

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2017-048

Date: July 5, 2017
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 12

Subject: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications to permit Retail and Service Commercial and Prestige Employment Uses with a Collector Street, 2387 Highway 7 and 332 Lindsay Street South, Geographic Township of Ops (Bromont Investments Inc.)

Author and Title: Richard Holy, Manager of Planning

Recommendations:

RESOLVED THAT Report PLAN2017-048, respecting Concession 6, Part Lot 17 RP 57R8319 Part 2 and RP 57R9544 Part 1; Concession 6 Part Lot 16, RP 57R7369 Part 1 and Part 6, geographic Township of Ops, “Bromont Investments Inc. – Applications D01-17-005, D05-17-002 & D06-17-019”, be received; and

THAT Applications D01-17-005, D05-17-002 & D06-17-019 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Applications for Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-Law Amendment have been submitted by Bousfields Inc. on behalf Bromont Investments Inc. for lands described as Part of Lots 16 and 17, Concession 6, in the geographic Township of Ops (See Appendix “A”).

The applications propose to redesignate the subject lands from “Highway Commercial”, “Tourist Commercial”, and “Environmental Protection” to “Highway Commercial”, “Mixed Use Gateway”, “Prestige Industrial”, and “Parks and Open Space”.

The “Highway Commercial” land use designation would permit commercial uses such as convenience-type retail, automobile service stations, vehicle sales and service, public garages, motels, hotels, eating establishments, establishments such as furniture, appliance, carpet, flooring, home electronics and/or garden centres, automated teller/banking machines, building supply centres, and other similar uses.

The “Mixed Use Gateway” land use designation contains the commercial portion of the development. The concept shows a variety of commercial floor plates for smaller unit spaces ranging between 235 sq.m. to 1,860 sq.m., medium size floor plates ranging between 2,790 sq.m. and 4,650 sq.m., and the floor space for a 12,100 sq.m. department store. Commercial buildings would obtain access through the new collector road internally to the site, with no direct access proposed to either Highway 7 or Lindsay Street. The permitted uses would include:

- i) Highway Commercial uses as listed above;
- ii) Tourist Commercial uses listed in Section 26.3 of the City of Kawartha Lakes Official Plan; and,
- iii) Large format and ancillary retail uses, including department stores to a maximum aggregate gross floor area of 30,380 square metres. Retail uses shall not exceed a maximum aggregate gross floor area of 30,380 square metres and no individual large format retail use, including a department store, shall not exceed a maximum gross floor area to be determined through the review.

The “Prestige Industrial” land use designation contains the industrial portion of the development. The concept shows a variety of industrial floor plates ranging in size between 2,230 sq.m. and 4,460 sq.m. The buildings would front both on the new collector road as well as on a cul-de-sac. The permitted uses would include:

- i) a wide range of employment and office uses, including manufacturing and fabricating, assembling, processing, servicing and repairing, warehousing and storage, shipping and receiving, offices as an accessory or secondary

use, commercial activities as an accessory use, accessory uses such as parking garages or a residence for a caretaker;

- ii) Parks and Open Space uses as outlined on the next page;
- iii) Institutions and Community Facilities uses, provided they are adequately buffered from uses that produce potential nuisances, such as noise, odour, dust, vibration or heavy traffic, as defined by the Ministry of Environment or other relevant agency;
- iv) Ancillary commercial uses that serve the needs of the employment area, provided that the type of uses and their sizes are appropriate and compatible with the area; and,
- v) Prestige Employment uses shall not comprise outdoor storage.

The “Parks and Open Space” designation would permit land uses primarily for the preservation and conservation of land and/or environment, as well as for the provision of outdoor recreational and educational opportunities, and should be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards. Permitted uses include indoor and outdoor active and passive recreational uses including parks, trails, golf courses, arenas, curling rinks, sports fields and other similar uses as well as open space areas. Compatible uses, such as public and/or private utilities, environmental conservation, and community gardens may also be allowed.

A Zoning By-law Amendment is required to amend the current zoning from “Agricultural (A) Zone”, “Highway Commercial (CH) Zone”, and “Open Space Exception Three (OS-3) Zone” to the appropriate zones to implement the proposed Official Plan Amendment.

The Draft Plan of Subdivision proposes a subdivision plan with 2 commercial blocks, 11 industrial blocks, 2 open space blocks, and 2 servicing blocks. Appendix “B” contains a conceptual commercial development and the proposed draft plan of subdivision.

Owners: Bromont Investments Inc.

Applicant: Michael Bissett of Bousfields Inc.

