

# The Corporation of the City of Kawartha Lakes

## Planning Report

Report Number PLAN2016-026

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**Date:** April 6, 2016

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


**Place:** Council Chambers

Regular meeting

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**Ward Community Identifier:** Lindsay – Ward 9

**Subject:** Application for Zoning By-law Amendment to rezone the subject land to permit 25 condominium townhouse dwelling units, to be developed within 5 Blocks on Block 13, Plan 57M-782, being vacant land on Chadwin Drive, Lindsay, (FAIRGROUNDS CENTRE (LINDSAY) INC.).

**Author/Title:** Sherry L. Rea, Planning Coordinator **Signature:** 

### Recommendations:

**RESOLVED THAT** Report PLAN2016-026, respecting Block 13, Plan 57M-782, Lindsay, being vacant land on Chadwin Drive, Application No. D06-15-018, be received; and

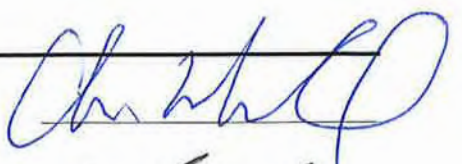
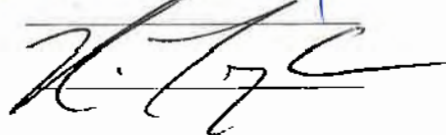
**THAT** Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be refused without prejudice as the application does not conform to the General Intensification policies as set out in Section 2.2.3 of the 2006 Growth Plan, is not consistent with the intensification policies as set out in Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement and does not conform to Sections 4 and 18.4 of the City of Kawartha Lakes Official Plan, being the Growth Management and Intensification Areas policies respectively.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**

## **Background:**

The statutory public meeting was held by the Planning Committee on October 14, 2015 and following resolution was passed:

***Moved by Councillor Junkin, seconded by Mayor Letham,***  
**RECOMMEND THAT** Report PLAN2015-081 respecting **Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes, and being vacant land on Chadwin Drive, Application D06-15-018**, be received; and  
**THAT** Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be referred back to staff to allow the applicant to submit the following:

1. A Supplementary Planning Justification Report that has regard to
  - a) the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular, consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area; and,
  - b) Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.
2. A Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study should demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term. The study should also assess how the proposal fulfills the City's affordable housing policies for 25% affordability.

**CARRIED PC2015-051**

This report addresses that direction.

The proposal is to permit 25 condominium townhouse dwelling units on the property, to be developed within 5 Blocks. The Zoning By-law Amendment proposes to rezone the land from the Residential High-Rise One Special Eleven Holding (RH1-S11)(H) Zone to the Residential Multiple Two Special (RM2-S\*\*) Zone. The proposed development will be accessed from Chadwin Drive with individual townhouse units accessed from a private condominium road. No direct

vehicular access onto Colborne Street West is proposed, although the proposal includes pedestrian linkage through to Chadwin Drive. The townhouse dwelling units will be developed on full municipal services. See Appendix "A" and "B" attached.

Owner: Fairgrounds Centre (Lindsay) Inc.

Applicant: Kevin Duguay, Community Planning and Consulting Inc.

**Legal**

Description: Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes.

Official Plan: Designated Residential on Schedule "A" of the Town of Lindsay Official Plan.

Zone: Residential High-Rise One Special Eleven Holding (RH1-S11)(H) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75.

Total Area: 1.13 ha.

Site Servicing: Proposed full urban services – water, sanitary sewer, storm sewer, streetlights, curb and gutter.

Existing Use: Vacant land.

Adjacent Uses: North: Colborne Street West and Residential  
South: Chadwin Drive and Municipal Park  
East: Local Commercial and Adelaide Street  
West: Mid-rise Residential

**Rationale:**

The subject land is located within a plan of subdivision in the central area of Lindsay which is bordered by Colborne Street West to the north, Angeline Street North to the west, Adelaide Street to the east and the Ross Memorial Hospital to the south. The property is part of the former Lindsay Fairgrounds and is currently being redeveloped with freehold townhouses, each with direct frontage on Chadwin Drive and a commercial block fronting Angeline Street North which includes a retail and medical office/clinic use and lab with ancillary uses and a restaurant.

As part of the redevelopment of the Lindsay Fairgrounds property, Council, on March 3, 2015, rezoned the subject land to Residential High-Rise One Special Eleven Holding (RH1-S11)(H) to permit the land to be developed with an apartment building containing 117 units. A Holding provision was applied to ensure development did not proceed until the North West Trunk (NWT) Sanitary Sewer was commissioned and payment of the North West Trunk Municipal Act Capital Charge was secured. On August 11, 2015, the owner submitted an

application to amend the Zoning By-law to reduce the number of approved units on site from 117 to 25 to permit a condominium townhouse development. A plan of condominium has not been submitted at this time.

As a result of the direction received from Planning Committee at the October 14, 2015 public meeting, staff received a further Supplementary Planning Opinion dated November 25, 2015, prepared by Kevin Duguay. See Appendix "C" attached. The planning opinion addressed intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP) and concluded that the proposed development is consistent with the policy directives of the 2014 PPS, conforms with the policy directives of the 2006 Growth Plan and is in keeping with the general purpose and intent of the City's OP, specifically Section 18.4 of the Plan and the Town of Lindsay Zoning By-law.

