

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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-026**

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**Date:** March 7, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier: 11 - Lindsay**

**Subject:** Applications to amend the Lindsay Official Plan from the “Residential” to “Residential-Commercial” designation and to amend the Lindsay Zoning By-law from the “Residential (R3) Zone” to “Mixed Residential Commercial (MRC-S\*) Special Exception Zone” to permit either a residential use or limited commercial uses on the property identified as 21 Victoria Avenue North, Lindsay (1035479 Ontario Limited – Rick Carter)

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

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### **Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-026, respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, “1035479 Ontario Limited – Rick Carter – Applications D01-2018-001 and D06-2018-009”, be received; and

**THAT** Applications D01-2018-001 and D06-2018-009 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The applicant submitted applications to change the land-use designation from “Residential” to “Residential-Commercial”, and to change the zone category from “Residential Three (R3) Zone” to a “Mixed Residential Commercial (MRC-S\*) Special Exception Zone”. The change will permit a residential or limited mix of commercial uses such as a personal service establishment/clinical movement education workspace. This business is described as clinical somatic education, which includes teaching movement exercises and educating clients on how to move out of habituated postures and pain through one-on-one table work and movement practices.

Owner:	1035479 Ontario Limited (c/o Rick Carter)
Applicant:	EcoVue Consulting Services Inc. (c/o Kent Randall)
Legal Description:	Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay
Designation:	“Residential” in the Town of Lindsay Official Plan
Zone:	“Residential Three (R3) Zone”, Town of Lindsay Zoning By-law 2000-75
Lot Area:	183.8 sq. m. [1978.4 sq. ft.] – Coe Fisher Cameron, Ontario Land Surveyors
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	One-storey building used for storage (approx. 55 sq. m.)
Proposed Uses:	Business in existing one-storey building or a new one-storey building used as either a single detached dwelling or business (approx. 75 sq. m.)
Adjacent Uses:	North- Residential East- Victoria Avenue North and Residential South- Residential West- Residential

## Rationale:

The property is located on the west side of Victoria Avenue North between Peel Street and Wellington Street on the fringe of the downtown area. Victoria Avenue is a collector road and is served by public transit. The existing building, which is classified as a workshop by MPAC, was previously used as a printing business (Blewett Printing, which operated from the mid 1930s until 1980 when the business relocated to Colborne Street. Since 1980, this existing building on the subject land has been used as storage space. The applicant is seeking to add limited commercial uses, with the intention of converting the existing building to a personal service establishment/clinical movement education workspace, and

replacing the existing building in the future with a raised bungalow style single detached dwelling that could be used for either residential or limited commercial purposes. The Residential designation and R3 Zone permit residential uses, while the Residential-Commercial designation and Mixed Residential Commercial (MRC) Zone permit a residential or limited mix of commercial uses, as noted in the background information above. Amendments to the Official Plan and Zoning By-law are necessary to permit the limited commercial use, which would not be used simultaneously with a residential use.

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 Kent Randall of EcoVue Consulting Services Inc., dated October 20, 2017. The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, 2017 Growth Plan, the Council adopted and appealed City of Kawartha Lakes Official Plan (Lindsay Secondary Plan), and the Town of Lindsay Official Plan.
2. Functional Servicing Report prepared by Roy Haig of EcoVue Consulting Services Inc., dated September 2015 and revised January 2018.
3. Site Servicing and Grading Plan prepared by EcoVue Consulting Services Inc., dated January 10, 2017 and revised January 10, 2018.
4. Sanitary Sewer Lateral Inspection Report prepared by Video Tech Drain Services, dated April 28, 2015.
5. Building Elevation Plan for proposed 800 sq. ft. raised bungalow type building, prepared by Drafting Innovations Architectural Design Services, dated January 2017.
6. Sketch Plan for Official Plan Amendment and Zoning By-law Amendment prepared by EcoVue Consulting Services Inc., dated October 26, 2017.

