

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2021-05

Wednesday, April 7, 2021

Electronic Public Participation - Meeting Commences at 1:00pm

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

Wayne Brumwell

Jason Willock

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To request to speak to Public Meeting reports on this agenda please email clerks@kawarthalakes.ca and reference the report number in your email. Following receipt of your email you will receive instruction from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to agendaitems@kawarthalakes.ca and reference the report number in the subject line.

As no public access to Council Chambers is permitted, members of the public are invited to watch the meeting live on YouTube at www.youtube.com/c/CityofKawarthaLakes

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1.	PLAN2021-014	4 - 21
	Amend the Township of Emily Zoning By-law 1996-30 for 67, 73, 79 & 85 Lakeview Crescent, geographic Township of Emily - Charron Jonathan Derworiz, Planner II	
3.1.1.	Public Meeting	
3.1.2.	Business Arising from the Public Meeting	
	That Report PLAN2021-014, Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily, be received for information; and That Report PLAN2021-014, Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.	
3.2.	PLAN2021-015	22 - 41
	Amend the Ops Zoning By-law 93-30 at Carew Boulevard, Lindsay – Burcar Investments Ltd. Ian Walker, Planning Officer - Large Developments	
3.2.1.	Public Meeting	
3.2.2.	Business Arising from the Public Meeting	
	That Report PLAN2021-015, Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops, Burcar Investments Ltd. – Application D06-2021-003, be received; That the zoning by-law amendment, substantially in the form attached as Appendix ‘D’ to Report PLAN2021-015, 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 this application.	

3.3. PLAN2021-017

Amend the Lindsay Zoning By-law 2000-75 at 3 Pottinger Street - Kuipers

Mark LaHay - Planner II

3.3.1. Public Meeting

3.3.2. Business Arising from the Public Meeting

That Report PLAN2021-017, Part Lot 10, Block K, RP 1, Parts 1 & 2, 57R-3320, former Town of Lindsay, City of Kawartha Lakes, identified as 3 Pottinger Street, Kuipers – D06-2021-005, be received; and; That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

4. Deputations

5. Correspondence

6. Regular and Returned Reports

6.1. PLAN2021-018

Woodland Hills Community Inc. Amending Subdivision Agreement

Richard Holy, Acting Director of Development Services

That Report PLAN2021-018, Woodland Hills Community Inc. Amending Subdivision Agreement, be received; That the Amending Subdivision Agreement for Woodland Hills, City of Kawartha Lakes, substantially in the form attached as Appendix C to Report PLAN2021-018 be approved by Council; That the reduction of securities be considered based on the review by Staff of the completed works; and That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this Agreement.

7. Adjournment



Planning Advisory Committee Report

Report Number:	PLAN2021-014
Meeting Date:	April 7, 2021
Title:	Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily
Description:	To amend By-law 1996-30, Township of Emily Zoning By-law, to decrease Minimum Distance Separation (MDS) setbacks for the subject lands.
Type of Report:	Statutory Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendation:

That Report PLAN2021-014, **Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily**, be received for information; and

That Report PLAN2021-014, **Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily**, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The lands known as 67, 73, 79 & 85 Lakeview Crescent in the former Township of Emily are owned by 2594441 Ontario Inc and currently zoned Rural Residential Three (RR3) Zone with Exception Zones. Exception Zone 9 applies to 85 Lakeside Crescent and Exception Zone 10 applies to 67, 73 and 79 Lakeside Crescent. The Exception Zones implement a Minimum Distance Separation (MDS) setback of 188.0 metres from the livestock facility located to the west across Pigeon Lake Road that is located at 2217 Pigeon Lake Road. MDS is a planning tool developed by the Province to mitigate potential land use conflicts between livestock facilities and residential land uses with regard to odour. Factors taken into account include intensity of the livestock operation and number of animals kept. The setback applies like that of yard setback within a Zoning By-law where the distance is taken from the livestock facility to the building line of the residential use. During the subdivision process of the subject lands and Lakeview Crescent, the livestock operation at 2217 Pigeon Lake Road warranted a MDS setback of 188.0m. The subject land is comprised of approximately 17.25 hectares and is currently undeveloped.

Owner:	2594441 Ontario Inc, Paul Charron
Applicant:	TD Consulting Inc, Tom deBoer
Legal Description:	Concession 13, Part of Lot 21
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zoning:	As per Schedule 'A' of the Township of Emily Zoning By-law 1996-30 (Zoning By-law):
	67 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	73 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	79 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	85 Lakeview Crescent – Rural Residential Type Three Exception Zone 9
Area:	Approximately 17.25 hectares
Site Servicing:	Private water and private septic
Existing Uses:	Undeveloped lands

Adjacent Uses: North: Residential
 East: Residential
 South: Residential
 West: Agricultural

Rationale:

Proposal:

The Exception Zones currently applied to the subject lands prescribe a 188.0m MDS setback from the agricultural building located on 2217 Pigeon Lake Road. Since that time, farming operations on site have changed and a decreased setback of 162.0m is being proposed to acknowledge this. In order to implement this setback, an amendment to the Zoning By-law is required. In support of this amendment application, the following materials were submitted:

- 1) Zoning By-law Amendment Application dated December 20, 2020
- 2) Minimum Distance Separation (MDS) Calculation and Analysis dated December 21, 2020. This document provided an analysis of the MDS and rationale for the proposed decrease in setback from 188.0m to 162.0m. Staff accepts the analysis described in the report.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Zoning By-law amendment pertaining to lands along Lakeview Crescent demonstrate conformity with the PPS in the following manner:

The intent of this amendment is to allow for an update to the MDS setbacks currently applied through Exception Zones due to changes in the farming operation at 2217 Pigeon Lake Road. As per PLAN2012-22, the report outlining the Lakeview Crescent subdivision, MDS calculations considered the farming operations at the time which warranted that, "the rear face of a single detached dwelling including enclosed or unenclosed decks, porches, and verandahs attached thereto, and above-ground or in-

ground pools...shall not be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road." Since the writing of that report and approval of above zone requirements, farming operations at 2217 Pigeon Lake Road have changed. The Minimum Distance Separation Report submitted in submission of the amendment application states that existing livestock barns have since been repurposed and the primary use of the buildings are for the sales and service of small engines with one barn still fit to house livestock. Staff feels that the intent of the MDS setbacks is maintained and that provisions within the PPS, such as Section 1.1.5.8 that speaks to Rural Lands and land use compatibility, are satisfied.

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

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

The location of the proposed amendment is within a Rural Area and subject to applicable policies within the Growth Plan, including 2.2.9.3, which contains the conditions that a development outside of settlement areas must meet. Given that the proposed amendment is text-based and is not a change in land use, like residential to commercial, a high level alignment with the Growth Plan can be applied. The proposed reduction in setbacks was determined using MDS formulae from the Province and the Zoning By-law amendment would formalize this requirement. Implementation of Provincially-developed measures would demonstrate compatibility with the rural landscape, surrounding land uses and mitigate potential affects to nearby agricultural uses.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides policies and direction on the growth and development of the municipality. While echoing and supporting the policies within Provincial Plans, the Official Plan provides Kawartha Lakes-specific policy direction.

Lakeview Crescent lands are designated Waterfront under the Official Plan. The intent of this designation is to facilitate limited seasonal and permanent residential uses adjacent to the City's lakes and rivers. The lots will remain as low density residential and supported by the Waterfront designation.

Within the subject lands is a watercourse. During the subdivision process of Lakeview Crescent, studies and materials in support of the application provided mitigation methods for potential impacts on natural heritage features. The proposed amendments will not facilitate a change or increase in land use thus meeting policies prescribed by Section 3.3 Water Resources of the Official Plan.

Zoning By-laws:

The subject lands are zoned Rural Residential Three (RR3) Zone under the Township of Emily Zoning By-law, 1996-30. 85 Lakeview Crescent is applied Exception Zone Nine and Exception Zone Ten is applied to 67, 73 & 79 Lakeview. Both Exception Zones prescribe a 188.0m setback from the livestock buildings on 2217 Pigeon Lake Road. The application proposes to reduce this setback to 162.0m considering a change in farming operations at 2217 Pigeon Lake Road. Staff feels that the proposed amendments meet the Zoning By-law's intent to minimize conflicts between land uses by way of setbacks. With regards to land use specifically, the residential uses will remain and are permitted within the RR3 Zone thus inherently conform with the Zoning By-law.

The proposed amendment will not create any situations of legal non-compliance.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendment permits the development of rural housing options that are sensitive to nearby agricultural operations. Through implementation of MDS setbacks, these two uses can coexist with potential concerns regarding odour being mitigated.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 500m of the subject lands. In alignment with Public Notice procedure, signage detailing the amendment was also placed on the site.

Public Comments:

At the time of report writing, no public comments have been received.

Agency Review Comments:

Building and Septic Division (March 10, 2021): No concerns with the proposed amendment.

Engineering Department (March 17, 2021): No concerns with the proposed amendment.

Staff are awaiting comments from the Kawartha Region Conservation Authority and Curve Lake First Nation.

Development Services – Planning Division Comments:

The proposed rezoning would permit the decrease of MDS setbacks from the livestock facility at 2217 Pigeon Lake Road. Given the change in farming operations since the implementation of the 188.0 m setback and the MDS report submitted in support of this application, staff feels that there is merit to the decrease of 162.0m. That being said, clarification regarding the uses of the other structures on the site is required as current capacity may influence the MDS calculations. Once comments from agencies are received and evaluated, and clarification on other structures is received, a recommendation will be made.

Conclusion:

Staff recommends that this report for the amendment to the Township of Emily Zoning By-law 1996-30 respecting lands along Lakeview Crescent be referred back to staff for further review and consideration until comments from the public meeting and agencies have been reviewed.

Attachments:

Appendix 'A' – Location Plan



Appendix A.pdf

Appendix 'B' – PLAN2012-022



Appendix B.pdf

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy

Department File: D06-2021-004



Lot 21

Lot 22

Concession 14

George Dr.
Crosby Dr.
Parkside Dr.
Lakeshore Dr.

Kings Wharf Rd.

Pigeon Lake

Subject Land

Hapley Cir.

Lakeview Cres.

Lot 21
Concession 13

Beukeboom
Crt.

Pigeon Lake Rd.

Lot 22

Geographic Township
of Emily

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

REPORT

PLAN2012-022

Meeting Date: May 9, 2012 Meeting Time: 1:00 p.m. Meeting Place: Council Chambers Planning Committee	Ward/Community Identifier 13
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Subject: Draft Plan of Subdivision 16T-08503 (D05-28-013) and Rezoning (D06-28-039) Applications to Permit a 21 Lot Shoreline Residential Subdivision by William O’Neill
Part Lots 21 & 22, Concession 13, Geographic Township of Emily

Author/Title: Richard Holy, Coordinator – Current Planning **Signature:**

RECOMMENDATIONS:

1. **RESOLVED THAT** Report PLAN2012-022 “WILLIAM O’NEILL – D05-28-013 & D06-28-039” be received;
2. **THAT** the proposed zoning by-law amendment substantially in the form attached as Appendix “C” to Report PLAN2012-022 be approved and adopted by Council;
3. **THAT** proposed draft plan of subdivision 16T-08503 be approved by Council, with conditions as outlined in Appendix “D” to Report PLAN2012-022; and
4. **THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

DEPARTMENT HEAD: _____ **TREASURER/OTHER:** _____

CHIEF ADMINISTRATIVE OFFICER

BACKGROUND:

Staff had presented a report to Planning Committee on October 6, 2010 recommending approval of the draft plan of subdivision and implementing zoning by-law. On October 12, 2010, Council passed the following Resolution:

Moved by Councillor Warren, seconded by Councillor Villemaire,
RESOLVED THAT Report DEV2010-078, “William O’Neill – D05-28-013 and D06-28-039”, be received for information and referred back to staff for a peer review of the Environmental Assessment Report and the butternut tree removal addendum prepared by Niblett Associates, review phosphorous loading impacts on Pigeon Lake as raised in the hydrogeological peer review, clarification of monitoring thresholds of the monitoring well, and preparation of a report from the developer with respect to the impact this proposed development will have on the water in Lakeview Estates.

CARRIED CR2010-1214

Staff has been working to resolve these issues with the applicant and this report is an update to Report DEV2010-078 (see Appendix ‘H’) presented to Planning Committee on October 6, 2010.

RATIONALE:

The proposal is generally located at the southeast corner of Pigeon Lake Road and King’s Wharf Road on lands owned by William O’Neill (see Appendix “A”). The applicant proposes a draft plan of subdivision with 21 shoreline residential lots (see Appendix “B”). The development also contains a vacant block adjacent to the western subdivision access, a block for private waterfront access by the owners within the development, and a block containing a stormwater management pond with an outfall to Pigeon Lake serving the subdivision. The existing agricultural buildings will be removed in advance to accommodate development. The existing residential dwelling will be retained on proposed Lot 10.

The developer is proposing a horseshoe shaped public street with an access from the south side of King’s Wharf Road through the subdivision and connecting to the existing southern terminus of Lakeview Crescent.

Two parallel drainage courses run through the site from the west to east, which drain both the subject land and the land to the west of Pigeon Lake Road to Pigeon Lake. The plan has been revised to include two blocks of land that contain the existing creek that traverses through the centre of the proposed subdivision. Environmental buffers have been incorporated around both drainage courses.

PROVINCIAL POLICIES:

The application conforms to the Growth Plan and is consistent with the 2005 Provincial Policy Statement by providing for rural development in designated areas. The environmental impact assessment also addresses the environmental considerations contained in both documents.

OFFICIAL PLAN:

The subject land is designated “Shoreline”, “Agricultural”, and “Environmental Protection” on Schedule “A” to the County of Victoria Official Plan (VCOP). While a portion of the development is contained on lands designated “Agricultural”, Section 3 of the VCOP states that the “Shoreline” designation is not intended to be interpreted as a linear designation in all instances.

The policies permit some flexibility to permit clustering of development away from the shoreline to retain additional open space areas and further the environmental protection goals of the Plan. Due to the presence of the two drainage courses traversing the property, the remaining agricultural parcels would not be considered viable for agriculture due to their small land areas. Therefore, Staff would consider it appropriate to consider these lands to be used for “Shoreline” purposes.

The waterfront portion of the property is delineated as “Sensitive Area” on Schedule “B” to the VCOP, which refers to the Provincially Significant Wetland (PSW) located in Pigeon Lake. The policies of the Plan require that an Environmental Evaluation is completed to ensure that the proposed development has no negative impacts on the natural environment and to provide mitigation measures where necessary. An evaluation has been completed by the applicant, which includes recommendations to mitigate impacts.

The application conforms to the relevant policies of the VCOP.

ZONING BY-LAW:

The subject land is zoned “Agricultural (A1) Zone” and “Environmental Protection (EP) Zone” in the Township of Emily Zoning By-law 1996-30. As the proposed subdivision development is not permitted within this zone, the applicant submitted a rezoning application for consideration and seeks the appropriate zones to permit the proposed development.

