

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-017

Date: March 9, 2016

Time: 1:00 p.m.

Place: Council Chamber

Public Meeting

Ward Community Identifier: Ward 11 - Lindsay

Subject: Applications to amend the Lindsay Official Plan (D01-16-003) and Zoning By-law (D06-16-010) to permit additional uses on the property identified as 449 Kent Street West, Lindsay (LINDBROOK DEVELOPMENTS INC.).

Author/Title: Ian Walker, Planner II

Signature: 

Recommendations:

RESOLVED THAT Report PLAN2016-017, respecting Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, "LINDBROOK DEVELOPMENTS INC. – Applications D01-16-003 & D06-16-010", be received;

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

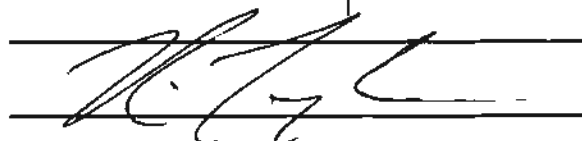
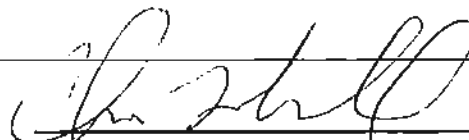
THAT unless information becomes available at the Public Meeting that raises issues not already addressed by this report, that the zoning by-law amendment, substantially in the form attached as Appendix "D" be referred to Council for adoption;

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

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



THAT pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, as amended, the Council having considered the revisions to the draft By-law to increase the maximum floor area per use for the small scale office use from 500 sq. m. to 600 sq. m., deems no further public notice to be necessary.

Background:

The applicant has submitted an application to amend the “General Commercial” designation policies and the “General Commercial (GC) Zone” category in order to permit a small scale Medical Clinic use; a small scale office use, a retail establishment for the sale of telecommunications and devices; and an establishment for mail and parcel delivery, in addition to the existing permitted uses on the lot.

Owner:	Lindbrook Developments Inc. c/o Powers Property Group
Applicant:	Kevin M. Duguay Community Planning and Consulting Inc.
Legal Description:	Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay
Designation:	General Commercial, Town of Lindsay Official Plan
Zone:	General Commercial (GC) Zone on Schedule ‘A’ of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	2.1 ha. [5.11 ac. – MPAC]
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Commercial plaza
Adjacent Uses:	North: Kent Street West/Institutional (Courthouse, OPP) East: Commercial (Restaurant) South: Vacant Land / Employment West: Vacant Land / Commercial

Rationale:

The property is located on the south side of Kent Street West, near the intersection of Highway 35 and Kent Street West, Lindsay. The Site Plan Agreement for the subject lot was registered November 14, 2013, and an amendment to the Agreement was registered on October 22, 2014. The office/retail building has been constructed, and the applicant is now seeking additional uses, in order to attract tenants to occupy the building. While the General Commercial designation and the GC Zone permits a range of commercial uses, they do not permit medical clinics, office uses, retail establishments for the sale of telecommunications and devices, or mail and parcel delivery uses. Amendments to the Official Plan (OP) and Zoning By-law are necessary to include these additional uses, as they are not currently permitted uses by the respective General Commercial designation or GC Zone requirements.

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

1. Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated January 25, 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, the Council adopted and appealed City of Kawartha Lakes Official Plan (Lindsay Secondary Plan), and the Town of Lindsay Official Plan.
2. Site Plan Revision 8 prepared by Kohn Partnership Architects Inc., dated April 16, 2015. The Plan outlines the existing development on the lot.
3. Floor Plan prepared by Kohn Partnership Architects Inc., not dated.

Staff has reviewed the Planning Justification Report in support of the official plan and zoning by-law amendments.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

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

Therefore, these applications conform to the policies of the GP.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 1.1.1 directs that healthy, liveable and safe communities shall be sustained by promoting efficient development and land use patterns which sustain the financial well-being of municipalities over the long term; avoiding land use patterns which may cause environmental or public health safety concerns; and promoting cost-effective development patterns. Section 1.1.3 directs settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

The subject lot is not within or adjacent to any natural heritage features, and the existing building subject to the proposed uses is not located within any natural hazards, as identified in Section 3.1 of the PPS.