Staff has reviewed the Planning Justification Report filed in support of the proposed official plan and zoning by-law amendments. Staff cannot fully evaluate the appropriateness of the proposal at this time as responses from other City Departments and commenting Agencies have not been received. Staff recommends that the application be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments, and any concerns have been addressed, and to permit further discussions with the applicant to refine the proposal with respect to conformity to any applicable policies and/or zoning provisions.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.1.2 of the Growth Plan (GP) provides that the vast majority of growth should be directed towards settlement areas that have a delineated built boundary and have existing municipal water and wastewater systems. In addition, Section 2.2.1.4 encourages the development of complete communities through a more compact built form that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services and public service facilities. The lot is located within the Lindsay settlement area, in a transition area on the fringe of the downtown core. This application serves to provide employment opportunities and services, which may be accessed by active or public transit.

Therefore, this application appears 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. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Section 1.1.3 of the PPS states that settlement areas are the focus of growth, where land use patterns are based on densities and a mix of land uses which are appropriate for and utilize existing or planned infrastructure. Section 1.3 of the PPS promotes economic development by providing an appropriate mix and range of employment uses and ensuring the necessary infrastructure is provided to support current and projected needs. Furthermore, 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 natural heritage features or species at risk as 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 appears to be consistent with the PPS.

### **Official Plan Conformity:**

The Town of Lindsay Official Plan designation of Residential applies to this property. The applicant proposes to change the designation to Residential-Commercial, which includes a residential or limited mix of commercial uses such as a personal service establishment/clinical movement education workspace. Single detached dwellings may be converted to commercial buildings provided the external design of the building does not change. The Residential-Commercial designation is considered a buffer designation between predominately residential and commercial neighbourhood areas.

Land within the Residential-Commercial designation is subject to site plan control, in accordance with Section 4.2.2 of the Lindsay Official Plan. If this

proposed amendment is approved, the applicant will be required to enter into a Site Plan Agreement with the City for the redevelopment of this lot, including addressing any required landscaping and/or buffering when new buildings are to be erected. Section 4.2.4 of the Lindsay Official Plan 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. The applicant has indicated they can provide 2 of the 3 off-street parking spaces required for the proposed commercial use. Additional off-site parking is available on street and in nearby public parking lots.

Section 4.2.5 of the Lindsay Official Plan informs that Residential-Commercial areas are limited to those residential or formerly residential areas along arterial or collector roads, which are in transition from residential to non-residential uses. The intent is not to establish new areas in existing residential areas along arterial or collector roads. There are existing Residential-Commercial areas located immediately across Victoria Avenue North to the east extending down to Peel Street, as well as 1 block further to the east on the south side of Wellington Street between Cambridge Street North and William Street North.

This lot would be subject to the Mixed Use Corridor policies. The intention of these policies are to maintain the residential character of the built form, while transitioning from older residential areas to mixed commercial and residential use areas. The predominant uses in these corridors are low and medium-density residential dwellings, and low-profile commercial developments, consisting of uses such as offices, eating establishments, and service and convenience retail. Service retail is defined as those establishments that cater to personal needs of individuals.

This lot is designated Residential in the Lindsay Secondary Plan, which was adopted by Council on June 27, 2017. The Lindsay Secondary Plan, along with the City's 2012 Official Plan, are currently subject to appeal to the Ontario Municipal Board (OMB). Due to the outstanding appeals, the policies of the Lindsay Official Plan apply, and should this application be successful in changing the designation to Residential-Commercial in the Lindsay Official Plan, a request should be referred to the OMB to change the designation to Mixed-Use Residential in the proposed Lindsay Secondary Plan.

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

The subject land is zoned "Residential Three (R3) Zone" in the Town of Lindsay Zoning By-law 2000-75 (ZBL). Although the R3 zone would permit a home occupation use subject to specific criteria, it is not the owner's intent to reside in the dwelling and operate the business. As such, the applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes to change the zone category to "Mixed Residential Commercial (MRC-S\*) Special Exception Zone", to implement the proposed Official Plan Amendment by adding a limited range of commercial uses to this property to include a personal service establishment/clinical movement education

workspace. The use is closely aligned with the personal service establishment definition in the ZBL, which means a building or part of a building where persons are employed in providing services and otherwise administering to the individual and personal needs of persons. This use is permitted in the MRC zone.

