunities.

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. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

The applicant has submitted the appropriate technical reports for consideration and review. Based on these technical reports and plans, consistency with the policies of the PPS have been demonstrated.

Trent Source Protection Plan (TSPP):

The property is located within the Kawartha-Haliburton source protection area. The property is located within the Lindsay Surface Water Intake Protection Zone 2 (IPZ-2). Therefore, the applicant was required to obtain a Section 59. (2) Notice under the Clean Water Act (2006), prior to submission of these applications. A Notice will be required to be issued by the Risk Management Official (RMO) at each stage of development (eg. Site Plan, Building, etc.), before the City can deem any subsequent application(s) complete.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the subject property within the Urban Settlement Boundary of Lindsay as recommended by the Growth Management Study (GMS).

The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Local Planning Appeal Tribunal (LPAT). Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'Residential' on Schedule 'A' of the Lindsay Official Plan. The applicant has requested a change to the 'General Commercial' designation, which would permit retail establishments and commercial uses which are destination-oriented or intended to serve the travelling public, such as automobile service stations, vehicle sales and service, public garages, motels, hotels, eating establishments, establishments such as furniture, appliance, carpet, flooring, home electronics and/or garden centres, automated teller/banking machines, building supply centres, and other similar uses. The following criteria apply to lands designated General Commercial:

- a) General Commercial areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses;
- b) Adequate off-street parking and loading spaces shall be permitted;
- c) General Commercial uses shall only locate on County, arterial or collector roads.

The proposal adheres to the above noted criteria. Some of the commercial uses permitted in the General Commercial designation and zone are compatible with the surrounding uses and can be adequately buffered through site plan control. The proposal contemplates on-site parking and no relief from the Zoning By-law is requested. The land fronts Angeline Street which is identified as a County Road on Schedule 'C' – Transportation Network mapping in the Lindsay Official Plan.

Section 2 of the Lindsay Official Plan provides the Goals, Principles and Objectives of the Plan as it speaks to Fostering Economic Vitality. Specific objectives under Economic Development and Tourism include encouraging visitors to come to the Town by providing appropriate uses that may attract and promote tourism and promoting the development of new businesses and economic activities that are not currently available to the Town. The most recent hotel proposal offers 76 additional accommodation units together with an indoor swimming pool and 200 square metre restaurant.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Lindsay Official Plan, based on the larger parcel (including the lands to be consolidated). Staff feel that the proposal conforms to the Lindsay Official Plan land use policies.

Zoning By-Law Compliance:

The lot is zoned 'Residential One (R1) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant has requested to change the zone category to a 'General Commercial Special Thirteen (GC-S13) Zone' to permit all of the 'General Commercial (GC) Zone' uses, including the proposed hotel use. The Special provision will provide for site-specific development standards, as follows:

Zone Standard:	'GC' Zone:	Proposed 'GC-13' Zone:
Maximum Building Height	10.5 metres	18.0 metres
Maximum Leasable Floor Area of a Single Commercial Use	3,000 square metres	4,500 square metres
Minimum Front Yard Setback	15.0 metres	5.0 metres
Minimum Rear Yard Setback	15.0 metres	6.0 metres

Under a comprehensive zoning review, an exception is required to address specific details of the proposed development, due to the property's unique configuration. The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law, based on the larger parcel (including the lands to be consolidated). The proposed development is subject to Site Plan Control, which will follow the approval of all the applications (including the consent for lot boundary adjustment). On that basis, this proposal will comply with the Zoning By-law. Staff do not feel that the Holding (H) provision is necessary, as the property is within the City's site plan control area.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2020 – 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

These applications align with the Vibrant and Growing Economy priority by attracting new business and expanding local employment opportunities and enhancing tourism. They may align with the Exceptional Quality of Life priority by potentially increasing linkages in local trail systems to improve connectivity. They align with the Healthy Environment priority by ensuring protection of municipal drinking water sources, and promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The property is currently not serviced. Full urban municipal services, including water, sanitary sewer and storm sewer are proposed.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius of the properties; and agencies and City Departments which may have an interest

in the application, and a Public Meeting was held by the Planning Advisory Committee on November 6, 2019. Since the Public Meeting and as of February 27, 2020, we have received the following additional comments:

Public Comments:

To date, no additional public comments have been received. One question was raised at the Public Meeting relating to the ability for the Fire Department to access a 5 storey building.