CONSULTATIONS:

Public Open House, November 3, 2011

At the City’s request, the applicant held an open house at the Lakeview Arts Barn to provide a forum for an exchange of information between area residents and the applicant’s consulting group. The following issues arose from the meeting:

Impact of Development on Groundwater Table

Area residents remain very concerned that the proposed development will have an impact on surrounding wells, many of which are older and more shallow wells.

Subdivision Road Connection to Lakeview Crescent

A number of residents living on Lakeview Crescent and Hapley Circle have expressed concern with the proposed connection of the subdivision with Lakeview Crescent and the additional traffic that this will generate. Since the dead-end road makes the area very quiet, these residents have requested that Lakeview Crescent not be extended into the proposed development. A cul-de-sac should be required along the road frontage of Block 23. This would also discourage new residents from using the lagoon for docking purposes.

Drainage Impact on Existing Development

Residents on Hapley Circle that back onto the O’Neill lands currently have drainage from the farm fields cross their properties and are concerned that this will increase with development.

Secondary Access Point

Lakeview Estates has always been served by one access through a municipal road but had a second informal access through private property until this was terminated by new ownership.

Many residents feel that a second access would provide a greater degree of safety in the event of a closure or blockage of King's Wharf Road and the intersection with Pigeon Lake Road due to an accident or inclement weather. They have requested that a direct access be permitted to Pigeon Lake Road from the proposed subdivision.

DEVELOPMENT SERVICES – PLANNING DIVISION COMMENTS:

The Planning Division has reviewed the supplementary peer review information requested by Council in its Resolution dated October 12, 2010 and offers the following additional comments to address this Resolution and subsequent resident concerns expressed.

Environmental Impact Study Review Process

At Council's request, the applicant's environmental impact assessment prepared by Niblett Environmental Associates Inc. (NEA) was peer reviewed by Oak Ridge Environmental Limited (ORE) to review the study's recommendations as well as the butternut tree removal (See Appendix 'E'). ORE requested additional information on the following matters:

- The flood elevation should be incorporated into the EIS and onto the draft plan.
- The amount of usable shoreline should be re-evaluated.
- The draft plan of subdivision should be updated to include the wetland area identified in the EIS, the flood elevation, and the updated butternut protection buffers.
- Further clarification was sought on the need to remove some of the healthy butternut trees, the tree replacement ratio, and conditions under which trees can be removed.
- Clarification on the view corridors through the PSW was requested.

NEA provided a response to the ORE comments and made the following changes to the draft plan.

- The flood elevation did not fall within the development limits.
- The usable shoreline was clarified to include Block 23, the private waterfront access area.
- The draft plan of subdivision was revised to include an updated environmental protection limit resulting from changes to the wetland and butternut protection limits.
- The applicant will provide a full submission to the Ministry of Natural Resources detailing butternut removal and replanting plans. This has been included as a condition of draft plan approval.
- NEA indicated that Lots 1 to 5 do not front directly onto the water. Since a common open space block is provided, there is not need for view corridors to be protected through the wetland. Staff do however not support the construction of trails on any wetland areas outside of Block 23.

ORE reviewed the NEA response and concurred with the recommendations and changes to the draft plan.

Phosphorus Loading Study

At Council's request, the applicant's environmental consultant, Niblett Environmental Associates Inc. (NEA), completed a phosphorus loading study, which was peer reviewed by Oak Ridge Environmental Limited (ORE) (See Appendix 'F'). The report modeled two scenarios: Scenario

1 assumed that 100% of the phosphorus generated from the development would enter the lake while Scenario 2 assumed that 80% of the phosphorus generated from the development would enter the lake. Under Scenario 1, 42 kg of phosphorus would enter the lake while under Scenario 2, only 10.5 kg of phosphorus would enter the lake. The existing average phosphorus concentration exiting the lake is 16.4 ug/l. Under either scenario, the amount of phosphorus loading in the water would range between 16.4039 ug/l and 16.4195 ug/l, which would meet the Ministry of Environment's Provincial Water Quality Objectives of maintaining the levels at less than 20 ug/l for this warm water lake. The report recommended maintaining the necessary buffers and good stewardship practices to reduce nutrient loading.

The peer review completed by ORE reviewed the base assumptions and parameters used in the study. While ORE couldn't replicate some of the values, they generally concurred with the approach. They concurred that Scenario 1 was unlikely but that the soil wouldn't retain up to 80% of the phosphorus as stated in Scenario 2. ORE used an updated version of the model, which incorporated different usage parameters and factored in phosphorus from overland runoff. Their results indicated that 36.3 kg of phosphorus would be generated by the development, which results in a water loading value of 16.42 ug/l. While this loading value is slightly higher than the value derived by NEA, ORE stated that the proposal would not pose a significant risk to Pigeon Lake. The conclusions of ORE remain below the MOE Provincial Water Quality Objectives.

Well Interference Pump Testing

The applicant's hydrogeological consultant, Geo-Logic Inc., conducted well interference testing to address groundwater concerns raised by area residents (See Appendix 'G'). Two existing wells located on Lots 1 and 10 were pumped continuously for 6 hours and well interference was monitored on three surrounding wells on Pigeon Lake Road, Crosby Drive, and Hapley Circle. The well on Lot 1 (TW-1) was drilled in 2008 to a depth of 21.3 m and yielded a continuous water flow rate of 22.7 l/min. The water level dropped by 0.05 m during the test and recovered to 100% in 32.5 minutes. The well on Lot 10 (W-1) was drilled in 1961 to a depth of 21.6 m and yielded a continuous water flow rate of 22.7 l/min. The water level dropped by 1.7 m during the test and recovered to 91% in 60 minutes. These wells demonstrated their ability to provide sufficient water for the development.

No evidence of interference on the three test wells was noticed during the pump test performed on TW-1. While there was no evidence of interference on two test wells during the pump test performed on TW-1, the consultants noticed that the well on Pigeon Lake Road did experience a lower water level by 0.02 m, which was attributed to the pumping of W-1.

A review of surrounding well records indicates that the majority of wells within 500 metres of the development are drilled into a sand and gravel aquifer while wells near and west of Pigeon Lake Road are drilled into a limestone layer and are not expected to be impacted by wells drilled into the sand and gravel aquifer. The hydrogeologist concluded that the aquifer can sustain the domestic water needs of the proposal without impacting surrounding wells within the area. The consultant recommends that wells on the lots backing onto Pigeon Lake Road be drilled within the eastern portions of the lots to access the sand and gravel aquifer.

This report was reviewed by the City's peer review consultant to ensure that the approach and conclusions were acceptable. Genivar indicated their concurrence with the study approach and its recommendations. Genivar did reiterate their recommendation that a data logger should be installed on the well on Lot 14 to observe annual variations in the aquifer's groundwater levels as well as delineating groundwater interference resulting from the proposed development. The data logger should be installed as soon as possible to begin the process of baseline

groundwater monitoring. This recommendation was previously included in the conditions of draft plan approval.

At the November open house, some residents asked whether the City would replace any wells that ran dry as a result of the proposed development. This type of matter is typically addressed through a well interference policy that would require the developer to replace any wells that ran dry if it was proven that the development was responsible for the problem. Although the City currently does not have such a policy in place, staff has included a condition of draft plan approval that requires the owner to repair or provide a new well to any adjacent resident where there is proof that the well has been negatively affected due to development on this property.

Transfer of Environmentally Sensitive Lands

The proposed development abuts a large environmentally sensitive area known as the Victoria Park Marsh PSW. While the applicant's holdings appear to extend beyond the boundary of the draft plan of subdivision into Pigeon Lake, the extent of ownership has not been determined since these lands do not form part of the proposed draft plan of subdivision. Staff have investigated the potential of having the applicant's portion of the Victoria Park Marsh PSW transferred into public ownership. Given the absence of a land acquisition strategy either by the City or KRCA, there is no public authority that is willing to accept ownership of these lands at this time. While the Kawartha Heritage Conservancy (KHC) has expressed interest in obtaining the lands, KHC is not a public body as defined under the Planning Act. Staff is not recommending that the owner be required to transfer these lands into public or conservancy ownership through the approval of this subdivision for the following reasons:

- The City has no formal land acquisition strategy which deals with the acquisition priorities, maintenance, and programming for these types of areas.
- The portion of the property containing the PSW is located outside of the limits of the draft plan of subdivision and the City can therefore not formally request its dedication as a condition of draft plan approval.
- KHC is not a public body defined by the Planning Act and therefore, the land cannot be transferred through the draft plan of subdivision process.
- KHC is a private non-profit charity with its own acquisition priorities. Should its future priorities change to not include the acquisition of these lands, imposing the transfer as a condition may result in a situation where the applicant might not be able to fulfill this condition.

Should KHC remain interested in obtaining this property, Staff would continue to encourage the applicant to work with KHC to eventually transfer these lands into their ownership. As part of the zoning by-law amendment, some of the areas presently zoned "A1" along the waterfront as well as the watercourses traversing the site are being rezoned to "EP" to protect them from use.

Secondary Access Point

Residents continue to request a second access into Lakeview Estates for safety purposes. Pigeon Lake Road is a former County Road or rural arterial road with a posted speed limit of 80 km/h which handles large volumes of traffic through the City of Kawartha Lakes. Because of this function, the County of Victoria Official Plan policies discourage direct access where access is available from a secondary roadway.

Similarly, the Transportation Association of Canada's (TAC) Geometric Design Guide emphasizes the main function of an arterial road is traffic movement and land access is secondary. Direct access to arterial roads for new development should be limited and encouraged through local road. The minimum separation from a public road intersection or a private access suggested by TAC is 400m. The stopping sight distance recommended for an assumed design speed of 90km/h is 130-170m. While Staff has reviewed the safety concerns raised by residents, Staff concluded that adding another entrance onto Pigeon Lake Road near the south end of the development may cause a visibility issue given the declining grade in the road in the vicinity of the existing residence on the property and close proximity to the King's Wharf and Pigeon Lake Road intersection. While Staff does not recommend a second access onto Pigeon Lake Road, Staff will review the section of King's Wharf Road between Pigeon Lake Road and the first access into the proposed development to improve the road width and visibility. For the same reason, proposed lots within the development will be required to obtain access from the internal subdivision roadway rather than from either Pigeon Lake or King's Wharf Road. Some minor improvements such as tree trimming along the south side of King's Wharf Road will be required as a condition of draft plan approval.

The applicant has also agreed to construct a right-hand turning lane from Pigeon Lake Road onto King's Wharf Road to improve traffic safety. This is a condition of draft plan approval.

Subdivision Road Connection to Lakeview Crescent

Some residents on Lakeview Crescent and Hapley Circle have requested that Lakeview Crescent not be extended into the proposed subdivision. Since Lakeview Crescent was configured as a dead-end and not a cul-de-sac, the intent was for this roadway to be extended further southwards to accommodate future development. Extending Lakeview Crescent south will also provide an alternate access option for residents should King's Wharf Road experience some form of blockage.

Use of Private Boat Mooring and Launching Facilities

Residents of Lakeview Estates are concerned that their private boat launching and mooring facilities will be used by the new residents. The conditions of draft plan approval will require that a warning clause be placed in each offer of purchase and sale indicating that these facilities are for the exclusive use of Lakeview Estates residents.

As well, the recreational common element block will permit the construction of docking for owners of lots within the development. While the applicant has not yet finalized plans for the construction of docking on Block 23, the number and type of docking permitted will be subject to the recommendations contained in the environmental impact assessment prepared by Niblett Environmental Associates Inc. as well as approvals granted by Trent-Severn Waterway. Considerations for dock placement shall include the following measures:

- timing of construction to avoid sensitive life stages for fish found in this area;
- limiting dock types to floating, pipe, or suspension docks to provide for additional habitat area;
- docks should not cover more than 20% of the shoreline or extend more than 6 metres into the water;
- no habitat features such as aquatic vegetation, stumps, logs, boulders, etc. should be removed; and,
- any treatment of lumber or other materials should not occur over the water.

Drainage Impact on Existing Development

Some of the existing residents on the west side of Hapley Circle are experiencing stormwater runoff from the farm fields onto their properties. This occurs during heavy rains or spring thaws. In order to alleviate this concern, Staff will require the applicant to prepare a master grading and drainage plan as a condition of draft plan approval to ensure that drainage from the proposed development does not impact existing adjacent properties.

Tree Removal

Concern was raised that trees would be removed in the environmentally protected areas. The City does not have a tree cutting by-law to restrict the removal of trees without approval. While no measures can absolutely prevent tree removal, the following measures are intended to discourage tree removal.

- Lots abutting treed areas will be fenced to restrict access and delineate the property boundary. This will discourage properties from expanding into sensitive areas.
- Lots containing environmental areas as part of the lot area will also be fenced to restrict access to this portion of the site. This will prevent owners from using this part of the property for buildings and storage.
- Additional environmentally sensitive areas being zoned “EP” to protect the vegetation in these areas. A tree preservation plan must be prepared by the owner to ensure that all larger trees be preserved where possible. Removal of butternut trees will be subject to approval by the Ministry of Natural Resources.
- A warning clause will be placed in the subdivision agreement and offers of purchase and sale warning purchasers that removal of trees located within “EP” is not permitted.

Protecting View Corridors

The possibility of protecting view corridors for the owners of Lots 1 to 5 was raised as a possible measure to prevent tree cutting in the abutting PSW area. Views are not something that is typically guaranteed by planning approvals. In protecting view corridors through this area, tree cutting would be required to guarantee views on a continual basis. The revised EIS comments from NEA do not support view corridors through the wetland since all residents have access to Block 23. Staff do not support this concept because it would be counter-productive in protecting trees in the wetland.

Existing Dwelling Unit and Barn

Lot 10 will contain the existing single detached dwelling currently located on the property. The owner will be required to remove all agricultural buildings from the proposed development. The direct access to Pigeon Lake that currently exists will also be removed.

Conditions of Draft Plan Approval

The conditions of draft plan approval have been revised to incorporate the recommendations both for specific development issues and to reference the additional studies and report updates with the peer review results. These issues will all be transferred into the subdivision agreement.

Proposed Zoning By-law Amendment

The relevant zoning categories and regulations have been changed to implement the environmental recommendations.

The Holding (H) provision is attached to all new Lots being created, with the exception of Lot 10 as this lot contains the existing single detached dwelling unit. In order to remove the Holding (H) provision, the owner will be required to provide hydrogeological pump test information to ensure that the proposed well does not impact adjacent wells in the area. This will be based on pump testing the new well against the benchmark well to be installed on Lot 14. Council has the authority to remove the Holding (H) symbol. This requirement is contained in the conditions of draft plan approval.

OTHER ALTERNATIVES CONSIDERED:

No other alternatives were considered at this time.

