

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2016-024

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**Date:** April 6, 2016

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 10 - Lindsay

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

**Author/Title:** Ian Walker, Planner II

**Signature:** 

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### Recommendations:

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

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

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

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

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



## **Background:**

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

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

## **Rationale:**

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

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

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

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

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

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

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2006:**

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

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

#### **Provincial Policy Statement, 2014 (PPS):**

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

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

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

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

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

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

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

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

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

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Considerations:**

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

### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

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

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

### **Servicing Comments:**

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

### **Consultations:**

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

#### Agency Review Comments:

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

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

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

## **Conclusion:**

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

## **Attachments:**

Appendix 'A' – Location Map



PLAN2016-024  
Appendix A.pdf

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



PLAN2016-024  
Appendix B.pdf

Appendix 'C' – Draft Zoning By-law Amendment



PLAN2016-024  
Appendix C.pdf

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<b>E-Mail:</b>	<a href="mailto:iwalker@city.kawarthalakes.on.ca">iwalker@city.kawarthalakes.on.ca</a>
<b>Department Head:</b>	Chris Marshall, Director
<b>Department File:</b>	D06-16-013

'LINDSAY'

APPENDIX "A"

to  
REPORT

PLAN 2016-034

FILE NO.

D06-16-013<sup>th</sup>

BOND ST.

SUBJECT  
LAND

CAMBRIDGE ST. N.

WELLINGTON ST.

PEEL ST.

WILLIAM ST. N.



THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016 -

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

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

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

**Recitals:**

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

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

**Section 1:00 Zoning Details**

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

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

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

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

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

**Section 2:00 Effective Date**

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

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

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Andy Letham, Mayor

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Judy Currins, City Clerk