

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2021-07**

**Wednesday, June 2, 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 the two types of reports on this agenda please email [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca) (please reference the report number in your email) by Monday, May 31, 2021 at 12pm to register as a formal deputation for a 'Regular and Returned Report', or by Wednesday, June 2, 2021 at 12pm as a speaker for a 'Public Meeting Report'. 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](mailto: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](http://www.youtube.com/c/CityofKawarthaLakes)

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1.	<b>PLAN2021-032</b>	6 - 17
	<b>Amend the Lindsay Zoning By-law 2000-75 at 55 Angeline Street North, Lindsay - Angeline Holdings</b> Jonathan Derworiz, Planner II	
3.1.1.	Public Meeting	
3.1.2.	Business Arising from the Public Meeting	
	<b>That Report PLAN2021-032, Zoning By-law Amendment for 55 Angeline Street North, Lindsay, be received for information; and</b> <b>That Report PLAN2021-032, Zoning By-law Amendment for 55 Angeline Street North, Lindsay, 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.</b>	
3.2.	<b>PLAN2021-033</b>	18 - 32
	<b>Amend the Lindsay Zoning By-law 2000-75 at 363 Kent Street West, Lindsay – 2793853 Ontario Inc.</b> Ian Walker, Planning Officer - Large Developments	
3.2.1.	Public Meeting	
3.2.2.	Business Arising from the Public Meeting	
	<b>That Report PLAN2021-033, 57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay, 2793853 Ontario Inc. – Application D06-2021-011, be received;</b> <b>That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2021-033, be referred to Council for approval and adoption; and</b> <b>That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.</b>	

**3.3. PLAN2021-034 33 - 45**

**Amend the Eldon Zoning By-law 94-14 at 152 Glenarm Road - Motara**  
Mark LaHay, Planner II

**3.3.1. Public Meeting**

**3.3.2. Business Arising from the Public Meeting**

**That Report PLAN2021-034, Part of Lot 10, Concession 2, being Parts 1 & 3 to 6, 57R-9001, geographic Township of Eldon, City of Kawartha Lakes, identified as 152 Glenarm Road, Motara – D06-2021-010, 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.**

**3.4. PLAN2021-030 46 - 56**

**Validation of Title at 92 Queen Street, Lindsay - Barrett and Robert**  
David Harding, Planner II

**3.4.1. Public Meeting**

### 3.4.2. Business Arising from the Public Meeting

**That** Report PLAN2021-030, **Validation of Title at 92 Queen Street**, be received;

**That** the validation by-law and certificate, respecting application D03-2020-037, substantially in the form attached as Appendix 'D' to Report PLAN2021-030 be approved for adoption by Council;

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

**That** prior to the registration of the Validation By-law the following Conditions shall be fulfilled:

1. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped;
2. The owners shall apply for, pay the prescribed fee and obtain variances for the lot to be validated such that any outstanding zoning issues are addressed;
3. The owners shall pay all costs associated with the preparation and registration of the required documents;
4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deed is validated, for the review and clearance of these conditions. The current fee is \$229.00. Payment shall be by certified cheque, money order, or from a lawyers trust account;
5. All of these Conditions shall be fulfilled within a period of four months from the date of Council approval for said application, failing which the Validation By-law shall be considered null and void, and the Certificate of Validation invalid; and
6. The owners' solicitor shall provide a written undertaking confirming that the Validation Certificate in respect of this application shall be attached to the respective deed and registered in the proper land registry office within 1 year from the date of the third and final reading of the respective Validation By-Law. The solicitor should also undertake to provide a copy of the registered deed to the City as conclusive evidence of the fulfillment of the above-noted undertaking.



4. **Deputations**
- 4.1. **PC2021-07.6.1** 57 - 61
- Emily Drake, D.M. Wills and Associates**  
Relating to Report PLAN2021-031 (Item 6.1 on the Agenda)
5. **Correspondence**
6. **Regular and Returned Reports**
- 6.1. **PLAN2021-031** 62 - 77
- Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**  
David Harding, Planner II
- That Report PLAN2021-031, Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich, be received;**  
**That a Zoning By-law, respecting application D06-2020-010, substantially in the form attached as Appendix D to Report PLAN2021-031 be approved for adoption by Council; and**  
**That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.**
- 6.2. **PLAN2021-035** 78 - 95
- Amend Emily Zoning By-law 1996-30 at Block C, Plan 507, Westview Drive - Rowles**  
Mark LaHay, Planner II
- That Report PLAN2021-035, respecting Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes, Rowles – D06-2020-016, be received;**  
**That a Zoning By-law, respecting application D06-2020-016, substantially in the form attached as Appendix C to Report PLAN2021-035 be approved for adoption by Council; and**  
**That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.**
7. **Adjournment**

## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2021-032</b>
<b>Meeting Date:</b>	June 2, 2021
<b>Title:</b>	<b>Zoning By-law Amendment for 55 Angeline Street North, Lindsay</b>
<b>Description:</b>	To amend the Town of Lindsay Comprehensive Zoning By-law 2000-75 to permit the development of two one-storey commercial buildings in the northeast and southeast corners of the subject site
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Jonathan Derworiz, Planner II

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### Recommendations:

**That** Report PLAN2021-032, **Zoning By-law Amendment for 55 Angeline Street North, Lindsay**, be received for information; and

**That** Report PLAN2021-032, **Zoning By-law Amendment for 55 Angeline Street North, Lindsay**, 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 land known as 55 Angeline Street North (55 Angeline) in the former Town of Lindsay is owned by 55 Angeline Holdings Inc and currently zoned Shopping Centre Commercial Exception Zone 2 (SCC-S2) (Appendix 1). The property contains commercial and office uses in the form of a shopping centre as well as a detached automated banking machine. This property is known municipally as the Town & Country Centre (Appendix 2).

Owner:	55 Angeline Holdings Inc.
Applicant:	Wilcox Architects Inc.
Legal Description:	Part Lot 21, Concession 4, Part 1 of Plan 57R-1691
Official Plan:	Shopping Centre Commercial – Town of Lindsay Official Plan
Zoning:	Shopping Centre Commercial Exception Two (SCC-S2) Zone in Town of Lindsay Zoning By-law 2000-75
Area:	Approximately 3.4 hectares
Site Servicing:	Full municipal water, sanitary and storm sewer services
Existing Uses:	One-storey commercial building with retail and office uses. Automated banking machine
Adjacent Uses:	North: Residential, Commercial and Institutional  East: Residential  South: Residential  West: Residential and Commercial

## **Rationale:**

### **Proposal:**

The applicant is proposing the development of two one-storey commercial buildings in the northeast and southeast corners of the site along Angeline Street North (Appendix 3). Under the current Shopping Centre Commercial Exception Two (SCC-S2) Zone, a maximum gross leasable floor area (GLFA) of 8,510m<sup>2</sup> is in effect with the existing uses occupying approximately 8,498m<sup>2</sup>. Additional zone provisions regarding parking requirements, landscaping and lot area coverage also apply to the existing use. In order to facilitate the development of the proposed commercial buildings, a Zoning By-law Amendment is required to increase the maximum GLFA and acknowledge the subsequent

impacts to other zone provisions. In support of this Zoning By-law Amendment, the following materials were submitted:

- 1) Planning Justification Brief (July 2020) prepared by D.M Wills Associates Limited. This Brief provides an outline of the existing and proposed uses, the site and a description of the proposed amendments. Analysis of this proposal as it aligns with the Provincial Policy Statement (2014), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan (2012), Town of Lindsay Official Plan (2000), and Town of Lindsay Zoning By-law.
- 2) Planning Justification Brief Addendum (August 2020) prepared by D.M Wills Associates Limited. The initial Planning Justification Brief submitted did not reflect the newly released Provincial Policy Statement that came into effect in May 2020. This Brief provides evaluation of the proposal as it pertains to the May 2020 PPS.
- 3) Functional Servicing Report (April 2020) prepared by D.M Wills Associates Limited. This Report details that the proposed development can be adequately serviced with new connections to existing municipal infrastructure.
- 4) Traffic Impact Statement (April 2020) prepared by D.M Wills Associates Limited. This study reviewed the overall impact that the proposed developments would have on Angeline Street and concluded that there would be little to no impact on the normal traffic operations.
- 5) Urban Design Brief (September 2020) prepared by Wilcox Architects Inc. This document provides a summary of the proposed development and describes its suitability on the subject site.
- 6) Site Plan (August 2020) prepared by Wilcox Architects Inc.
- 7) Floor Plans and Elevations (June 2020) prepared by Wilcox Architects Inc.
- 8) Topographic Survey (February 2021) prepared by Holding Jones Vanderveen Inc.

## **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 among economic development, resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

Staff feels that the Planning Justification Report and Addendum submitted in support of this application provides a satisfactory analysis of policies of particular relevance to this proposal, including Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (Section 1.1), Employment (Section 1.3) and Infrastructure and Public Service Utilities (Section 1.6.).

The proposed amendment would facilitate the intensification of the subject site which is a goal of many of the provisions within Section 1.1 of the PPS. Specifically, section 1.1.d which stipulates, “avoiding development and land use patterns that would prevent the efficient expansion of settlement areas which are adjacent to or close to settlement areas.” Alignment with Section 1.1.e is inherently realized with this application given the location and existing development on the subject lands: “promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

Section 1.1.g connects intensification with the key factor of infrastructure as it requires, “[assurance] that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.” The Functional Servicing Report prepared by D.M Wills Associates Limited submitted in support of this application states that, with new connections, the existing water and sewer can adequately service the proposed developments. Section 1.6.6. Sewage, Water and Stormwater outlines further provisions pertaining to servicing that staff feel are satisfied by this application: “Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.” Since Lindsay is a Settlement Area, the PPS suggests that settlement areas shall be the focus of growth and development (Section 1.1.3.1). The proposed amendment will facilitate an intensification of the site and incorporate uses that are suitable for the existing commercial use of the site.

With regard to Employment (Section 1.3) and Long-Term Economic Prosperity (Section 1.7), the purpose of the proposed amendment is to allow additional commercial space to be developed on the subject site. While two new buildings are proposed, there is opportunity to create separate commercial rental units within each which inherently facilitates job creation. This also provides flexibility for tenants and offers the developer the opportunity to attract different scales of commercial uses. The proximity to residential areas and the location along the Lindsay Transit Green Line is conducive to meeting Employment policies prescribed in Section 1.3.1 as the proposed development would provide opportunities for a mix and range of employment, mixed uses, and a diversified economic base in a relatively compact form.

The PPS prescribes a number of policies pertaining to long-term economic prosperity and staff feels that this application supports many. Namely, 1.7.1.c. which states that

long-term economic prosperity should be supported by optimizing the long-term availability and use of land, resources, infrastructure and public service facilities. As previously stated, the proposed development is an intensification of an existing site that can be serviced using existing infrastructure that is located well within the Lindsay Settlement Area. Full PPS conformity will be determined once the application review is complete.

### **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 subject is located along the Lindsay Transit Green Line and contains a transit stop. As per the Growth Plan, growth in settlement areas shall be focused on areas with existing areas. Encouraging transit-supportive uses within settlement areas is another provision that this application realizes as additional commercial uses can bring additional employees and customers to the site via transit. The commercial uses may also benefit from being on the Green Line with such close proximity to a transit stop.

The proposed amendment is conducive to achieving a complete community, one of the primary focuses of the Growth Plan. By introducing additional commercial uses on the subject site, this provides the opportunity to diversify commercial offerings for nearby residents and patrons of the existing uses.

Furthermore, the establishment of new commercial uses will satisfy Employment policies within the Growth Plan. Through the intensification of the site and efforts towards a compact built form, support of retail and service uses is provided (Section 2.2.5.15). Full Growth Plan conformity will be determined once the application review is complete.

### **Town of Lindsay Official Plan**

The Town of Lindsay Official Plan (Lindsay OP) guides the growth and development of the Town of Lindsay and designates the subject site as Shopping Centre Commercial. As per the Lindsay OP, the primary use of land in this designation shall be a broad range of retail and commercial uses generally contained in a shopping centre format. Provision for subordinate stand-alone buildings is also given which supports the proposed amendment.

Section 2.3.3 contains objectives pertaining to economic development and tourism and employment opportunities. This proposal is inherently supported by many of these policies as its purpose is to facilitate the development of two new commercial buildings that will provide opportunity for businesses and employment.

Section 4.3.3.2 contains submission requirements for planning applications within the Shopping Centre Commercial designation. This includes a traffic impact study, urban design brief, landscape master plan and development plan when two or more buildings are proposed. The traffic impact study and urban design brief have been submitted in support of this application while remaining documents will be obtained through the site plan process. Additionally, the Lindsay OP includes direction on Retail Market Analyses. This project is not subject to such a study as the proposed additional floor area is within the 3000m<sup>2</sup> threshold.

Under the heading of the management of the built and natural environment, objectives pertain to municipal servicing, urban form and orderly development. With the proposed development connecting to existing municipal services on built lot, staff feels that these objectives are satisfied.

The subject land is also part of the Kent Street West Area Policy Area as per Schedule B of the Lindsay OP, which recognizes, "that given traffic volume, accessibility and exposure on Kent Street West and Angeline Street North, expansive retail commercial establishments tend to locate in this area." The auto-oriented nature of both the signage and site design within this Policy Area is also noted. Staff feel that the proposed Zoning By-law Amendment aligns with the Kent Street West Area Policy Area and the new commercial buildings and their locations on site would maintain this description. Full Official Plan conformity will be determined once the application review is complete.

### **Town of Lindsay Comprehensive Zoning By-law 2000-75**

The property is currently zoned Shopping Centre Commercial Exception Two (SCC-S2) Zone. Zone provisions such as setbacks and lot coverage are informed by the SCC Zone while the Exception Zone prescribes a site-specific maximum gross leasable floor area (GLFA) of 8,510m<sup>2</sup>. In order to accommodate the two proposed commercial buildings, this GLFA must be amended as well as the parking requirements and lot coverage. Proposed by the applicant is a removal of the landscaping requirement which staff is reviewing in addition to the specifics of the other zone requirements. Also proposed is inserting Fast Food Outlet into the permitted uses for the site as it is not currently permitted in the SCC Zone but is acknowledged by the Lindsay 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 amendments facilitate the development of two new commercial buildings for occupancy. This creates additional opportunity for commercial businesses to locate in the City.

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 120m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

## **Public Comments:**

At the time of report writing, one email and one phone call were received from residents in the area asking for further information on the proposal. Staff provided an overview of the proposed development and process.

## **Agency Review Comments:**

Building and Septic Division (May 2021): No comments pertaining to the proposed rezoning.

Engineering Department (May 2021): Engineering noted the following comments and indicated that further comments and a detailed review will occur at the site plan stage:

- A By-Law exemption is required for the proposed design to allow for the individual buildings to branch services off internal shared mains.
- A legal survey is required to confirm the current extents of the City's road allowance and address any requirements for a road widening to achieve the



26.0m right of way for Angeline Street North as per the City of Kawartha Lakes Transportation Master Plan.

Economic Development (May 2021): Questions were received from Economic Development pertaining the following: requirements for a commercial study, the current Exception Zone, the Lindsay Zoning By-law with regard to sizes of commercial buildings in and out of downtown, transit and pedestrian integration and the submitted Traffic Impact Study. Staff offered the following responses:

- The Town of Lindsay Official Plan policies only trigger a Commercial Study or Retail Market Analysis if the proposed expansion to an existing use in the Shopping Centre Commercial use is greater than 3000m<sup>2</sup>. Since the proposed expansion is less than this, no such study was requested.
- The current GLFA maximum is applied through an Exception Zone and staff are investigating this application.
- The Lindsay Zoning By-law does distinguish between types of commercial areas as described. Zone provisions such as lot size and lot coverage are a strong factor in this distinction.
- Staff have advised that pedestrian infrastructure and landscaping will be evaluated as part of the review of this application.
- Staff are evaluating the Traffic Impact Study.

### **Development Services – Planning Division Comments:**

Intensification of shopping centre sites by development of additional units on existing parking lots is an emerging trend in real estate development. This type of re-development aligns closely with Urban Settlement Area policies prescribed by the PPS and Growth Plan as well as the Shopping Centre Commercial Designation under the Lindsay Official Plan. Staff feels that the proposed Zoning By-law Amendment has merit, however, further evaluation of the specific zone provisions and regulations and Traffic Impact Study is required. Should the zoning amendment be subsequently approved, site plan approval will be necessary to implement the proposed development.

### **Conclusion:**

Staff recommends that this report for the proposed Zoning By-law Amendment for 55 Angeline Street North in Lindsay be referred back to staff for further review and consideration until comments from the public meeting have been reviewed and zone requirements have been evaluated.

## Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

**Appendix 'A'** – Location Plan

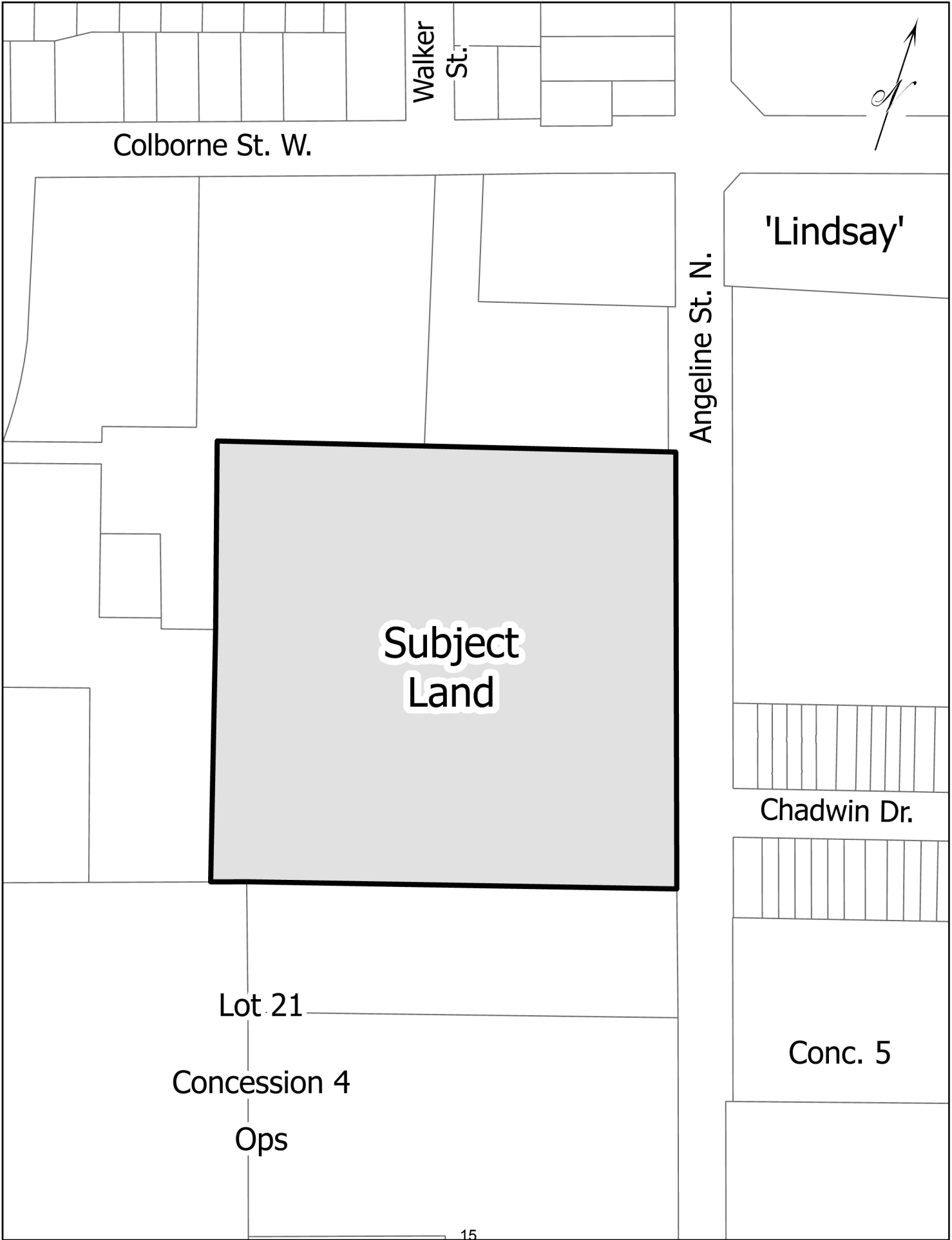
**Appendix 'B'** – Aerial Photo

**Appendix 'C'** – Site Plan

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**(Acting) Department Head:** Richard Holy

**Department File:** D06-2021-009



Colborne St. W.

Walker  
St.

Angeline St. N.

'Lindsay'

Subject  
Land

Chadwin Dr.

Lot 21

Concession 4

Ops

Conc. 5

## 55 Angeline Street North, Lindsay



0.11

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes

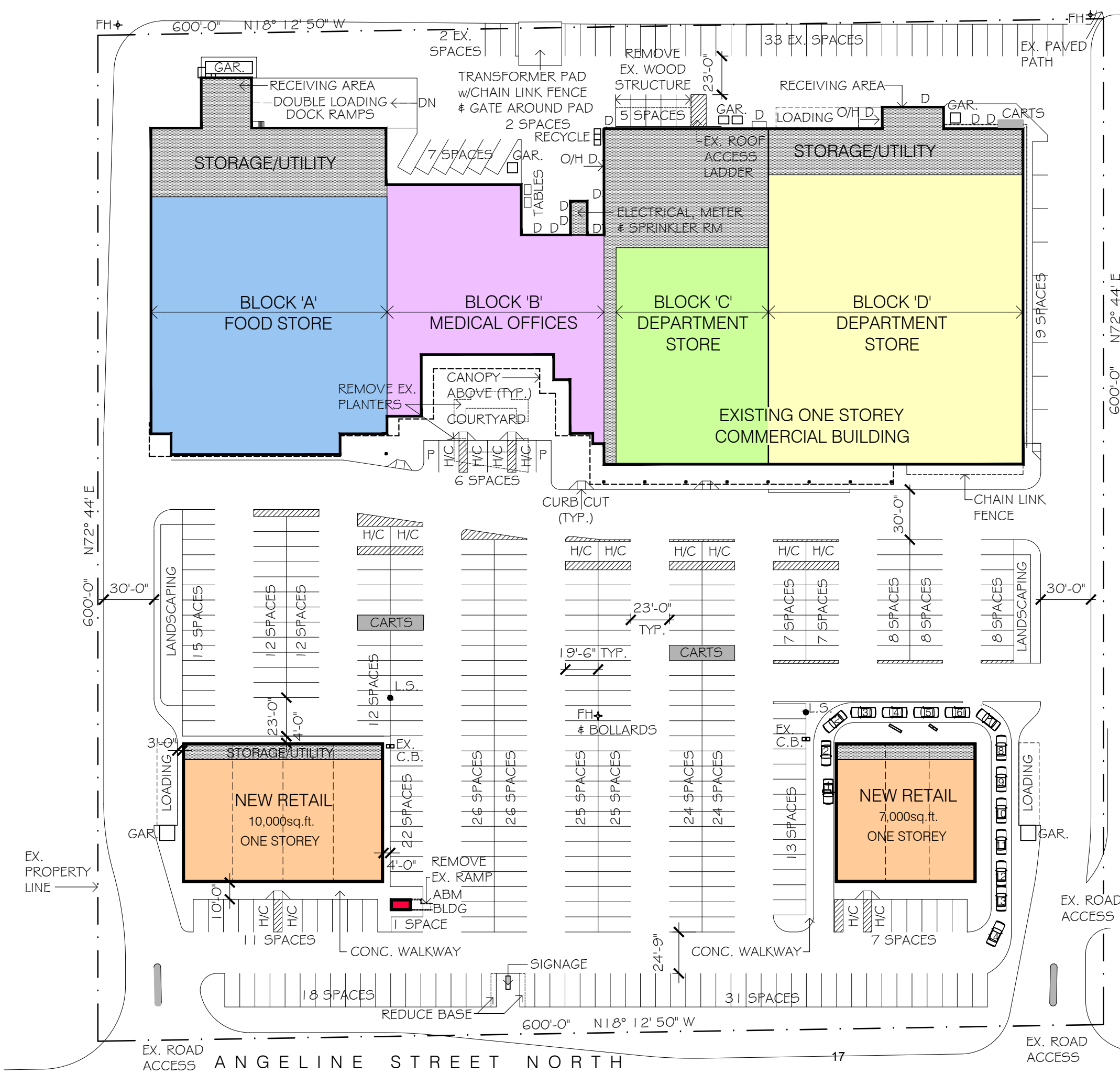
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Enter your notes here...

**Notes**





ZONING: SCC-S2

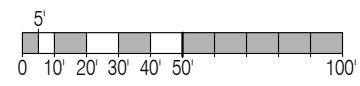
	EXISTING STORAGE/UTILITY 1 SPACE PER 969 ft <sup>2</sup> (90m <sup>2</sup> ) AREA = 19,959 ft <sup>2</sup> - 555 ft <sup>2</sup> (REMOVAL OF EX. WOOD STRUCTURE AT REAR) = 19404 ft <sup>2</sup> (1803m <sup>2</sup> /90) PARKING REQ. = 20 SPACES	⇒ 20
	EXISTING RETAIL 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 21,156 ft <sup>2</sup> (1965/17m <sup>2</sup> ) PARKING REQ. = 116 SPACES	⇒ 116
	EXISTING MEDICAL OFFICE 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 13,524 ft <sup>2</sup> (1256/17m <sup>2</sup> ) PARKING REQ. = 74 SPACES	⇒ 74
	EXISTING RETAIL 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 11,733 ft <sup>2</sup> (1090/17m <sup>2</sup> ) PARKING REQ. = 64 SPACES	⇒ 64
	EXISTING RETAIL 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 26231 ft <sup>2</sup> (2437/17m <sup>2</sup> ) PARKING REQ. = 143 SPACES	⇒ 143
	EXISTING RETAIL (ABM BLDG) 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 89 ft <sup>2</sup> (8/17m <sup>2</sup> ) PARKING REQ. = 1 SPACE	⇒ 1
	NEW STORAGE/UTILITY 1 SPACE PER 969 ft <sup>2</sup> (90m <sup>2</sup> ) AREA = 1,200 ft <sup>2</sup> + 840ft <sup>2</sup> = 2,040 ft <sup>2</sup> (190/90m <sup>2</sup> ) PARKING REQ. = 3 SPACES	⇒ 3
	NEW RETAIL 1 SPACE PER 183 ft <sup>2</sup> (17m <sup>2</sup> ) AREA = 8,800 ft <sup>2</sup> + 6,160 ft <sup>2</sup> = 14,960 (1390/17m <sup>2</sup> ) PARKING REQ. = 82 SPACES	⇒ 82

TOTAL PARKING REQUIRED (BARRIER FREE 3% OF 503 = 16 SPACES INCLUDED)	⇒ 503
TOTAL SITE PARKING PROVIDED	⇒ - 404
	99 SHORT

**TOTAL LOT AREA**  
= 359,951ft<sup>2</sup>  
**LOT COVERAGE**  
EXISTING = 25.7%  
MAX. AS PER ZONING 25% OR 91,600 ft<sup>2</sup>  
NEW COVERAGE w/ NEW RETAIL = 30.3%

SITE INFORMATION OBTAINED FROM  
PETROFF & JERUZALSKI ARCHITECTS  
DATED SEPT. 2, 1976

PROJECT	LINDSAY TOWN & COUNTRY CENTRE		
	PLAN	SITE PLAN - TWO NEW BUILDINGS - DRIVE THRU	
	LOCATION	ANGELINE STREET NORTH, LINDSAY, ONTARIO	
WILCOX ARCHITECTS INC. 74 LINDSAY ST. S. LINDSAY, ONT.	SCALE	1"=60'-0"	DWG. No.
	DATE	AUG 2020	A1
	PROJ.	19026	



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2021-033</b>
<b>Meeting Date:</b>	June 2, 2021
<b>Title:</b>	<b>Amend the Lindsay Zoning By-law 2000-75 at 363 Kent Street West, Lindsay – 2793853 Ontario Inc.</b>
<b>Description:</b>	An application to amend the Town of Lindsay Zoning By-law to increase the maximum Gross Leasable Floor Area (GLFA) for a supermarket use from 3,716 square metres to 4,125 square metres on the property identified as 363 Kent Street West, Lindsay (2793853 Ontario Inc.)
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Ian Walker, Planning Officer – Large Developments

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### Recommendations:

**That** Report PLAN2021-033, **57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay, 2793853 Ontario Inc. – Application D06-2021-011**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2021-033, 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 amend the development standards in the 'General Commercial Special Eight (GC-S8) Zone' to increase the permitted Gross Leasable Floor Area (GLFA) for a supermarket use from a maximum of 3,716 square metres to 4,125 square metres, to facilitate the expansion of the existing Food Basics store.

Owner:	2793853 Ontario Inc. c/o Strathallen Property Management Inc.
Applicant:	Paul Marques Architect Inc. c/o Paul Marques
Legal Description:	57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay
Designation:	'General Commercial' and subject to Special Provision 4.3.5.3 d) on Schedule 'A' of the Town of Lindsay Official Plan
Zone:	'General Commercial Special Eight (GC-S8) Zone' on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	4.25 hectares [10.4 acres]
Site Servicing:	Full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Large Format Retail Commercial Plaza
Adjacent Uses:	North: Kent Street West; Commercial Plaza (Whitney Town Centre); Vacant Commercial (Former Easton's Tire) East: Pharmacy (Shoppers Drug Mart); Restaurant (McDonalds); Low and Medium Density Residential (Cloverlea Subdivision) South: Low Density Residential (Cloverlea Subdivision) West: Big Box Retail Commercial (Canadian Tire); Shopping Centre (Lindsay Square Mall)

## Rationale:

The property is located on the south side of Kent Street West, part way between Angeline Street to the east and Commerce Road to the west in the southwest quadrant of Lindsay. See Appendix 'A'. The subject property is located along a commercial strip identified as the 'Kent Street West Area' in the Lindsay Official Plan, with commercial uses to the east, west and north along Kent Street West; and residential uses to the

south (including Thrushwood Trail to the immediate south and Fallingbrook Crescent to the east as part of the Cloverlea Phase 1 and 2 subdivisions).

The property is currently developed with 4 buildings consisting of approximately 9,171 square metres of retail space in a large format retail commercial plaza with 1 restaurant, and 520 parking spaces. The property is approximately 4.25 hectares. The applicant is applying on behalf of the owner to amend the existing special development standards for the property to increase the permitted GLFA for a supermarket use. See Appendix 'B' and '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 Brief prepared by Fotenn Planning + Design, dated January 2021. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan); the Town of Lindsay Official Plan, the Council adopted and appealed Lindsay Secondary Plan, and the Town of Lindsay Zoning By-law 2000-75. A draft by-law has been included in the Planning Brief.
2. Retail Demand Study: Supermarket Expansion Report prepared by Shore-Tanner & Associates, dated January 26, 2021. The report discusses and assesses the market demand for the expansion of the existing supermarket in Lindsay.
3. Demolition Plan, Construction Plan and Exterior Elevations prepared by Paul Marques Architect Inc., dated January 27, 2021.

All the reports 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, 2020 (Growth Plan):**

The land is 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 policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service



facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. This application will serve to permit an expansion of an existing established business.

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

### **Provincial Policy Statement, 2020 (PPS, 2020):**

The Provincial Policy Statement, 2020 (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). There are no natural heritage or hydrologic features on the site, , and the existing development is outside of any natural or man-made hazards.

The applicant has submitted the appropriate technical reports for consideration and review. 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 Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'General Commercial' on Schedule 'A' of the Lindsay Official Plan.

The 'General Commercial' designation permits retail establishments and commercial uses which are destination-oriented or intended to serve the travelling public, such as automobile service stations, vehicle sales and service, public garages, motels, hotels, eating establishments, establishments such as furniture, appliance, carpet, flooring, home electronics and/or garden centres, automated teller/banking machines, building supply centres, and other similar uses. In addition, the property is subject to Special Provision 4.3.5.3 d) which states 'the list of permitted uses shall include a supermarket'.

The following criteria apply to lands designated General Commercial:

- a) General Commercial areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses;
- b) Adequate off-street parking and loading spaces shall be provided;
- c) General Commercial uses shall only locate on County, arterial or collector roads;
- d) Enlargement of existing or establishment of a new retail use, in excess of 3,000 square metres and not defined as a Large Format Retail use may be permitted in this designation by amendment to the Lindsay Official Plan and require a site specific Zoning By-law Amendment; and
- e) Large Format Retail uses shall only be permitted in this designation on the basis of a site specific amendment.

For items d) and e) above, a Retail Market Analysis Study is required. The supermarket use was established through a site specific amendment to the Lindsay Official Plan (By-law 2000-84). The proposal contemplates on-site parking and no relief from the Zoning By-law is requested. The land fronts Angeline Street which is identified as a County Road on Schedule 'C' – Transportation Network mapping in the Lindsay Official Plan. A Retail Demand Study has been submitted as part of the Zoning By-law amendment application, in keeping with the intent of the Official Plan policies. The Study concludes that there will not be a negative impact on the other supermarket uses in the area.

The property has an existing site plan agreement registered on title, and the proposed addition will be subject to an amending site plan agreement.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. On this basis, conformity with the policies of the Official Plan have been demonstrated.

### **Zoning By-Law Compliance:**

The lot is zoned 'General Commercial Special Eight (GC-S8) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant has requested to amend

the existing development standards to increase the permitted Gross Leasable Floor Area (GLFA) for a supermarket use from 3,716 square metres to 4,125 square metres. The 'GC-S8' zone permits all uses in the 'GC' zone, in addition to a supermarket use; and a retail establishment with a minimum GLFA of 325 square metres and maximum GLFA of 3,000 square metres in conjunction with a supermarket that has a minimum GLFA of 3,000 square metres. The 'GC' zone includes the following uses:

### **General Commercial Uses:**

Automated teller/banking machines, beer, liquor or wine store, brew-your own establishment, building supply establishment, bus or taxi depot, eating establishment, fabric shop, garden and nursery sales and supply establishment, hardware store, home and auto supply store, home improvement store, hotel, marine and recreational vehicle sales and service establishment, motel, motor vehicle repair establishment, motor vehicle sales and service establishment, motor vehicle washing establishment, pet store, pet supply store, rental establishment, retail establishment that carries only furniture, appliances, home electronics, carpet, flooring and/or window coverings, service station, swimming pool or swimming pool supply store, tourist information centre and video rental and sales store.

### **Convenience Commercial Uses:**

The following additional uses are permitted provided that the total gross leasable floor area does not exceed 15% of the total gross leasable floor area of all buildings on the lot.

Bake shop, convenience retail establishment with or without a gas bar, dry cleaning establishment, drug store, personal service establishment and pharmacy.

### **Special (Exception) Zone:**

The 'GC-S8' zone permits all uses listed above, and in addition, recognizes site-specific development standards as follows:

<b>Zone Standard:</b>	<b>Existing 'GC-S8' Zone:</b>	<b>Amended 'GC-S8' Zone:</b>
Permitted Uses	<ul style="list-style-type: none"> <li>• Supermarket</li> <li>• Retail Establishment with a minimum GLFA of 325 m<sup>2</sup> and a maximum GLFA of 3,000 m<sup>2</sup>, in conjunction with a supermarket having a minimum GLFA of more than 3,000 m<sup>2</sup>.</li> </ul>	No change proposed

<b>Zone Standard:</b>	<b>Existing 'GC-S8' Zone:</b>	<b>Amended 'GC-S8' Zone:</b>
Maximum Gross Leasable Floor Area (GLFA) of a Supermarket Use	Notwithstanding any other provision of this By-Law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed 3,716 m <sup>2</sup>	Notwithstanding any other provision of this By-law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed <b>4,125 m<sup>2</sup></b>

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. On this basis, full compliance with the provisions of the Zoning By-law have been demonstrated.

### **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 Vibrant and Growing Economy priority by increasing the available floor space occupied by a commercial business, and may also allow for expanding local employment opportunities.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment 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 property is currently serviced by full urban municipal services, including water, sanitary sewer and storm sewer.

## **Consultations:**

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of the property; and a sign was posted on the property. As of May 19, 2021, we have received the following comments:

## **Public Comments:**

To date, no formal public comments have been received. Two members of the public (one on Thrushwood Trail and one on Fallingbrook Crescent) have asked for clarification on where the addition is proposed to be placed on the property. One of the inquirers also asked if there will be an increase in transport traffic as a result of the increase in GLFA. Staff are waiting for a response from the applicant on this matter, however would anticipate there will be a slight increase in truck traffic due to the slightly larger floor area. Any traffic or noise related issues as a result of increased traffic can be addressed through the subsequent amending site plan agreement.