FINANCIAL CONSIDERATIONS:

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

RELATIONSHIP OF RECOMMENDATION TO 2002-2012 VISION:

The application furthers the Economic and Environmental objectives of the Community Vision. Approval of this project will provide additional shoreline housing options while protecting the environment both for wildlife and recreational purposes.

SERVICING COMMENTS:

All servicing matters will be reviewed by the City of Kawartha Lakes, the HKPRD Health Unit, and the Kawartha Region Conservation Authority through their clearance of the requisite conditions of draft plan approval.

REVIEW OF ACCESSIBILITY IMPLICATIONS OF ANY DEVELOPMENT/POLICY:

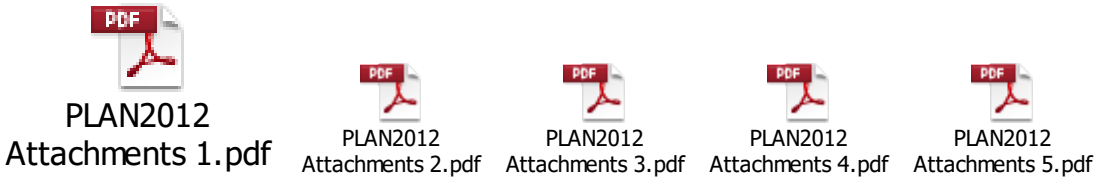
The proposal has no implications on accessibility issues.

CONCLUSIONS:

The application has been reviewed in consideration of comments and changes generated by the peer reviews, relevant provincial policy, the County of Victoria Official Plan, and Township of Emily Zoning By-law. In consideration of the comments contained in this report, Staff respectfully recommends that the proposed draft plan of subdivision and rezoning applications be forwarded to Council for approval.

ATTACHMENTS:

- Appendix 'A' – Location Map
- Appendix 'B' – Proposed Draft Plan of Subdivision
- Appendix 'C' – Proposed Zoning By-law Amendment
- Appendix 'D' – Proposed Conditions of Draft Plan of Subdivision Approval
- Appendix 'E' – Environmental Impact Study Peer Review and Response
- Appendix 'F' – Phosphorus Loading Report and Peer Review
- Appendix 'G' – Pumping Tests Summary Report and Peer Review
- Appendix 'H' – Report DEV2010-078



Phone: 705-324-9411 ext 1246 888-822-2225 ext 1246	Director: Ron Taylor
E-Mail: rholy@city.kawarthalakes.on.ca	Dept. Files: D05-28-013 & D06-28-039



Planning Advisory Committee Report

Report Number:	PLAN2021-015
Meeting Date:	April 7, 2021
Title:	Amend the Ops Zoning By-law 93-30 at Carew Boulevard, Lindsay – Burcar Investments Ltd.
Description:	An application to amend the Township of Ops Zoning By-law to reduce the front yard setback from 7.5 metres to 6.0 metres; and increase the maximum lot coverage from 35% to 45% for 71 proposed lots in Springdale Phase 3 on the properties identified as Vacant Land on Carew Boulevard, Lindsay (Burcar Investments Ltd.)
Type of Report:	Public Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2021-015, **Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops, Burcar Investments Ltd. – Application D06-2021-003**, be received;

That the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2021-015, 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 this application.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted an application for a zoning by-law amendment. The proposal is to change the zone category from the 'Residential Exception Two Holding Two [R-2(H2)] Zone' to a 'Residential Exception ** (R-**) Zone' to reduce the minimum front yard setback, and increase the maximum lot coverage for a 71 lot development in Springdale Gardens. See Appendix 'A' and 'B' attached.

Owner: Burcar Investments Ltd. c/o Batavia Homes (Greg DeFreitas)

Applicant: Wayne Simpson and Associates c/o Thomas Kirkby

Legal Description: Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops

Designation: 'Urban' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan;
'Residential' on Schedule 'A' of the Township of Ops Official Plan

Zone: 'Residential Exception Two Holding Two [R-2(H2)] Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30

Lot Area: 4.19 hectares [10.35 acres]

Site Servicing: Proposed full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses: Vacant Land

Adjacent Uses: North: Agricultural; Thunder Bridge Road
East: Low Density Residential (Springdale Gardens)
South: Low Density Residential (Springdale Gardens)
West: Angeline Street North; Low Density Residential

Rationale:

The property is located on the east side of Angeline Street North and at the existing terminus of Lamb Avenue, Lawson Avenue and Carew Boulevard in the Springdale subdivision. See Appendix 'A'. The development consists 71 new single detached homes fronting on the extension of these three roads (Lamb, Lawson and Carew), in addition to a new cul-de-sac at the west end known as Burrows Crescent. See Appendix 'B'. The proposed development will be completed on full municipal services, including water, sanitary and storm sewers.

The property is vacant and consists of approximately 4.19 hectares of residential land and 1.32 hectares of municipal land for roads. The original draft plan of subdivision (circa 1960) created 55 lots in this portion of the development, for single detached dwellings. In 1999, the Township of Ops Council passed a by-law which provided for 71 lots in this portion of the development. The applicant is applying on behalf of the owner to rezone the 71 proposed lots to decrease the minimum front yard setback from 7.5 metres to 6.0 metres, and increase the maximum lot coverage from 35% to 45%, to accommodate larger building envelopes for the new homes. Concept plans have been submitted to show how the homes would fit on these lots. See Appendix 'C'.

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

1. Planning Justification Report prepared by Wayne Simpson & Associates, stamp dated January 19, 2021. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS, 2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan); the City of Kawartha Lakes Official Plan; and the Township of Ops Zoning By-law 93-30.
2. Lotting Chart and Site Plan prepared by Batavia Homes, dated August 28, 2020.
3. Plan of Survey prepared by H.F. Grander Co. Ltd., dated November 5, 2004
4. Calculated Plan of Parts of Various Lots prepared by H.F. Grander Co. Ltd., dated July 24, 2019.
5. Plan of Survey prepared by H.F. Grander Co. Ltd., dated August 24, 2020.
6. Example Siting and Grading Plans for Lot 2, 12, 30, 37, 50 and 62, provided by Wayne Simpson & Associates.

The reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment.

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 already expended significant cost in providing servicing to the Jennings Creek Community Development Plan (JCCDP) Area to the west of Angeline Street, and also provided adequate servicing for this development, which has been cost-recovered

through the Northwest Trunk Sanitary Sewer Capital Charge as part of the Phase 2 development of Springdale Gardens.

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. This development is providing for additional low impact development measures.

On this basis, the application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS, 2020):

The Provincial Policy Statement (PPS, 2020) 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. This development is outside of natural heritage and hydrologic features, and outside of natural hazards. The development has been anticipated and planned for since 1999.

On this basis, the application is consistent with the policies of the PPS, 2020.

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 entire subject property within the Urban Settlement Boundary of Lindsay as recommended by the City's 2011 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 Township of Ops Official Plan (Ops Official Plan), where the subject lands are designated 'Residential' on Schedule 'A' of the Ops Official Plan. The predominant use of lands shall be for single detached dwellings. The proposed rezoning does not change the proposed use of the land, only amend two of the existing development standards.

On this basis, the proposal conforms to the policies of the Ops Official Plan.

Zoning By-Law Compliance:

The blocks in this development are currently zoned 'Residential Exception Two Holding Two [R-2(H2)] Zone' in the Township of Ops Zoning By-law 93-30 (Zoning By-law). The applicant has requested to change the zone category to another 'Residential Exception ** (R-**) Zone' to change two of the current development standards in the 'R-2' zone:

- A decrease in the minimum front yard setback from 7.5 metres to 6.0 metres; and
- An increase in lot coverage from 35% to 45%.

In addition to the two development standards, the Holding Two (H2) symbol will not be reapplied to the new zone, as the required servicing is now available for the development. A separate report and by-law will be considered by Council for removing the holding provision from the existing R-2 zoning, along with the appropriate Development Agreement, repeal of an existing deeming by-law, and the Part Lot Control provisions to establish the lot pattern of the development. This will allow the development to proceed in advance of this proposed zoning amendment being final and binding.

Exception Zone Provisions:

The new 'R-5' zone (as proposed) would continue to permit the existing zone provisions of the 'R-2' zone which applies to the neighbouring properties on Springdale Drive, with the exception of an increase in lot area and decrease in front yard setback.

The existing and proposed (shown in **bold**) development standards are as follows:

Zone Standard:	'R-2' Zone: Springdale Phases 1 & 2	Proposed 'R-5' Zone: Springdale Phase 3
Lot Area	360 square metres	360 square metres
Lot Frontage	12.0 metres	12.0 metres
Minimum Front Yard Setback	7.5 metres	6.0 metres

Zone Standard:	'R-2' Zone: Springdale Phases 1 & 2	Proposed 'R-5' Zone: Springdale Phase 3
Minimum Exterior Side Yard Setback	3.0 metres	3.0 metres
Minimum Interior Side Yard Setback	1.25 metres	1.25 metres
Minimum Rear Yard Setback	7.5 metres	7.5 metres
Maximum Building Height	10.5 metres	10.5 metres
Maximum Lot Coverage for all Buildings	35%	45%

The applicant has submitted the appropriate information to demonstrate compliance with the Zoning By-law. Other than the special provisions noted in the table above, all other provisions of the 'R' and 'R-2' zones respectively apply to the 'R-5' zone.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality and the Exceptional Quality of Life priority by increasing the availability of housing stock.

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.

Servicing Comments:

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

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the application; to persons within a 120 metre radius of the properties; and three signs were posted on the properties. As of March 26, 2021, we have received the following comments:

Public Comments:

To date, no public comments have been received.

Agency Review Comments:

- | | |
|----------------|---|
| March 10, 2021 | The Building and Septic Division has no concerns with the application. |
| March 10, 2021 | The Engineering and Corporate Assets Department advised they have no concerns with the application. |
| March 22, 2021 | The Community Services Department advised they have no concerns or comments. |

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 application conforms to the 2020 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes and Township of Ops Official Plans have also been demonstrated.

The rezoning will amend the development standards for the 71 currently permitted single detached dwellings to be constructed on their respective lots. A site-specific

exception zone and the respective provisions have been provided to accommodate the appropriate development standards for these lots.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application 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 email or call Ian Walker, Planning Officer – Large Developments, iwalker@kawarthalakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-015
Appendix A.pdf