Therefore, these applications are consistent with the PPS.

Official Plan Conformity:

The lot is designated Commercial in the Lindsay Secondary Plan (LSP), which was approved by Council on December 8, 2015. The LSP, along with the City's 2012 Official Plan (OP), are currently subject to appeal to the Ontario Municipal Board (OMB). Therefore, the former Town of Lindsay Official Plan (Lindsay OP) designation of General Commercial applies to this property. The use of land in the Commercial designation of the LSP includes a broad range of commercial uses, for which the proposed policy amendment to the Lindsay OP would not be required. Due to the outstanding appeals, the policies of the Lindsay OP apply.

The General Commercial designation in the Lindsay OP includes retail establishments and commercial uses that are destination-oriented or intended to serve the travelling public, and accommodates businesses which cannot utilize smaller commercial units due to the products and services they offer. These uses are not predominantly located in single structures. Uses include furniture, appliance and flooring establishments, garden centres, vehicle/marine sales/service, and eating establishments, or other similar uses. Office uses are not permitted in this designation. This designation requires compatibility with surrounding uses and adequate buffering from adjacent sensitive land uses. There are currently no sensitive land uses present or proposed on the abutting properties.

Adequate off-street parking is provided, and access to the site is via arterial roads. The proposal to establish new retail uses does not exceed 3,000 sq. m., therefore a Retail Market Analysis Study is not required. Policy 4.3.5.3 a) of the Lindsay OP permits a medical clinic use on the property at 86 Angeline Street South; Policy 4.3.5.3 e) permits an office use, and in particular, a medical office/clinic and lab with ancillary uses on Block 16 of Plan 57M-782. This application proposes a similar Special Policy which will permit a small scale medical clinic use, a small scale office use, a retail establishment use for the sale of telecommunications and devices, and an establishment for mail and parcel delivery. There are no land use compatibility issues associated with the existing and proposed uses.

Zoning By-Law Compliance:

The subject land is zoned "General Commercial (GC) Zone" in the Town of Lindsay Zoning By-law 2000-75. The existing buildings, parking, and landscaping comply with the requirements of the Zoning By-law. As previously noted, a Site Plan agreement has been registered for this development. The applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes an exception zone category to implement the proposed Official Plan Amendment, by adding four (4) additional permitted uses for this property: a small scale medical clinic use subject to a maximum floor area of 200 sq. m. per unit, to a total maximum of 400 sq. m. for the use; a small scale office use subject to a maximum floor area of 600 sq. m. per unit, to a total maximum of 700 sq. m. per use; a retail establishment for the

sale of telecommunications and devices, to a maximum of 150 sq. m. per unit; and an establishment for mail and parcel delivery, to a maximum of 150 sq. m. per unit. The application was amended on February 23, 2016, to request the maximum floor area of 600 sq. m. per unit for the small scale office use, whereas the original application requested 500 sq. m. Staff consider this change as minor, as the total floor area for the use has not changed.

Proposed Use (Type)	Maximum Floor Area per Unit (sq. m.)	Maximum Floor Area Total (sq. m.)
Medical Clinic	200.0	400.0
Office	600.0	700.0
Telecommunications	150.0	
Mail and Parcel Delivery	150.0	

As per Recommendation #5 noted above, a minor revision to the zoning by-law is necessary to increase the maximum floor area for the small scale office use from 500 sq. m. per use to 600 sq. m. per use, to a total maximum of 700 sq. m. The original provision was included in the public notice, however the applicant has requested the minor change. Planning staff considered this change minor and recommend that no further public notice is necessary, as the intent and purpose of the zoning by-law amendment is not altered as a result of the modification.