Staff has reviewed the justification provided by the applicant's consultant to support a development proposal on the subject property for 25 condominium townhouse units. The challenge is justifying the de-intensification from the approval of 117 apartment units, previously granted by Council just one year ago. The Supplementary Planning Opinion does not justify the de-intensification from 117 units to 25 units. Notwithstanding that the property owner provided realtor letters confirming that the subject property could not be developed based on market conditions, that is a business decision and not planning rationale. Council's decision to reduce the number of previously approved units should be based on consistency with the provincial planning documents and conformity with the City's OP.

### **Applicable Provincial Policies:**

Staff acknowledges the justification provided by the applicant's consultant to support a development proposal on the subject property for 25 condominium townhouse units. As previously stated, the challenge is justifying the de-intensification from the prior approval of 117 apartment units. Policy 2.2.3 being the General Intensification policies of the Growth Plan is critical to this application. It states that by the year 2015 and for each year thereafter, a minimum of 40 percent of all residential development occurring annually will be within the built-up area. As part of the provincial acceptance of the City's Growth Management Strategy (GMS), a reduced intensification target of 30% was approved. Council's previous approval for 117 units contributed to the target set by the Province for residential development within the built-up area of Lindsay.

Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement (PPS) also apply to this application. These sections speak to planning authorities identifying appropriate locations and promoting a range of opportunities for intensification and redevelopment where it 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. The definition of intensification means the

development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

### **City of Kawartha Lakes Official Plan:**

The City's OP was approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, it is located within the Urban Settlement Boundary for Lindsay and is subject to the Growth Management and Intensification Areas contained in the OP. The following Sections should be considered:

1. Section 4 being the Growth Management policies state that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by directing a significant portion of new growth to the built-up areas of the community through intensification and focusing intensification in intensification areas.
2. Section 18.4 being the Intensification Areas policies state that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up. Specifically, Section 18.4.2 states that to promote intensification and achieve the intensification target of the City it is the policy of this plan to:
  - Encourage intensification generally throughout the built-up area;
  - Identify intensification areas to support achievement of the intensification target;
  - Recognize intensification corridors as a key focus for development to accommodate intensification;
  - Plan for a range and mix of housing, taking into account affordable housing needs.

To reduce the number of units from 117 to 25 would not conform to the Growth Management and Intensification Areas policies contained in the OP. The subject property is an ideal location to accommodate intensification as it is located on the periphery of the former Lindsay Fairgrounds redevelopment project, adjacent to an arterial road and is transit and pedestrian supportive.

### **Official Plan Conformity:**

Block 13 is designated Residential on Schedule "A" of the Town of Lindsay Official Plan (LOP). The predominant use of land in the Residential designation

shall be a variety of dwelling types. Within the Residential designation there are three densities of residential development; low, medium and high density.

The applicant has submitted a site plan to demonstrate conformity with the LOP. The density, height and character of the proposed townhouses is in keeping with the character of adjacent uses and the development will be subject to site plan approval prior to the issuance of a building permit. The dwellings will not have direct access onto Colborne Street West but will be accessed via Chadwin Drive. Servicing has been confirmed under the previous development proposal and a new neighbourhood park has been developed immediately south of Block 13. Landscaping, buffering and other site amenities are part of the site plan approval process.

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

Block 13 is zoned Residential High-Rise One Special Eleven Holding (RH1-S11)(H) in the Town of Lindsay Zoning By-law. The applicant is requesting a zoning amendment to Residential Multiple Two Special \*\* (RM2-S\*\*) to permit 25 condominium townhouse dwelling units. A complete zoning review has not been undertaken as staff is unable to support the application for rezoning pursuant to provincial policy and the Growth Management and Intensification Areas policies contained in the City of Kawartha Lakes Official Plan.

### **Other Alternatives Considered:**

There remains opportunity to review alternative development proposals that require less reduction in approved dwelling units. No other alternatives were proposed at this time.

### **Financial Considerations:**

There are no financial considerations for the City, unless Council's decision respecting the approval or refusal of 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 City's Strategic Plan Framework outlines Council's Vision of a Community that is naturally beautiful and offering an exception lifestyle by pursuing Strategic Goals including a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment. More intensive development of these lands aligns with the Exceptional Quality of Life and a Healthy Environment Goals in that new and existing residents will have a choice in housing that is transit and pedestrian

supportive and has connectivity to shopping, medical facilities and parks and open space.

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

All site and building accessibility matters for the proposed development will be addressed through site plan approval. The Site Plan Agreement would address all external accessibility requirements of the Building Code, Fire Code and upgrades of adjacent municipal infrastructure if required. The site plan application will be circulated to the Accessibility Committee for comment.

### **Servicing Comments:**

Functional Servicing Reports (FSR) were circulated to the City's Engineering and Public Works Divisions for review and comment at the time of filing of the original applications for the residential Block 13 and for the commercial Block 16. Engineering Division did not require a revised FSR for the proposed townhouse development. A detailed servicing review will be undertaken through the site plan approval process.