## **Agency Review Comments:**

May 4, 2021	The Building Division has no concerns with the application.
May 5, 2021	The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment.
May 9, 2021	The Haliburton, Kawartha, Pine Ridge District Health Unit advised they have no objection to the proposed Zoning By-law amendment, and requested that should the application be approved, floor plans should be submitted to the Health Unit prior to construction.

## **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 Town of Lindsay Official Plan has also been demonstrated.

The rezoning will amend the development standard for the expansion of the supermarket use. The expansion of the supermarket use will be subject to Site Plan Control.

## **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](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

### **Appendix A – Location Map**



PLAN2021-033  
Appendix A.pdf

### **Appendix B – Proposed Site Plan, dated January 27, 2021**



PLAN2021-033  
Appendix B.pdf

### **Appendix C – Proposed Elevations, dated January 27, 2021**



PLAN2021-033  
Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



PLAN2021-033  
Appendix D.pdf

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

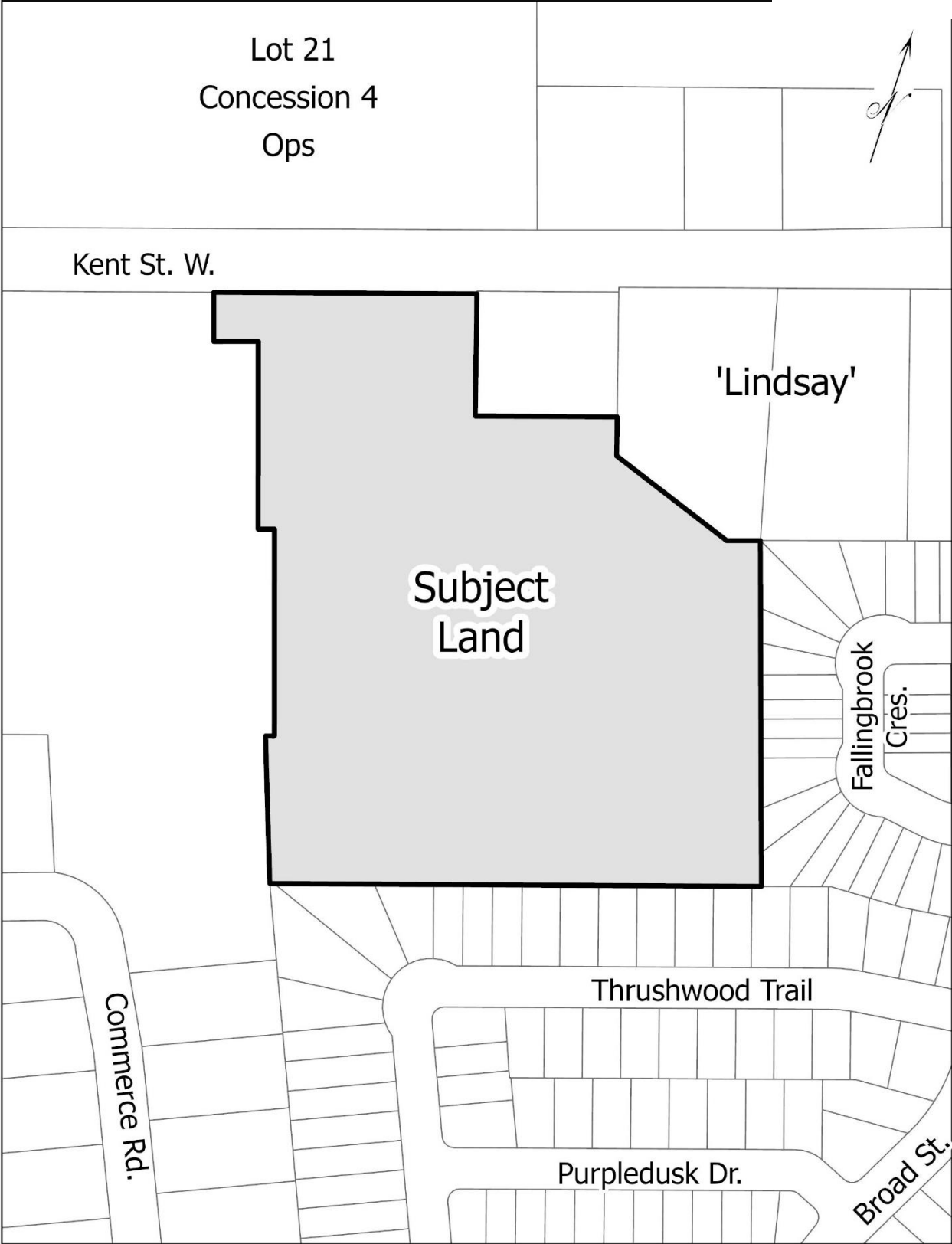
**(Acting) Department Head:** Richard Holy

**Department File:** D06-2021-011

to

Report PLAN2021-033

File No: D06-2021-011

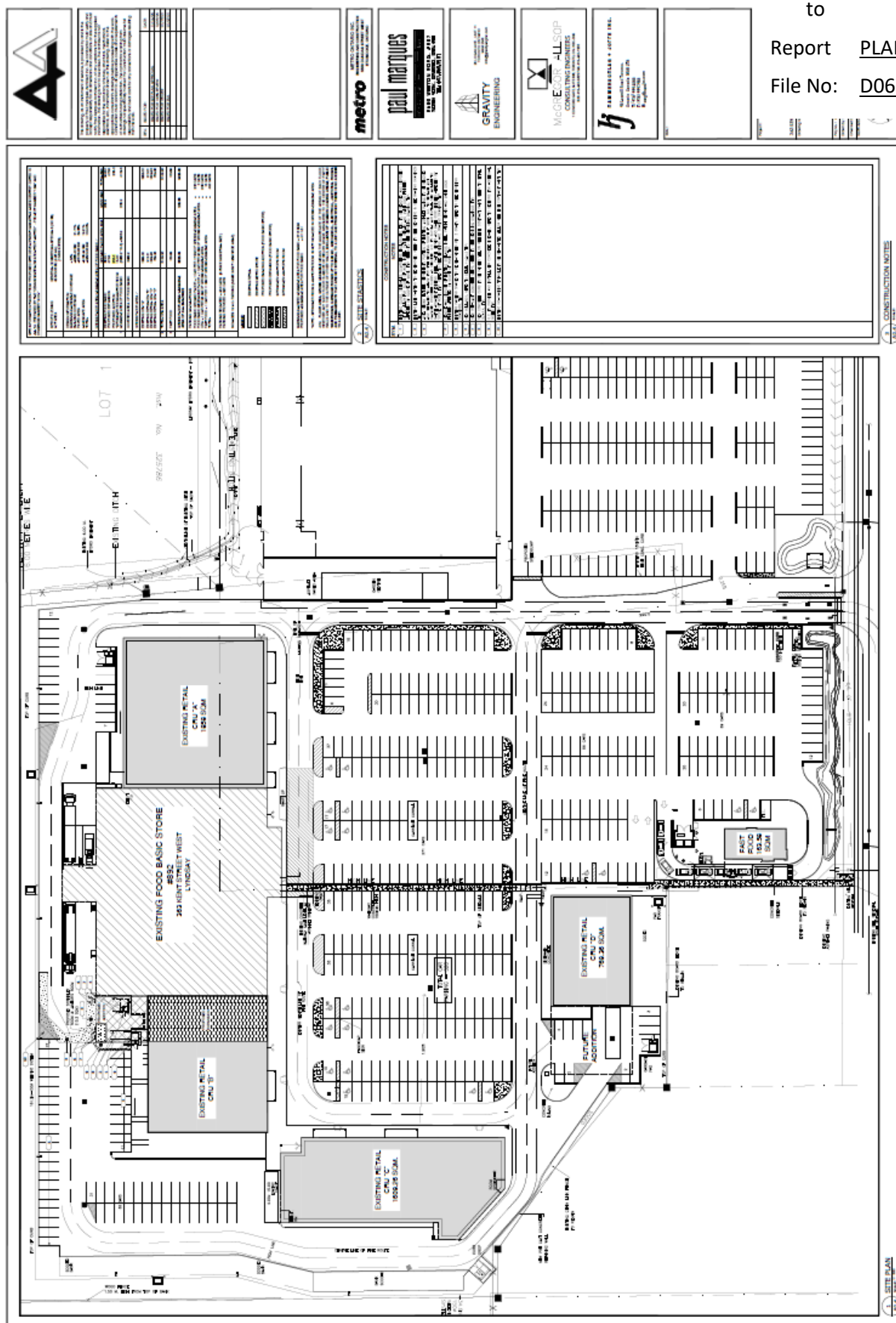




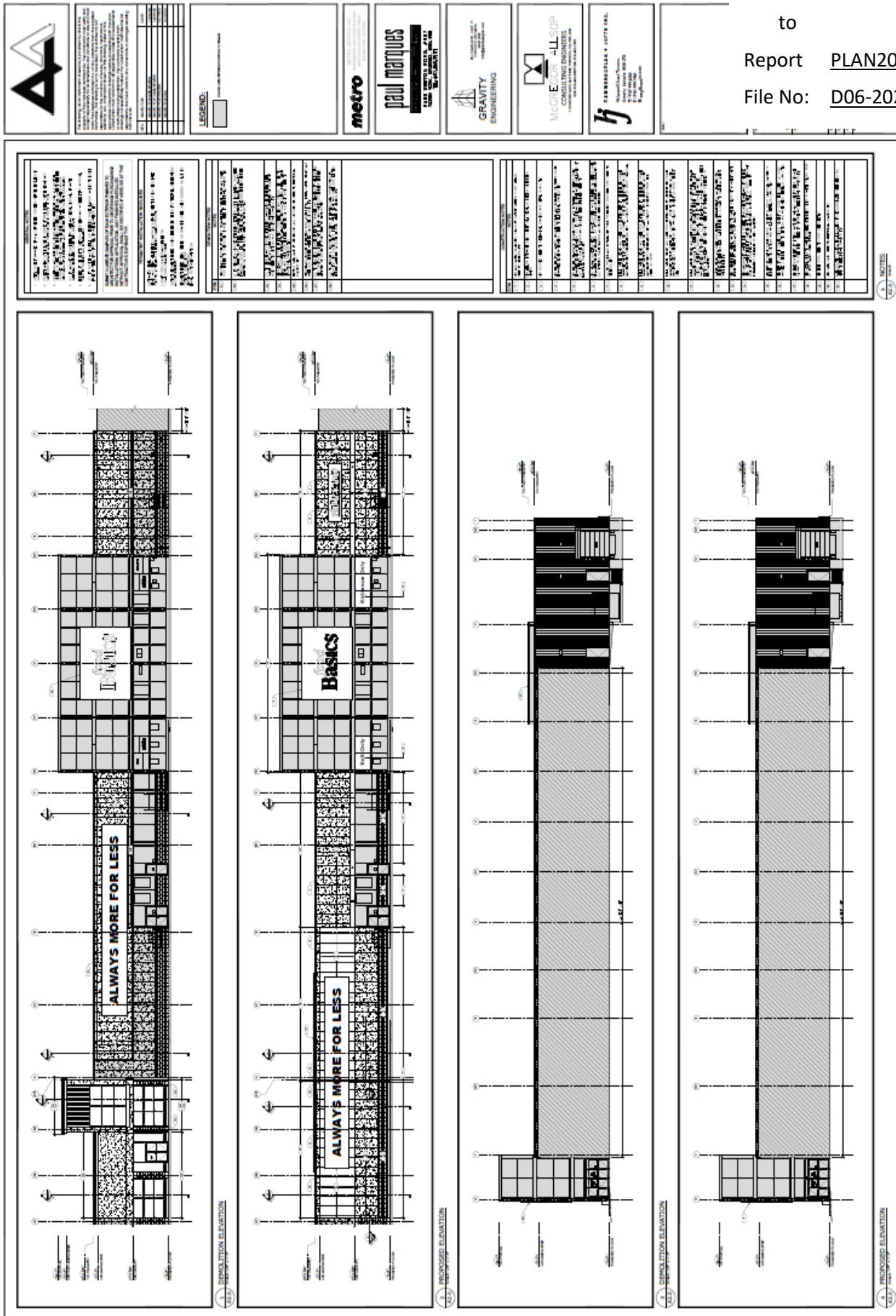
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Report PLAN2021-033

File No: D06-2021-011



to  
Report PLAN2021-033  
File No: D06-2021-011



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

**A By-law to Amend the Town of Lindsay Zoning By-law No. 2000-75 to  
Rezone Land within the City Of Kawartha Lakes**

[File D06-2021-011, Report PLAN2021-033, respecting 57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay, identified as 363 Kent Street West – 2793853 Ontario Inc.]

**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 provisions relating to a specific parcel of land to increase the Gross Leasable Floor Area of a supermarket use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as 57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by repealing Section 16.3.9 b) and replacing it as follows:
  - b) Notwithstanding any other provision of this By-law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed 4,125 m<sup>2</sup>.

**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.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2021-034</b>
<b>Meeting Date:</b>	June 2, 2021
<b>Title:</b>	<b>Amend the Eldon Zoning By-law 94-14 at 152 Glenarm Road - Motara</b>
<b>Description:</b>	An application to change the zoning on the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone to permit an abattoir as a site-specific use
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Mark LaHay, Planner II, MCIP RPP

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### Recommendations:

**That** Report PLAN2021-034, **Part of Lot 10, Concession 2, being Parts 1 & 3 to 6, 57R-9001, geographic Township of Eldon, City of Kawartha Lakes, identified as 152 Glenarm Road, Motara – D06-2021-010**, 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:	To rezone the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone to permit an abattoir as a site-specific use. The effect of the zone change is to permit and facilitate the renovation of an existing vacant building for an abattoir (meat processing) use including ancillary retail and to permit a small addition at the rear of the building.
Owners:	Nashir and Saleha Motara
Applicant:	Clark Consulting Services c/o Robert K. Clark
Legal Description:	Part of Lot 10, Concession 2, being Parts 1 & 3 to 6, 57R-9001, geographic Township of Eldon
Official Plan:	Prime Agricultural and Environmental Protection with Significant Woodland Natural Heritage Features within the City of Kawartha Lakes Official Plan
Zoning:	Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14, as amended
Site Size:	35.13 hectares (86.81 acres – MPAC)
Site Servicing	Private individual well and septic system
Existing Uses:	Agricultural land with dwelling/Vacant buildings used for storage
Adjacent Uses:	North: Agricultural East: Highway Commercial/Rural Residential/Industrial South: Agricultural/Woodland West: Rural Residential/Restricted Industrial/Agricultural

## Rationale:

The owner has applied to permit an abattoir on the subject agricultural land, which is located west of the Hamlet of Argyle on the south side of Glenarm Road. The subject property is located within a prime agricultural area and contains a residence, a small barn, a former deadstock processing building, and a storage shed. The northern portion of the land is partly open and partly scrub land while the southern portion is partially treed. The lands are not under cultivation but are suitable for pasturing and grazing. The proposed abattoir will utilize an existing building in the northwest portion of the land that was previously used as an abattoir (see Appendix 'C'). The property was

historically zoned to permit this use but the site specific zoning had lapsed following the closure of the previous business.

A Zoning By-law Amendment application has been submitted to change the zone category on the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-\*\*) Zone to permit an abattoir as a site-specific use. The zoning change would permit and facilitate the renovation of an existing vacant building for an abattoir (meat processing) use including ancillary retail and would also permit an addition.

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. Planning Justification Report dated August 24, 2020 prepared by Clark Consulting Services, outlines the nature of the proposed zoning by-law amendment in the context of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the Lake Simcoe Protection Plan, 2009, the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Eldon Zoning By-law 94-14.
2. Agricultural Impact Assessment with Minimum Distance Separation (MDS) Calculations dated December 9, 2019 prepared by Clark Consulting Services to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that the lands are available for agricultural activities however, they are not currently used for any intensive agricultural use and are not generally used for feed grains or hay. No loss of production will be noted as a result of the application. The subject land area to be used for the abattoir is not agriculturally productive lands and the use of this part of the farm for an agriculture-related (abattoir) use represents a benefit to the local and wider area agricultural communities. No calculations were made with respect to MDS requirements from the five barns within the 750 metre review area as an abattoir is specifically exempted under OMAFRA's MDS Document, Publication 853, Guideline 3.
3. Hydrogeologic Assessment Report dated June 11, 2020 prepared by GHD, which evaluated the existing residential use and proposed abattoir. This Assessment notes that there is no change to the septic waste disposal system from a usage perspective and as such the system is suitable for the existing and proposed uses. It also concludes that there is a low potential for groundwater impact as a result of using the drilled well for residential and the proposed abattoir uses.
4. Phase 1 Environmental Site Assessment dated March 1, 2020 prepared by GHD. No Potential Contaminating Activities (PCA) were identified on the subject property. An identified PCA, being a machinery manufacturing facility at 234 Glenarm Road, is located about 200 metres from the subject property and is separated by agricultural land. In the opinion of the authors of the Environmental

Site Assessment, the off-site PCA does not result in an area of environmental concern at the subject property.

5. Zoning By-law Amendment Sketch, dated July 13, 2020 prepared by Clark Consulting Services illustrates the area of the subject land proposed for the abattoir use and surrounding buildings, servicing and access.
6. Building Plan Site Plan (Dwg. A1), plot dated January 28, 2019 prepared by Imran Khan Architect, Renor and Associate Inc. illustrates the size of the building proposed to be used as an abattoir and connecting buildings.
7. Plant Layout Floor Plan (Dwg. A2), plot dated January 13, 2019 prepared by Imran Khan Architect, Renor and Associate Inc.
8. Plant Layout Partial Floor Plan (Dwgs. A3 & A4), plot dated January 13, 2019 and March 13, 2018 respectively, prepared by Imran Khan Architect, Renor and Associate Inc.

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. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

### **Applicable Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. Section 4.2.2 permits new agricultural, agricultural-related and on-farm diversified uses, within the Natural Heritage System for the Growth Plan subject to the policies of Sections 4.2.3 and 4.2.4. Only a small portion of the southwest part of the lands, which is outside of the development area for the proposed abattoir is mapped in this regard. Although the Provincial mapping does not apply until implemented in the Official Plan, the Growth Plan policies apply to the Natural Heritage Systems, outside of settlement areas in Official Plans. The policies of Section 4.2.4.4 apply to lands where a new development proposal is adjacent to key hydrologic features and key natural heritage features. The building location and surrounding area to be used for the proposed use appears to be exempt from having to undertake a key natural heritage evaluation as it located more than 30 metres from such features.