Legal Description: Concession 6, Part Lot 17 RP 57R8319 Part 2 and RP 57R9544 Part 1; Concession 6 Part Lot 16, RP 57R7369 Part 1 and Part 6, Geographic Township of Ops

Designation: “Highway Commercial”, “Tourist Commercial” and “Environmental Protection” on Schedule “A” to the City of Kawartha Lakes Official Plan with “Unevaluated Wetlands” on Schedule “B” to the City of Kawartha Lakes Official Plan

- Zone:** “Highway Commercial (CH) Zone”, “Agricultural (A) Zone” and “Open Space Exception Three (OS-3) Zone” within the Township of Ops Zoning By-law No. 93-30
- Lot Area:** 17.4 hectares
- Site Servicing:** The proposed development will be fully serviced with municipal water, sanitary sewer, and storm sewer systems.
- Existing Uses:** Vacant land
- Adjacent Uses:** North: Lindsay Golf and Country Club
East: Lindsay Golf and Country Club
South: Highway commercial (car dealership)/agricultural
West: Lindsay Cemetery, vacant highway commercial lands and buildings, and Howard Johnson’s Hotel
- Application History:** A preconsultation for the proposal was held on November 12, 2015. The Official Plan Amendment application was submitted on November 30, 2016 but deemed incomplete on December 22, 2016. The additional requested submissions to the application being the Draft Plan of Subdivision and Rezoning applications as well as revised fees were received between April 5, 2017 and May 26, 2017. The application was deemed complete on May 26, 2017 and was circulated to agencies on June 8, 2017 for comment.

Rationale:

The applications propose to permit a commercial and industrial plan of subdivision consisting of 17 blocks with a new collector street connecting Lindsay Street South and Hwy 7. The proposed concept plan includes 11 prestige employment blocks on the north side of the collector street, two retail and service commercial blocks with approximately 30,380 sq. m. of retail floor space, as well as 2 open space blocks and 2 blocks for stormwater management.

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

1. Planning & Urban Design Rationale prepared Bousfields Inc., dated November 2016
2. Planning Letter for Subdivision and Rezoning Applications prepared by Bousfields Inc., dated April 5, 2017
3. Revised Draft Plan of Proposed Subdivision prepared by Bousfields Inc., dated March 31, 2017

4. Traffic Impact Study prepared by Asurza Engineers, dated November 28, 2016 and revised on April 26, 2017
5. Environmental Impact Study prepared by Golder Associates, dated November 2016
6. Stage 1-11 Archaeological Assessment of the Proposed Bromont Lindsay Subdivision/Commercial Development prepared by York North Archaeological Services Inc., dated January 29, 2017
7. Proposed Concept Plan prepared by Bromont Group and Greystone, dated April 3, 2017
8. Functional Servicing Report prepared by Valdor Engineering Inc., dated November 2016
9. Water Balance Assessment - Bromont Property Parcels 5, 6, and 7 prepared by Golder Associates, dated November 9, 2016
10. Source Water Protection Assessment - Bromont Property Parcels 5, 6, and 7 prepared by Golder Associates, dated October 31, 2016
11. Preliminary Geotechnical Investigation - Proposed Prestige Employment and Commercial Development, Bromont Property Parcels 5,6, and 7 prepared by Golder Associates, dated November 30, 2016
12. Gateway Concept Plan, Prepared By: Bousfields Inc., November 28, 2016
13. Sketch showing topographic detail of 320 Lindsay Street South prepared by Ivan B Wallace, Ontario Land Surveyor Ltd., dated June 30, 2015
14. Sketch Showing Partial Topographic Detail of Regional Highway 35 prepared by Ivan B Wallace, Ontario Land Surveyor Ltd., dated June 30, 2015
15. Retail Market Demand and Impact Analysis prepared by Tate Economic Research Inc., dated September 2016

These report and plans have been circulated to the appropriate agencies for comment. Comprehensive comments will be provided to the applicant once they become available. The application will be fully evaluated once responses from all City Departments and commenting Agencies have been received.

Applicable Provincial Policies:

2017 Growth Plan for the Greater Golden Horseshoe:

Although the application was submitted prior to the 2017 Growth Plan for the Greater Golden Horseshoe (2017 Growth Plan) being enacted, a decision on this application will have to be consistent with the 2017 Growth Plan. The lands are identified as being in a Settlement Area in the 2017 Growth Plan. Section 2.2.1 Managing Growth policies states that population and employment growth will be accommodated by directing development to settlement areas and encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services. These policies also encourage planning through intensification to reduce the need for long distance commuting and to increase opportunities for transit, walking and cycling. Full

conformity with the 2017 Growth Plan will be determined through a detailed review of the proposal and further agency consultation.