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

Staff cannot support the proposed de-intensification in light of the Growth Management policies contained in the OP. Under Section 18.4, being the Intensification Area policies and specifically, the targets set by the Province, the City's requirement is that beginning in 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area. The previous approval granted to this site contributes to the City's ability to achieve the intensification targets. In fact, this is a candidate site that is located on an arterial road and is transit and pedestrian supportive to shopping (National Grocers/Giant Tiger Plaza), medical facilities (Ross Memorial Hospital/Walk-In Clinic) and recreational space (Wilson Fields/tennis courts, baseball and soccer fields). While the City has a limited number of additional sites for intensification, there are servicing constraints (i.e. capacity constraints with the Colborne Street Sewage Pumping Station) delaying development on those sites. The subject property has confirmed servicing with the recent commissioning of the North West Trunk (NWT) Sanitary Sewer.

As noted in the previous staff report PLAN2015-081 (See Appendix "D"), staff was willing to meet with the applicant and consider an alternative development proposal that may require less reduction in approved dwelling units. Staff met with Kevin Duguay on January 11, 2016 to discuss alternative development proposals (i.e. mid-rise building containing 50 units). Mr. Duguay advises that he has reviewed development options with his client and confirms that as a result of a pending purchase and sale agreement, is requesting that the application for the 25 townhouse units be reconsidered by Planning Committee.

It has been determined that a Housing Needs Assessment is no longer required as it was acknowledged that the City does not have regional and local parameters against which to evaluate the development proposal. As a result it cannot be confirmed that the development proposal conforms with the housing policies set out in the OP. Staff anticipate more detailed policies will be incorporated into the Secondary Plans for the urban settlement areas.

Section 5.3.5 of the City's Official Plan which states that in the interim of a housing strategy being in place, Council shall strive for 25% of all new development to be affordable to low and moderate households. The implementation of a City initiated process will establish the criteria to determine conformity with the housing policies in the Official Plan.

Finally, comprehensive land use planning will help the City to achieve its long term intensification goals as established through provincial policy. The City will need to encourage and maintain intensification opportunities within the Lindsay Built Boundary on sites such as this one to provide a variety of housing options. While the existing density of 117 units may not be achievable in the immediate term, land use planning should be based on a longer term vision, in which case, the site will become viable.

Staff cannot support the application as it does not conform to the General Intensification policies as set out in Section 2.2.3 of the 2006 Growth Plan, is not consistent with the intensification policies set out in Sections 1.1.3.2 and 1.1.3.3 of the 2014 Provincial Policy Statement and does not conform to Sections 4 and 18.4 of the City of Kawartha Lakes Official Plan, being the Growth Management and Intensification Areas policies respectively. As such, staff respectfully requests that the application be refused without prejudice.

### **Consultations:**

No further consultations were considered at this time.

### **Attachments:**

Appendix "A" – Location Map



Schedule 'A' -  
Location Map.pdf



## Appendix "B" – Site Plan for Residential Block 13



Schedule 'B' - Site  
Plan for Residential B

## Appendix "C" – Supplementary Planning Opinion dated November 25, 2015 and prepared by Kevin Duguay.



Schedule 'C' -  
Supplementary Planni

## Appendix "D" – Staff Report PLAN2015-081



Schedule 'D' - Staff  
Report PLAN2015-08

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**Phone:** 705.324.9411, ext.1331 or 1-888-822-2225 ext. 1331

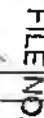
**E-Mail:** [srea@city.kawarthalakes.on.ca](mailto:srea@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department Files:** D06-15-018

APPENDIX "A"  
to  
REPORT PLAN 2016-1026  
FILE NO. DCP-15-018





FAIRVIEW  
COURT

APPENDIX  
to  
REPORT  
1:500

APPENDIX

PLANNING - Q36

AC6-15-018



Kevin M. Duguay  
Community  
Planning and  
Consulting Inc.



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[kevin@kmdplanning.com](mailto:kevin@kmdplanning.com) [www.kmdplanning.com](http://www.kmdplanning.com)

APPENDIX " C "  
to  
REPORT PLAN2016-026

FILE NO. D06-15-018

# Memo

To: Sherry Rea MCIP, RPP  
Senior Planner, City of Kawartha Lakes

From: Kevin M. Duguay MCIP, RPP

Date: November 25, 2015

Re: **Block 13, PLAN 57M-782**  
**(Lindsay) City of Kawartha Lakes**  
**Zoning By-law Amendment Application**  
**City File No D06-15-018**  
**(KMD File 2013-65)**

I have prepared this memorandum as a follow-up to the Planning Committee meeting held October 14, 2015 and our ensuing correspondence/communications regarding the above-captioned.

It was confirmed by City Planning Staff that a "Supplementary Planning Opinion" be prepared to address item 1 (a) of Report PLAN2015-081 (attached).

The subject Application contemplates a 25 (twenty-five) unit townhouse development having vehicular access from Chadwin Drive. The concerned property, being Block 13 of Plan 57M782, commonly referred to as Block 13 of the Fairground Subdivision, represents the last residential block to be developed within this particular subdivision. The property was rezoned in March 2015 to RH1-S11-H – Residential High Rise One, Special Eleven Holding to permit a multiple unit apartment dwelling/development. This land use approval represented the culmination of three (3) years of application processing through the City's Planning Department.