This application as an agriculture-related use is being evaluated to demonstrate conformity with the Growth Plan taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term



compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts. The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with the Growth Plan.

**Provincial Policy Statement, 2020 (PPS):**

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with policy 2.3, while protecting agricultural land for long-term use.

Section 2.1.8 provides policy with respect to demonstrating there will be no negative impact on natural features or their ecological functions from proposed development and site alteration on adjacent lands to natural heritage features. Comments provided earlier by the Lake Simcoe Region Conservation Authority did not require any specific studies in this regard, suggesting no negative impacts are anticipated.

Section 2.3.3 permits agricultural, agricultural-related and on-farm diversified uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae. An agricultural-related use by definition means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

The following criteria from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publication 851: Guidelines on permitted uses in Ontario's Prime Agricultural Areas must be met to qualify as an agriculture-related use in accordance with the PPS.

1. Farm-related commercial and farm-related industrial uses.
2. Shall be compatible with and shall not hinder surrounding agricultural operations.
3. Directly related to farm operations in the area.
4. Supports agriculture.
5. Provides direct products and/or services to farm operations as a primary activity.
6. Benefits from being in close proximity to farm operations.

The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with the PPS.

## **Lake Simcoe Protection Plan:**

The Lake Simcoe Protection Plan (LSPP) was prepared and approved under the Lake Simcoe Protection Act, 2008 and come into effect on June 2, 2009. Its purpose is to protect and restore the ecological health of Lake Simcoe and its watershed.

The subject lands are within the Lake Simcoe Watershed and part of the agricultural land within a LSRCA regulated area. In accordance with the LSPP, growth in the Lake Simcoe watershed must be in conformity with provincial plans as well as in keeping with the Provincial Policy Statement, so that growth is managed in a manner that sustains a healthy ecosystem, healthy communities and healthy economies. The proposed area for the abattoir and lands around the existing building for transportation, loading /unloading and animal holding areas are outside the regulated areas. The LSRCA indicated in earlier comments provided to the municipality that the proposal does not constitute major development as defined by the LSPP and would therefore not require any studies or a permit. The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with the LSPP.

## **Official Plan Conformity:**

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the property also contain key natural heritage features, such as significant woodlands. The proposed agriculture-related use is within the Prime Agricultural designation and within 120 metres of significant woodland. Although portions of the subject property are located within an area regulated by the Lake Simcoe Region Conservation Authority, the proposed use and operating area is outside the regulated area.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits agriculture-related and agri-business uses within the Prime Agricultural designation. Agri-business uses may be permitted provided there are no reasonable alternative locations, which avoid Prime Agricultural designated lands, and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. Such uses shall be subject to a zoning bylaw amendment and site plan control.

Conformity with the Official Plan will be established through the continued review of the application.

### **Zoning By-law Compliance:**

The subject land is zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-Law 94-14, as amended. The A1 Zone permits agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The applicant has submitted a Zoning By-law Amendment application for consideration to amend the A1 Zone to an A1 exception zone to permit an abattoir use. A refrigerated offal room, meat cutting, curing or smoking operation and a retail/wholesale outlet are considered normal accessory uses by definition. Staff are continuing to review whether any specific zoning provisions will be needed to facilitate the use of the proposed facility.

The pre-consultation comments specified that site plan approval is required for this development. It is anticipated that any required site-specific zone provisions will be addressed through the zoning by-law amendment, which will also require a holding provision as the subject property is not within a site plan control area.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **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 a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment and providing a service to the agriculture and food sector.

### **Financial/Operation Impacts:**

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

## **Servicing Comments:**

The agricultural land contains a private drilled well and a private sewage disposal system septic system that services both the proposed abattoir the existing single detached dwelling on the land. It has been determined that the sewage system would require some alterations to ensure it would operate in a manner consistent with the original construction and performance of use. The alterations for septic tank and distribution boxes have been completed through permitting and as such, the Septic Division has no concerns.

## **Consultations:**

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

### **Public Comments:**

There were no comments at the time of writing this report.

### **Agency Review Comments:**

On May 7, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Zoning By-law Amendment to permit an abattoir as a site-specific use.

On May 7, 2021, the Part 8 Sewage Systems Supervisor advised that a sewage system review was conducted by the GHD in conjunction with Staff to evaluate the existing system connected to the building. The report provided by GHD concluded that the existing leaching bed could accommodate the proposed change of use to an abattoir. It was determined that the sewage system would require some alterations to ensure it would operate in a manner consistent with the original construction and performance of use. The alterations for septic tank and distribution boxes have been completed through permitting. As such, the Building and Septic Division has no concerns with the proposed zoning amendment as they relate to private on-site sewage disposal.

On May 17, 2021, Enbridge Gas Inc. advised it does not object to the proposed application.

On May 19, 2021, the Agriculture Economic Development Officer advised of no concerns with this application, noting that it was previously zoned for an abattoir, and that it is proposed to rezone to allow an abattoir once again. The agricultural assessment fairly represents that the repurposing of this building to an abattoir will not impact the use of the remainder of the property for agricultural activities. There is

strong demand for abattoir services by the livestock sector, and this property is well situated in close proximity to both the Kawartha Lakes Community Auction and the beef grazing lands of the north-west part of Kawartha Lakes. This project aligns well with the Economic Development Strategy Goals of growing the agriculture and food sector businesses with a particular focus on attracting additional food processing capacity.

### **Development Services – Planning Division Comments:**

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specify that agriculture-related uses are farm-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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. At this time, comments have not been received from all circulated agencies and City Departments.

Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Conclusion:**

As a result of continuing evaluation, Staff respectfully recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **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'  
PLAN2021-034.pdf



Appendix 'B'  
PLAN2021-034.pdf



Appendix 'C'  
PLAN2021-034.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

Appendix 'C' – Proposed Zoning By-law Amendment Sketch

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

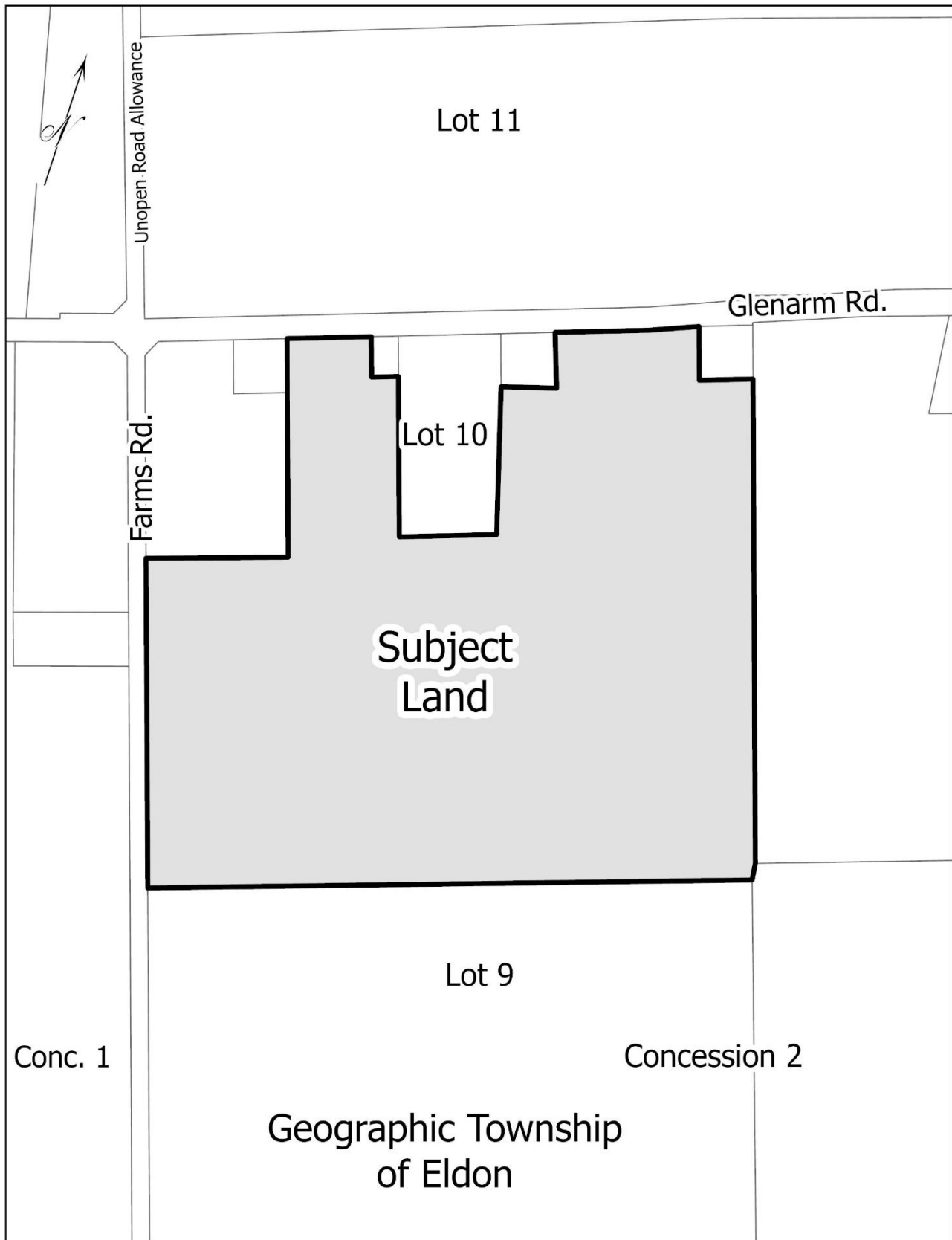
**(Acting) Department Head:** Richard Holy

**Department File:** D06-2021-010

to

REPORT PLAN2021-034

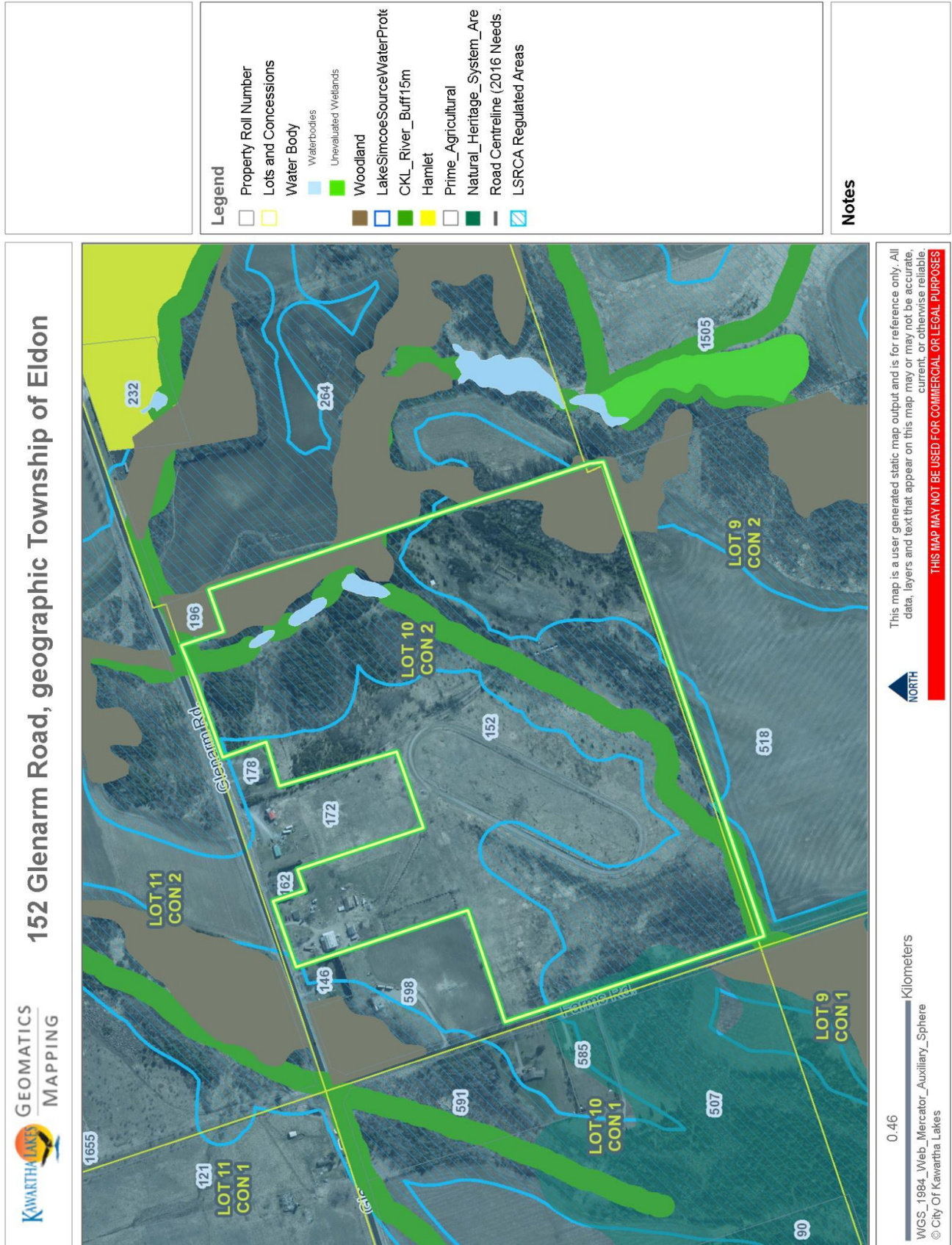
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REPORT PLAN2021-034

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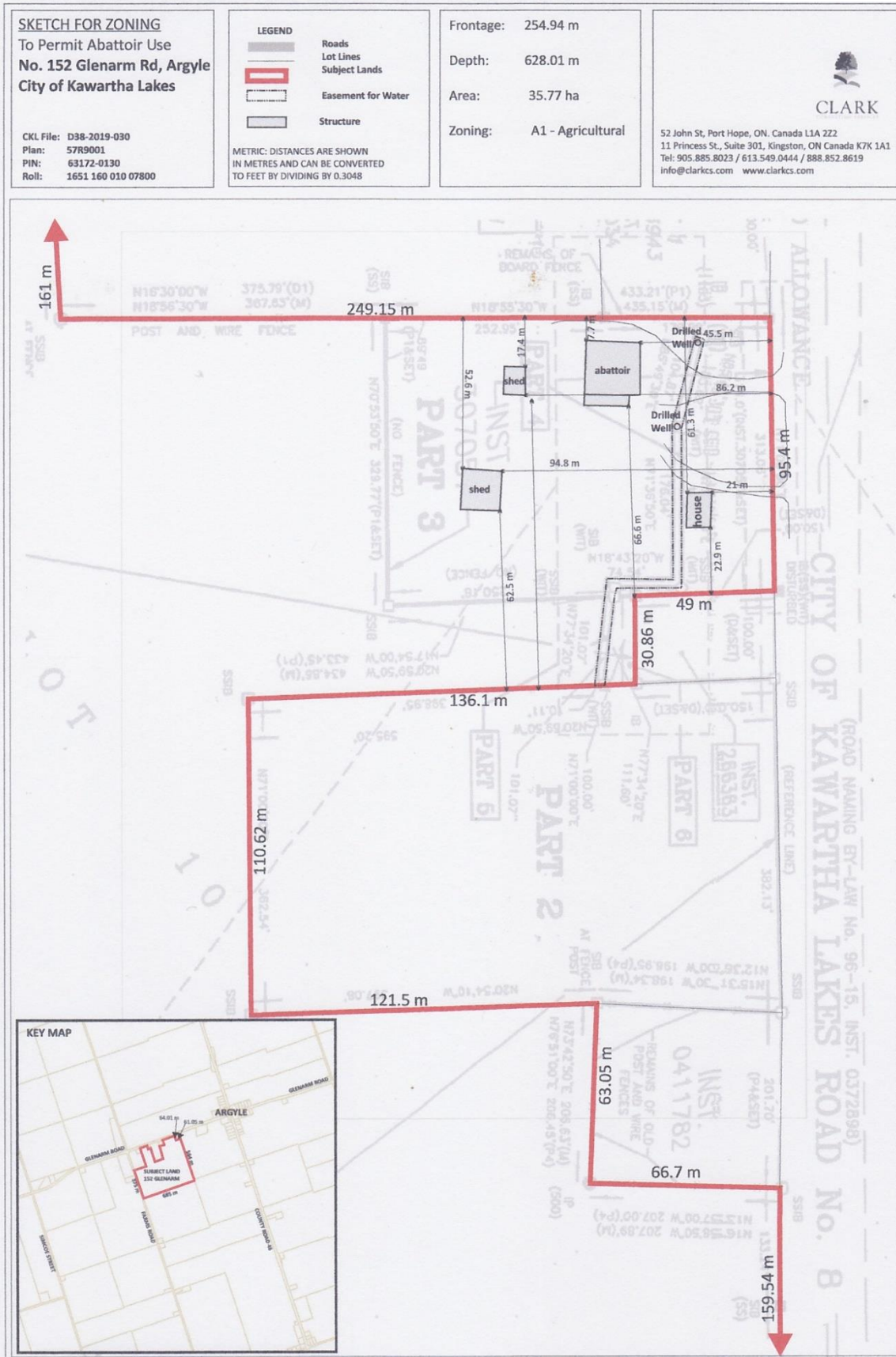




to

REPORT PLAN2021-034

FILE NO: D06-2021-010



## Planning Advisory Committee Report

---

**Report Number:** PLAN2021-030  
**Meeting Date:** June 2, 2021  
**Title:** Validation of Title at 92 Queen Street  
**Description:** D03-2020-037  
**Type of Report:** Public Meeting  
**Author and Title:** David Harding, Planner II, RPP, MCIP

---

### Recommendations:

**That** Report PLAN2021-030, **Validation of Title at 92 Queen Street**, be received;

**That** the validation by-law and certificate, respecting application D03-2020-037, substantially in the form attached as Appendix 'D' to Report PLAN2021-030 be approved for adoption by Council;

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

**That** prior to the registration of the Validation By-law the following Conditions shall be fulfilled:

1. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped;
2. The owners shall apply for, pay the prescribed fee and obtain variances for the lot to be validated such that any outstanding zoning issues are addressed;
3. The owners shall pay all costs associated with the preparation and registration of the required documents;

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deed is validated, for the review and clearance of these conditions. The current fee is \$229.00. Payment shall be by certified cheque, money order, or from a lawyers trust account;
5. All of these Conditions shall be fulfilled within a period of four months from the date of Council approval for said application, failing which the Validation By-law shall be considered null and void, and the Certificate of Validation invalid; and
6. The owners' solicitor shall provide a written undertaking confirming that the Validation Certificate in respect of this application shall be attached to the respective deed and registered in the proper land registry office within 1 year from the date of the third and final reading of the respective Validation By-Law. The solicitor should also undertake to provide a copy of the registered deed to the City as conclusive evidence of the fulfillment of the above-noted undertaking.