Agency Review Comments:

- | | |
|-------------------|--|
| November 6, 2019 | Fire Rescue Fire Prevention Division advised they have a 100 foot ladder to access multi-storey buildings. Fire Rescue will comment on the Site Plan Application for a specific development, when circulated. |
| November 8, 2019 | Kawartha Conservation has no objection to the approval of these applications. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Kawartha Conservation. |
| February 27, 2020 | Economic Development supports the applications. The 2017 Economic Development Strategy identifies an opportunity to support tourism through the development of additional roofed accommodation. |

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The applications conform to the 2019 Growth Plan, and are consistent with the 2014 PPS. Conformity with the Lindsay Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards for the proposed hotel.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be referred to Council for **Approval**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2020-006
Appendix A.pdf

Appendix 'B' – Proposed Site Concept Plan, stamp dated January 29, 2020



PLAN2020-006
Appendix B.pdf

Appendix 'C' – Proposed Official Plan Amendment



PLAN2020-006
Appendix C.pdf

Appendix 'D' – Proposed Zoning By-law Amendment

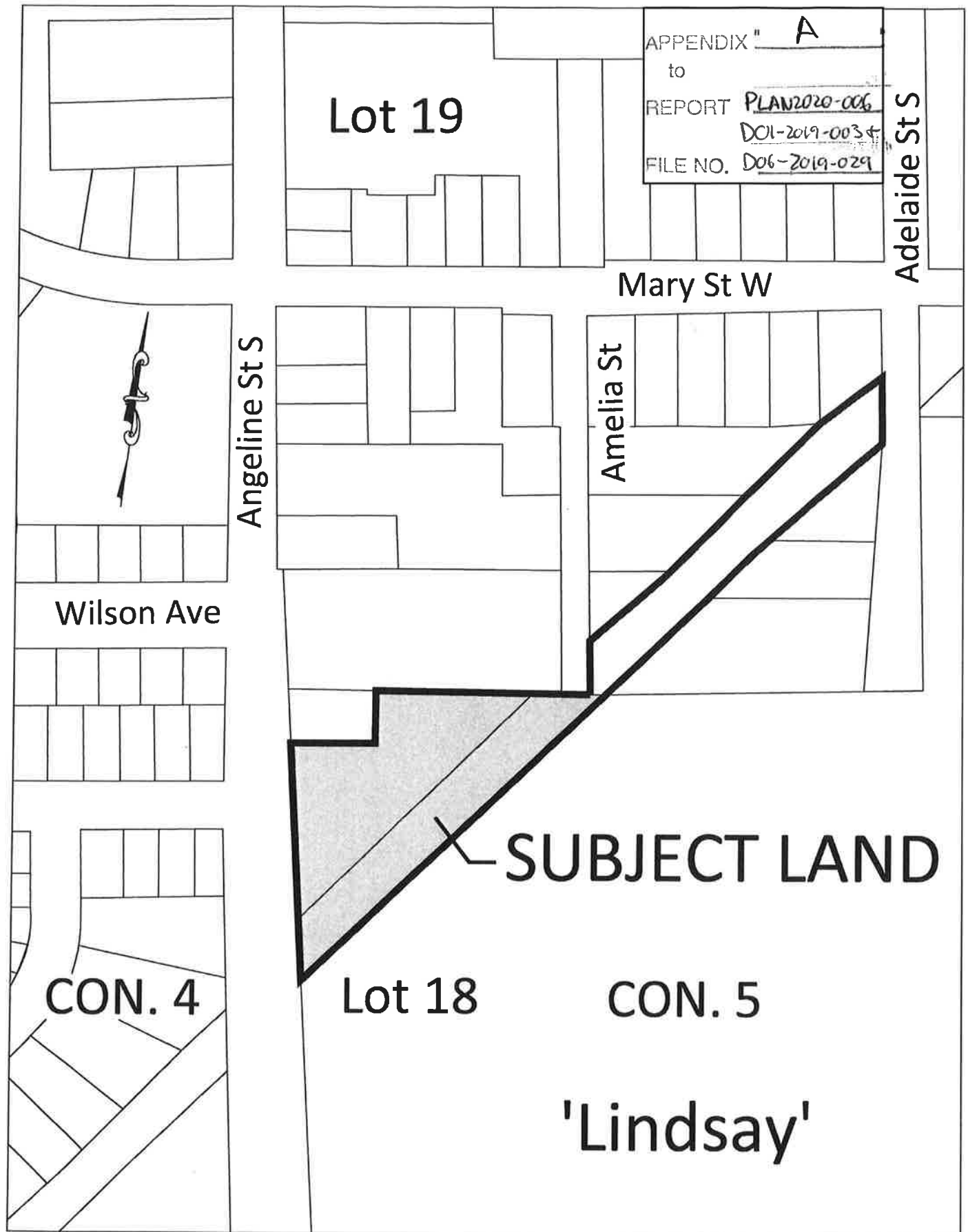


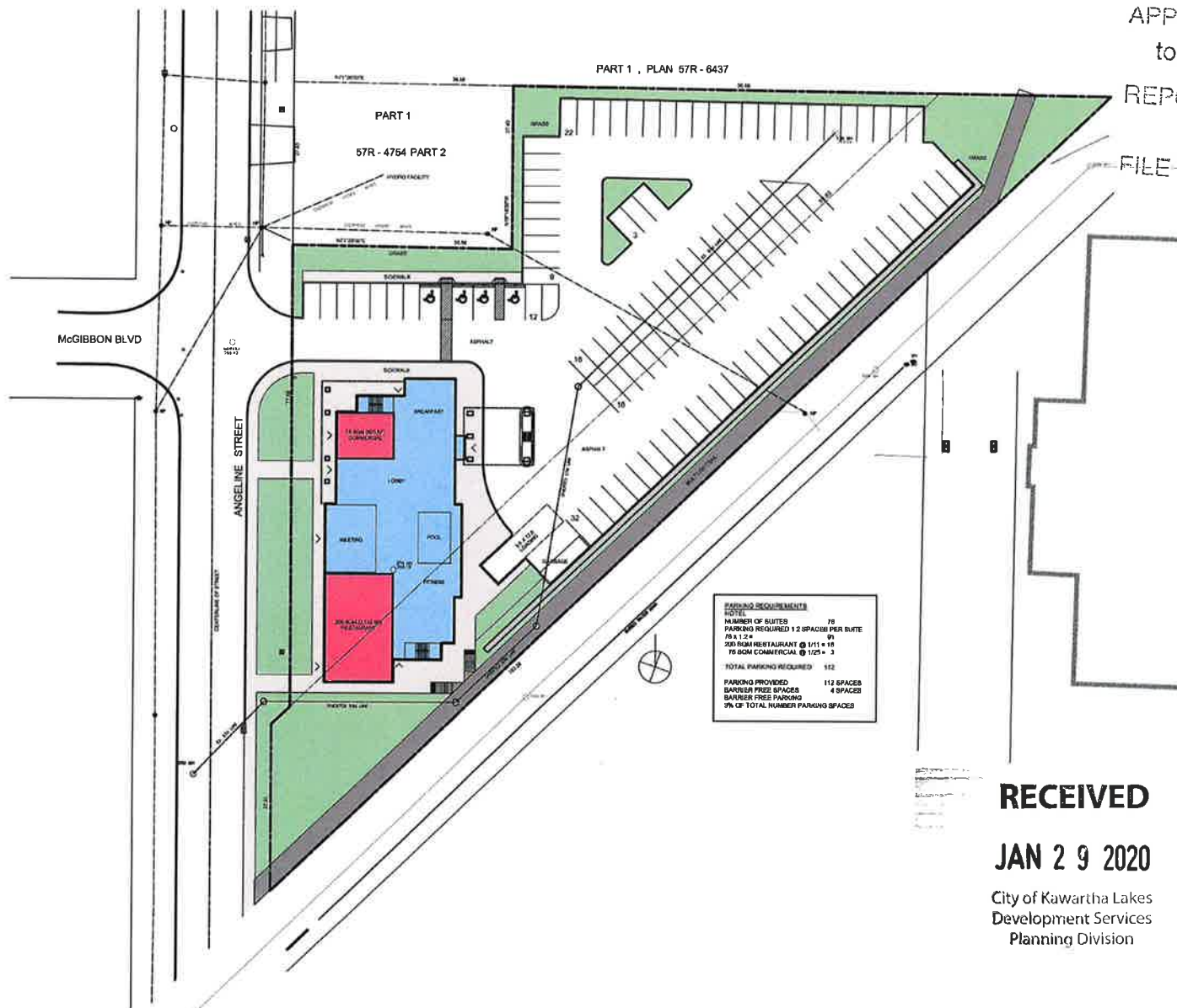
PLAN2020-006
Appendix D.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2019-003 and D06-2019-029





ANGELINE STREET HOTEL, Lindsay

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-Law to Amend the Town of Lindsay Official Plan to Re-designate Land within the City of Kawartha Lakes