The property owner has produced professional realtor letters that have confirmed the subject property could not be developed based upon market conditions – preference. In other words if status quo was in effect the property would not be developed.

The City Planning Department has also indicated in their Report PLAN2015-081 and as part of their presentation to the City Planning Committee that they support, in principle the proposed land use, saving and except the noted concern as it would pertain to the Growth Management policies of the City's Official Plan.

The development contemplates 25 (twenty-five) dwelling units on a property having a lot area of 1.18 hectares or 2.92 acres. The forgoing represents a density of 1 dwelling per 472 square metres of lot area.

Both the 2006 Growth Plan for the Greater Golden Horseshoe Area and the 2014 Provincial Policy Statement directs development to occur within "settlement areas" and within built-up areas, greenfield sites and other appropriate components of a settlement area.

The former Town of Lindsay is recognized as a settlement area forming part of a series of Communities within the outer ring of the 2006 Growth Plan. The subject property also forms part of the built boundary of the Lindsay Planning Area. There is not a dispute amongst Planners in this regard.

The policies of the City's Official Plan direct a minimum of 30% (thirty percent) of all residential development occur annually within the built-up area of the municipality. The subject proposed is approved would represent 25 (twenty-five) dwelling units to be developed within the "built-up" area of the Lindsay Community. This is in keeping with the residential yield (productions policy).

This is not the only residential development site within the built-up area of the Lindsay Community. Staff and Planning Committee members both attested to this reality as part of the October 15, 2015 Planning Committee Meeting.

Additionally, Lindsay does not represent the only "settlement area" as recognized (designated by the City's Official Plan).

A review of Section 18.4 Intensification Areas (see attached) addresses how "intensification" will be achieved throughout the City.

The policies speak to:

- The identification of intensification areas;
- Intensification corridors;
- Plan for a range and type of housing; and

- Related matters.

The proposed development is in keeping with the policies of section 18.4 of the Plan. I could not ascertain the designation of intensification corridors as part of the Plan.

### **Summary**

It is my continued professional opinion that the proposed development is:

- Consistent with the policy directives of the 2014 PPS;
- In conformity with the policy directives of the 2006 Growth Plan;
- In keeping with the general purpose and intent of the City official Plan, including (specifically) Section 18.4 of the Plan;
- In keeping with the general purpose and intent of the Town of Lindsay Zoning By-law; and
- Is representative of good planning.

Yours truly,



Kevin M. Duguay, MCIP, RPP

# The Corporation of the City of Kawartha Lakes

## Planning Report

Report Number PLAN 2015-081

**Date:** October 14, 2015

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

**Place:** Council Chambers

**Ward Community Identifier:** Lindsay – Ward 9

**Subject:** Application for Zoning By-law Amendment to rezone the subject land to permit 25 condominium townhouse dwelling units, to be developed within 5 Blocks on Block 13, Plan 57M-782, being vacant land on Chadwin Drive, former Town of Lindsay, now City of Kawartha Lakes (FAIRGROUNDS CENTRE (LINDSAY) INC.).

**Author/Title:** Sherry L. Rea, Planning Coordinator **Signature:** 

### Recommendation:

**RESOLVED THAT** Report PLAN2015-081, respecting Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes, and being vacant land on Chadwin Drive, Application No. D06-15-018, be received;

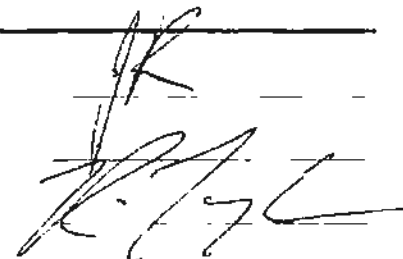
**THAT** Zoning By-law Amendment Application D06-15-018, respecting Block 13, Plan 57M-782, be referred back to staff to allow the applicant to submit the following:

1. A Supplementary Planning Justification Report that has regard to
  - a) the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular, consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all

**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



residential development occurring annually within the municipality will be within the built-up area; and,

- b) Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.
2. A Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study should demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term. The study should also assess how the proposal fulfills the City's affordable housing policies for 25% affordability.

## **Background:**

The proposal is to permit 25 condominium townhouse dwelling units on the property, to be developed within 5 Blocks. The Zoning By-law Amendment proposes to rezone the land from the Residential High-Rise One Special Eleven Holding (RH1-S11)(H) Zone to the Residential Multiple Two Special (RM2-S\*\*) Zone. The proposed development will be accessed from Chadwin Drive with individual townhouse units accessed from a condominium road. There will be no direct vehicular access onto Colborne Street West, although the proposal includes pedestrian linkage through to Chadwin Drive. The townhouse dwelling units will be developed on full municipal services. See Appendix "A" and "B" attached.

Owner: Fairgrounds Centre (Lindsay) Inc.

Applicant: Kevin Duguay, Community Planning and Consulting Inc.

### **Legal**

Description: Block 13, Plan 57M-782, former Town of Lindsay, now City of Kawartha Lakes.