Appendix B – Proposed Site Concept Plan



PLAN2021-015
Appendix B.pdf

Appendix C – Example Lot Plans – Lot 2, 12, 30, 37, 50 and 62



PLAN2021-015
Appendix C.pdf

Appendix D – Proposed Zoning By-law Amendment

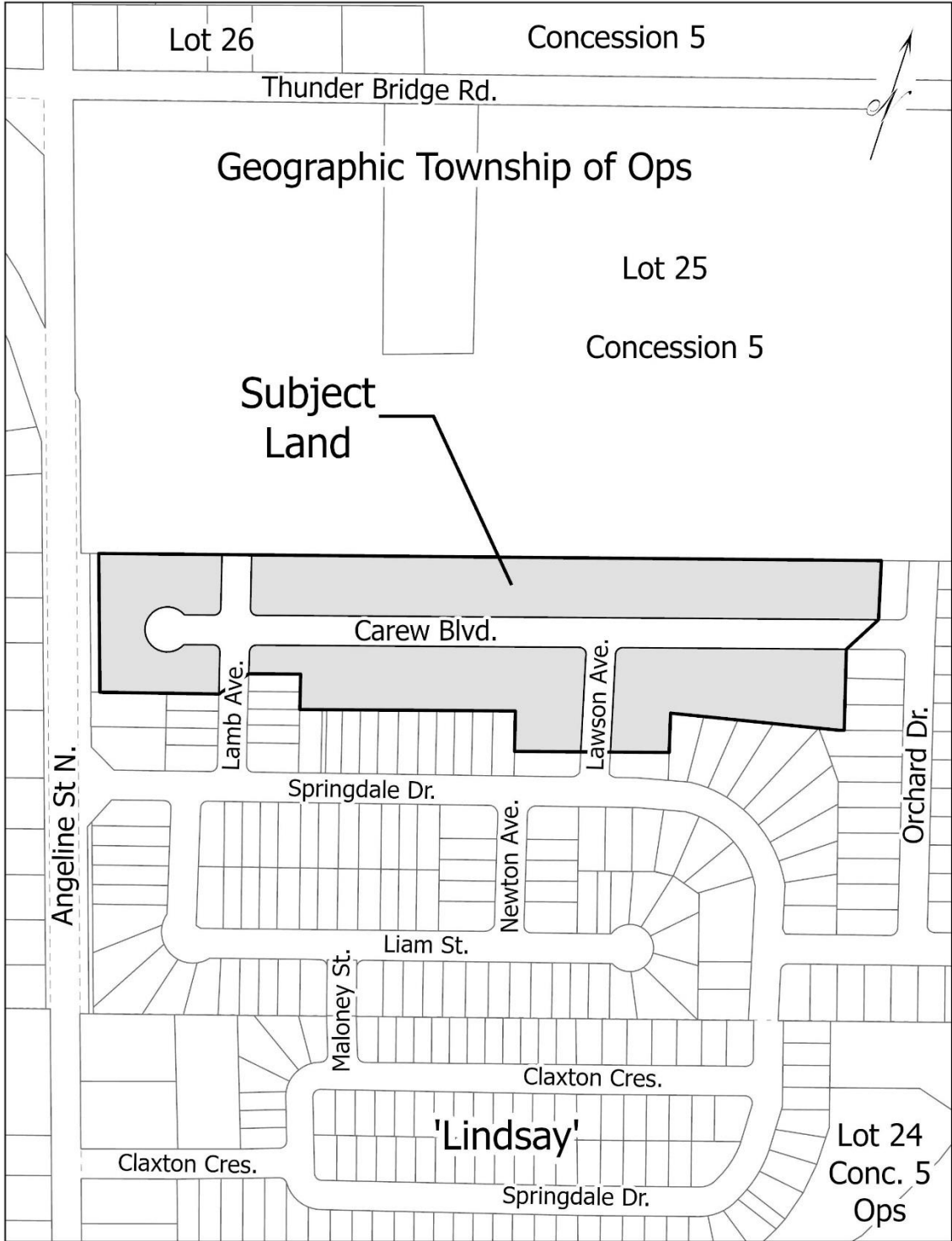


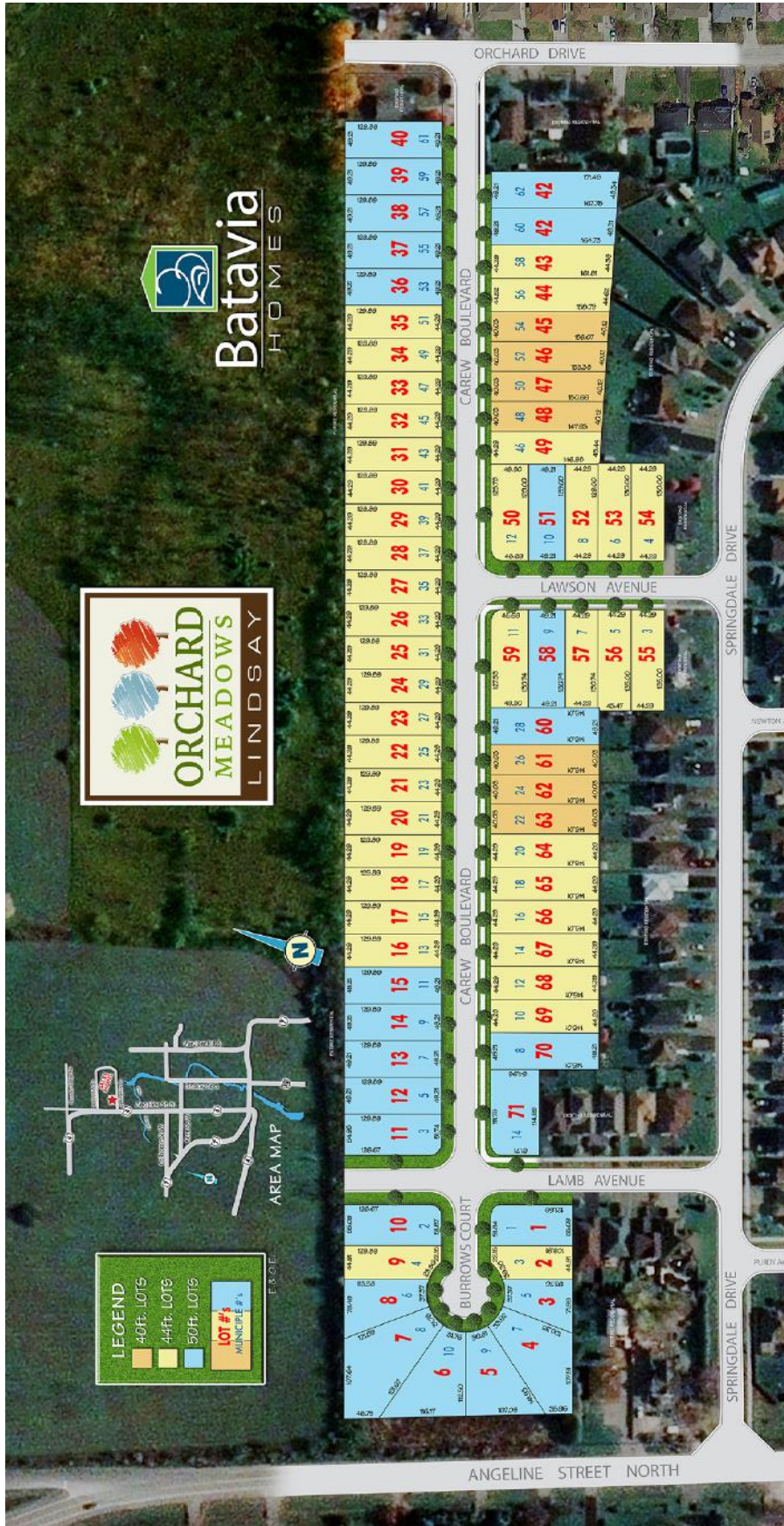
PLAN2021-015
Appendix D.pdf

(Acting) Department Head email: rholy@kawarthalakes.ca

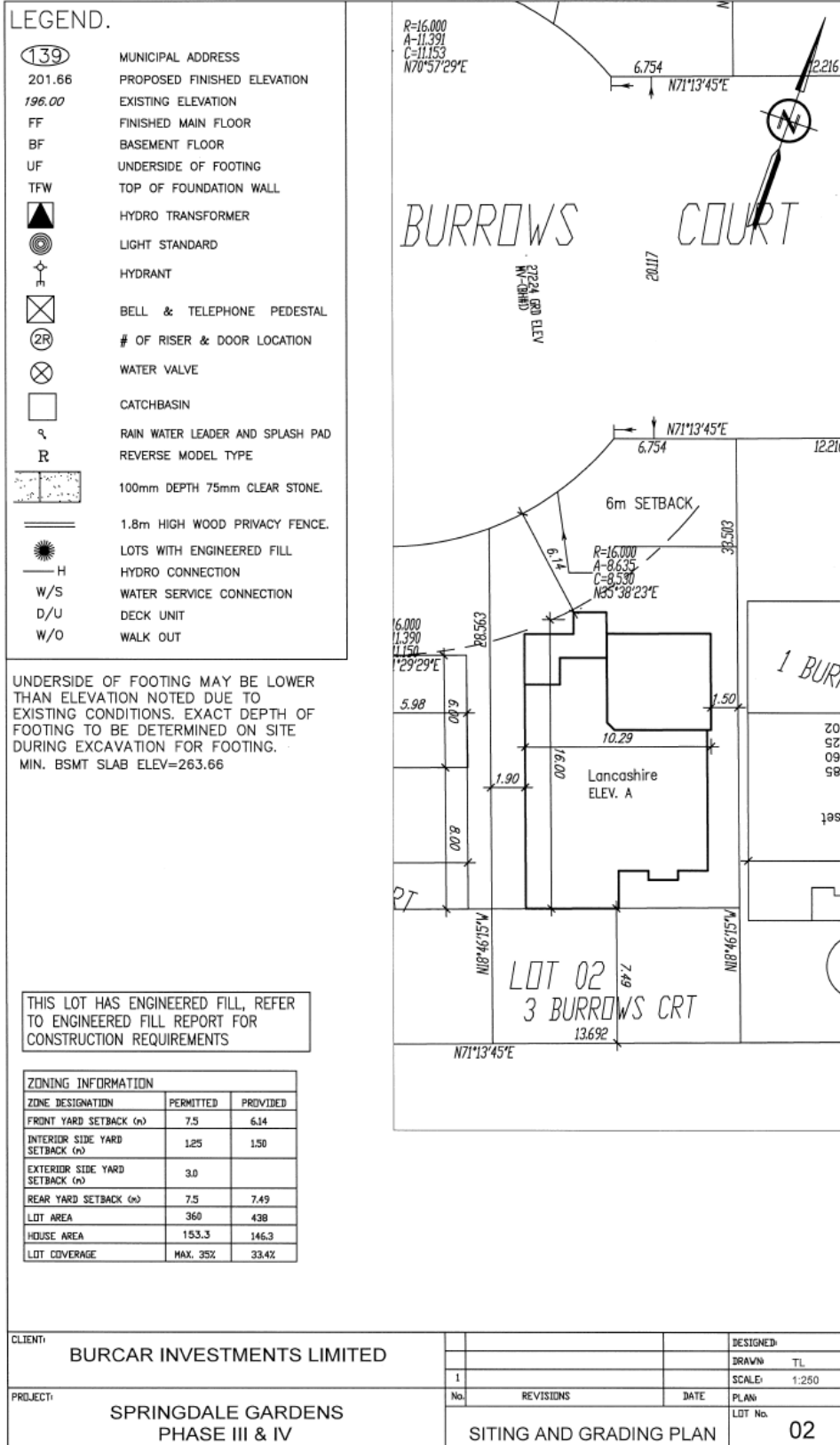
(Acting) Department Head: Richard Holy

Department File: D06-2021-003





Appendix “ B ”
 to
 Report PLAN2021-015
 File No: D06-2021-003



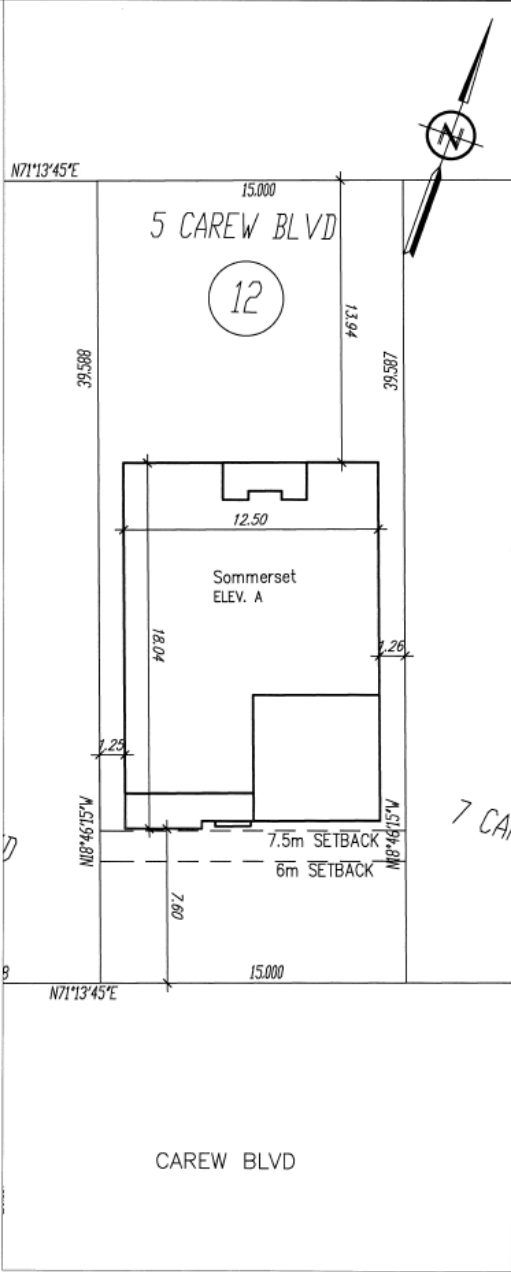
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- 196.00 EXISTING ELEVATION
- FF FINISHED MAIN FLOOR
- BF BASEMENT FLOOR
- UF UNDERSIDE OF FOOTING
- TFW TOP OF FOUNDATION WALL
- HYDRO TRANSFORMER
- LIGHT STANDARD
- HYDRANT
- BELL & TELEPHONE PEDESTAL
- (2R) # OF RISER & DOOR LOCATION
- WATER VALVE
- CATCHBASIN
- RAIN WATER LEADER AND SPLASH PAD
- R REVERSE MODEL TYPE
- 100mm DEPTH 75mm CLEAR STONE.
- 1.8m HIGH WOOD PRIVACY FENCE.
- LOTS WITH ENGINEERED FILL
- H HYDRO CONNECTION
- W/S WATER SERVICE CONNECTION
- D/U DECK UNIT
- W/O WALK OUT

UNDERSIDE OF FOOTING MAY BE LOWER THAN ELEVATION NOTED DUE TO EXISTING CONDITIONS. EXACT DEPTH OF FOOTING TO BE DETERMINED ON SITE DURING EXCAVATION FOR FOOTING.
MIN. BSMT SLAB ELEV=263.66

THIS LOT HAS ENGINEERED FILL, REFER TO ENGINEERED FILL REPORT FOR CONSTRUCTION REQUIREMENTS

ZONING INFORMATION		
ZONE DESIGNATION	PERMITTED	PROVIDED
FRONT YARD SETBACK (m)	7.5	7.6
INTERIOR SIDE YARD SETBACK (m)	1.25	1.25
EXTERIOR SIDE YARD SETBACK (m)	3.0	
REAR YARD SETBACK (m)	7.5	13.94
LOT AREA	360	594
HOUSE AREA	207.9	225.4
LOT COVERAGE	MAX. 35%	37.9%



CLIENT:	BURCAR INVESTMENTS LIMITED		DESIGNED:	
			DRAWN:	TL
PROJECT:	SPRINGDALE GARDENS PHASE III & IV		SCALE:	1:250
			DATE:	
	SITING AND GRADING PLAN		PLAN:	
			LOT No.	12

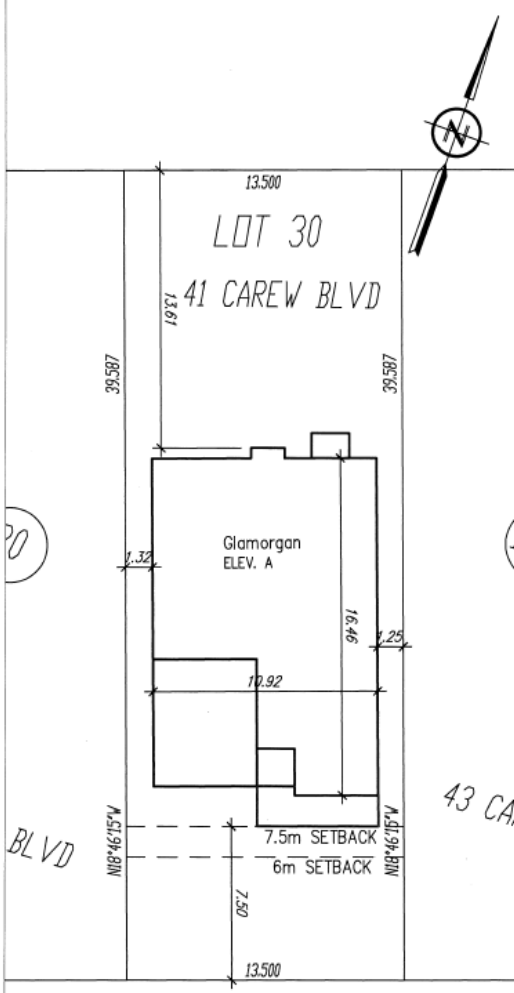
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- CATCHBASIN
- ↘ RAIN WATER LEADER AND SPLASH PAD
- R REVERSE MODEL TYPE
- ▨ 100mm DEPTH 75mm CLEAR STONE.
- ==== 1.8m HIGH WOOD PRIVACY FENCE.
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INTERIOR SIDE YARD SETBACK (m)	1.25	1.25
EXTERIOR SIDE YARD SETBACK (m)	3.0	
REAR YARD SETBACK (m)	7.5	13.61
LOT AREA	360	534
HOUSE AREA	186.9	208.2
LOT COVERAGE	MAX. 35%	39%



CLIENT:	BURCAR INVESTMENTS LIMITED	DESIGNED:	
		DRAWN:	TL
PROJECT:	SPRINGDALE GARDENS PHASE III & IV	SCALE:	1:250
		PLAN:	
		LOT No.	30
		SITING AND GRADING PLAN	