For the MRC Zone, the minimum lot area and lot frontage requirements are 600 sq. m. and 18 m., respectively. The existing lot is approximately 183.8 sq. m., and therefore does not meet the minimum lot area. The applicant has noted in the Planning Justification Report that the minimum lot frontage requires a reduction from 18 m. to 8.75 m., and proposes a site specific MRC Special (MRC-S\*) Exception Zone to account for this and other on-site deficiencies to recognize the existing building and a new replacement building and use as noted in the table below:

<b>Item:</b>	<b>By-law Requirement:</b>	<b>Proposed:</b>
Minimum Lot Area	600 sq. m.	183.8 sq. m.
Minimum Lot Frontage	18.0 m.	8.75 m.
Min. Front Yard Setback	7.5 m.	5.8 m.
Min. Front Yard (porch)*	7.5 m. (>0.6 m. in height)	3.6 m.
Min. Rear Yard Setback	7.5 m.	1.4 m. (existing)
Min. Rear Yard Setback	7.5 m.	2.7 m. (new)
Min. Side Yard Setback	3.0 m.	1.85 m. (existing)
Min. Side Yard Setback	3.0 m.	1.25 m. (new)
Maximum Lot Coverage	30 %	41.2 %
Max. GFA % of Lot Area	75 %	41.2 %
Parking Spaces	3	2 (commercial use)
Location of Parking	Rear/Side Yards Only	Front Yard (2 spaces)

\*may not be required if porch is removed from front yard design

Section 5.24 of the By-law only allows an open platform or stairway to extend up to 0.9 m. into a front yard; however, based on the sketch plan provided for the proposed amendments, a porch has been illustrated which extends 2.2 m. into the front yard. The building elevation plan does not illustrate this feature as it does not contemplate a front door entrance. In this case, a further reduction of the front yard setback for a proposed porch is not required.

With a commercial use, one accessible parking space will be required with a special provision in the By-law to allow parking spaces in the front yard. A total of 3 parking spaces are required for the proposed commercial use, based on a gross floor area of approximately 75 sq. m., while only 2 parking spaces are required for a single detached dwelling residential use.

Relief from the majority of the zone provisions requested to be amended in the table above, was granted through a previous Minor Variance Application (File: D20-16-018) in order to reconstruct a dwelling on the subject lands. The applications appear to comply with other relevant provisions of the Zoning By-

law; however, further refinement may be necessary to accommodate an accessible design.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments 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 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:**

The proposed building design should take accessibility into account if it is to be used for commercial purposes.

### **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:

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#### Agency Review Comments:

The Building Division advised on February 14, 2018 they have no concerns with the applications.

The Engineering and Corporate Assets Department advised on February 16, 2018 that a Public Works entrance permit is required for changes to the driveway. In addition, Engineering is addressing water and sanitary service connections through the Municipal Service Connection Application process. Furthermore, Engineering notes the proponent has requested a Mixed Residential Commercial use and are requesting a copy of the draft zoning by-law to ensure residential and commercial uses will not occur simultaneously to confirm capacity allocation; otherwise, Engineering requires further information regarding additional proposed sanitary flows for review. Finally, Engineering requires a letter with the next submission stating how the above comments have been addressed including a consolidated submission of required reports and design drawings. All final design drawings are to be signed and sealed by a Professional Engineer.

Enbridge Gas Distribution advised on February 21, 2018 that they have no objections to the proposed applications.

#### Public Comments:

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

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

The appropriate background studies in support of the applications have been submitted and 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 for further review and 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:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing 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'  
PLAN2018-026.pdf



Appendix 'B'  
PLAN2018-026.pdf



Appendix 'C'  
PLAN2018-026.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photo  
Appendix 'C' – OPA & ZBA Sketch Plan

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

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D01-2018-001 and D06-2018-009