Official Plan: Designated Residential on Schedule "A" of the Town of Lindsay Official Plan.

Zone: Residential High-Rise One Special Eleven Holding (RH1-S11)(H) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75.

Total Area: 1.13 ha.



**Site Servicing:** Proposed full urban services – water, sanitary sewer, storm sewer, streetlights, curb and gutter.

**Existing Use:** Vacant land.

**Adjacent Uses:** North: Colborne Street West and Residential  
South: Chadwin Drive and Municipal Park  
East: Local Commercial and Adelaide Street  
West: Mid-rise Residential

## **Rationale:**

The subject land is located within a plan of subdivision in the central area of Lindsay which is bordered by Colborne Street West to the north, Angeline Street North to the west, Adelaide Street to the east and the Ross Memorial Hospital to the south. The property is the former Lindsay Fairgrounds and is currently being redeveloped with a number of townhouses accessed by a new internal road known as Chadwin Drive, a commercial block fronting Angeline Street North to include a retail and medical office/clinic use and lab with ancillary uses and a restaurant.

On March 3, 2015, the subject land was rezoned to Residential High-Rise One Special Eleven Holding (RH1-S11)(H) to permit the land to be developed with an apartment building containing 117 units. A Holding provision was applied to ensure development did not proceed until the North West Trunk (NWT) Sanitary Sewer was commissioned and payment of the North West Trunk Municipal Act Capital Charge was secured. The owner now proposes to reduce the number of approved units on site from 117 to 25 to permit a condominium townhouse development. A plan of condominium has not been submitted at this time.

In support of the application, the applicant has submitted the following:

1. Planning Justification Report prepared by Kevin Duguay, Community Planning and Consulting Inc. and dated August 7, 2015. The report discusses and assesses the proposal in context of the Growth Plan, 2014 Provincial Policy Statement, Town of Lindsay Official Plan and the Town of Lindsay Zoning By-law 2000-75.

In correspondence to the City, the applicant indicated that a Preconsultation meeting was not undertaken given the City's and concerned Agencies familiarity with the subject land. The City accepted the rationale; however, as the application represented a new and different development proposal, requested that the applicant provide an Addendum to the Planning Justification Report (PJR) that recognized the current development approvals available to the property and justified the request to reduce the number of approved residential dwellings units from 117 to 25. The requested addendum to the PJR was to have regard to the following:

1. Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In particular,

consideration to be given to Section 4, being the Growth Management policies contained in the OP and justification under Section 18.4 being the Intensification Area policies and specifically, the targets set by the Province, being the City's requirement that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up area for Lindsay as identified through the Growth Plan.

2. Section 5.3.5 of the CKLOP being Council's objective for 25% of all new development to be affordable to low and moderate households.

Although, the applicant submitted a Supplementary Planning Justification Report dated September 18, 2015, Staff remains concerned that sufficient justification has not been submitted that addresses the requests identified in Items 1 and 2 above and recommends that the application be referred back to Staff until such time that the required justification has been provided.

The approvals for the proposed apartment building were originally initiated in 2013 and from 2013, up to and as recently as the early part of 2015, the development team for the apartment building proposal was aggressively seeking approvals for additional dwelling units. The detailed analysis for the supply and demand for residential land conducted under the City's Growth Management Study (GMS), concluded that there was sufficient land capacity to accommodate the expected population growth throughout the City. The majority of growth is to occur in Lindsay. In Appendix 1 of the City's GMS the subject land is allocated 37 units. However, the City accepted the developer's Engineering rationale for the additional dwelling units based on fewer townhouses constructed in the balance of the Fairgrounds subdivision and with the understanding that the development was NWT dependent, recommended approval for 117 units. Under the current proposal, the applicant is now requesting to reduce the number of approved dwelling units from 117 to 25, representing even fewer units than the 37 units identified under the City's GMS.

As a result, Planning Staff required the applicant to explain what factors contributed to the request to increase the density from 37 to 117; and then from 117 to 25 just 6 months later. The applicant submitted 2 letters from real estate sales representatives which indicated that the rate for apartment rentals in the Lindsay core would not justify building an apartment building consisting of 117 units and the rent would be higher to justify the construction of the building. The appropriate study to justify the request is a Housing Needs Assessment prepared by a qualified Housing Analyst. The study would demonstrate the market absorption rates for different types of housing in Lindsay for both existing and proposed development approvals. In particular, the study would demonstrate what impact the reduction would have on the City's ability to intensify and meet the intensification targets in the short and long term.

### **Applicable Provincial Policies:**

Staff reviewed the Planning Justification Report (PJR) and the Supplementary Planning Justification Report prepared by Kevin Duguay, Community Planning and Consulting Inc. and agrees with the planning rationale contained in the report. The application serves to permit residential development that is an urban form (townhouses) that is compact and transit supportive. However, neither report justifies the proposed reduction in the number of units from 117 to 25, which was only approved by Council in March 2015.

Policy 2.2.3 being the General Intensification policies of the Growth Plan is critical to this application. It states that by the year 2015 for each year thereafter, a minimum of 30 percent of all residential development occurring annually will be within the built-up area. Council's approval for 117 units contributed to the target set by the Province for residential development within the built-up area of Lindsay. As part of the provincial acceptance of the City's GMS, a reduced intensification target of 30% was approved.