2014 Provincial Policy Statement:

The 2014 Provincial Policy Statement (2014 PPS) provides for Ontario's long-term prosperity, environmental health and social well-being through wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The applicant has indicated that the proposal aligns with the 2014 PPS, as prescribed in the following sections:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs; and,
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. support active transportation; and,
 - 4. are transit-supportive, where transit is planned, exists or may be developed.

Section 1.3 Employment states that planning approvals shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) encouraging compact, mixed use development that incorporates compatible employment uses to support liveable and resilient communities; and,
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

Full conformity with the 2014 PPS will be determined through a detailed review of the proposal and further agency consultation.

City of Kawartha Lakes Official Plan:

The City of Kawartha Lakes Official Plan was adopted by Council on September 21, 2010 and approved by MMAH on January 11, 2012. While various sections of City's 2012 Official Plan (OP) are currently subject to appeals before the Ontario Municipal Board (OMB), this property is not impacted. The subject land is located within the Urban Settlement Boundary for Lindsay and may be considered for development.

The land is designated "Highway Commercial", "Tourist Commercial" and "Environmental Protection" on Schedule "A-3" of the City of Kawartha Lakes Official Plan and a small area of "Unevaluated Wetlands" on Schedule "B-3" to the City of Kawartha Lakes Official Plan in the center of the property. The purpose of the Highway Commercial designation is to accommodate existing small area and individual commercial activities that require access and exposure along arterial road or provincial highways. Permitted uses include motor vehicle services uses, eating establishment, including drive through and take-out establishment, gift or antique establishment, accommodations, auction barn and flea market, and retail establishments that require large areas for outdoor storage or display of goods such as motor vehicle sales and service, recreational vehicle sales and service, marine craft sale and service, all terrain vehicles, snowmobiles and campers, major appliance and or furniture sales, and building supply outlets.

The "Tourist Commercial" designation permits resource-based recreational development where such development is not feasible to locate within a settlement area. This includes recreational vehicle parks and accessory uses for the exclusive use of the travelling or vacationing public.

Section 18.7 of the Official Plan provides policies on Large Format Retail Use and Shopping Centres uses. An amendment to the plan is required for the development of a new shopping centre, large format retail use or major extension of either one. Shopping centres and large format retail use will be directed to

areas covered by a Secondary Plan and shall be on full municipal services. When considering applications to establish a shopping centre or large format retail use in excess of 3,000 square metres of gross floor area, the following shall be submitted and approved by the City:

- Retail Market Analysis Study;
- Traffic Impact Study and the proponents should be responsible for any highway or municipal road improvements identified in the traffic impact studies for such development;
- A Functional Servicing Study; and,
- Plan showing the buildings, parking, access and landscaped area and surrounding land uses.

These required reports have been received in support of the proposed application.

The Industrial policies contained in Section 22 of the Official Plan indicate that the Industrial designation is to accommodate existing industrial and service type businesses as well as accessory and ancillary commercial uses. This includes, but is not limited to corporate offices, manufacturing, processing and assembly establishments, medium industries and research and development facilities. New industrial development should:

- a) be located on or near main transportation routes;
- b) be directed to lower potential agricultural land whenever possible;
- c) not compromise future development of aggregate resources;
- d) be directed away from residential areas and areas with high potential for recreational and/or tourist development;
- e) not detract from the surrounding natural environment;
- f) not result in truck traffic which would adversely affect sensitive land uses;
- g) be separated from sensitive land uses; and
- h) no industrial use shall be permitted which, from its nature of operation or materials used therein, is declared obnoxious under the provisions of any Statutes or Regulations.

The applicant has submitted a number of environmental reports to address impacts on the “Environmental Protection” land use designation as well as the “Unevaluated Wetlands” on the property. These reports deal with the design of the stormwater management system, environmental impact, water balance, and source protection to mitigate environmental impacts.

The applicant has submitted the necessary appropriate background studies to consider the application. Appendix “C” contains the applicant’s proposed amendment to the Official Plan. Conformity with the City of Kawartha Lakes

Official Plan will be determined through a detailed review of the proposal and further agency consultation.

Zoning By-law Compliance:

The land is zoned “Highway Commercial (CH) Zone”, “Agricultural (A) Zone” and “Open Space Exception Three (OS-3) Zone” within the Township of Ops Zoning By-law No. 93-30. The applicant has conceptually requested a zoning amendment as follows:

- From “Agricultural (A1) Zone” and “Open Space Exception Three (OS-3) Zone” to a site specific Highway Commercial (CH) zone” to permit a wide range of office, retail and service commercial uses, up to a maximum retail gross floor area of 30,380 sq. m.;
- From “Agricultural (A1) Zone” and “Open Space Exception Three (OS-3) Zone” to a site specific General Industrial (M) zone to permit a wide range of office and light industrial employment uses; and,
- From “Agricultural (A1) Zone” and “Open Space Exception Three (OS-3) Zone” to a site specific Open Space (OS) zone to permit open space and stormwater management facilities.