These applications comply with all other relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

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

Relationship of Recommendations To Strategy Map:

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment. These applications align with the prosperity priorities in that they expand the employment base.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

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

Consultations:

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

Agency Review Comments:

February 18, 2016 – The Community Services Department advised that it has no comments or concerns with respect to the applications.

February 22, 2016 – The Engineering and Assets Department advised that it has no objection or comments with respect to the applications.

February 23, 2016 – The Ministry of Transportation (MTO) advised that it has no concerns or comments with respect to the applications. If the south portion of the property is proposed for development in the future, an MTO building and land use permit will be required. MTO site plan requirements will be provided once the scope of the work is known.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the proposed amendments to the Official Plan and Zoning By-law. These studies have been circulated to the appropriate Agencies and City Departments for review and comment. The applications conform to the Growth Plan and are consistent with the 2014 Provincial Policy Statement. Conformity with the Lindsay Secondary Plan as approved by Council on December 8, 2015 has been demonstrated, and conformity with the Town of Lindsay Official Plan has also been demonstrated. Staff support the request to include a Special Policy in the Lindsay Official Plan. The rezoning will ensure the subject land complies with the Zoning By-law. All other zoning provisions within the General Commercial Zone will be maintained.

Conclusion:

Staff support the applications based on the information contained in this report and the comments received as of February 24, 2016. Provided that no additional information is raised at the Public Meeting that would alter the recommendations contained in this report, Staff respectfully recommends that the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



PLAN2016-017
Appendix A.pdf

Appendix 'B' – Site Plan – dated April 16, 2015; Floor Plan – not dated



PLAN2016-017
Appendix B.pdf

Appendix 'C' – Draft Official Plan Amendment



PLAN2016-017
Appendix C.pdf

Appendix 'D' – Draft Zoning By-law Amendment



PLAN2016-017
Appendix D.pdf

Phone:	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
E-Mail:	iwalker@city.kawarthalakes.on.ca
Department Head:	Chris Marshall, Director, Development Services
Department File:	D01-16-003 & D06-16-010

HHIGHWAY 35



'Wilson Fields'

APPENDIX " A "
to
REPORT PLAN2016-017
D01-16-003
FILE NO. D06-16-010

ST JOSEPH ROAD

THORNHILL RD

'LINDSAY'

'Loblaws'