### **City of Kawartha Lakes Official Plan:**

The City's Official Plan (OP) was approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, it is located within the Urban Settlement Boundary for Lindsay and is subject to the Growth Management, Intensification Areas and Housing policies contained in the OP. The following Sections should be considered:

1. Section 4 being the Growth Management policies state that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by directing a significant portion of new growth to the built-up areas of the community through intensification and focusing intensification in intensification areas.
2. Section 18.4 being the Intensification Areas policies state that by the year 2015 and for each year thereafter, a minimum 30% of all residential development occurring annually within the municipality will be within the built-up. Specifically, Section 18.4.2 states that to promote intensification and achieve the intensification target of the City it is the policy of this plan to:
  - Encourage intensification generally throughout the built-up area;
  - Identify intensification areas to support achievement of the intensification target;
  - Recognize intensification corridors as a key focus for development to accommodate intensification;
  - Plan for a range and mix of housing, taking into account affordable housing needs

3. Section 5.3.5 being the Housing policies state that in the interim of a housing strategy being in place, Council shall strive for 25% of all new development to be affordable to low and moderate households.

To reduce the number of units from 117 to 25 would not conform to the growth management, intensification area and housing policies contained in the OP. The subject property is an ideal location to accommodate intensification as it is located on the periphery of the former Lindsay Fairgrounds redevelopment project, adjacent to an arterial road and is transit supportive.

### **Official Plan Conformity:**

Block 13 is designated Residential on Schedule "A" of the Town of Lindsay Official Plan (LOP). The predominant use of land in the Residential designation shall be a variety of dwelling types. Within the Residential designation there are three densities of residential development; low, medium and high density. Pursuant to Section 4.1.2.2 of the LOP, medium density residential units shall include triplex dwellings, four-plex dwellings, row or block townhouse dwellings and similar medium profile residential buildings not exceeding 4 storeys in height. Section 4.1.2.2 of the LOP provides criteria for medium density development as follows:

- a) The density, height and character of the development is in keeping with the adjacent uses;
- b) The height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
- c) The development shall be encouraged to have direct access to a County, arterial or collector road, where possible and appropriate;
- d) The water mains and sanitary sewers shall be capable of accommodating the development, or the developer has committed to extend services at no expense to the Town, subject to the phasing policies of this Plan;
- e) The development is adequately serviced by parks and school facilities in accordance with Section 4.6.3 of this Plan;
- f) In development incorporating walk-up apartments, block townhouse dwellings and similar medium-profile residential buildings, on site recreational facilities or amenities such as playground equipment maybe required to service the development;
- g) The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized; and
- h) Except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report of the road network to accommodate the expected

traffic flows, and the adequacy of water and sewer services shall be prepared by the applicant and approved by the Municipal Engineer

The applicant has submitted a site plan to demonstrate conformity with the OP. The density, height and character of the proposed townhouses is in keeping with the character of adjacent uses and the development will be subject to site plan approval prior to the issuance of a building permit. The dwellings will not have direct access onto Colborne Street West but will be accessed via Chadwin Drive. Servicing has been confirmed under the previous development proposal and a new neighbourhood park has been developed immediately south of Block 13. Landscaping, buffering and other site amenities are part of the site plan approval process.

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

Block 13 is zoned Residential High-Rise One Special Eleven Holding (RH1-S11)(H) in the Town of Lindsay Zoning By-law. The applicant is requesting a zoning amendment to Residential Multiple Two Special \*\* (RM2-S\*\*) to permit 25 condominium townhouse dwelling units. A complete zoning review will be undertaken once staff is in receipt of the requested additional information.

The development remains NWT dependent and as such, staff will recommend that a Holding (H) symbol/provision be applied until such time that payment of the applicable NWT Municipal Act Capital Charge has been received. Once this item has been addressed, the owners will apply to amend the Zone, pay the prescribed fee and a By-law to remove the (H) symbol will be prepared for Council's consideration.

### **Site Plan Approval:**

The expectation is that the site will be developed using strong urban design guidelines. Using site plan control there is opportunity to develop the site with appropriate street facades, pedestrian friendly corridors, and appropriate lighting and landscaping while regulating site operations such as parking and waste containment.

Through the site plan process, the following development principles will be implemented:

- High quality of building design given the project is located on a collector road in Lindsay.
- Staff will ensure that the development does not impact surrounding residential uses. Landscaping buffer and privacy fencing will be considered to ensure that the adjacent residences are not adversely impacted by the proposed use. The applicant will also be required to ensure that stormwater from the subject lands does not impact surrounding properties.

- The development will need to be well landscaped with perimeter tree plantings and landscaping in front of the building.
- The entrance to the project and any interior walkways should protect pedestrians.
- An illumination plan will be required for approval to ensure that there is no light trespass affecting adjacent residences, other private properties, or the function of the road. Floodlighting will not be permitted.

### **Other Alternatives Considered:**

There is still an opportunity to review alternative development proposals that require less reduction in approved dwelling units.

No other alternatives were proposed at this time.