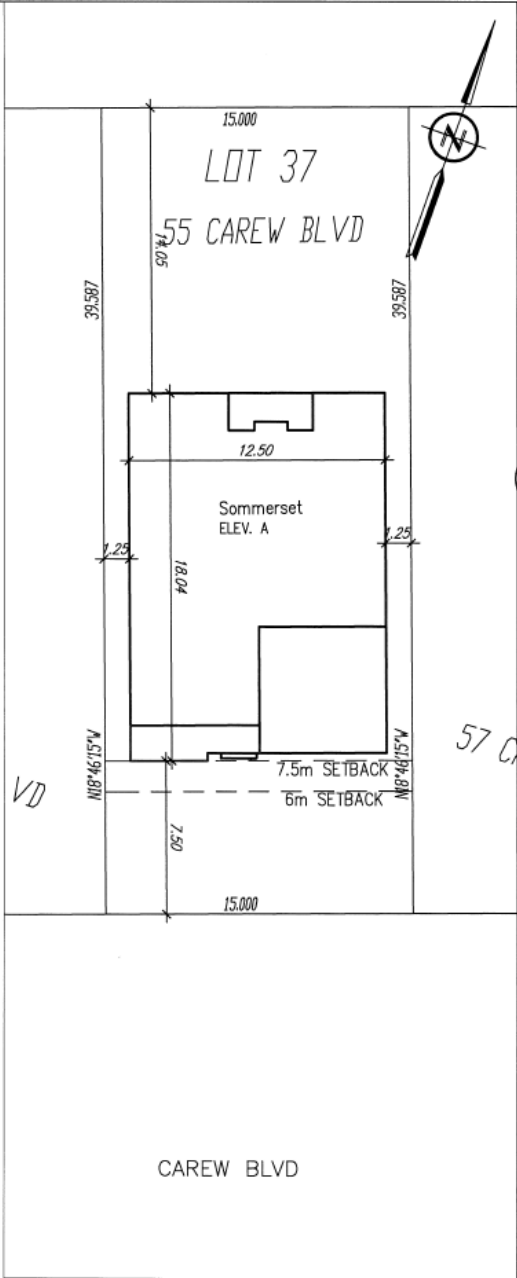
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- 100mm DEPTH 75mm CLEAR STONE.
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ZONING INFORMATION		
ZONE DESIGNATION	PERMITTED	PROVIDED
FRONT YARD SETBACK (m)	7.5	7.5
INTERIOR SIDE YARD SETBACK (m)	1.25	1.25
EXTERIOR SIDE YARD SETBACK (m)	3.0	
REAR YARD SETBACK (m)	7.5	14.05
LOT AREA	360	594
HOUSE AREA	207.9	225.4
LOT COVERAGE	MAX. 35%	37.9%



CLIENT:	BURCAR INVESTMENTS LIMITED	DESIGNED:	
		DRAWN:	TL
		SCALE:	1:250
PROJECT:	SPRINGDALE GARDENS PHASE III & IV	No. REVISIONS	DATE
		PLAN:	LOT No. 37
		SITING AND GRADING PLAN	

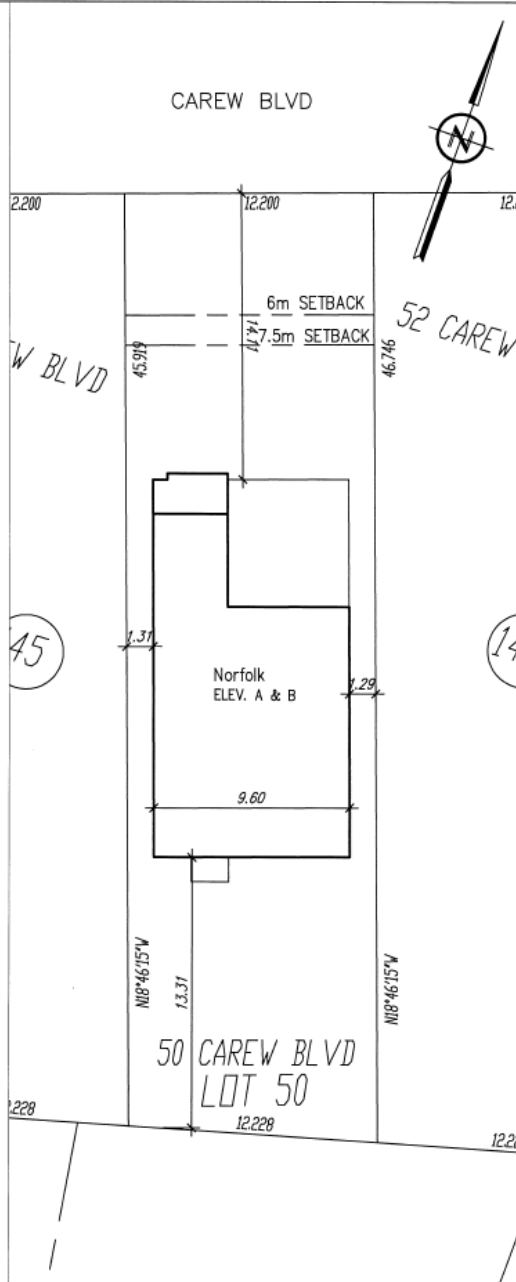
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ZONING INFORMATION		
ZONE DESIGNATION	PERMITTED	PROVIDED
FRONT YARD SETBACK (m)	7.5	14.11
INTERIOR SIDE YARD SETBACK (m)	1.25	1.29
EXTERIOR SIDE YARD SETBACK (m)	3.0	
REAR YARD SETBACK (m)	7.5	13.31
LOT AREA	360	594
HOUSE AREA	133.7	179.4
LOT COVERAGE	MAX. 35%	30.2%



CLIENT:	BURCAR INVESTMENTS LIMITED	DESIGNED:	
		DRAWN:	TL
PROJECT:	SPRINGDALE GARDENS PHASE III & IV	SCALE:	1:250
		PLAN:	
		LOT No.	50
		SITING AND GRADING PLAN	

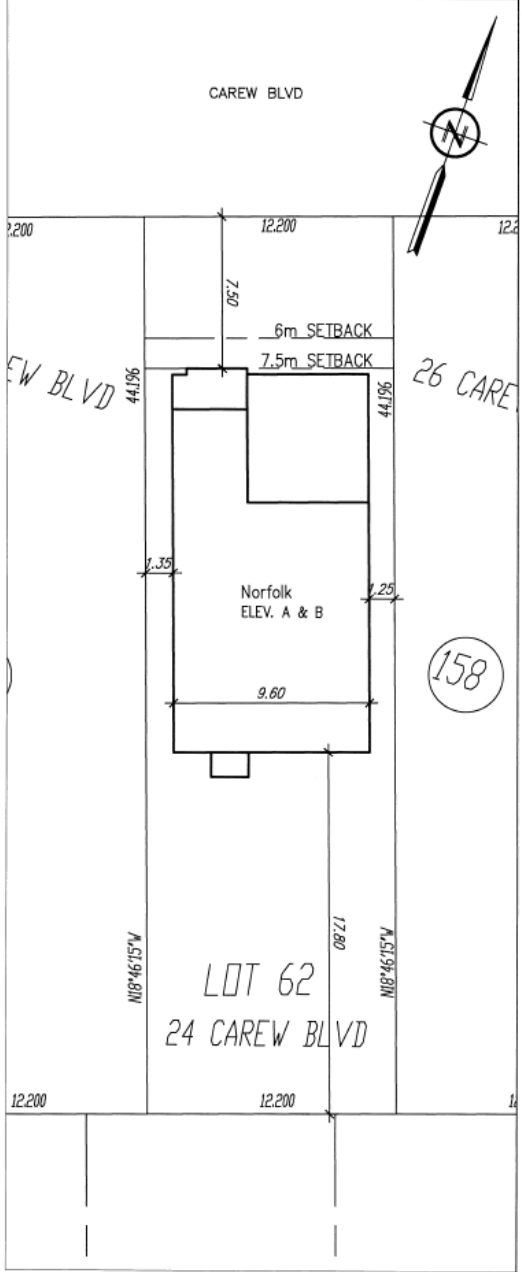
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UNDERSIDE OF FOOTING MAY BE LOWER THAN ELEVATION NOTED DUE TO EXISTING CONDITIONS. EXACT DEPTH OF FOOTING TO BE DETERMINED ON SITE DURING EXCAVATION FOR FOOTING.
MIN. BSMT SLAB ELEV=263.66

THIS LOT HAS ENGINEERED FILL, REFER TO ENGINEERED FILL REPORT FOR CONSTRUCTION REQUIREMENTS

ZONING INFORMATION		
ZONE DESIGNATION	PERMITTED	PROVIDED
FRONT YARD SETBACK (m)	7.5	7.5
INTERIOR SIDE YARD SETBACK (m)	1.25	1.25
EXTERIOR SIDE YARD SETBACK (m)	3.0	
REAR YARD SETBACK (m)	7.5	17.80
LOT AREA	360	539
HOUSE AREA	188.7	179.40
LOT COVERAGE	MAX. 35%	33.3%



CLIENT:	BURCAR INVESTMENTS LIMITED		DESIGNED:	
			DRAWN:	TL
			SCALE:	1:250
PROJECT:	SPRINGDALE GARDENS PHASE III & IV		REVISIONS:	DATE:
	SITING AND GRADING PLAN		PLAN:	LOT No.
				62

The Corporation of the City of Kawartha Lakes
By-Law 2021 -

**A By-law to Amend the Township of Ops Zoning By-law No. 93-30 to
Rezone Land within the City Of Kawartha Lakes**

[File D06-2021-003, Report PLAN2021-015, respecting Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops, identified as Vacant Land on Carew Boulevard – Burcar Investments Ltd.]

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 amend the development standards for lot coverage and front yard setback 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 2021-__.

Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following section to Section 7.3:

‘7.3.5 Residential Exception Five (R-5) Zone

Notwithstanding the zone provisions in the Residential (R) Zone, on lands zoned Residential Exception Five (R-5) Zone, the following shall apply:

Zone Provisions

Lot Area (minimum)	360 sq. m.
Lot Frontage (minimum)	12.0m
Min. Front Yard Setback	6.0m
Min. Exterior Side Yard Setback	3.0m
Min. Interior Side Yard Setback	1.25m

Min. Rear Yard Setback	7.5m
Maximum Building Height	10.5m
Maximum Lot Coverage for all Buildings	45%

In all other respects the provisions of the Residential (R) Zone shall apply.'

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category from the 'Residential Exception Two Holding Two [R-2(H2)] Zone' to the 'Residential Exception Five (R-5) Zone' for the land referred to as 'R-5', 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 R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

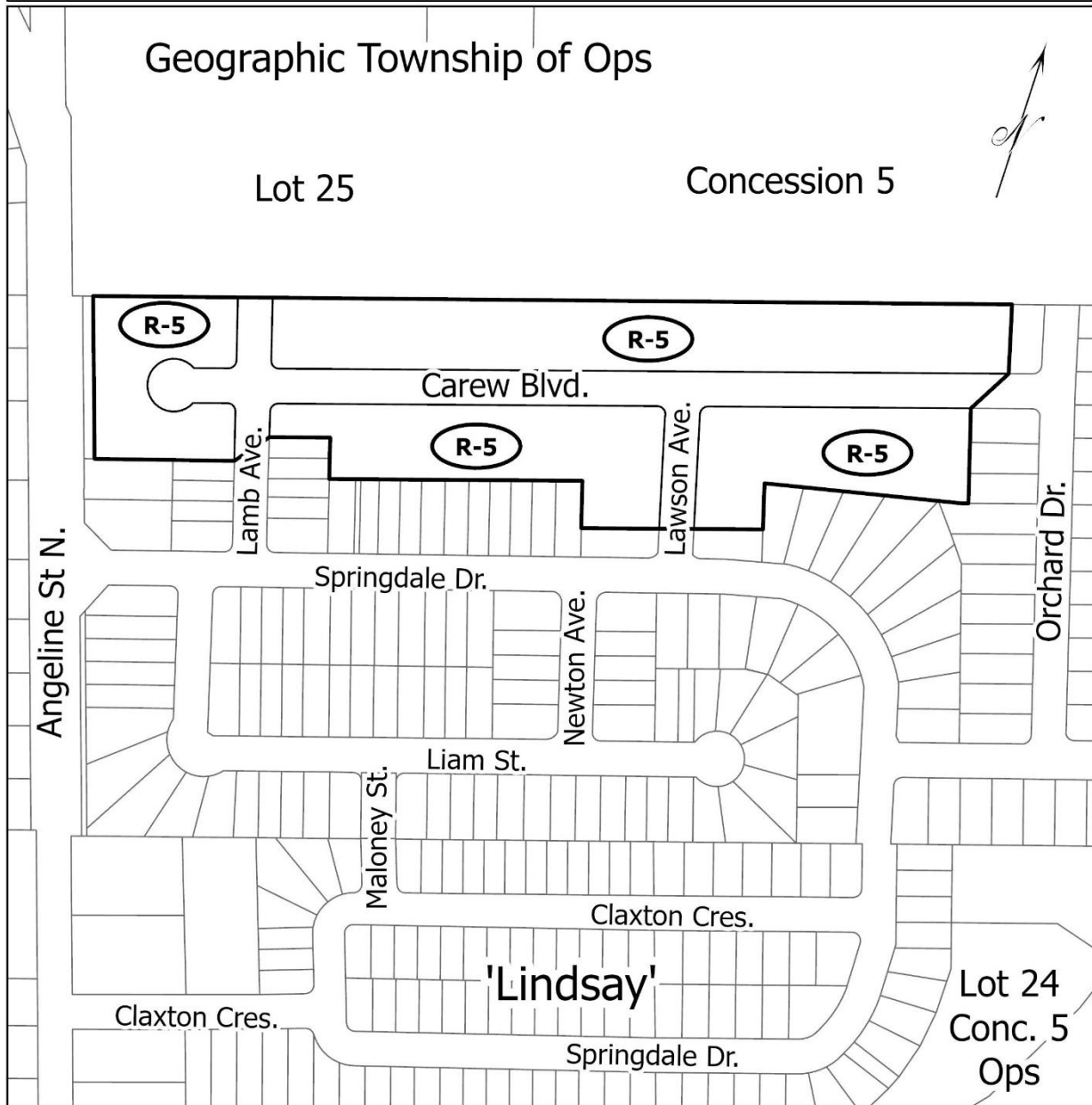
THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____

Geographic Township of Ops

Lot 25

Concession 5





Planning Advisory Committee Report

Report Number:	PLAN2021-017
Meeting Date:	April 7, 2021
Title:	Amend the Lindsay Zoning By-law 2000-75 at 3 Pottinger Street - Kuipers
Description:	To change the zoning on the property from the Residential Two (R2) Zone to a Residential Multiple One Special (RM1-S*) Exception Zone to permit a five-unit residential dwelling with 5 parking spaces together with site specific zone provisions
Type of Report:	Public Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP.