### **Background:**

The application proposes to correct a title error arising from the inadvertent merger of property.

The subject property consists of four addresses: 92, 94-96, and 100 Queen Street and 28 St. Peter Street. 92 Queen Street and 28 St. Peter Street contain single detached dwellings, and 100 Queen Street appears to be a single detached dwelling containing two dwelling units. 94-96 Queen Street contains a building with a mixture of commercial and residential uses. Each address functions independently of one another.

The owner owned three adjacent properties and was buying a fourth. During the purchase of the fourth property, the owner's solicitor overlooked that the owner owned abutting property, resulting in the inadvertent merger of title. The subject property was subsequently transferred again, creating a technical contravention of the Planning Act.

As a result, 28 St. Peter Street and 92 Queen Street cannot be dealt with separately. The validation certificate will unmerge the properties, correcting the title and mortgage issue.

Owners: 2554761 Ontario Inc. and John Ronald Barrett

Applicant: Sidney Troister

Legal Description: Part Lot 28, Plan 15P N Queen St, former Town of Lindsay

Official Plan: 92 Queen Street, 28 St. Peter Street - Residential within the Town of Lindsay Official Plan

94-96 and 100 Queen Street – Residential-Commercial within the  
Town of Lindsay Official Plan

Zone: 92, 94-96 and 100 Queen Street – Mixed Residential Commercial  
(MRC) Zone in the Town of Lindsay Zoning By-law 2000-75, as  
amended

28 St. Peter Street – Residential Two (R2) Zone in the Town of  
Lindsay Zoning By-law 2000-75, as amended

Site Size: 92 Queen Street – 498.8 square metres

Site Servicing: Municipal water and wastewater services

### **Rationale:**

Ontario Regulation 144/95 lays out the conformity tests that Council must consider when determining whether to issue a validation certificate. Provincial policy documents (2019 Provincial Growth Plan and 2020 Provincial Policy Statement) are not applicable to the review.

### **Official Plan Conformity:**

As the Lindsay Secondary Plan within the City of Kawartha Lakes Official Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) remains in effect.

The portion of the property for which title is being validated is within the “Residential” designation of the Town of Lindsay Official Plan. The “Residential” designation permits a variety of densities, including low density residential uses. Low density residential uses are low profile residential buildings such as single detached dwellings, semi-detached dwellings, and duplex dwellings not exceeding 2.5 storeys in height. The dwelling addressed as 92 Queen Street is a 1.5 storey single detached dwelling, and as such is in keeping with the intent of the low density residential policies.

The proposal conforms with the Official Plan.

### **Zoning By-law Compliance:**

The subject property is zoned “Mixed Residential Commercial (MRC) Zone” in the Town of Lindsay Zoning By-law 2000-75. The MRC Zone permits residential use in accordance with the R1, R2, and R3 Zone requirements. All three residential zones permit single detached dwelling uses, and 92 Queen Street contains a single detached dwelling. However, the MRC lot area and frontage requirements apply to lot creation or re-

creation before the R1-R3 Zone requirements are applied to built form upon the lot. Therefore, relief is required from the frontage and area requirements to re-create the lot shape. Further, relief may be required from the lot coverage and/or interior side yard setback from one of the residential zone categories which best applies to the existing built form. The need for relief from the lot coverage and/or interior side yard setback requirement from the same residential zone category can be verified by supporting documentation the owners provide to fulfill proposed Condition 2.

With the implementation of Condition 2, the proposal conforms with the intent of the Zoning By-law.

### **Other Alternatives Considered:**

The applicant could seek approval of the lot through the Committee of Adjustment. However, Validation of Title appears to be the more appropriate approach, given the title history and use of these lots and no changes to the existing uses and lot boundaries is proposed.

### **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This application aligns with the good government priority as it provides for the opportunity to de-merge a consolidated parcel through an expedited review process.

### **Financial/Operation Impacts:**

There are no financial considerations.

### **Servicing Comments:**

The property is on municipal water and wastewater services.

## Consultations:

Notice of this application was circulated to the Development Engineering and Building Divisions, and neither raised concerns as a result of the circulation.

## Conclusion:

The application complies with the City's Official Plan and Town of Lindsay Zoning By-law.

Staff respectfully recommends that the application for a Certificate of Validation as it relates to 92 Queen Street, be referred to Council for Approval.

## Attachments:

### Appendix A – Location Map



Appendix A  
PLAN2021-030

### Appendix B – Aerial Photograph



Appendix B  
PLAN2021-030

### Appendix C – Applicant's Sketch



Appendix C  
PLAN2021-030

### Appendix D – Draft By-law and Validation Certificate



Appendix D  
PLAN2021-030

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**(Acting) Department Head:** Richard Holy

**Department File:** D03-2020-037

to

REPORT PLAN2021-030

FILE NO: D03-2020-037

D03-2020-037





to  
REPORT PLAN2021-030  
FILE NO: D03-2020-037





to

REPORT PLAN2021-030

FILE NO: D03-2020-037

**PLAN 57R-1231**  
Notified and deposited  
Deposit: *James H. 1898*  
Land Register for the Registry  
Division of Victoria No. 31

I declare this plan to be deposited  
under The Registry Act.

Direct: *James H. 1898*  
BA. WOODMAN

SCHEDULE	
PART	PLAN OF LOT
1	LOT 1 OF LOT 28
2	LOT 2 OF LOT 28

INSTRUMENT 15P 77081

**PLAN OF SURVEY OF  
LOT 28  
AND  
PART OF LOT 28  
NORTH OF QUEEN STREET  
AND  
PART OF PARK LOT 33  
NORTH OF QUEEN STREET  
REGISTERED PLAN No. 15P  
COUNTY OF VICTORIA  
TOWN OF LINDSAY**

Scale 1:1 inch = 30 Feet

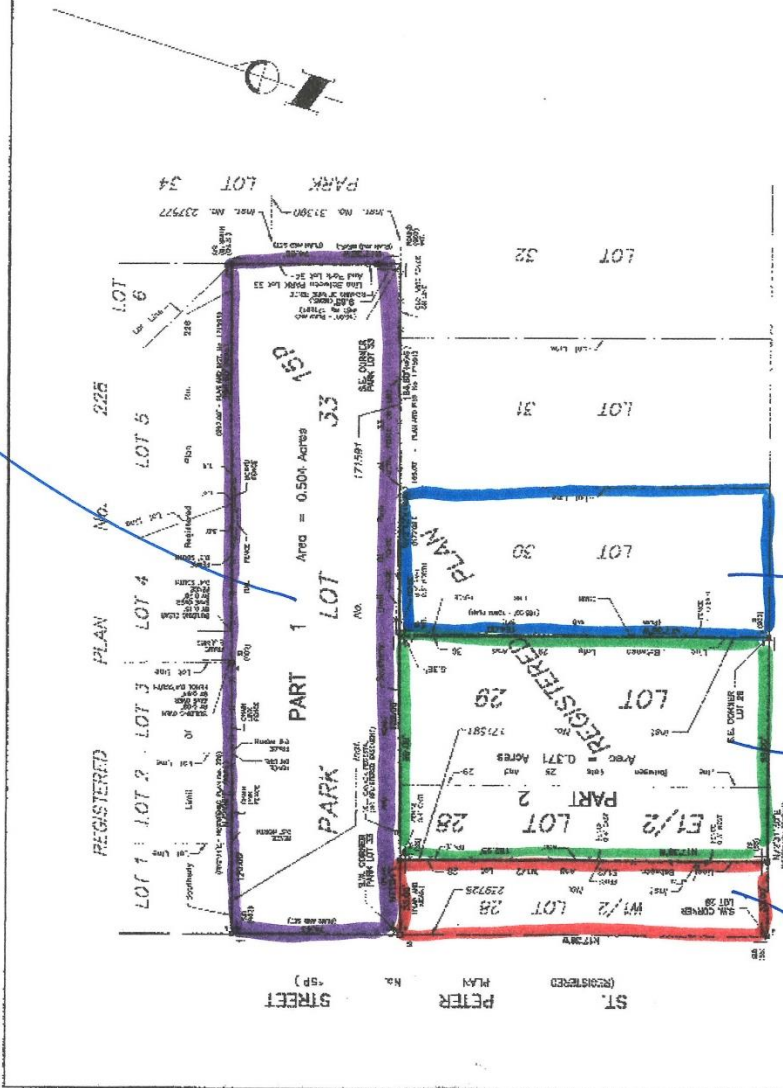
**LEGEND:**  
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EXISTING CORNER OF LOT 28 ACCORDING TO THE PLAN AND ALL MEASUREMENTS THROUGH THE  
TOWN PLAN - (REGISTERED PLAN No. 15P)  
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**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY THAT:  
1. The survey and plan are correct and in accordance with The Survey Act, 1958.  
2. The survey was completed on the 22<sup>nd</sup> day of December, 1958.

Dated: January 17, 2006 *James H. 1898*

28 St. Peter St

Pin 0212



100 Queen

Pin 0215

94-96 Queen

Pin 0214

92 Queen

Subject Property

Pin 0213

**The Corporation of the City of Kawartha Lakes**

to

**By-Law 2021 -**REPORT PLAN2021-030FILE NO: D03-2020-037**A By-law to Validate the Title of Land in the Former Town of Lindsay  
now within the City of Kawartha Lakes**

File D03-2020-037, Report PLAN2021-030, respecting Part Lot 28, Plan 15P N/S Queen Street, former Town of Lindsay, now City of Kawartha Lakes, 92 Queen Street – 2554761 Ontario Inc. and John Ronald Barrett

**Recitals:**

1. Subsections 57(1) and (8) of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to issue a Certificate of Validation in respect of land described in the Certificate and impose such conditions in respect of any land described in the Certificate, as it considers appropriate.
2. Council has received a request to validate the title of land described as Part Lot 28, Plan 15 N/S Queen Street, former Town of Lindsay, now the City of Kawartha Lakes.
3. Council deems it appropriate to give approval to a validation of title of the land described in the attached Certificate and to impose conditions, which shall be fulfilled prior to the registration of the attached certificate.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-\_\_\_.**

**Section 1.00: Definitions and Interpretation**

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (a) **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
- (b) **“City”** means The Corporation of the City of Kawartha Lakes.
- (c) **“Clerk”** means the person within the administration of the City, which fulfils the function of the City Clerk as required by the *Municipal Act, 2001* S. O. c.25.
- (d) **“Council”** means the elected municipal council for the City.
- (e) **“Director”** means a Director of the City.

**1.02 Interpretation Rules:**

- (a) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- (d) The recitals, and any schedules to this By-law are integral parts of it.

- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S. O. edition.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

## Section 2.00: Details

- 2.01 **Property Affected:** The Property affected by this by-law and subject to the attached certificate is described as Part Lot 28, Plan 15P N/S Queen Street, former Town of Lindsay, City of Kawartha Lakes.
- 2.02 **Conditions:** The conditions precedent to the passing of this By-law as follows:
1. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
  2. The owners shall apply for, pay the prescribed fee and obtain variances for the lot to be validated such that any outstanding zoning issues are addressed;
  3. The owners shall pay all costs associated with the preparation and registration of the required documents.
  4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deed is validated, for the review and clearance of these conditions. The current fee is \$229.00. Payment shall be by certified cheque, money order, or from a lawyers trust account
  5. All of these conditions shall be fulfilled within a period of four months from the date of Council approval for said application, failing which the Validation By-law shall be considered null and void, and the Certificate of Validation invalid; and
  6. The owners' solicitor shall provide a written undertaking confirming that the Certificate of Validation in respect of this application shall be attached to the respective deed and registered in the proper land registry office within 1 year from the date of third and final reading of the respective Validation By-law. The solicitor shall also undertake to provide a copy of the registered deed to the Senior Planner as conclusive evidence of the fulfillment of the above-noted undertaking.

## Section 3.00: Effective Date

- 3.01 **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 57 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, Clerk

**Certificate of Validation**

**The Planning Act, R.S.O. 1990, c. P13, as amended  
Section 57**

A contravention of Section 50 or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the Planning Act as it reads on the 25<sup>th</sup> day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows:

PT LT 28 N/S QUEEN ST PL 15P AS IN R239728 KAWARTHA LAKES  
BEING ALL OF PIN 63214-0213 (LT)

This Certificate of Validation is issued in accordance with Section 57 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and the decision of the City of Kawartha Lakes dated XX, XX, 2021

Dated this      day of      , 2021

Cathie Ritchie, Clerk  
City of Kawartha Lakes



# Request to Speak before Council

Request to Make a Deputation/Presentation to  
Council/Committee  
City of Kawartha Lakes  
City Clerk's Office  
26 Francis Street, PO Box 9000  
Lindsay, ON K9V 5R8  
705-324-9411

**Name: \***

Emma Drake

**Address: \***

250 Jameson Drive

**City/Town/Village:**

Peterborough

**Province: \***

ON

**Postal Code:**

K9J0B9

**Telephone: \***

7057422297285

**Email: \***

edrake@dmwills.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

**Deputant One:**

Emma Drake, D.M. Wills Associates Limited

**Deputant Two:**

Darryl Tighe, D.M. Wills Associates Limited

**Please provide details of the matter to which you wish to speak: \***

We would like to speak to the PAC (June 2 2021) regarding application D06-2020-010 for 914 Centreline Road, scheduled for it's second PAC appearance. Our intent is to provide further background on the application, and be available to answer any questions that the Committee may have on the application.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

**Have you discussed this matter with City Staff?**

☒ Yes

☐ No

**If yes, Which department and staff member(s) have you spoken to?**

**What action are you hoping will result from your presentation/deputation? \***

We are hopeful that our deputation will answer any questions and resolve any concerns from members of the PAC. We are hopeful that the PAC will recommend approval of the application to Council.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

**Signature:**

Emma Drake

**Date:**

5/26/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

**Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? \***

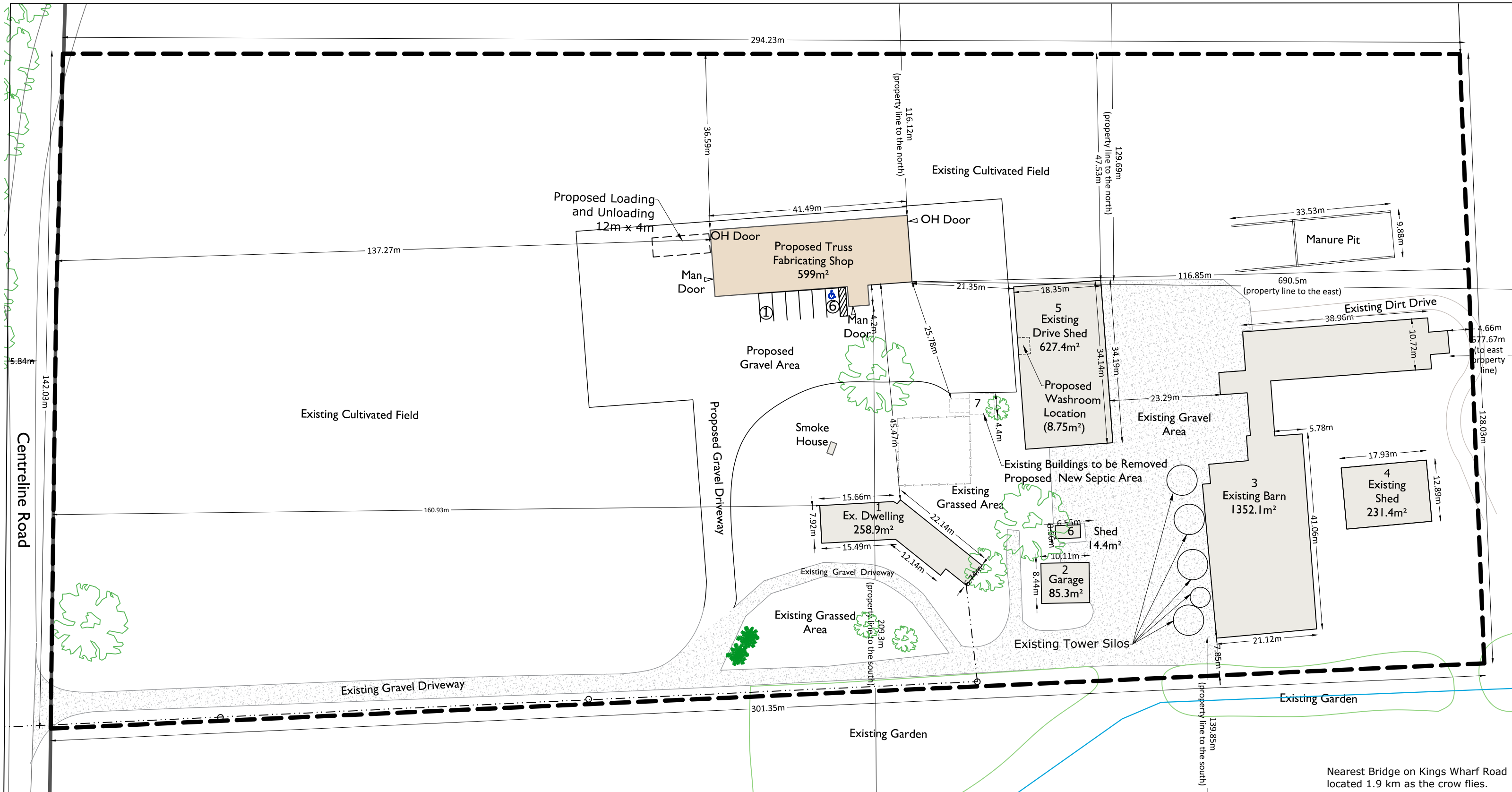
☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:  
Fax: 705-324-8110 Email: [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca)







- Legend
- Lands Subject to Zoning By-law Amendment (9.9 ac/ 4.01ha)
  - - - Existing Fenced Area

**PROPOSED TRUSS SHOP  
CONCEPT PLAN  
MARK GINGRICH**  
914 CENTRELIN ROAD  
PART OF LOTS 14 & 15, CONCESSION 12 - EMILY  
CITY OF KAWARTHA LAKES

FIGURE 3B

Nearest Bridge on Kings Wharf Road located 1.9 km as the crow flies.