### **Financial Considerations:**

There are no financial considerations for the City, unless Council's decision respecting the approval or refusal of 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 Recommendation(s) To Strategic Priorities:**

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 and Quality of Life Priorities in that new residents will be attracted to the City with the development of residential subdivisions that have connectivity to new parks and open space for walking and cycling trails.

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

All site and building accessibility matters for the proposed development will be addressed through site plan approval. The Site Plan Agreement would address all external accessibility requirements of the Building Code, Fire Code and upgrades of adjacent municipal infrastructure if required. The site plan application will be circulated to the Accessibility Committee for comment.

### **Servicing Comments:**

Functional Servicing Reports (FSR) were circulated to the City's Engineering and Public Works Divisions for review and comment at the time of filing of the original applications for the residential Block 13 and for the commercial Block 16. Engineering Division did not require a revised FSR for the proposed townhouse development. A detailed servicing review will be undertaken through the site plan approval process.

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

Staff is requesting additional information that demonstrates and justifies the request for the reduction in approved dwellings units from 117 to 25. In particular, the justification should include comment on the Intensification policies in the Growth Plan, 2014 Provincial Policy Statement and the City of Kawartha Lakes Official Plan (OP). In addition, staff is requesting a Housing Analysis Study prepared by a certified Housing Analyst. As such, staff respectfully requests that the application be referred back to staff.

## **Consultations:**

No further consultations were considered at this time.

## **Attachments:**

### **Appendix "A" – Location Map**



Schedule 'A' -  
Location Map.pdf

### **Appendix "B" – Site Plan for Residential Block 13**



Schedule 'B' -  
Proposed Site Plan.px

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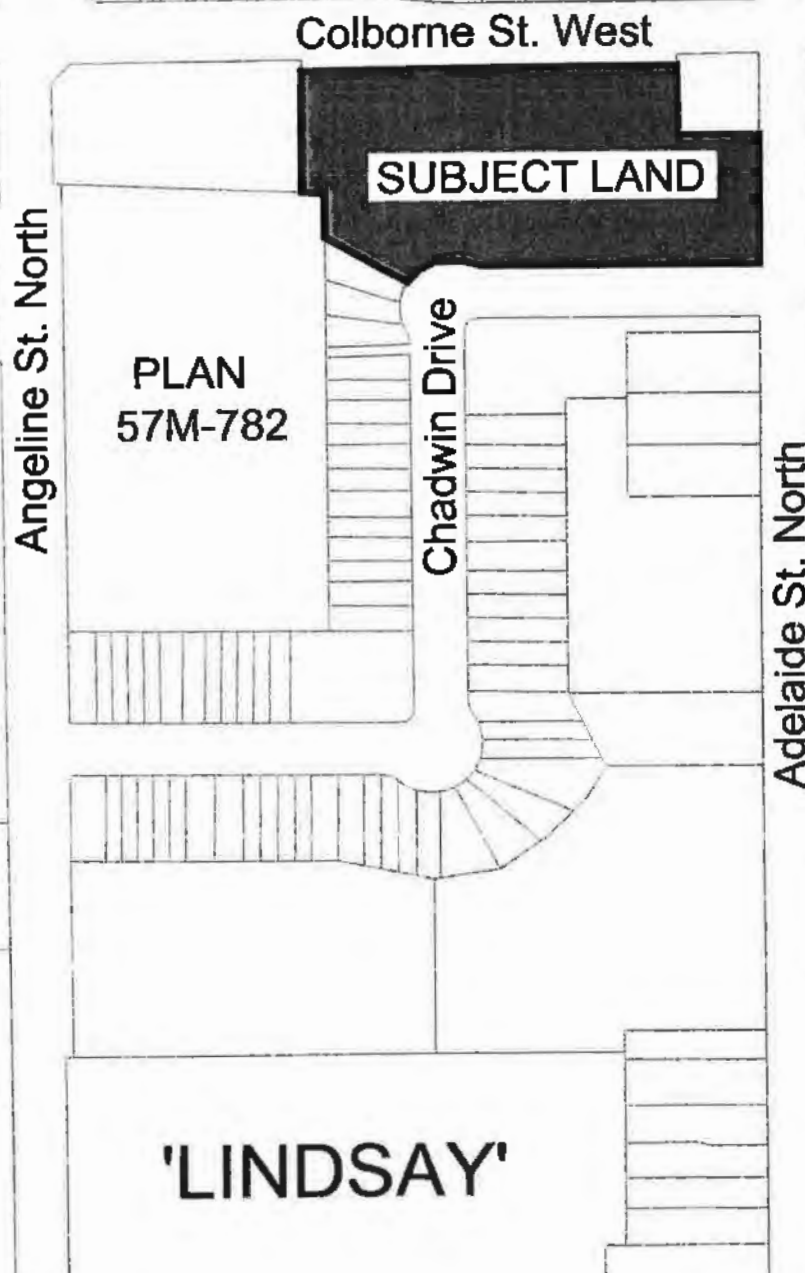
**Phone:** 705.324.9411, ext.1331 or 1-888-822-2225 ext. 1331