KENT STREET WEST

**SUBJECT
LAND**

McLAUGHLIN ROAD

COMMERCE ROAD

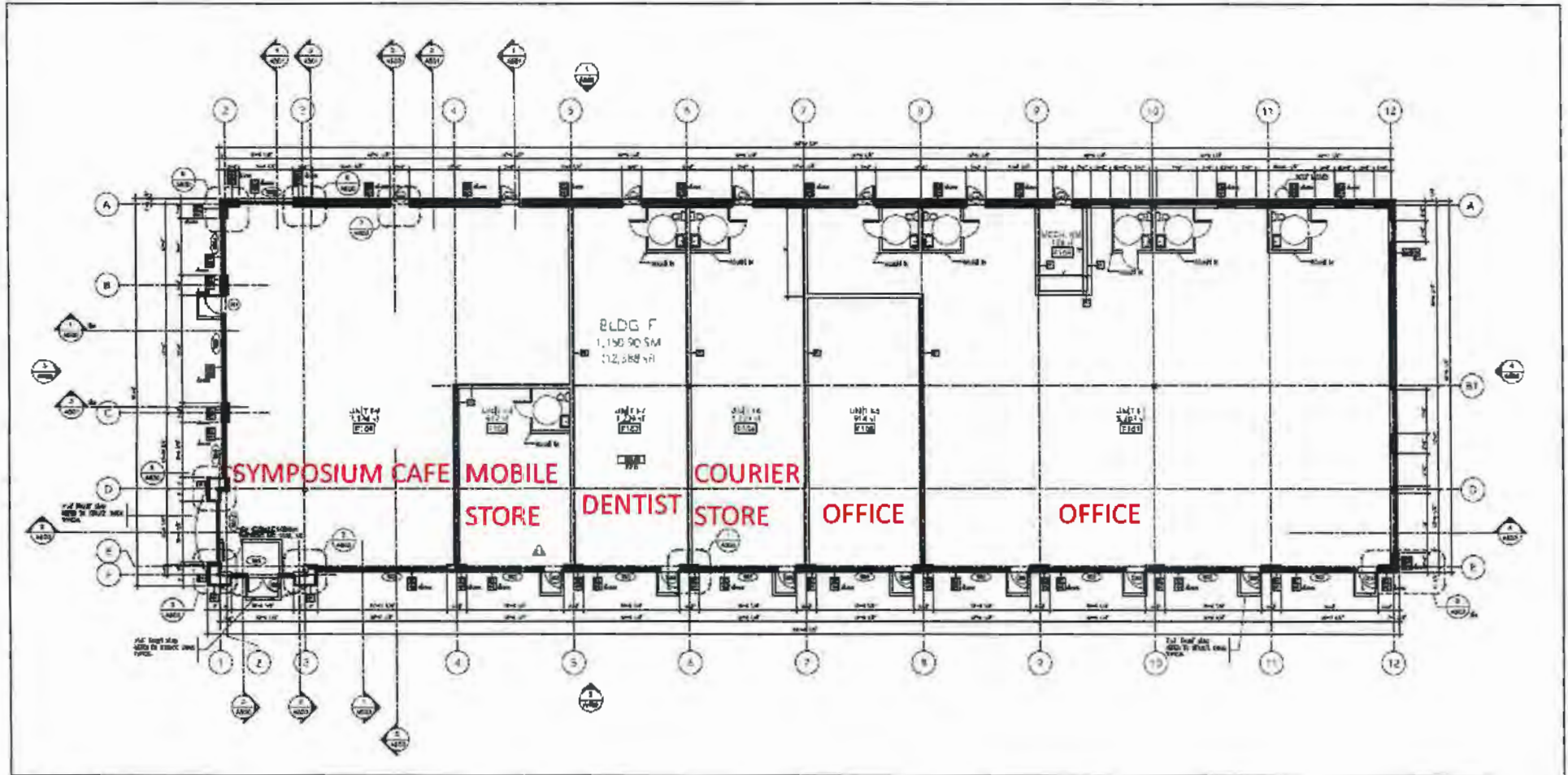
'Lindsay Square'

GREENFIELD RD.

MOOSE ROAD

COMMERCE PL

449 KENT STREET—BUILDING F



FLOOR PLAN
A100

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016 -

**A BY-LAW TO AMEND THE TOWN OF LINDSAY OFFICIAL PLAN TO RE-
DESIGNATE LAND WITHIN THE CITY OF KAWARTHA LAKES**

[File D01-16-003, Report PLAN2016-017, respecting Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, now City of Kawartha Lakes – LINDBROOK DEVELOPMENTS INC.]

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the Town of Lindsay Official Plan to include a Special Policy which permits small scale medical clinic, office, and retail uses on the property.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 49.

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

Article 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The Property affected by this By-law is identified as Part Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, now City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment No. 49 to the Town of Lindsay Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Article 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

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

Andy Letham, Mayor

Judy Cumins, City Clerk

APPENDIX " C "
to
REPORT PLAN2016-017
D01-16-003
FILE NO. + D06-16-010

AMENDMENT NO. 49 TO THE OFFICIAL PLAN FOR THE TOWN OF LINDSAY

PART A - THE PREAMBLE

A. PURPOSE

The purpose of the official plan amendment is to create a special policy which permits additional uses on the property identified as 449 Kent Street West, in the General Commercial designation of the Town of Lindsay Official Plan. The land is also subject to an application for zoning by-law amendment.

The effect of the change is to create a special provision to permit small scale Medical Clinic, office, retail establishment for the sale of telecommunications and devices, and establishment for mail and parcel delivery uses on the property.