Scale: 1:750m





## Planning Advisory Committee Report

---

**Report Number:** PLAN2021-031  
**Meeting Date:** June 2, 2021  
**Title:** Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich  
**Description:** D06-2020-010  
**Type of Report:** Regular Meeting  
**Author and Title:** David Harding, Planner II, RPP, MCIP

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### Recommendations:

**That** Report PLAN2021-031, **Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**, be received;

**That** a Zoning By-law, respecting application D06-2020-010, substantially in the form attached as Appendix 'D' to Report PLAN2021-031 be approved for adoption by Council; and

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

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**Background:**

The subject property is an agricultural lot that contains a single detached dwelling, detached garage, storage shed, two drive sheds, a milking barn, and a heifer barn.

A Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit an approximately 600 square metre roof truss manufacturing facility, see Appendix 'B', is proposed. About 18.2 square metres will be for an office, with the balance being for the fabrication of the trusses. The shop is proposed as a secondary use to the farm operation. A reduction in the number of required parking spaces for the business is sought, along with some of the general provisions. The owner, who resides on the farm, is proposed to be an employee along with 2-3 additional staff, and up to 5 customers per day.

The business is proposed to have up to four employees, and up to 5 customers per day.

In support of the application, the following documents were submitted for review:

1. Planning Justification Brief dated March 2020 prepared by D.M. Wills Associates Limited.
2. Sewage Brief dated January 31, 2020 prepared by D.M. Wills Associates Limited.
3. Overall Plan – Figure 3A dated March 2020 prepared by D.M. Wills Associates Limited.
4. Concept Plan – Figure 3B dated March 2020 prepared by D.M. Wills Associates Limited.
5. Lot Servicing Plan – Figure 4 dated March 2020 prepared by D.M. Wills Associates Limited.
6. Zoning By-law Amendment Sketch dated March 2020 prepared by D.M. Wills Associates Limited.
7. Preliminary Grading and Drainage Plan dated March 2020 prepared by D.M. Wills Associates Limited.
8. Traffic Impact Brief dated October 28, 2021 prepared by D.M. Wills Associates Limited.

At its September 2, 2020 meeting, the Planning Advisory Committee referred the application back for further review and processing due to the comments received by the Development Engineering Division and members of the public. The traffic impact brief Engineering requested has now been submitted and reviewed, and comments from the applicant to address the public concerns submitted.

Owners: Ivan, Salema, Mark and Loretta Gingrich

Applicant: Darryl Tighe – D.M. Wills Associates Limited

**Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**

Page 3 of 10

Legal Description:	Part of Lots 14 and 15, Concession 12, geographic Township of Emily
Official Plan:	Prime Agricultural, Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zone:	Agricultural Exception Nineteen (A1-19) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	49.7 hectares
Site Servicing:	Private individual well and septic system

**Rationale:****Provincial Policies:****Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans.

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

The application conforms to the Growth Plan.

**Provincial Policy Statement, 2020 (PPS):**

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with policy 2.3, while protecting agriculture for long-term use.

Sections 1.1.5.2, 1.1.5.4, and 1.1.5.7 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape and rural service levels. Those economic opportunities should be promoted to support a diversified rural economy. The sections further provide that such uses are to be located in areas that cause minimal impact to existing agricultural uses.

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Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae.

The PPS defines an on-farm diversified use (OFDU) is defined as "uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products". Further analysis on how to interpret the PPS with respect to OFDU proposals is contained within Publication 851. This analysis is contained within Development Services – Planning Division Comments section.

Due to the above analysis, the application is consistent with the PPS, as the proposed use will add an additional source of revenue for the agricultural operation.

**Official Plan Conformity:**

The majority of the subject lands are designated Prime Agricultural and Rural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Environmental Protection, pertaining to a watercourse. The proposal is within the Prime Agricultural designation.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits secondary uses within the Prime Agricultural designation in order to provide additional economic opportunities.

The application proposes a secondary use on a property containing an existing agricultural operation, and said use will not adversely impact the existing agricultural operations.

In consideration of the above, this proposal conforms to the Official Plan

**Zoning By-law Compliance:**

The subject land is zoned Agricultural Exception Nineteen (A1-19) Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1-19 Zone permits, amongst other uses, agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The A1-19 Zone also permitted a garden suite, and set to

**Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**

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total lot area at 40 hectares. The permitted time for the garden suite has now expired and the garden suite has been removed. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1-19 Zone to permit a truss manufacturing facility. Other amendments are also being considered, such as to limit the size of the facility, as well as reducing the parking requirement to six spaces. The by-law would typically require light or dry-light industries, which includes manufacturing, processing, and fabricating facilities, with 1 space per 40 square metres. This would require the use to have 15 parking spaces. However, this requirement is more applicable to intensive industrial operations within urban areas rather than secondary OFDUs on agricultural lots. Given the secondary nature of the OFDU, relief is being sought from the parking requirement. Staff is supportive of the reduction given the scale and nature of the operation proposed.

While the KRCA has recommended portions of the property be rezoned to EP Zone as a housekeeping measure, staff believe such a measure is better taken during the comprehensive review of the new rural zoning by-law in development as development is not proposed near this feature.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval. Site-specific zone provisions will address these items, which will require a holding provision for site plan approval.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment.

**Financial/Operation Impacts:**

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

**Servicing Comments:**

The dwelling on the property is serviced by a private sewage disposal system and well. The truss manufacturing facility will not have a washroom. A washroom is proposed in a nearby drive shed for employees, which will be serviced by a new septic system.

**Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division and Development Engineering Division raised no concerns as a result of the circulation.

Comments were received from Jim and Lisa Goudie, who reside across the road at 925 Centreline Road. They have raised concern with:

- Some of the analysis within the Planning Justification Brief related to the labelling/classification of their property,
- The scale of the operation proposed which they contend is not an accessory use,
- The need to deliver raw materials and shipping of finished goods via semi-tractor and how such trucks will navigate the site and Centreline Road
- The placement of the facility directly in-line (in-front) of their residence,
- When notice was given; and
- If City staff have attended the property.

Comments were received from Greg Starcosta of 96 Rabbit Run, who raised concern with respect to the condition of the road and proposed truck traffic for the proposed use.

A letter of support was received from Amon and Anna Martin of 820 Centreline Road.

Comments were received from John Putnins of 92 Cork Road, who raises concern with the placement of the building within the front yard, the dwelling across the road not being accounted for in the original planning justification brief, and the impact the increased truck traffic would have on the road.

**Development Services – Planning Division Comments:**

The Development Engineering Division has reviewed the traffic impact brief, and agree with its findings that the additional generated trips, will not have any significant impact on normal road operations.

There is a distinction between a secondary and accessory use which also merits further examination and clarification. An accessory use is commonly defined as subordinate and naturally and customarily devoted to the main use on the lot. However, a secondary use is classified differently, as accessory uses are often permitted as-of-right due to their dependence on the primary use on the property. A secondary use functions very differently. A secondary use is subordinate to and separate from the primary use on the property.

Publication 851, also known as the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, was prepared by the province to assist in the interpretation of the PPS and the uses it permits within prime agricultural areas. Uses that are seeking to be considered on-farm diversified uses (OFDUs) are subject to five criteria within this document:

1. The use must be located on a farm.
2. The use is secondary to the principal agricultural use of the property.
3. The use is limited in area.
4. The use may be, but is not limited to a: home occupation, home industry, agri-tourism, and uses that produce value-added agricultural products.
5. The use shall be compatible with and shall not hinder surrounding agricultural operations.

Staff offer the following analysis in response to the listed criteria:

1. The subject property contains an active dairy operation, and cultivated lands where crops such as corn, soybean, and wheat are grown.
2. The property has two barns and two implement sheds, a dwelling, and residential accessory buildings. The size of the proposed building is accessory in relation to the size and scale of the other agricultural buildings and agricultural operations on the property.
3. The use in terms of size and scale is confined to the front of the property in an area to the northwest of the dwelling. The use will use the existing driveway access to the property, though a new fork will be created in the driveway near the dwelling to direct traffic to the new building. Placing the use near the other buildings minimizes the fragmentation of farm land. The Agricultural Impact Assessment (AIA) within the Planning Justification Brief identifies that less than 1 acre (0.41 hectare) of land will be removed from cultivation to accommodate the building and its parking lot and loading area, representing less than 1% of the



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total area of the lot. Publication 851 recommends OFDUs occupy no more than 2% (including parking areas and outdoor storage areas) of the property up to a maximum of 1 hectare (2.47 acre). The proposal is within the size requirement to maintain an accessory scale to the agricultural operations.

4. A variety of uses secondary to an agricultural operation are listed as permissible examples, including manufacturing/fabrication uses. Home industries are listed as one type of permitted business operations. Using the Emily Zoning By-law definition of home industry as a guide, uses which are secondary to and compatible with the primary use on the property, and are also carried on by members that reside on the same property. The purpose and intent of providing example terms such as home industries within the guidelines is to guide decision makers in their assessment of what is reasonable to consider when a use is proposed as an OFDU. The home industries term assists in the evaluation by outlining a relationship between proposed use and the farming operation where the proposed use is secondary to that of the farming operation. A relationship between the operators of the agricultural operation and operators of the secondary use is also established by using the home industry term as a guide. The proposed truss manufacturing use is a manufacturing/fabrication use, and at least one individual who resides on the property will be involved in the operation of this secondary business. Therefore, a relationship between the agricultural property and the secondary use is established similar to what would be found in a home industry use both in terms of the scale of the operation and who is involved in carrying out the secondary business.
5. The use removes minimal land from agricultural production, and is located within an area in close proximity to the existing farmstead buildings. The Agricultural Impact Assessment (AIA) within the Planning Justification Brief identifies that less than 1 acre of land will be removed from cultivation to accommodate the building and its parking lot and loading area, representing less than 1% of the total area of the lot. The proposed use is to be located within the existing cluster of buildings. This cluster is about 315 metres away from the closest barn and is further separated by Sunnywood Road.

Staff is satisfied that the proposed use meets the guidelines laid out in Publication 851, which ensures a use which is secondary to a working farm, that does not adversely impact the farm's primary agricultural operations, and is compatible with the rural landscape and is thus in keeping with the PPS to permit said use on prime agricultural lands.

The Agricultural Exception Thirty-Seven (A1-37) Zone is proposed to permit the truss manufacturing facility use. Provisions within the by-law amendment are proposed to regulate the footprint of the proposed truss manufacturing building along with additional amendments to ensure the use remains secondary to and tied to the farm operation, rather than operating as an entirely independent entity.

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While the applicant has requested the entire property be rezoned to permit the proposed use, staff are of the opinion it is more appropriate to rezone the portion of the land near the existing cluster of buildings in order to better guide the location where the use is proposed in Appendix 'C'. The proposed footprint is best situated to minimize fragmentation to the agricultural land. While the application seeks to alter some of the accessory building provisions, staff is of the opinion that adding truss manufacturing facility as a permitted use to the A1 list of permitted uses classifies the proposed use as a primary use rather than accessory use. As such, it will be subject to the setback requirements of the A1 Zone unless otherwise specified. A minimum setback from the west and north lot lines is proposed to better tie the building to its proposed location within Appendix 'C'. While the proposed use is not accessory to the agricultural operation, it is secondary to it. The secondary nature of the use will be regulated by the A1 Zone requirements in conjunction with the specific amendments proposed within the A1-37 Zone.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with appropriate zoning provisions will appropriately facilitate the construction of a truss manufacturing facility as an on-farm diversified use on the subject property, which is considered secondary to the agricultural use.

**Conclusion:**

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for Approval.

**Attachments:**

Appendix 'A' – Location Map



Appendix A  
PLAN2021-031

**Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**

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Appendix 'B' – Aerial Photograph



Appendix B  
PLAN2021-031

Appendix 'C' – Sketch



Appendix C  
PLAN2021-031

Appendix 'D' – Draft By-law Amendment



Appendix D  
PLAN2021-031

**(Acting) Department Head:** Richard Holy

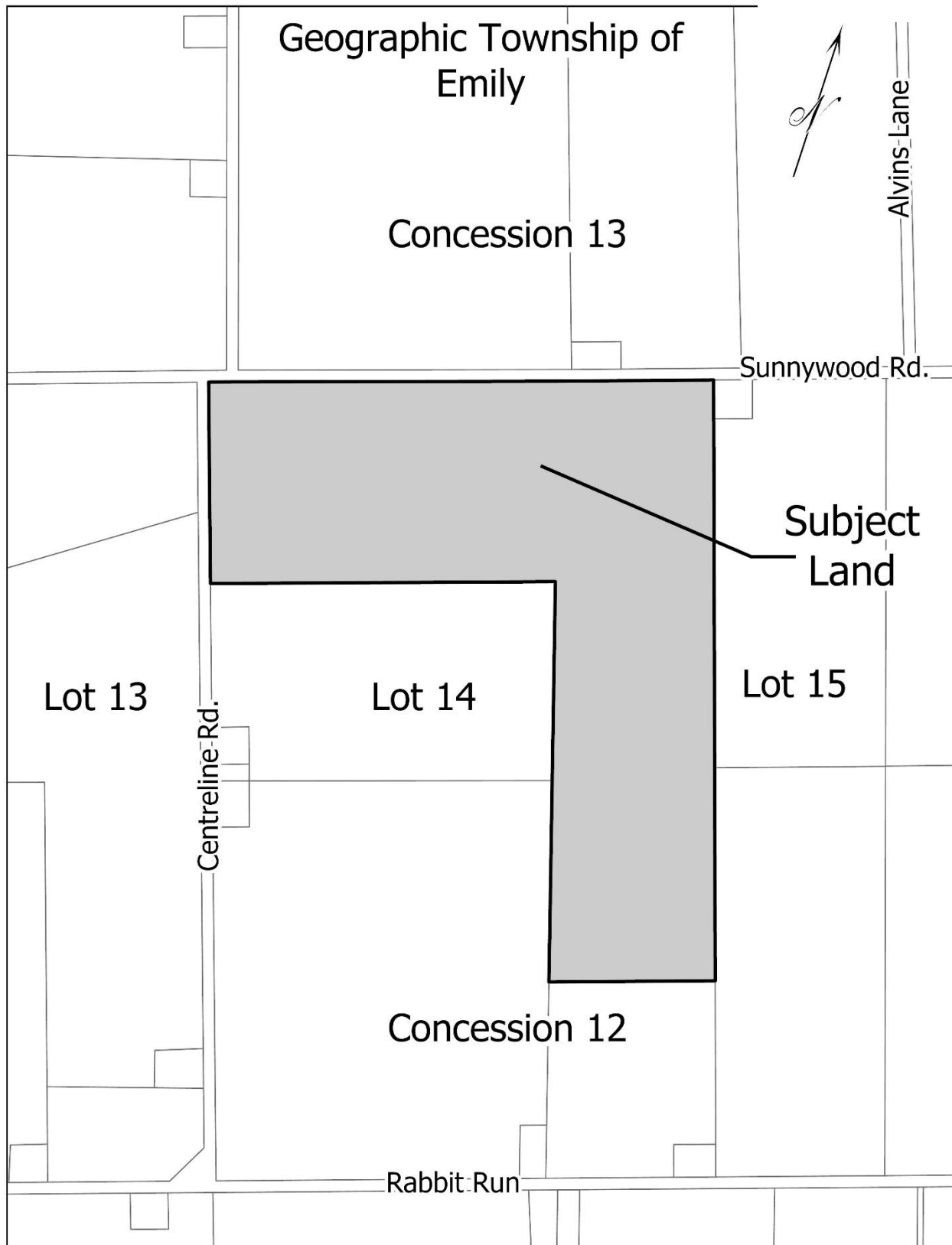
**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department File:** D06-2020-010

to

REPORT PLAN2021-031

FILE NO: D06-2020-010



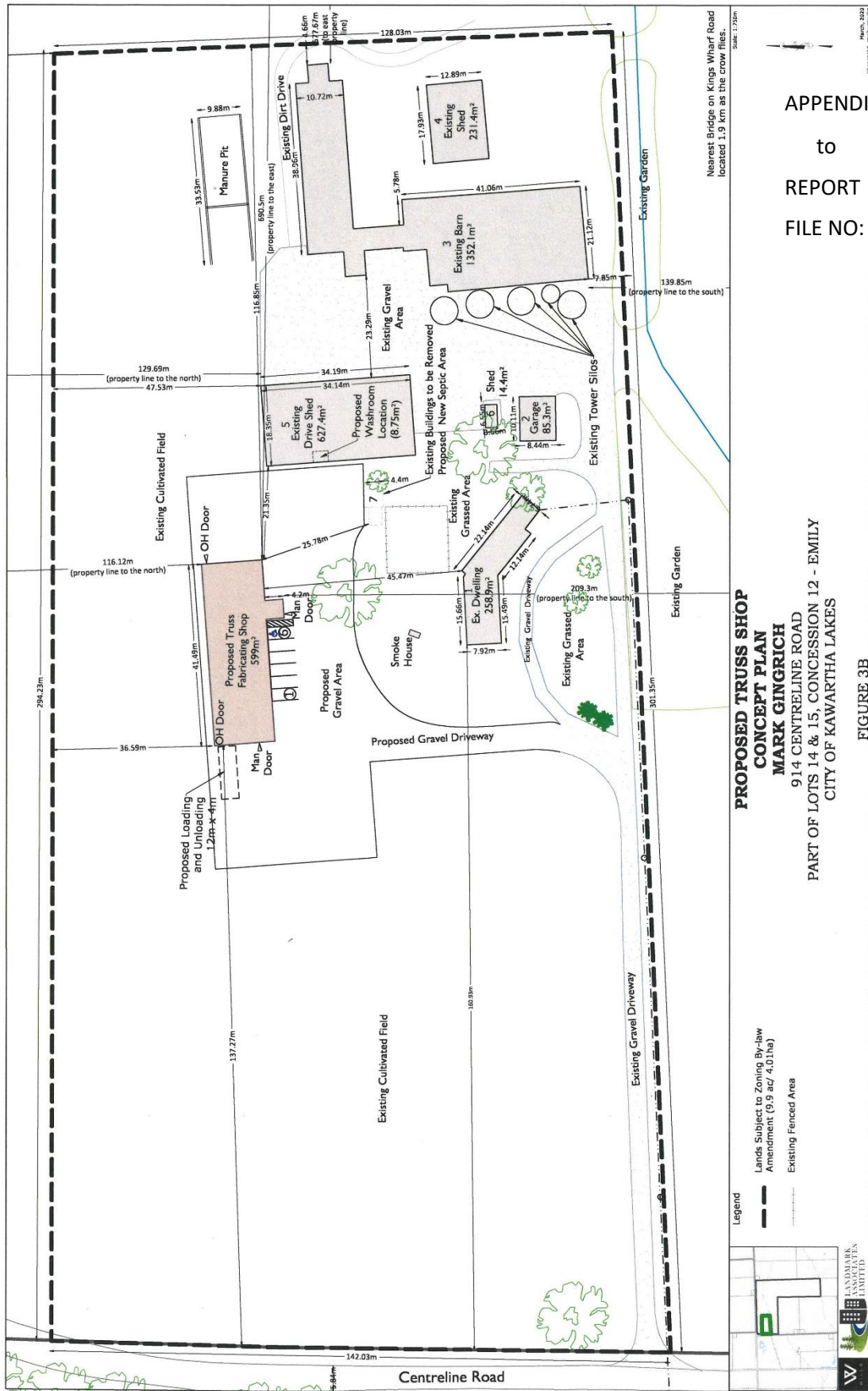
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REPORT PLAN2021-031