**E-Mail:** [srea@city.kawarthalakes.on.ca](mailto:srea@city.kawarthalakes.on.ca)

**Department Head:** Ron Taylor

**Department Files:** D06-15-018

APPENDIX "A"  
to  
REPORT PLAN 2015-081  
FILE NO. DCP-15-018

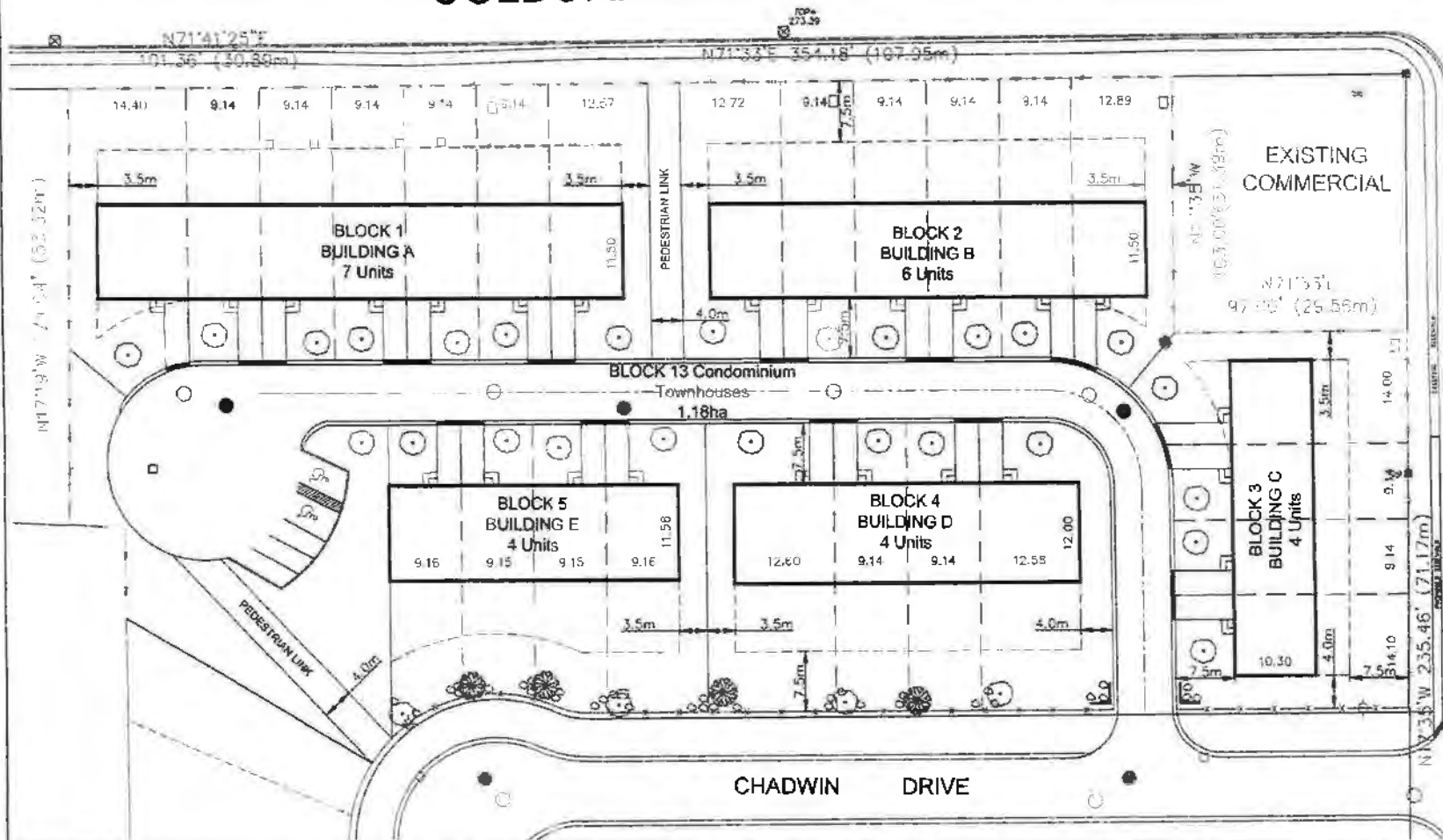


 **SUBJECT LAND**  
(Plan 57M-782, Block 13)





# COLBORNE STREET WEST



EXISTING CURB	EX/PR WATERMAIN	EX/PR CATCH BASIN	EX/PR FIRE HYD.
PR. BOARD FENCE	SITE BOUNDARY	/MH	EX. WATER VALVE
PR. WROUGHT IRON FENCE	EX. VEGETATION	EX/PR. STW. KH	EX. LIGHT STANDARD
EX/PR. STM SEWER	EX. CONTOUR	EX/PR. CATCH BASIN	
EX/PR. SAN. SEWER	EX/PR. SAN. VH	EX/PR. DOUBLE CATCH BASIN	

FIGURE No.  
SITE PLAN



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Drawn By: [Name]	Scale: 1:500
Checked: [Name]	Project No: 12-10481
Designed: [Name]	File No: 200-15-018
Project No: 12-10481	Report No: 200-15-018

FAIRVIEW COURT

REPORT

APPENDIX

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