B. LOCATION

The subject site has an area of approximately 2.1 hectares and is located on the south side of Kent Street West in the former Town of Lindsay, now City of Kawartha Lakes. The subject property is located in a developing commercial area with institutional uses. The property is currently developed with two free-standing commercial buildings and associated on-site parking.

The land is described as Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, now City of Kawartha Lakes and identified as 449 Kent Street West.

C. BASIS

Council has enacted this official plan amendment in response to an application submitted by Kevin M. Duguay Community Planning and Consulting Inc. on behalf of Lindbrook Developments Inc. to permit the additional uses in the buildings on the existing lot. It is intended that a special policy be incorporated into the Town of Lindsay Official Plan to facilitate a concurrent site-specific zoning by-law amendment to permit the additional uses.

The land is designated General Commercial on Schedule "A" of the Town of Lindsay Official Plan. The land is also subject to an application for zoning by-law amendment.

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

1. The proposed development conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed development conforms to the goals and objectives of the General Commercial designation as set out in the Town of Lindsay Official Plan.
3. The site concept is compatible and integrates well with the surrounding area.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed development with respect to servicing and the protection of the environment.

PART B - THE AMENDMENT

D. INTRODUCTORY STATEMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following Map 'A' and text constitutes Amendment No. 49 to the Official Plan for the Town of Lindsay.

E. DETAILS OF THE AMENDMENT

1. The Official Plan for the Town of Lindsay is hereby amended to add the following subsection:

4.3.5.3 Special Provisions

- f) On land designated General Commercial, known as 449 Kent Street West, and described as Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, Town of Lindsay (formerly Township of Ops), now in the City of Kawartha Lakes, the list of permitted uses shall include small scale Medical Clinic uses, small scale office uses, retail establishments for the sale of telecommunications and devices, and establishments for mail and parcel delivery.
2. Schedule 'A' of the Town of Lindsay Official Plan is hereby amended by inserting a note that the lot is subject to Policy 4.3.5.3 f) of the Official Plan, as shown on Map 'A' as 'SUBJECT LAND'.

F. IMPLEMENTATION AND INTERPRETATION

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

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 49
to the Town of Lindsay Official Plan



THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016 -

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

[File D06-16-010, Report PLAN2016-017, respecting Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, identified as 449 Kent Street West – LINDBROOK DEVELOPMENTS INC.]

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit additional uses, including small scale medical clinic, office, and retail uses on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

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

Section 1:00 Zoning Details

Property Affected: The Property affected by this by-law is described as Part of Lot 20, Concession 4, 57R-8206, Part of Part 1, former Town of Lindsay, City of Kawartha Lakes.

- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 16.3:

16.3.13 GC-S12 Zone

Notwithstanding the permitted uses and zone requirements for the GC zone, on land zoned GC-S12, the following uses shall also be permitted:

- a. Small scale Medical Clinic uses with a maximum gross leasable floor area of 200 m² per unit, to a maximum gross leasable floor area of 400 m² for all units;
- b. Small scale office uses with a maximum gross leasable floor area of 600 m² per unit, to a maximum gross leasable floor area of 700 m² for all units;
- c. Retail establishment for the sale of telecommunications and devices, with a maximum gross leasable floor area of 150 m² per unit; and
- d. Establishment for mail and parcel delivery, with a maximum gross leasable floor area of 150 m² per unit.

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the General Commercial (GC) Zone to the General Commercial Special Twelve (GC-S12) Zone for the land referred to as 'GC-S12', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

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

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

APPENDIX D
to
REPORT PLAN2016-017
D01-16-003
FILE NO. *D06-16-010

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____

HIGHWAY 35



'Wilson Fields'

'LINDSAY'

'Loblaws'

KENT STREET WEST

GREENFIELD RD.

GC-S12

McLAUGHLIN ROAD

COMMERCE ROAD

MOOSE ROAD