Recommendations:

That Report PLAN2021-017, **Part Lot 10, Block K, RP 1, Parts 1 & 2, 57R-3320, former Town of Lindsay, City of Kawartha Lakes, identified as 3 Pottinger Street, Kuipers – D06-2021-005**, be received; and;

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	The proposal would rezone the subject land from the Residential Two (R2) Zone to a Residential Multiple One Special (RM1-S*) Exception Zone to permit a five-unit residential dwelling with 5 parking spaces together with site specific zone provisions. The effect of the amendment is to permit and facilitate the use of the existing residential building as a five-unit residential dwelling utilizing the existing parking area.
Owner:	Joanne Kuipers
Applicant:	Kevin M. Duguay, Community Planning and Consulting Inc.
Legal Description:	Part Lot 10, Block K, RP 1, Parts 1 & 2, 57R-3320, former Town of Lindsay
Official Plan:	"Residential" in the Town of Lindsay Official Plan
Zoning	"Residential Two (R2) Zone" in the Town of Lindsay Zoning By-law No. 2000-75
Site Size:	1,375.9 sq. m. (0.34 ac.) - MPAC
Site Servicing:	The lot is serviced by municipal water and sanitary and storm sewers
Existing Uses:	Residential four-unit dwelling (apartments)
Adjacent Uses:	North: Residential/Multi-Unit Residential East: Multi-Unit Residential/Scugog River South: Multi-Unit Residential West: Residential

Rationale:

The owner has applied to permit the use of the existing residential building as a five-unit residential dwelling utilizing the existing parking area. The subject lands, municipally known as 3 Pottinger Street, are on the south side of Pottinger Street east of William Street North, being a collector road in the former Town of Lindsay. The property is currently used as a four unit dwelling and the individual apartments have been in place since the mid 1980s. The proposal will also seek to address a Municipal Law Enforcement Office occurrence by legalizing and registering the four existing units while ensuring compliance with Building Code and Fire Safety regulations with

enhancements to the features of the building and the additional unit provides further opportunities for affordable entry level rental accommodation.

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.
2. Planning Justification Report prepared by Kevin M. Duguay Planning Community Planning and Consulting Inc., dated October 1, 2020, which evaluates the proposed amendment within the context of relevant Provincial Policies, the Town of Lindsay Official Plan and Town of Lindsay Zoning By-law 2000-75.
3. Site Plan, Drawing a1.0, prepared by Aside Architects., dated July 12, 2020, which illustrates the existing dwelling, existing accessory buildings (sheds), and the location of the existing driveway and parking area.
4. Floor Plans, Drawing a1.1 prepared by Aside Architects., dated July 12, 2020, which illustrates the existing and proposed dwelling units.
5. Surveyor's Real Property Report prepared by IBW Surveyors, dated April 21, 2020, which illustrates the legal boundaries and buildings on the property.

Staff has reviewed the Planning Justification Report and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given. Staff is further reviewing the application and recommends that the application be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments.

Applicable Provincial Policies:

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

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

The proposed development is located within the Lindsay settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

As such, the application conforms to the policies of the 2019 Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The 2020 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. The subject property is connected to existing water and sewer infrastructure while accommodating an appropriate range and mix of residential units.

The subject property is located within an urban area outside of mapped significant Natural Heritage or environmentally sensitive features and hazard lands, although the Scugog River is within 120 metres of the subject land. The subject land is within the Kawartha Region Conservation Authority (KRCA) regulated area, which requires a permit prior to any site alteration and/or development. We have not received comments from the KRCA with the circulation of this application at this time; however, it is not anticipated there will be any negative impacts on natural features 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 "Residential" designation in the Town of Lindsay Official Plan (TLOP) applies to this property as the policies in the proposed "Residential" designation in the Lindsay Secondary Plan (SP), are subject to appeal at the Local Planning Appeal Tribunal. The Residential designation permits a variety of dwelling types within three densities. Although the profile of the existing one-storey bungalow style building with walk-out basement is in keeping with low density built form, the proposed use is considered medium density, which includes triplex, fourplex and townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar residential buildings not exceeding 4 storeys in height. The proposed 5 dwelling units results in a density of approximately 36 units per gross hectare, which is well under the maximum density of 62 units per gross hectare for medium density development. In addition, as there are four dwelling units within an existing building that is proposed to be renovated with an additional dwelling unit without the need for an addition or external renovations, this rezoning proposal is considered small scale and is in keeping with adjacent uses and no negative impacts are anticipated.

The general housing policies in the TLOP promote urban community structure to ensure a mix and range of residential lot sizes, unit sizes, housing forms, costs and tenures to satisfy the needs of the residents.

The proposed use appears to be in keeping with the general policies of the proposed SP for residential use of land within the settlement area of Lindsay and generally conforms with the TLOP.

Zoning By-Law Compliance:

In order to permit the proposed use, a rezoning application has been submitted for consideration to permit a five-unit residential dwelling with five parking spaces together with site specific zone provisions. In this regard, the subject property is currently zoned Residential Two (R2) Zone, which only permits a single detached dwelling and accessory uses and a home occupation in a dwelling. An amendment to a Residential Multiple One Exception (RM1-S*) Zone is proposed. If the application is approved, it would permit and facilitate the use of the existing residential building as a five-unit residential dwelling utilizing the existing parking area in accordance with the implementing Zoning By-law. This will include site specific development standards required to recognize such provisions as a reduced side yard setback to the existing building, a reduction in the number of required parking spaces, driveway width, landscape strip, minimum dwelling unit floor area, etc. Staff are further reviewing the details of the specific requirements.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted 2020-2023 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

This application aligns with an exceptional quality of life goal as it provides housing options to supply affordable rental accommodation.

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.

Servicing Comments:

The lot is currently serviced by municipal water and sanitary and storm sewer.

Consultations:

Notice of this application was circulated to persons within a 120 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, no public comments were received.

Agency Review Comments:

On March 9, 2021, Alderville First Nation advised they have no concern with zoning changes in the Town of Lindsay, as there will be no excavation for development. Otherwise, they requested to be kept informed.

On March 10, 2021, the Building and Septic Division advised that they have no concerns with the application. Permits are required.

On March 17, 2021, Development Engineering confirmed they have no objection or comments to the proposed Zoning By-law Amendment.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment appears to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment is intended to facilitate and permit the use of the existing residential building as a five-unit residential dwelling utilizing the existing parking area with appropriate development standards.

Through the pre-consultation process, in conjunction with the implementation of the zoning amendment, it was identified that a plans only site plan approval is required. In addition, an entrance review application requires confirmation from Public Works –

Roads Operations staff that the entrance is suitable and in compliance with the City's By-law to regulate access to municipal right of ways and that an access permit could be granted, upon successful completion of the rezoning application.

Conclusion:

In consideration of the comments and the evaluation contained within this report, Staff recommends that the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

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'
PLAN2021-017.pdf



Appendix 'B'
PLAN2021-017.pdf



Appendix 'C'
PLAN2021-017.pdf



Appendix 'D'
PLAN2021-017.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C' – Site Plan

Appendix 'D' – Floor Plan Layout

(Acting) Department Head email: rholy@kawarthalakes.ca

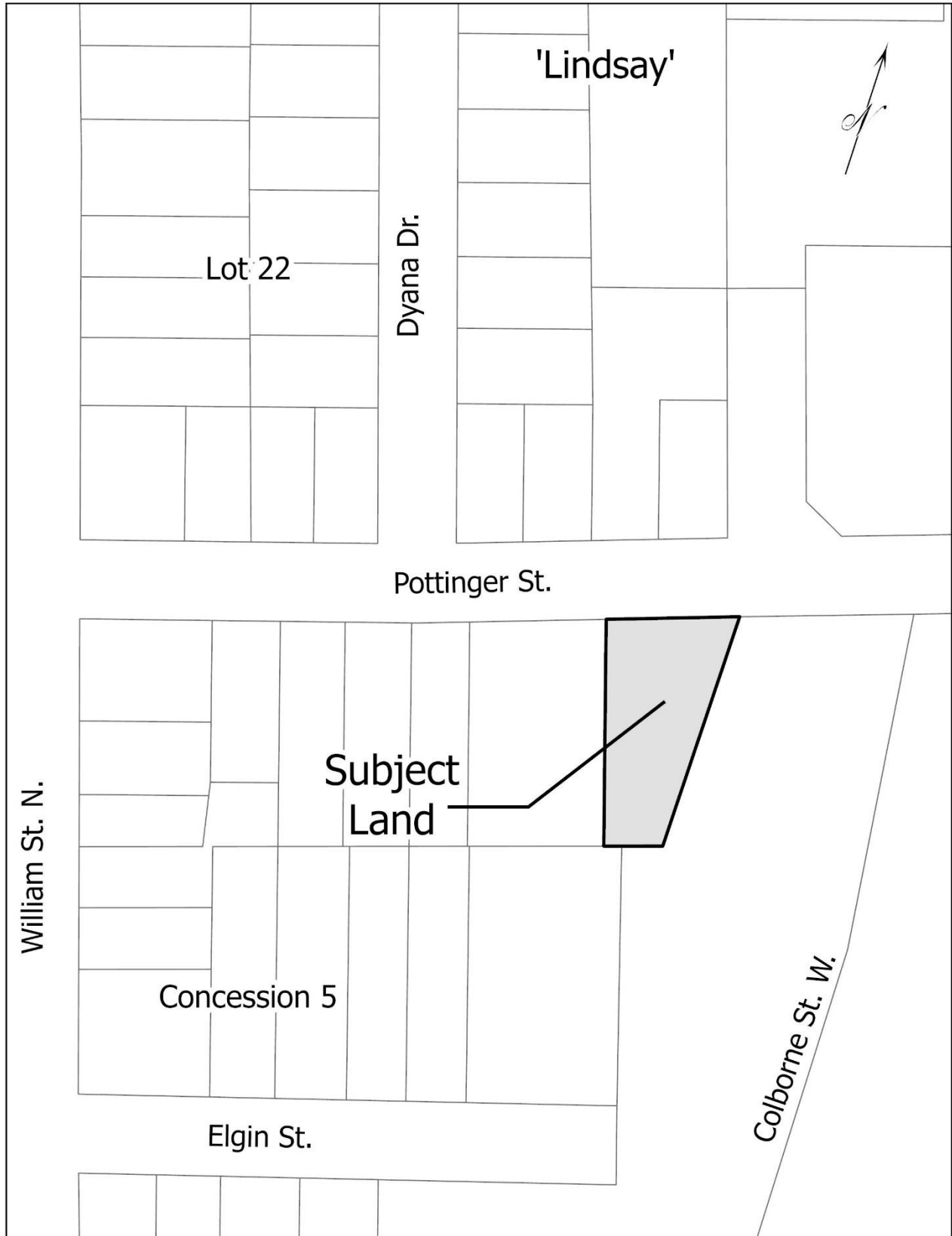
(Acting) Department Head: Richard Holy

Department File: D06-2021-005

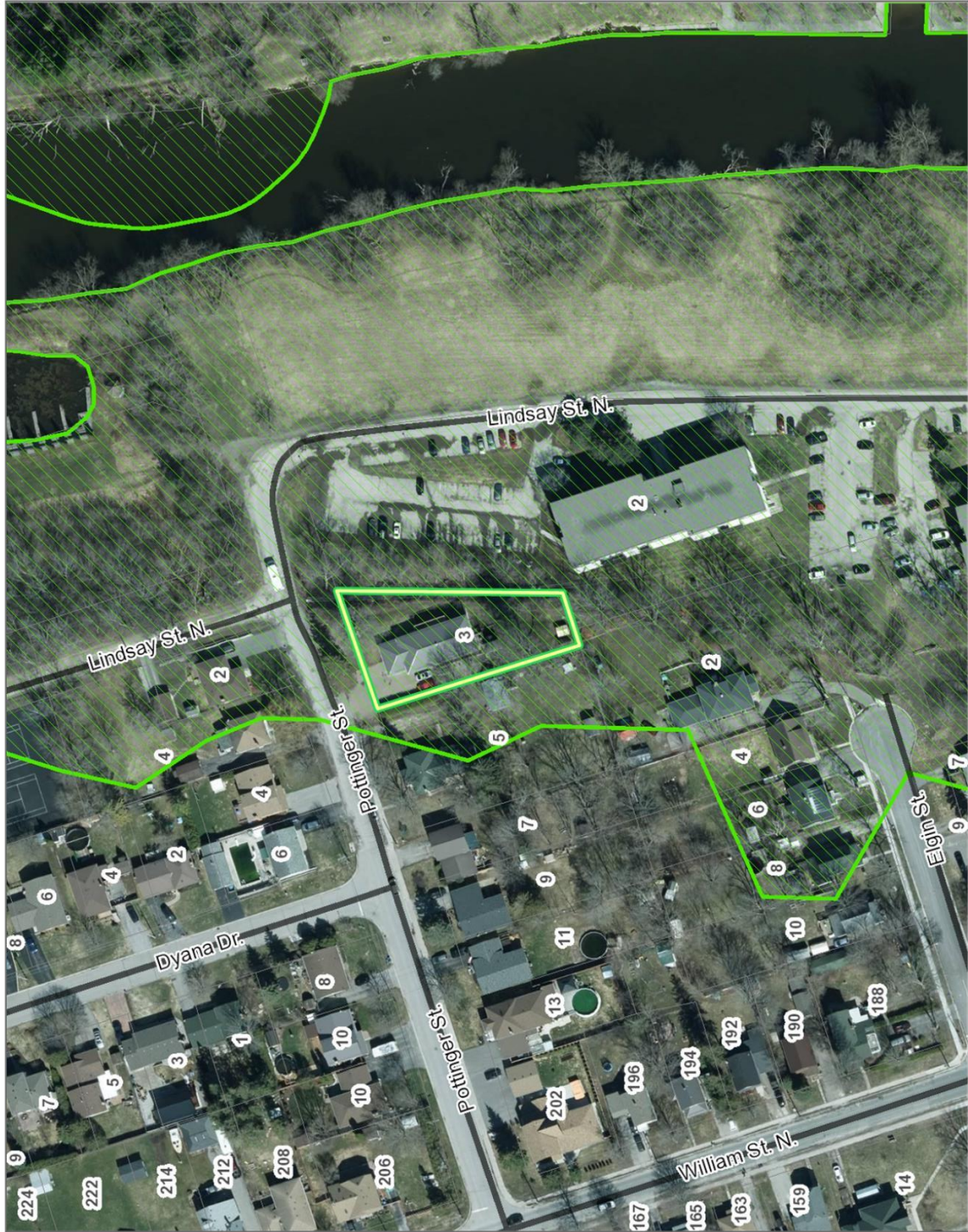
to

REPORT PLAN2021-017

FILE NO: D06-2021-005



3 Pottinger Street, Lindsay



Legend

- Property Roll Number
- Road Centreline (2016 Needs)
- KRCA Regulated Areas

APPENDIX “ B ”

to

REPORT PLAN2021-017

FILE NO: D06-2021-005

Notes

This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.



THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

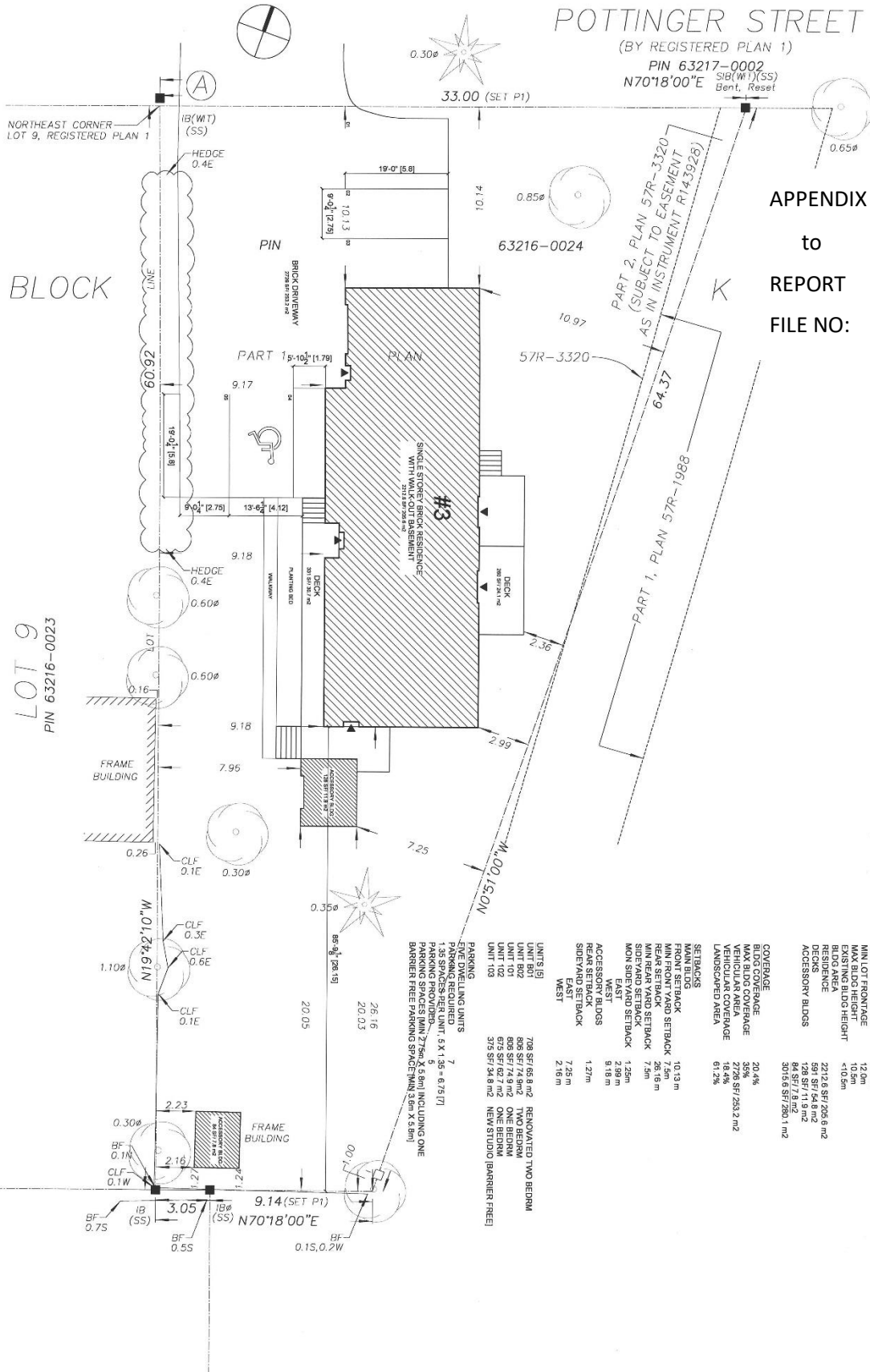
POTTINGER STREET

(BY REGISTERED PLAN 1)

PIN 63217-0002
SIB(W)(K)(SS)
N70°18'00"E Bent, Resel

APPENDIX " C "

to
REPORT PLAN2021-017
FILE NO: D06-2021-005



DESCRIPTION	VALUE
CURRENT ZONE R2	14786 SF/1373.7 m ²
LOT AREA	3860 m ²
MIN LOT AREA	1200 m ²
MIN LOT FRONTAGE	10.5m
MAX BLDG HEIGHT	<10.5m
EXISTING BLDG HEIGHT	<10.5m
BLDG AREA	2212.6 SF/206.6 m ²
BLDG HEIGHT	5.91 SF/54.6 m ²
DECKS	128 SF/11.9 m ²
ACCESSORY BLDGS	30.0 SF/2.8 m ²
COVERAGE	20.4%
BLDG COVERAGE	27.2%
VEHICULAR COVERAGE	18.4%
LANDSCAPED AREA	61.2%
MAIN BLDG	10.13 m
FRONT SETBACK	7.25m
REAR SETBACK	7.5m
MIN FRONT YARD SETBACK	7.5m
MIN REAR YARD SETBACK	7.5m
SIDEYARD SETBACK	1.25m
MON SIDERYARD SETBACK	1.25m
WEST	5.18m
EAST	5.18m
ACCESSORY BLDGS	1.27m
REAR SETBACK	7.25m
SIDEYARD EAST	2.16m
SIDEYARD WEST	2.16m

UNITS	DESCRIPTION
UNIT B01	708 SF/ 65.8 m ² RENOVATED TWO BEDRM
UNIT B02	606 SF/ 74.9 m ² TWO BEDRM
UNIT 101	606 SF/ 74.9 m ² ONE BEDRM
UNIT 102	675 SF/ 62.7 m ² ONE BEDRM
UNIT 103	575 SF/ 54.0 m ² NEW STUDIO (BARRIER FREE)

7
1.35 SPACES/PER UNIT 5 X 1.35 = 6.75 FT
PARKING PROVIDER: 5
PARKING SPACES (MIN 7.5m X 5.8m) INCLUDING ONE
BARRIER FREE PARKING SPACE (MIN 3.0m X 5.8m)

SCALE: 1/8"=1'-0"

SITE PLAN

1.0



aside architects
Pottenger Street, Unit 100
L3C 0B2 (2023)

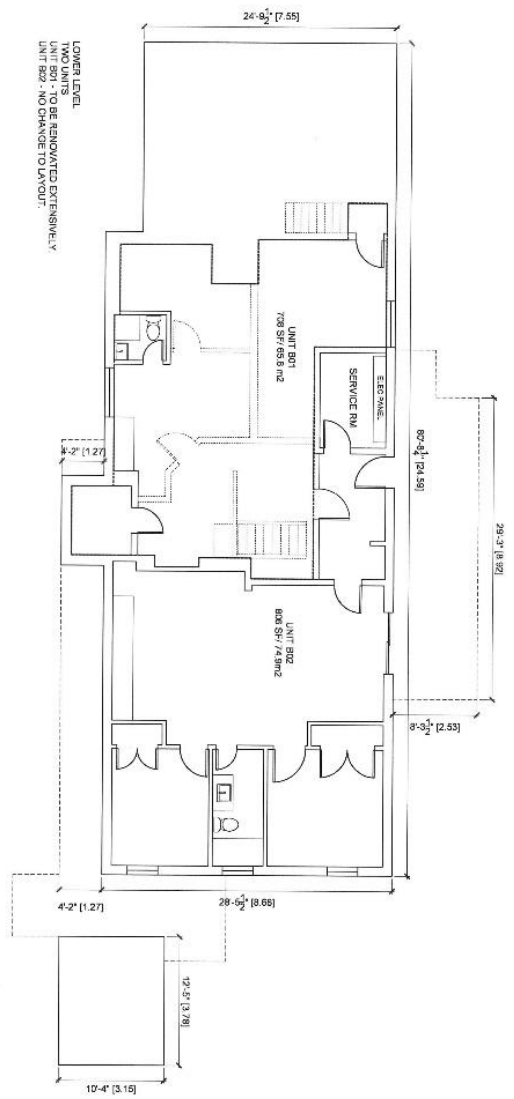
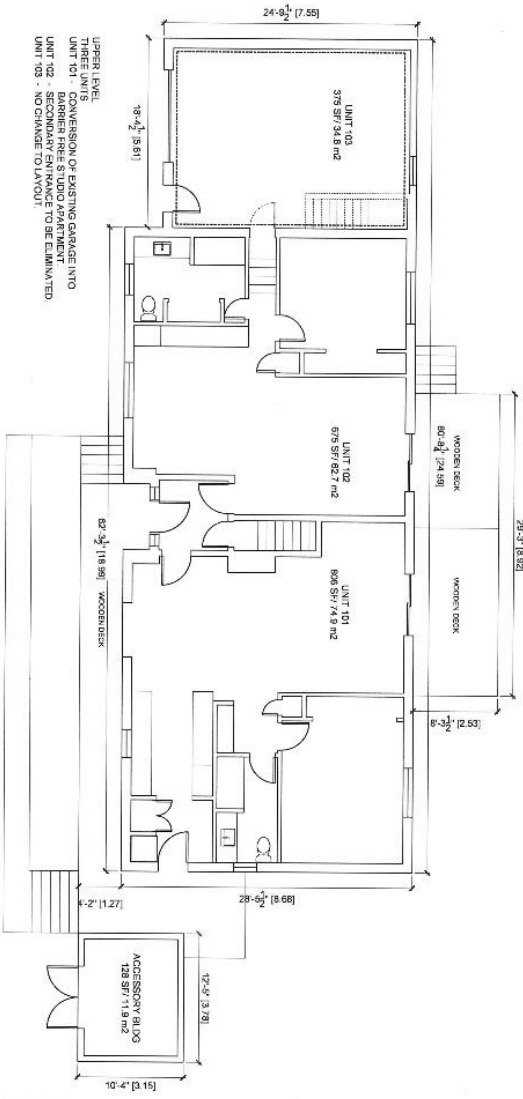
APPENDIX " D "

to

REPORT PLAN2021-017

FILE NO: D06-2021-005

Item	Name of Project	Location	Project Description	Address	City	State	Zip	County	Parcel No.	Map	Block	Lot	Area (sq. ft.)	Volume (cu. ft.)	Height (ft.)	Use	Notes	
1	Project Description	175 Irving Street	Conversion of existing building to multi-unit residential	175 Irving Street	San Francisco	CA	94103	San Francisco	011-111413701	175 Irving	13	13	11,731 sq. ft.	11,731 cu. ft.	11.73	Residential	Conversion of existing building to multi-unit residential	
2	Map Description	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco	San Francisco
3	Number of stories	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4	Number of units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
5	Number of floors	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
6	Number of floors	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
7	Building Construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
8	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
9	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
10	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
11	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
12	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
13	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
14	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
15	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
16	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
19	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
20	Building System	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1



11

FLOOR PLANS

2021-017

2021-017



All changes are the property of the client. The contractor may not use the information on this plan for any other project without the written consent of the architect. The contractor shall obtain all necessary permits and approvals from the City of San Francisco. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of San Francisco.

8 Side Architects

8 Side Architects

8 Side Architects



Planning Advisory Committee Report

Report Number:	PLAN2021-018
Meeting Date:	April 7, 2021
Title:	Woodland Hills Community Inc. Amending Subdivision Agreement
Description:	Amending Subdivision Agreement to Facilitate the Development of 35 Lots – Files: D05-31-015 and 16T-88012
Type of Report:	Regular Meeting
Author and Title:	Richard Holy, Acting Director

Recommendations:

That Report PLAN2021-018, **Woodland Hills Community Inc. Amending Subdivision Agreement**, be received;

That the Amending Subdivision Agreement for Woodland Hills, City of Kawartha Lakes, substantially in the form attached as Appendix C to Report PLAN2021-018 be approved by Council;

That the reduction of securities be considered based on the review by Staff of the completed works; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The Woodland Hills Community Inc. subdivision in Bethany has been developing for the past couple of decades along Ski Hill Road in the northeast portion of Bethany (see Appendix A). The initial subdivision agreement dated September 28, 1995 was for the first phase of development along Woodland Trail. Subsequent phases have been based on a subdivision agreement that was registered just prior to amalgamation on December 21, 2000. The agreement allows the developer to register subsequent plans of subdivision and develop the phases subject to conditions contained in the agreement. The agreement contains various development and engineering standards as well as requirements for payments to the City.

Subsequently, the developer had to revise the draft plan of subdivision to correspond with changes in legislation, which now require a stormwater management pond for quality and quantity control of stormwater. The commercial block along Ski Hill Road was converted into a stormwater management and three residential lots. A stormwater conveyance channel has also been included behind Lots 3 to 7. On August 20, 2020, Council approved zoning to accommodate the revised proposal along with zoning harmonization between the Oak Ridges Moraine and Township of Manvers Zoning By-laws for 5 lots on Horizon Court. On January 29, 2021, the Director of Development Services approved minor revisions to draft plan approval for the final phase consisting of 35 single detached lots and five blocks – one block for a stormwater management pond, one block for a stormwater conveyance channel, and 3 blocks for 0.3 metre reserves.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). The purpose of this report is to present the staff endorsed draft Amending Subdivision Agreement, attached as Appendix “C” respecting the draft plan attached as Appendix “B”. This Agreement complies with Council’s current policies and by-laws applicable to the development of land and incorporates civil engineering standards and land-use planning requirements.

Rationale:

Donald Kerr, as primary contact for Woodland Hills, has requested that the City prepare the required Amending Subdivision Agreement for the Woodland Hills draft approved plan of subdivision.

There are 31 conditions of draft plan approval and most of these have already been fulfilled and others will be fulfilled in accordance with the requirements and obligations set out in the Amending Subdivision Agreement. The Owner must sign the Amending Subdivision Agreement before the Mayor and City Clerk sign the Amending Subdivision

Agreement. The Director of Development Services will subsequently sign the final plan and each of these documents will then be sent to the City solicitor for final review and registration, and residential lots will be created with the registration of the M-Plan.

Provincial Policies:

Oak Ridges Moraine Conservation Plan, 2017 (2017 ORMCP):

These lands are located within the Rural Settlement area of Bethany within the 2017 ORMCP. Since the revised draft plan of subdivision and Amending Subdivision Agreement implements the overall natural environment goals of the Plan, the application conforms to the 2017 ORMCP.

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

As this land is designated for residential development in the City of Kawartha Lakes Official Plan and the City's Oak Ridges Moraine Policy Area, this plan and implementing Amending Subdivision Agreement conforms to the 2019 Growth Plan.

Provincial Policy Statement, 2020 (2020 PPS):

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan and the City's Oak Ridges Moraine Policy Area, this plan and implementing Amending Subdivision Agreement are consistent with the Provincial Policy Statement, 2020.

Official Plan Conformity:

City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)

The property is designated 'Rural Settlement' in City's Oak Ridges Moraine Policy Area. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designation in the City of Kawartha Lakes Oak Ridges Moraine Policy Area.