[File D01-2019-003, Report PLAN2020-006, respecting Part of Lot 18, Concession 5, 57R-8940 Parts 1 to 8 and Part of Lot 18, Concession 5, Plan 61, Part of Lots 9 to 12, 57R-8210 Parts 1, 5 and 6, Former Town of Lindsay, now in the City of Kawartha Lakes, 140 Angeline Street South – DDB Investment Group Limited]

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the Town of Lindsay Official Plan to change the land use designation from "Residential" to "General Commercial", to facilitate the construction of a hotel and ancillary uses on the property known municipally as 140 Angeline Street South.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 56.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-***.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 18, Concession 5, 57R-8940 Parts 1 to 8 and Part of Lot 18, Concession 5, Plan 61, Part of Lots 9 to 12, 57R-8210 Parts 1, 5 and 6, Former Town of Lindsay, now in the City of Kawartha Lakes, 140 Angeline Street South.
- 1.02 **Amendment:** Amendment No. 56 to the Town of Lindsay Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13. Notwithstanding the subsequent coming into force of the Lindsay Secondary Plan, adopted by Council on June 27, 2017, this by-law continues to be in force and effect.

By-law read a first, second and third time, and finally passed, this ** day of _____, "C"
2020. 2/S

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2020-***

"C"
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The Corporation of the City of Kawartha Lakes

Amendment No. 56 To The Official Plan – The Town of Lindsay

Part A – The Preamble

A. Purpose

The purpose of the official plan amendment is to change the land use designation to permit commercial uses on the property identified as 140 Angeline Street South, in the "General Commercial" designation of the Town of Lindsay Official Plan. The land is also subject to an application for zoning by-law amendment and consent application.

The effect of the change would permit a hotel and ancillary uses on the subject land.

B. Location

The subject land has a lot area of approximately 0.81 hectares and is located between Mary Street West and Auk Trail, on the east side of Angeline Street South, in the Former Town of Lindsay. The properties are legally described as Part of Lot 18, Concession 5, 57R-8940 Parts 1 to 8 and Part of Lot 18, Concession 5, Plan 61, Part of Lots 9 to 12, 57R-8210 Parts 1, 5 and 6, Former Town of Lindsay, now City of Kawartha Lakes and identified as 140 Angeline Street South.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by Kevin M. Duguay Community Planning and Consulting Inc. on behalf of the owner to permit the construction of a hotel on the subject lands.

The land is designated "Residential" as shown on Schedule "A" of the Town of Lindsay Official Plan. The land is also subject to an application for zoning by-law amendment, and a consent application for a lot boundary adjustment.

The proposed use and amendment to the Town of Lindsay Official Plan are justified and represent good planning for the following reasons:

1. The proposed development conforms to relevant provincial policy documents being A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, and is consistent with the 2014 Provincial Policy Statement.
2. The proposed development conforms to the goals and objectives of the "General Commercial" designation as set out in the Town of Lindsay Official Plan.

3. The proposed uses are compatible and integrate well with the surrounding area.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed development with respect to servicing and the protection of the environment.

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Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following attached map constitutes Amendment No. 56 to the Town of Lindsay Official Plan.

E. Details of the Amendment

1. Schedule 'A' of the Town of Lindsay Official Plan is hereby amended by changing the land use designation to the General Commercial designation, as shown on Map 'A' as 'Land to be Re-Designated General Commercial'.

F. Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

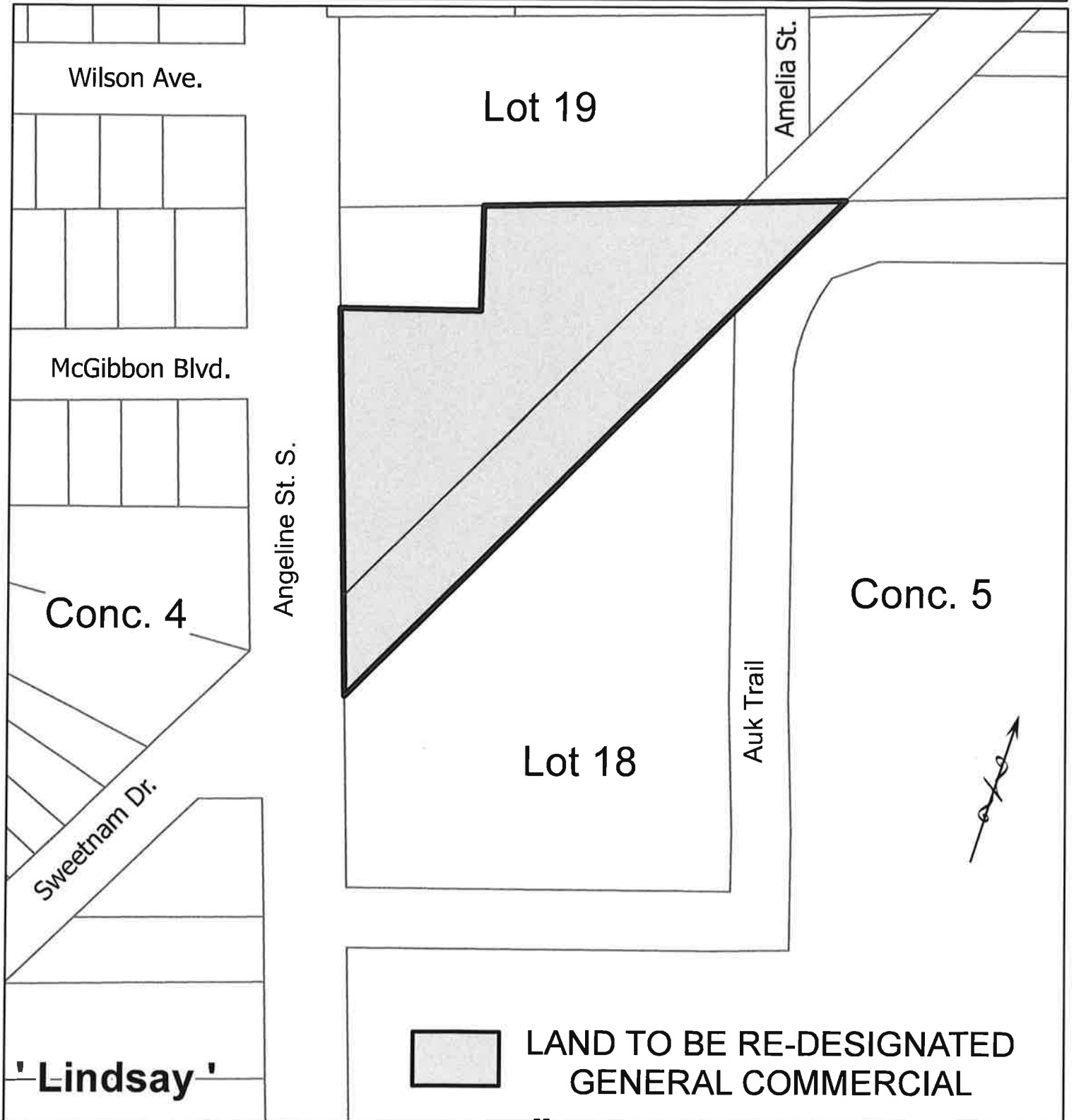
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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Map 'A' to Amendment No. 56

To the City of Kawartha Lakes Official Plan



The Corporation of the City of Kawartha Lakes
By-Law 2020 -

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 D06-2019-029, Report PLAN2020-006, respecting Part of Lot 18, Concession 5, 57R-8940 Parts 1 to 8 and Part of Lot 18, Concession 5, Plan 61, Part of Lots 9 to 12, 57R-8210 Parts 1, 5 and 6, Former Town of Lindsay, now in the City of Kawartha Lakes, 140 Angeline Street South – DDB Investment Group Limited]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 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 commercial uses, including a hotel and ancillary uses 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 2020-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 18, Concession 5, 57R-8940 Parts 1 to 8 and Part of Lot 18, Concession 5, Plan 61, Part of Lots 9 to 12, 57R-8210 Parts 1, 5 and 6, Former Town of Lindsay, now in the City of Kawartha Lakes, 140 Angeline Street South.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 16.3:

"16.3.4 GC-S13 Zone

Notwithstanding the permitted uses and zone requirements for the GC zone, on land zoned GC-S13, the following shall apply:

- a. Minimum front yard setback 5.0 m.
- b. Minimum rear yard setback 6.0 m.
- c. Maximum building height 18.0 m.
- d. The maximum gross leasable floor area of a single commercial use shall be 4,500 sq. m."

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the 'Residential One (R1) Zone' to the 'General Commercial Special Thirteen (GC-S13) Zone' for the land referred to as 'GC-S13', as shown on Schedule 'A' attached to this By-law.

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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 R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____

CITY CLERK _____