FILE NO: D06-2020-010







APPENDIX " C "

to

REPORT PLAN2021-031

FILE NO: D06-2020-010

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

A By-Law To Amend The Township of Emily Zoning By-Law No.  
1996-30 To Rezone Land Within The City Of Kawartha Lakes

File D06-2020-010, Report PLAN2021-031, respecting Part of Lot 14 and 15,  
Concession 12, geographic Township of Emily, being 914 Centreline Road – Gingrich

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. Section 36 of the Planning Act authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
- 2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a custom woodworking shop as an additional permitted use on a portion of 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 Part of Lots 14 and 15, Concession 12, geographic Township of Emily, identified as 914 Centreline Road, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding Section 7.3.37:

“7.3.37	Agricultural Exception Thirty-Seven (A1-37) Zone	
7.3.37.1	Notwithstanding subsection 7.1.1 land zoned “A1-37” may also be used for a lumber manufacturing facility.	
7.3.37.2	A lumber manufacturing facility includes the manufacturing, processing, fabrication, and warehousing of trusses.	
7.3.37.3	A lumber manufacturing facility use shall be permitted in accordance with the following:	
	a) The use shall be carried out by at least one member of the household residing on the property.	
	b) The property on which the use is located shall be classified as a farm by MPAC.	
7.3.37.4	Notwithstanding subsection 7.2.1 and articles 3.14.1.1 and 3.14.1.2, on land zoned “A1-37” a lumber manufacturing facility shall be subject to the following zone provisions:	
	a) front yard (min.)	130 m
	b) exterior side yard (min.)	30 m
	c) gross floor area (max.)	600 sq. m.
	d) parking (min.)	6 spaces
	e) accessible parking (min.)	1 space

- 7.3.37.5      The provisions of subsection 3.13.1 shall not apply to land zoned “A1-37” and article 3.14.2.2 shall not apply to a lumber manufacturing facility.
- 7.3.37.6      On land zoned “A1-37(H)”, the removal of the (H) holding symbol shall be in accordance with the following:
- a) The owner shall apply for and obtain Site Plan Approval for the development on the A1-37 zoned portion of the subject land.”
- 1.03    **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by deleting 7.3.19.1 (b) and (c) and adding the following to Section 7.3.19.1:
- “(b)    The provisions of subsection 3.13.1 shall not apply to land zoned “A1-19.”
- 1.04    **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the property from the ‘Agricultural Exception Nineteen (A1-19) Zone’ to ‘Agricultural Exception Thirty-Seven Holding [A1-37 (H)] Zone’ 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 Sections 34 and 36 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



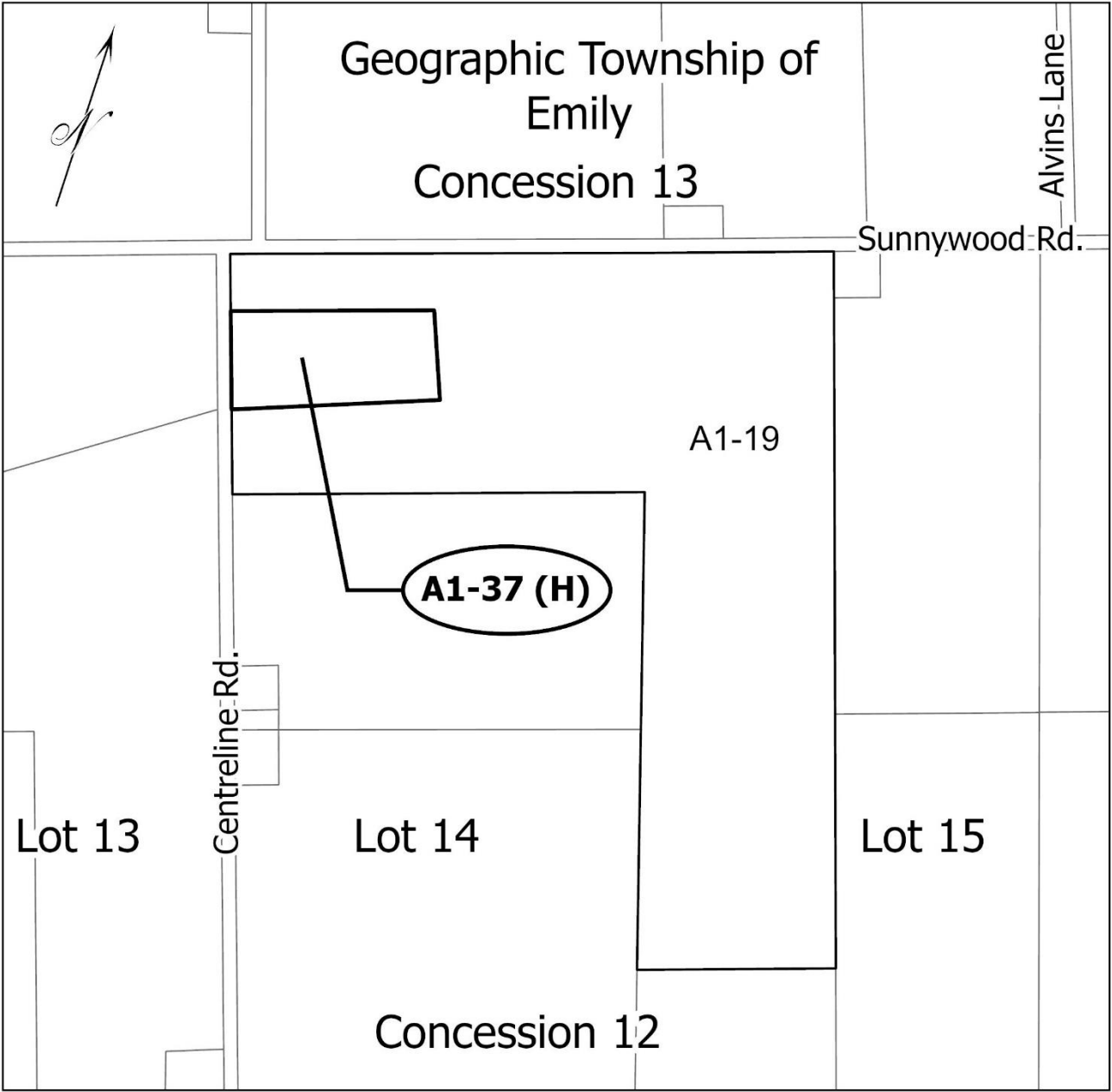
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_



## Planning Advisory Committee Report

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**Report Number:** PLAN2021-035

**Meeting Date:** June 2, 2021

**Title:** Amend Emily Zoning By-law 1996-30 at Block C, Plan 507, Westview Drive - Rowles

**Description:** An application to change the Community Facility Exception One (CF-1) Zone to an appropriate Rural Residential Type Three (RR3-\*) Exception Zone to permit a residential use on the subject property

**Type of Report:** Regular Meeting

**Author and Title:** Mark LaHay, Planner II, MCIP, RPP

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### Recommendations:

**That** Report PLAN2021-035, respecting **Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes, "Rowles – D06-2020-016"**, be received;

**That** a Zoning By-law, respecting application D06-2020-016, substantially in the form attached as Appendix 'C' to Report PLAN2021-035 be approved for adoption by Council; and

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

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The statutory public meeting was held by the Planning Advisory Committee on October 7, 2020, which adopted the following recommendation:

### **PAC2020-042**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** Report PLAN2020-050, **respecting Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes, Application No. D06-2020-016**, be received; and

**That** Zoning By-law Amendment Application D06-2020-016, Block C, Plan 507 geographic Township of Emily, City of Kawartha Lakes, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and any other concerns or issues have been addressed.

**Carried**

At the Council Meeting of October 20, 2020, Council adopted the following resolution:

### **CR2020-322**

**Moved By** Deputy Mayor O'Reilly

**Seconded By** Councillor Veale

**That** the Minutes of the October 7, 2020 Planning Advisory Committee Meeting be received and the recommendations, included in Section 11.3 of the Agenda, be adopted.

**Carried**

This report addresses that direction.

Owner:	Sabrina Rowles
Applicant/Agent:	Richard J. Taylor, Barrister and Solicitor
Legal Description:	Block C, Plan 507, geographic Township of Emily
Official Plan:	Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan

Zone:	Community Facility Exception One (CF-1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	0.482 ha. (1.190 acres - MPAC)
Site Servicing:	Private Well and Private Septic System proposed
Existing Uses:	Vacant land
Adjacent Uses:	North: Rural and Waterfront Residential/Pigeon Lake South: Environmental Protection/Potash Creek/Agricultural East: Pioneer Road (portion unimproved)/Rural/Agricultural West: Westview Drive/Waterfront Residential/Pigeon Lake

The subject property was part of the Glen's green spaces as part of the original plan of subdivision that was registered in the early 1970s and was not originally assessed by MPAC. More recently in 2015, this property has been the subject of a sale by the City of Kawartha Lakes relating to the non-payment of property taxes in accordance with municipal procedures. It has been sold twice, since it was originally under the ownership of the Glen Cottage Owners Association.

## **Rationale:**

The subject property is located within an existing rural residential subdivision within a Waterfront designated community, which is situated adjacent to Pigeon Lake. The subject land is presently vacant. The current owner who purchased the property in 2016 proposes to rezone the property to change the previous community facility use to permit a single detached dwelling, which would also include permitted residential accessory uses.

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

1. Zoning By-law Amendment Application received February 18, 2020 and deemed complete June 8, 2020.
2. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated December 4, 2019 and supplementary confirmation dated September 23, 2020 that the conclusions of the Planning Justification Report related to the relevant sections of the PPS are still valid as the proposed Zoning By-law amendment is consistent with the policy changes resulting from the 2020 Provincial Policy Statement (PPS).
3. Proposed Concept Site Plan prepared by EcoVue Consulting Services Inc., dated June 1, 2020.

4. Topographic Survey prepared by Elliott and Parr, Ontario Land Surveyors, dated April 26, 2016.
5. Desktop Hydrogeological and Servicing Assessment prepared by Oakridge Environmental Ltd., dated October 2019. The report concludes there is an adequate supply of groundwater to service the single residential development and that there is sufficient area to support a private (conventional) Class 4 sewage system, with the expectation that a partially or fully raised tile bed will be required to accommodate site conditions. This will be assessed at the time of applying for a permit to construct the system. A revised site servicing plan prepared by Oakridge Environmental Ltd., dated November 9, 2020 was submitted and provides for a conceptual sewage system in compliance with the requirements of the Ontario Building Code.
6. Natural Heritage Evaluation (NHE) prepared by Oakridge Environmental Ltd., dated October 2019 in relation to potential natural heritage impacts associated with the proposed development.
7. Stage 1 & 2 Archaeological Assessment (with the involvement of Curve Lake First Nation) prepared by York North Archaeological Services Inc., dated June 25, 2019.
8. Stage 1 & 2 Archaeological Assessment Supplementary Document - First Nation (Curve Lake) Engagement prepared by York North Archaeological Services Inc., dated June 21, 2019.

Staff has reviewed the Planning Justification Report and other supporting documentation and has evaluated the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019:**

The Growth Plan provides policies for managing growth and development while supporting economic prosperity, protecting the environment and helping communities achieve a high quality of life. Section 2.2.1 d) directs development to settlement areas except where policies permit otherwise, and Section 2.2.1 e) generally directs development away from hazardous lands. Within rural areas, subject to the policies of Section 4, Section 2.2.9.3 permits development outside of settlement areas on rural lands provided the uses are compatible with the rural landscape and surrounding local land uses; will be sustained by rural service levels; and, will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.

The subject land is within the Natural Heritage System according to Provincial mapping, although this mapping does not apply until adopted into the applicable Official Plan. However, the policies would apply to natural heritage systems outside of settlement areas that are identified in the Official Plan. No significant wetland, wildlife habitat or woodland natural heritage features have been mapped on or within 120 metres of the subject property within the Official Plan but a key hydrologic feature, including permanent streams and an inland lake with potential fish habitat is within 120 metres and is subject to the relevant policies.

Relevant 2019 Growth Plan policies from Sections 4.2.2, 4.2.3 and 4.2.4 apply, which include provisions to protect key natural heritage and hydrologic features, maintain connectivity between such features, limit the amount of total developable area disturbance and identify a vegetation protection zone surrounding these features. The Natural Heritage Evaluation (NHE) submitted with the application outlines a number of recommended mitigation measures to protect the natural features and address the natural heritage provisions of the Growth Plan and other policy documents. These include: excluding development activities within the 30 m. vegetation protection zone from Potash Creek/ unevaluated wetland; limiting the total area of disturbance and the development area; ensuring that all necessary vegetation removal is completed outside primary bird nesting periods; and erosion and sediment control. Staff have received comments from the Kawartha Region Conservation Authority (KRCA) advising they had no concern with the application provided the recommendations are followed within the NHE. The KRCA has further advised that it is possible to incorporate the NHE recommendations within their permitting process and that they are supportive of implement an Environmental Protection (EP) zone on the southern portion of the property to generally align with the 15m top of bank vegetation protection zone recommended by the NHE.

In consideration of the above, the application demonstrates conformity with the policies of the Growth Plan.

### **Provincial Policy Statement, 2020 (PPS):**

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

Section 1.1.4, Rural Areas in Municipalities, recognizes the importance of rural lands, natural heritage features and areas and other resource areas and building upon rural character and leveraging rural amenities and assets.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings) and limited residential development which is compatible with the rural landscape and can be sustained by rural service levels.

Section 1.6.6 of the PPS provides policy for how and where sewage and water systems may be developed. In this regard, individual on-site sewer and water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impact. A Desktop Hydrogeological Study was submitted to determine if a private well and private septic system could be accommodated on the subject property. It recommended that site conditions be verified by excavating test pits at the time of applying for a permit to construct the sewage system. Comments have been received from the Building and Septic Division, advising that the latest site plan provides for a conceptual sewage system in compliance with the requirements of the Ontario Building Code.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in certain significant natural heritage features nor within the habitat of endangered species and threatened species. The Kawartha Region Conservation Authority (KRCA) confirmed a Terms of Reference and scope for an Environmental Study, which is required to demonstrate that the proposed application would not result in negative impacts to the natural environment. Based on this, the submitted Natural Heritage Evaluation was circulated to KRCA. The KRCA advised they had no concern with the application provided the recommendations are followed within the NHE.

Section 2.6 pertaining to cultural heritage and archaeology does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved. A Stage 1 & 2 Archaeological Assessment has been completed and filed with the Ministry of Tourism, Culture and Sport (MTCS) advising that in the absence of archaeological resources with cultural heritage value and interest that no further assessment is warranted or required. Confirmation was received from the MTCS that they are satisfied with the report and it has been entered into the Ontario Public Register of Archaeological Reports.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. The entire property is within the regulated area of KRCA. The Conservation Authority permitting policies direct development outside of flood hazards.

The submitted Natural Heritage Evaluation outlines a number of recommended mitigation measures to address the natural heritage provisions of the PPS. Staff have received comments from the Kawartha Region Conservation Authority (KRCA) advising they had no concern with the application provided the recommendations are followed within the NHE. The KRCA has further advised that it is possible to incorporate the NHE recommendations within their permitting process and that they are supportive of implementing an Environmental Protection (EP) zone on the southern portion of the property to generally align with the 15m top of bank vegetation protection zone recommended by the NHE.

In consideration of the above, this application demonstrates consistency with the PPS.

### **Official Plan Conformity:**

The subject property is designated "Waterfront" with the exception of a small sliver along the southeast side of the property, which is designated "Environmental Protection" in the City of Kawartha Lakes Official Plan (CLKOP) that is adjacent to and follows a watercourse. The Waterfront land use designation provides for low density seasonal and permanent residential uses and accessory uses adjacent to lakes.

The natural heritage policies of the CKLOP in Section 3.5 apply. This includes the preparation of an Environmental Impact Study (EIS), also known as a Natural Heritage Evaluation (NHE), for development and site alteration within 120 metres of certain natural heritage features including a wetland and/or fish habitat, development and site alteration within 120 metres adjacent to significant habitat of Threatened and Endangered species, which will be subject at the discretion of the Ministry of Natural Resources and Forestry, and development and/or site alteration within or adjacent to significant wildlife habitat may only be permitted subject to an EIS demonstrating no negative impacts to the natural features or their ecological functions.

The submitted Natural Heritage Evaluation outlines a number of recommended mitigation measures to address the natural heritage policies within the CKLOP. Staff have received comments from the Kawartha Region Conservation Authority (KRCA) advising they had no concern with the application provided the recommendations are followed within the NHE. The KRCA has further advised that it is possible to incorporate the NHE recommendations within their permitting process and that they are supportive of implementing an Environmental Protection (EP) zone on the southern portion of the property to generally align with the 15m top of bank vegetation protection zone recommended by the NHE.