City of Kawartha Lakes Official Plan:

The property is designated 'Hamlet Settlement Area' in the City's Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designation in the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

Oak Ridges Moraine Zoning By-law:

The lots along future Horizon Court within the Oak Ridges Moraine Zoning By-law 2005-133 area are zoned 'Rural Residential Type One Exception Six (RR1-S6) Zone'. Where the lots along future Horizon Court overlap with the Township of Manvers Zoning By-law, the portions of the lots within the Oak Ridges Moraine Zoning By-law 2005-133 are zoned 'Rural Residential Type One Exception Nine (RR1-S9) Zone'. The proposed residential use and subdivision layout contained in the Amending Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

Township of Manvers Zoning By-law:

The majority of lots within the development are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. The stormwater management and conveyance facilities are zoned 'Open Space Exception Seven (O1-S7) Zone' and the 9 lots abutting these facilities are zoned 'Rural Residential Type Two Exception Nineteen (RR2-S19) Zone'. Where the lots along future Horizon Court overlap with the Oak Ridges Moraine Zoning By-law, those portions of the lots within the Township of Manvers Zoning By-law 87-06 area are zoned 'Rural Residential Type Two Exception Eighteen (RR2-S18) Zone'. The proposed residential use and subdivision layout contained in the Amending Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered as this application conforms to the Provincial Policies, City of Kawartha Lakes Official Plan and the Oak Ridges Moraine Policy Area, Oak Ridges Moraine Zoning By-law 2005-133, and Township of Manvers Zoning By-law 87-06.

Alignment to Strategic Priorities:

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

This application aligns with the Vibrant and Growing Economy priority by providing economic opportunities for local contractors; aligns with the Exceptional Quality of Life priority as it provides for new housing availability; and aligns with the Healthy

Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Financial/Operation Impacts:

The draft Amending Subdivision Agreement requires the owner to pay all of the City's reasonable legal costs incurred in the preparation and registration of the Agreement, together with the City Engineering Fee. The Owner is also required to provide a Letter of Credit for 100% of the Estimated Cost of Works to the satisfaction of the Director of Development Services and the Director of Engineering and Corporate Assets.

It is Staff's understanding that based on work completed through the Pre-Servicing Agreement, the owner may request a security reduction in advance of registration of the Amending Subdivision Agreement:

1. The City requires that 100% of the securities for the works contained in Schedule "D" be posted with the City as part of the execution of the Subdivision Agreement. If the owner is seeking a reduction in the securities for works that have already been completed to date through the aforementioned pre-servicing agreements, prior to supporting any reduction, the City requires the following:
 - a) Revised Schedule "D" Cost Estimate itemizing components completed and requested security reduction for each component.
 - b) Submission of engineering certification that all works have been constructed in conformity with the plans and specifications approved by the City.
 - c) Statutory declaration as per the City template that all accounts for material, labour and equipment are paid in full.
 - d) As built design drawings to be submitted and approved by the City.

Further, engineering review of the information submitted to the City supports the requested reduction as provided for in the Schedule "D" inserted in the attached draft amending agreement, Appendix "C" to this report.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The lots will be serviced through private well and septic services. Stormwater management will be handled through roadside ditches and conveyance will occur via the central drainage channel to the stormwater management pond.

Consultations:

Consultations involved staff from the City's Engineering and Corporate Assets Department, the City Solicitor, external Legal Services, and Kawartha Conservation.

Development Services – Planning Division Comments:

The Amending Subdivision Agreement contains all necessary conditions and warning clauses that were part of the conditions of draft plan approval.

The draft M-Plan shows the street names of Tall Cedar Lane, Country Place, and Horizon Court, which were previously approved by Council.

City staff has completed their review of the draft Plan of Subdivision 16T-88012, Woodland Hills Subdivision and endorses Appendices "B" and "C". We support the recommendations set out in this Report PLAN2021-018. It is now appropriate that the matter be considered by Council.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Acting Director of Development Services, (705) 324-9411 extension 1246.

Appendix "A" – Location Map



PLAN2021-018 -
Appendix A.pdf

Appendix "B" – Draft M-Plan



PLAN2021-018 -
Appendix B.pdf

Appendix "C" – Draft Amending Subdivision Agreement



PLAN2021-018 -
Appendix C.pdf

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy

Department File: D05-31-015 and 16T-88012

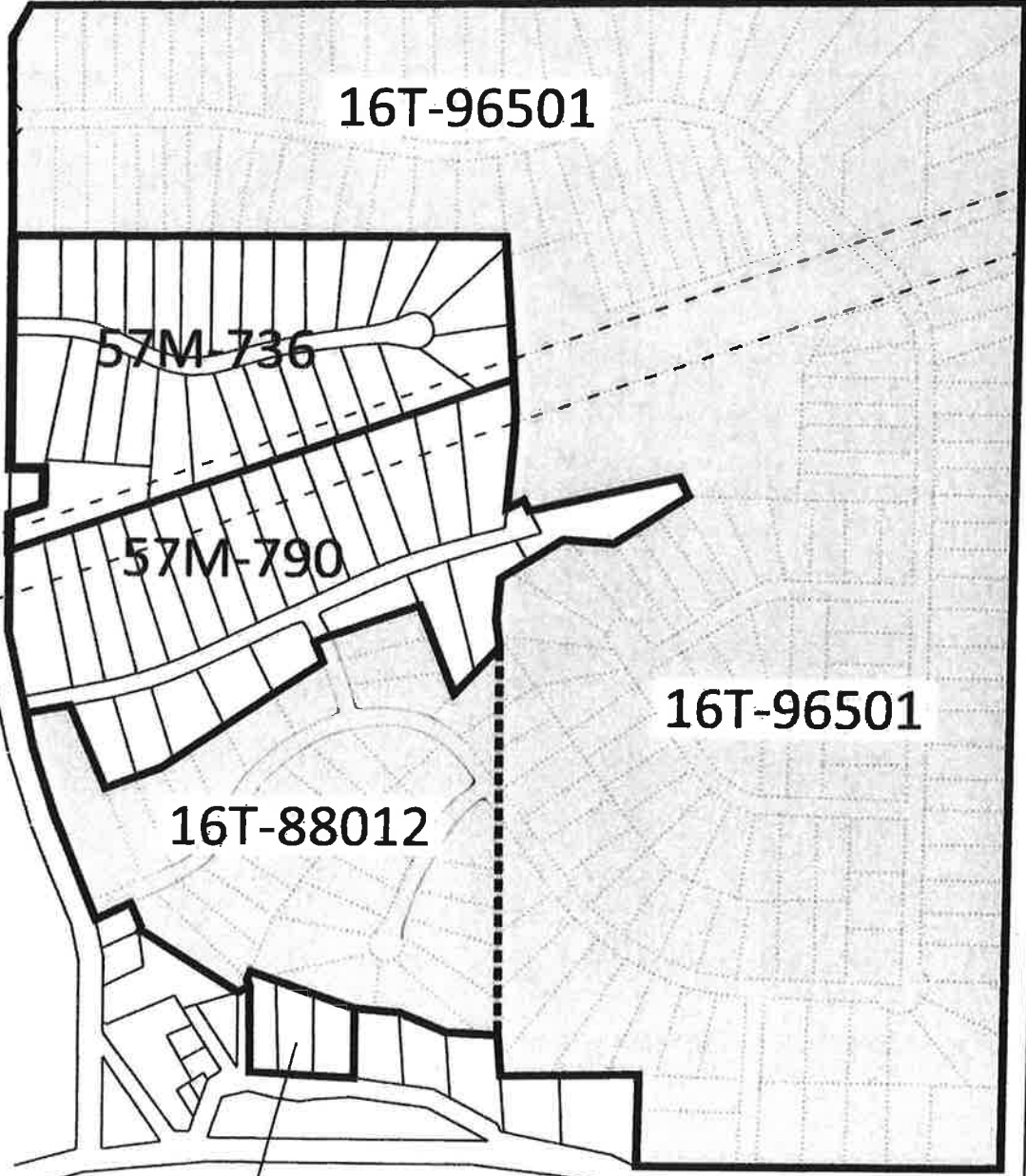
APPENDIX "A"
to
REPORT PLAN 2021-018
FILE NO. 005-31-015
16T-88012

Lot 24

Lot 25

Concession 9

Ski Hill Road



Dranoel Road

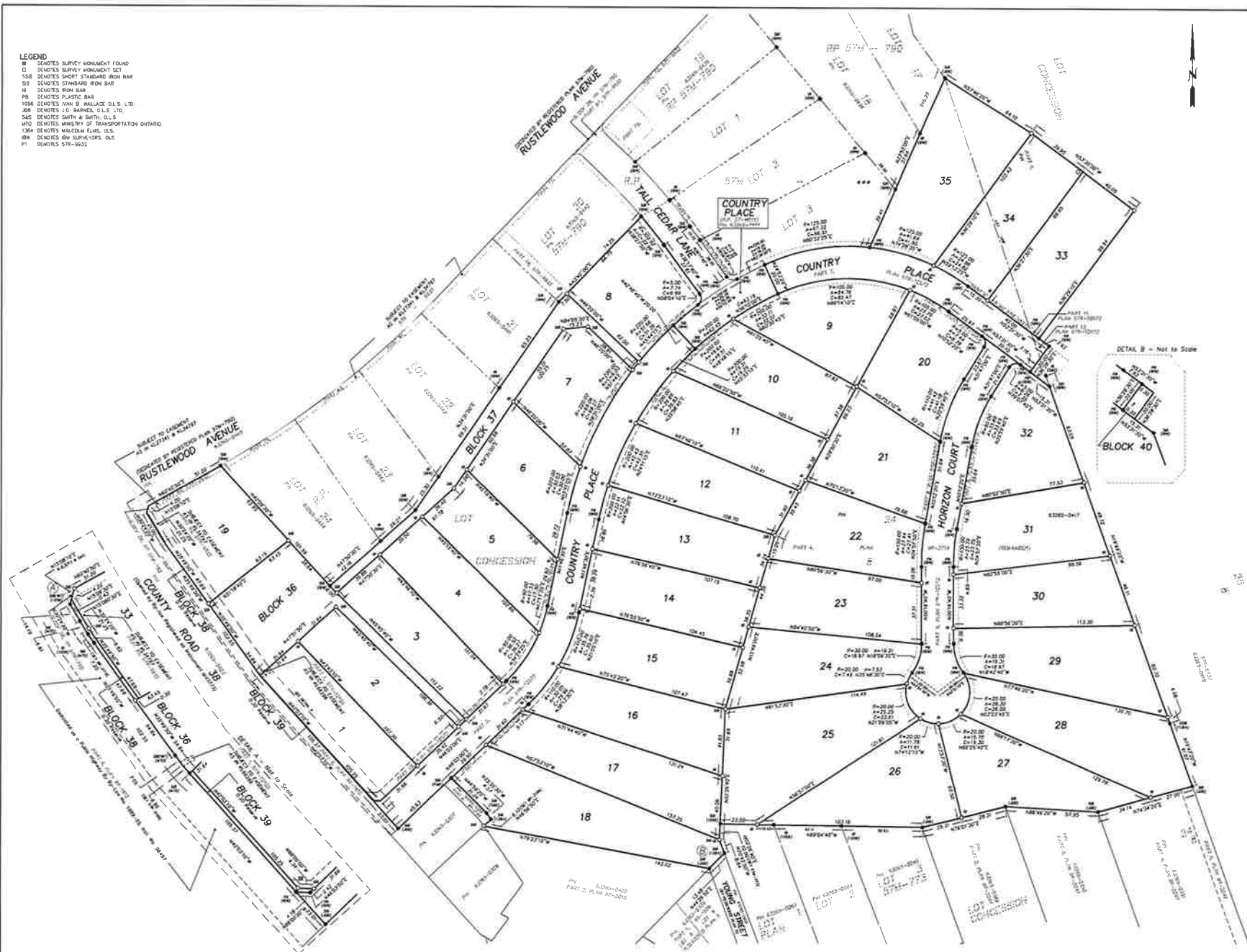
County of Peterborough

'BETHANY'

Concession 7

Geographic Township of Manvers

LEGEND
 M DENOTES SURVEY MONUMENT FOUND
 C DENOTES SURVEY MONUMENT SET
 SSB DENOTES SHORT STANDARD IRON BAR
 SB DENOTES STANDARD IRON BAR
 RB DENOTES IRON BAR
 PB DENOTES PLASTIC BAR
 1056 DENOTES IVAN B WALLACE O.L.S. LTD.
 408 DENOTES J.D. BARNES, C.L.E. LTD.
 545 DENOTES SAITH & SAITH, O.L.S.
 410 DENOTES UNIVERSITY OF TRANSPORTATION ONTARIO
 1344 DENOTES MALCOLM ELM, O.L.S.
 694 DENOTES RW SURVEYORS, O.L.S.
 P1 DENOTES 578-9932



PLAN 57M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TILES DIVISION OF VICTORIA (No. 57) AT _____ O'CLOCK ON THE _____ DAY OF _____ 2020 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIERS 83285-0417 AND 83285-0418 AND REQUIRED CONDITIONS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT No. _____ LAND REGISTRY

NOTE: THIS PLAN OF SUBDIVISION COMPRISES ALL OF PH 83285-0417 & PART PH 83285-0418

PLAN OF SUBDIVISION OF PART OF LOTS 24 & 25 CONCESSION B (Geographic Township of Monvers) CITY OF KAWARTHA LAKES

SCALE: 1 : 1000 METRES
 PLAN B WALLACE O.L.S. LTD.

Approved under Section 9(1)(5) of the Planning Act, R.S.O. 1990, C.P.13
 This _____ day of _____ 2020.

Director of Development Services - Planning Division
 The Corporation of the City of Kawartha Lakes

OWNER'S CERTIFICATE

I, the undersigned, certify that:
 1. Lots 1 to 25 inclusive, Blocks 36 to 40 inclusive, the Streets, namely Horizon Court and Country Place, have been laid out in accordance with our instructions.
 2. The Streets are hereby dedicated to the Corporation of the City of Kawartha Lakes as Public Highways.
 Dated the _____ day of _____ 2020

Donald W. Kerr - President
 WOODLAND HILLS COMMUNITY INC.
 (PH 83285-0417)
 I have the authority to bind the corporation.

Donald W. Kerr - President
 Woodland Hills Community Corporation
 (PH 83285-0417)
 I have the authority to bind the corporation.

SURVEYOR'S CERTIFICATE

I, the undersigned, certify that:
 1. The names and plan are correct and in accordance with the SURVEYORS ACT, THE SURVEYORS ACT and the LAND TILES ACT and the regulations made under them.
 2. The survey was completed on the _____ day of _____ 2020.
 Kerry Boehme
 Ontario Land Surveyor

BEARING NOTES
 Bearings are UTM Grid, derived from observed reference points and UTM by Real Time Network observations, UTM Zone 17, NAD83 (EPSG:31472)

DISTANCE NOTES

APPENDIX "B"
 to
 REPORT PLAN 2021-018
 FILE NO. POS-31-015
 167-88012