The applicant has provided an urban design brief that will be considered through the application review. Through the review process and inclusive of agency comments, further work is necessary to refine zoning regulations that would address, among other matters, site design, building placement and massing, potential low impact development measures, access requirements, location and design of parking and loading, waste management, signage, and landscaping. The zoning would be subject to a Holding (H) symbol making development subject to site plan control, servicing availability, and access approvals.

Source Water Protection:

The subject land is identified to be partially within the Intake Protection Zone Two (IPZ-2) for the Lindsay Municipal Surface Water System. As such, these applications were circulated to the Risk Management Official (RMO) at Kawartha Conservation for review and comment. The RMO has issued a Section 59 Notice for these applications indicating that while the proposal is partially located within the IPZ-2 area, the proposed development is not subject to a Section 57 Prohibition or a Section 58 Risk Management Plan since the proponent will require an Environmental Compliance Approval from MOECC for the stormwater management facility. The applicant should contact MOECC to determine that stormwater discharge from this facility into the IPZ-2 area is acceptable.

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 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 provides opportunities for business expansion.

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 City's Accessibility Co-ordinator for comment.

Servicing Comments:

The Functional Servicing Report was circulated to the Engineering and Asset Management Department and KRCA for review and comment. The development is proposed to be serviced by the extension of full municipal water and wastewater services from their current locations at Logie and Lindsay Streets. The servicing for the southeast area has been identified in the City's Development Charge Study and can be completed either as a City initiated project between now and 2031 planning horizon or as a developer driven project. If developer wishes to proceed with the project in advance of the City's timeframe, the developer would front end the cost extend the water and sanitary servicing under a cost recovery mechanism in accordance with the City's Development Charges study.

Storm water management would be served through a centralized storm water facility with an outfall into Sucker Creek. The report confirms that the subject lands are serviceable but the conclusions need to be confirmed by the City and KRCA.

The development will be serviced by a collector road from Lindsay Street to Highway 7. A small cul-de-sac is proposed to service 7 industrial blocks. Entrances are proposed to be located as far north and east as possible from the Highway 7 and Highway 35 intersection. A traffic study, that discusses traffic impacts, infrastructure improvements, and entrance locations, has been submitted in support of the proposal and is being reviewed by the Ministry of Transportation and the City's Engineering and Asset Management Department.

Consultations:

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

Public Comments:

Martyn Stollar – June 8, 2017; would like to know who will be responsible for the Peer Review of the Retail Market Study.

Neil Chadda, Zelinka Priamo – June 8, 2017; would like a copy of the Retail Market Study and to be notified of any staff reports.

Agency Review Comments:

Building Division – June 8, 2017; no comments at this time.

Enbridge Gas Distribution Inc. – June 13, 2017; does not object to the proposed applications.

Hydro One Networks Inc. – June 14, 2017; no comments or concerns.

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. The application is being comprehensively reviewed by all circulated agencies and City Departments and many comments remain outstanding at this time. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Tate Economic Research Inc. was retained by the applicant to prepare a retail market impact study for the proposal. This report will be forwarded to an external retail market consultant for peer review and the consultant will be asked to determine whether:

- Sufficient market support for the amount of proposed floor space exists in the Lindsay market;

- Sufficient market support exists for a further Wal-Mart site at this location and that the study is not simply positioning this as alternative site;
- Impact of development on this site will not negatively impact the existing retail fabric of the study area as well as the Lindsay downtown core area; and,
- The planned function impacts of creating a third distinct commercial node won't impact the planned function of existing commercial areas.

Staff is currently discussing the peer review work with a retail market consulting firm in Toronto that has no previous work conflicts in the area. The cost of the peer review will be borne by the applicant.

Staff recommends that the individual blocks of developable area be subject to site plan approval to address overall site design, building placement and massing, site servicing including potential low impact development measures, access requirements, location and design of parking and loading, lighting (including dark sky initiatives), waste management, fire routes, signage, and landscaping. The Holding (H) symbol would be removed by Council once a secured site plan agreement has been registered.

Conclusions:

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Official Plan Amendment, Draft Plan of Subdivision, 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 public comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Richard Holy, Manager of Planning @705-324-9411 ext. 1246.

Appendix "A" – Location Map



PLAN2017-048
Appendix A.pdf

Appendix "B" – Commercial Concept Plan and Draft Plan of Subdivision



PLAN2017-048
Appendix B.pdf

Appendix “C” – Proposed Official Plan Amendment



PLAN2017-048
Appendix C.pdf

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Department Head: Chris Marshall, Director of Development Services

Department File: D01-17-005, D05-17-002 & D06-17-019