As identified during preconsultation and as outlined in Section 34.13 of the CKLOP, cash-in-lieu of parkland dedication equivalent to 5 percent for residential development



or redevelopment shall be taken. Notwithstanding this requirement, the original subdivision plan provided an overdedication of parklands, as Blocks A to D, Plan 507 were to be dedicated for public park purposes, which represents approximately 17.5% of the area of the subdivision lands. By removing the Block C lands, approximately 15.3 % of the lands remain as parkland, which provides more than sufficient parkland for the subdivision. Therefore, the City will not be taking additional parkland or cash-in-lieu for this application.

Based on the above, this application demonstrates conformity with the CKLOP.

### **Zoning By-law Compliance:**

The property is zoned "Community Facility Exception One (CF-1) Zone" in the Township of Emily Zoning By-law 1996-30, as amended. The CF-1 Zone only permits a public or private park with no buildings or structures other than picnic shelters, gazebos and docks, which are not fully enclosed, playground equipment, a storage shed with a maximum floor area of 10 square metres and two change rooms, with no plumbing or washroom facilities, having a maximum total floor area of 25 square metres. As residential uses are not permitted, a rezoning is required.

The effect of the zoning amendment is to permit a portion of the land to be used for a single residential dwelling and associated accessory uses with appropriate development standards. This includes recognition of the reduced frontage, being approximately 8 metres, along Westview Drive. The applicant's Planner has advised that required yard setbacks can be met through the proposed design. A 30 metre vegetative protection area setback is required to be maintained from the edge of Potash Creek to meet the requirements of the Growth Plan for sensitive hydrological features, and to meet the environmental setback requirements for all buildings, structures and septic systems specified in the City's Official Plan. A minimum 30 metre water setback requirement in the Township of Emily Zoning By-law applies to the location of buildings and structures.

An Environmental Protection (EP) Zone is proposed to be implemented on the southern portion of the property adjacent to Potash Creek to generally align with the 15m top of bank vegetation protection zone recommended by the NHE, which will ensure development does not occur within the environmentally protected area and will minimize the impacts on natural features. In consideration of the 30 metre water setback requirement and the proposed two zone categories, an exception to the proposed zoning by-law is proposed to eliminate the additional 15 metre setback requirement for buildings and structures to an EP zone boundary as well as not treating the EP zone boundary as a lot line for the purposes of compliance with applicable zone provisions.

## **Other Alternatives Considered:**

No alternatives have been considered at this time.

## **Alignment to Strategic Priorities:**

The 2020-2023 Kawartha Lakes Strategic Plan identifies these Strategic Priorities:

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

This application appears to align with the healthy environment strategic goal as proposed application promotes sustainable development through setbacks and design that protect and preserve natural areas.

## **Financial/Operation Impacts:**

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

## **Servicing Comments:**

The lot is proposed to be serviced by a private individual well and a private septic system. The Building and Septic Division has advised that the latest site plan provides for a conceptual sewage system in compliance with the requirements of the Ontario Building Code.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments, which may have an interest in the application and a Public Meeting was held on October 7, 2020.

We have received the following comments:

## **Public Comments:**

On September 17, 2020, J. Anderson and J. Jamieson, the new owners of 100 Westview Drive requested information regarding the application. These owners posed follow up questions on September 21, 2020 regarding driveway location, septic system setback requirements, addressing, boundary trees and outbuilding location. Planning

Staff have responded to most of the questions and are following up with respect to the septic system setbacks.

On September 21, 2020, S. Mason expressed his disappointment with having received notice of the application and provided correspondence relating to a previous meeting held with City Officials in February 2016 regarding the sale of this piece of parkland that was owned the Glen Home Owners Association and that it was unlikely to be rezoned. The City's Chief Administrative Officer has further clarified that the Council at the time (and particularly the area Councillor) was not supportive of a zoning change. Nevertheless, the minutes capture the caution he provided that the City cannot reject a zoning amendment application, and that any application would be reviewed on its planning merits by a future council/administration.

On September 21, 2020, E. Bloom, a resident on Westview Drive outside the 500 metre circulation range requested information and instructions for sending a written submission and to participate remotely on-line. Planning Staff provided her with a copy of the Notice of Public meeting with the instructions attached.

On September 22, 2020, B. Putman of 117 Westview Drive asked for more specific information relating to the location of the subject land in relation to his property and whether it was near the natural forest adjacent to his property.

Up to the public meeting date of October 7, 2020, the following comments and concerns were provided by the following area residents:

- B. Pownall of 93 Westview Drive
- D. Ditchburn of 182 Westview Drive
- B. & T. Fisher of 9 Millbrook Ridge Road
- J. Jamieson & J. Anderson of 100 Westview Drive
- C. Young of 73 Westview Drive
- B. Calwell of 110 Westview Drive

These comments noted several common concerns including:

- loss of formerly common access green space;
- restrictive covenants and deeded access to Block C by neighbouring property owners;
- location of driveway with preference of lot access to be from Pioneer Road;
- location of proposed utility services (i.e. overhead hydro lines);
- setback requirements and location of the proposed well and septic systems and impacts on adjacent properties;
- removal of trees on the property; and,
- the tax sale process that saw the property leave common ownership.

At the public meeting, the following persons spoke:

Joanne and Sabrina Rowles as the owners of the property, and stated that they are confident in their ownership of the property and that they pay property taxes on it.

Donald Ditchburn of 182 Westview Drive spoke as the past president of the Glen Home Owners Association Inc. and provided an overview of the ownership history of the lot, including the tax sale process, which saw the property move into private ownership. He stated he was pleased to see the environmental studies being done on the property due to the proximity of Potash Creek. Overall, while he stated he does not have any strong objection with the Rowles family and is looking to restore relationship with them, he questioned if there is clear title to the property, as most properties in the neighbourhood have access to Block A-G, including Block C.

Jenn Rowles of 116 Westview Drive which is the abutting property and spoke in support of the application. She stated that she has no objection to her sister moving next door, as they have done a lot of work to prepare the property. She also noted that the restrictive covenant could not be enforced over 40 years, and that it has been 55 years.

On October 9, 2020, D. Ditchburn provided follow-up email correspondence reiterating the history of the subdivision and the zoning and purpose of the park blocks.

More recently, J. Jamieson and J. Anderson of 100 Westview Drive have inquired about the status of the application and when they would have further opportunity to comment regarding the application as they are concerned with the entrance driveway location in proximity to their property and questioned whether it could be moved to Pioneer Road.

In response to their driveway location concern, Staff notes that Pioneer Road as constructed terminates and does not extend as an improved road across the property frontage in this vicinity. The road is unopened beyond this point likely because of proximity to Potash Creek. The Westview Drive entrance and driveway location are the furthest possible distance from the creek location and Staff acknowledges that the KRCA is satisfied with this location.

### **Agency Comments:**

On September 11, 2020, the Building and Septic Division advised it has no concerns with the zoning by-law amendment application.

On September 15, 2020, the Engineering and Corporate Assets Department advised that further to their review of the application, they have no objection or comments to the proposed Zoning By-law Amendment to permit a single detached dwelling on the north central portion of subject land.

On September 28, 2020, the Ministry of Natural Resources and Forestry provided direction to access the natural heritage feature resources of their online mapping system.

On October 9, 2020, Kawartha Conservation advised that the entirety of the subject land is regulated and that permits would be required for site development. In addition, Potash Creek was identified as a key hydrologic feature within 120m of the subject land subject to the natural heritage policies of the Growth Plan. The KRCA reviewed the Natural Heritage Evaluation (NHE) submitted with the application and concluded it provided suitable recommendations to minimize the impacts on natural features. The KRCA advised they had no concern with the application provided the recommendations are followed within the NHE. In addition, they advised that a permit will be required for development. As part of the permit application, Kawartha Conservation will require an elevation survey and site grading plan.

On October 6, 2020, comments were received from the Building and Septic Division stating that the proposed filter bed is undersized, and recommended that the plan be revised to provide sufficient on-site sewage treatment.

On November 16, 2020, the Public Works Roads Manager of the East Maintenance Area advised that KRCA approval is to be provided for the driveway work prior the City initiating their administrative review process to ensure the entrance is in compliance with the City's current by-law. This will involve getting the necessary approval to construct the entrance as well as an approved Road Occupancy Permit. Planning Staff note that the KRCA is satisfied with the driveway entrance location.

On November 17, 2020, the Part 8 Sewage Systems Supervisor advised that a revised site servicing plan dated November 9, 2020 was submitted completed by Oakridge Environmental. The revised site plan provides for a conceptual sewage system in compliance with the requirements of the Ontario Building Code. However, the conceptual plan indicates a total loading rate area of 371.9 square metres. This will limit the total daily sewage flow of the proposed dwelling to 2200 Litres/day. The applicant does not see that the proposal will exceed this limit. As such, the Building and Septic Division does not have any further concerns with the Zoning Amendment proposal.

On April 30, 2021 the City Solicitor having evaluated a proposed mitigation measures agreement prepared by the applicant, advised the applicant that although portions of the site will be protected by EP zoning, a building envelope is achievable within the residential zone over the balance of the property. The City Solicitor further advised that this EP zoning approach is a better alternative than a mitigation measures agreement as the agreement does not constitute "applicable law" for the purposes of issuing a building permit.

## **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 for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with appropriate zoning provisions along with a proposed Environmental Protection (EP) Zone on the southern portion of the property adjacent to Potash Creek will appropriately facilitate the construction of residential dwelling on the subject property while ensuring development does not occur within the environmentally protected area, which will minimize the impacts on natural features.

## **Conclusion:**

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that 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 call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2021-035.pdf



Appendix 'B'  
PLAN2021-035.pdf



Appendix 'C'  
PLAN2021-035.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph NHE Constraints Map

Appendix 'C' – Draft Zoning By-law Amendment

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**(Acting) Department Head:** Richard Holy

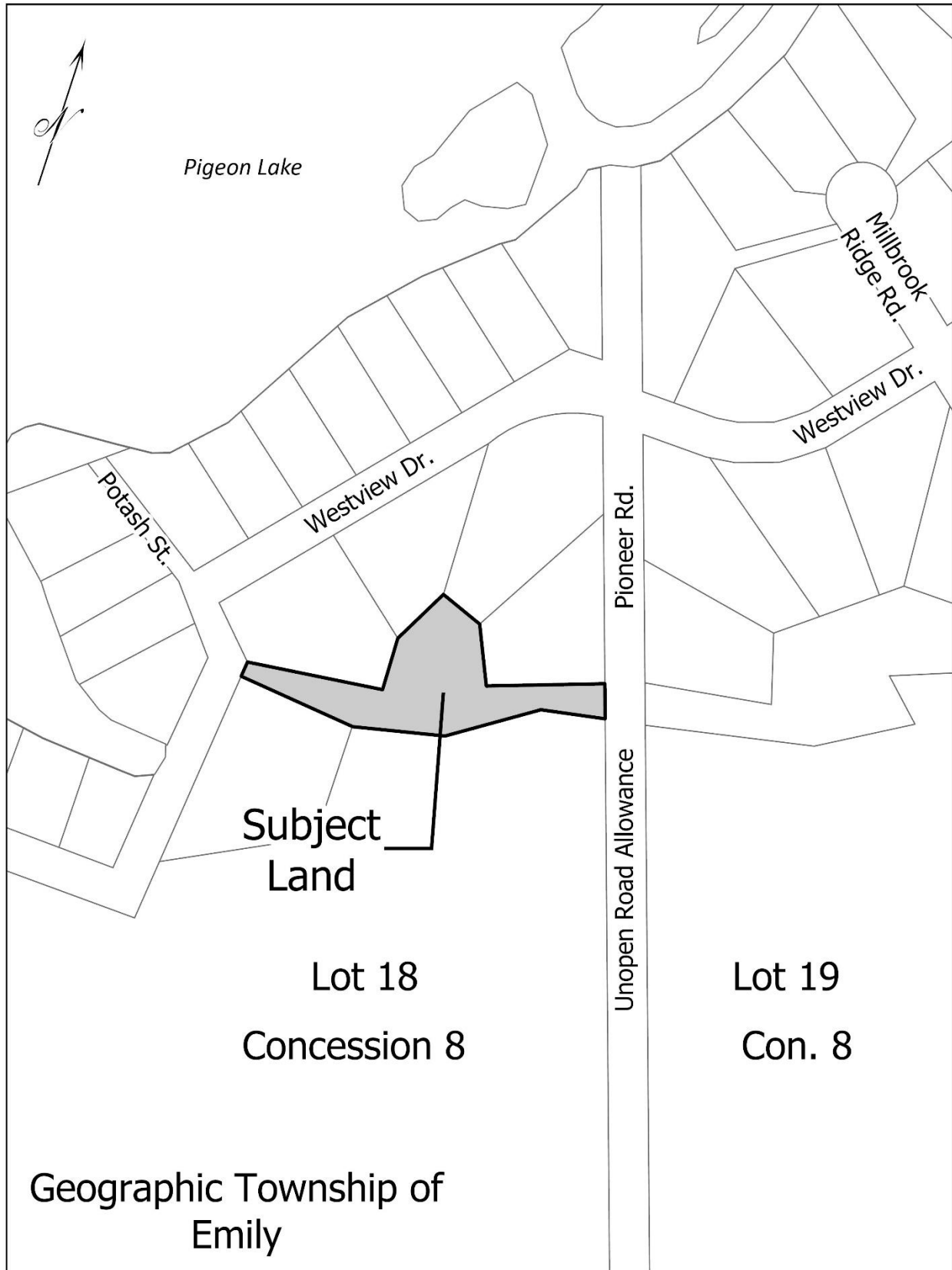
**Department File:** D06-2020-016

APPENDIX “ A ”

to

REPORT PLAN2021-035

FILE NO: D06-2020-016

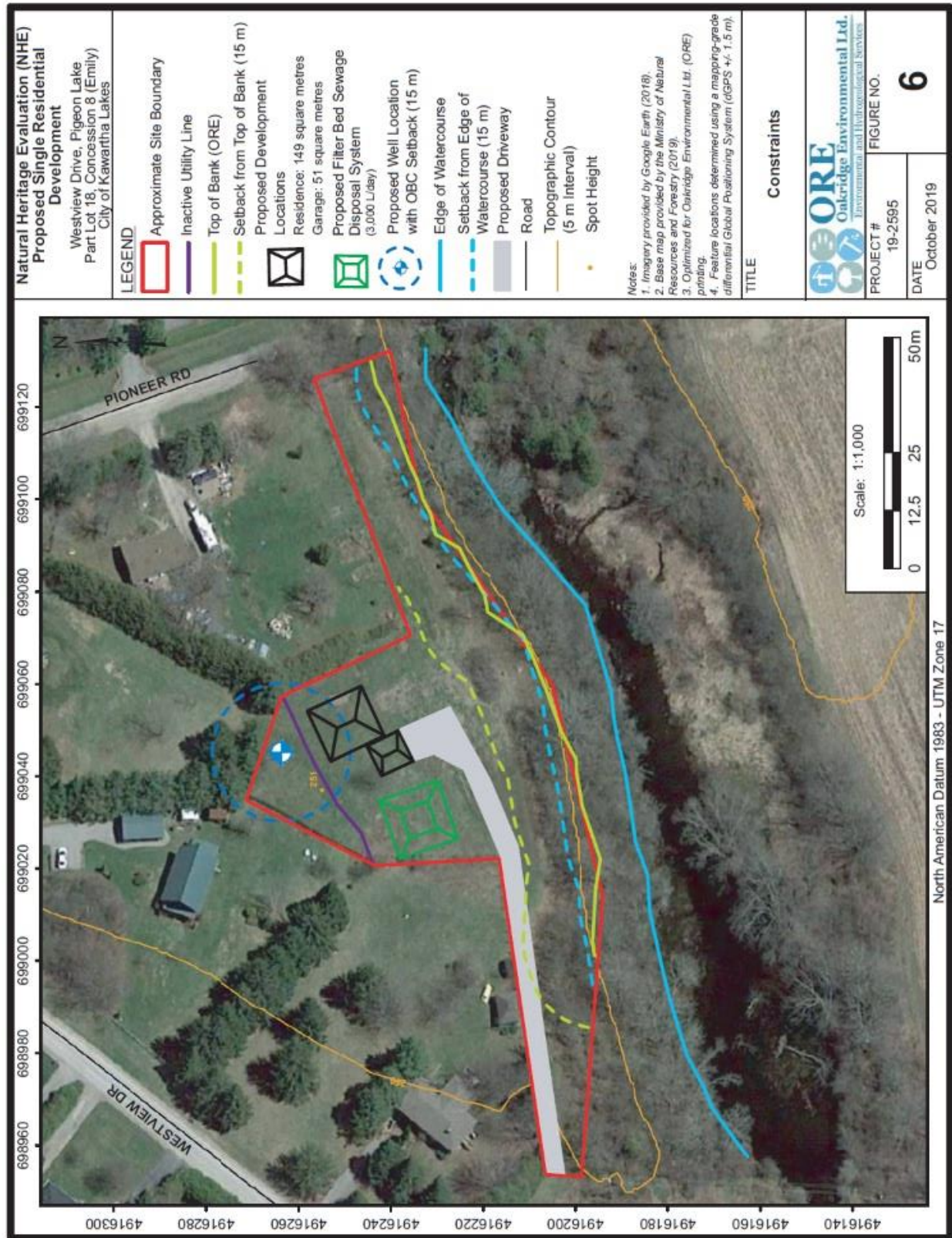




to

REPORT PLAN2021-035

FILE NO: D06-2020-016





## The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2021-035

## By-Law 2021 -

FILE NO: D06-2020-016

**A By-Law To Amend The Township of Emily Zoning By-Law No.  
1996-30 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2020-016, Report PLAN2021-035, respecting Block C, Plan 507, geographic Township of Emily, Westview Drive – Rowles

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a residential detached dwelling on 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 Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 12.3:
  - 12.3.14 RURAL RESIDENTIAL TYPE THREE EXCEPTION FOURTEEN (RR3-14) ZONE
    - 12.3.14.1 Notwithstanding Sections 3.13, 3.18.1.1 and 12.2.1.2, lands zoned "RR3-14" shall also be subject to the following provisions:
      - (a) Lot Frontage (min.) along Westview Drive                      8.0 m
      - (b) The zone boundary between the "RR3-14" and "EP" zones shall not be considered a lot line for the purposes of interpreting and applying the "zone" and "general provisions" of the By-law.

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the Community Facility Exception One (CF-1) Zone to the Rural Residential Type Three Exception Fourteen (RR3-14) Zone and to the Environmental Protection (EP) Zone for the land referred to as 'RR3-14' and 'EP', 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.

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Andy Letham, Mayor

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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 \_\_\_\_\_

