

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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-050**

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**Date:** June 6, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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

**Title:** Ravines of Lindsay Revised Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

**Description:** Applications for Official Plan and Zoning By-law Amendments together with a Revised Draft Plan of Subdivision to permit a 146 lot residential subdivision for single detached dwellings on the west side of Angeline Street North, Lindsay (CIC Developments Inc.)

**Author and Title: Ian Walker, Planning Officer – Large Developments**

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### **Recommendations:**

**That** Report PLAN2018-050, respecting **Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, CIC Developments Inc. – Applications D01-2018-002, D06-2018-010, D05-2018-002 and D05-18-032**, be received;

**That** a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix 'C' be referred to Council for adoption;

**That** the zoning by-law amendment, substantially in the form attached as Appendix D be referred to Council for approval and adoption;

**That** the Revised Draft Plan of Subdivision (16T-88009), Application D05-2018-002 and D05-18-032, as shown on Appendix B and the conditions substantially in the form attached as Appendix E to Report PLAN2018-050, be approved and adopted by Council;

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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**That** the street names of Connolly Road, Hancock Crescent, and Hennessey Crescent be added to the City's list of street names, and replace any previously approved street names as shown on the proposed red-lined Revised Draft Plan of Subdivision in Appendix B, and be referred to Council for approval;

**That** in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

### **Background:**

The statutory public meeting was held by the Planning Advisory Committee on March 7, 2018 and following resolution was passed:

#### **PAC2018-015**

**Moved By** Councillor Veale

**Seconded By** Councillor Macklem

**That** Report PLAN2018-025, respecting Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, CIC Developments Inc. – Applications D01-2018-002, D06-2018-010, D05-2018-002 and D05-18-032, be received; and

**That** Report PLAN2018-025 respecting Applications D01-2018-002, D06-2018-010, D05-2018-002 and D05-18-032 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.

**CARRIED**

This report addresses that direction.

The existing draft approved residential plan of subdivision consists of 141 residential units and 10 blocks, and was first approved by the Ministry of Municipal Affairs on April 6, 1994, with no lapsing provision. Since the original approval was granted, amendments to the conditions were made on April 10, 1995 and June 20, 2001. Due to the significant time elapsed since the original approval; there have been a number of changes in agencies and companies which clear conditions, and in the requirements of these agencies. As such, the current proposal will modify the existing draft approved plan of subdivision to bring it into conformity with the current Provincial plans and policies. The revised draft plan of subdivision consists of 146 single detached dwelling residential lots and 5 blocks: 1 block for a stormwater management pond; 1 block for a road widening; 1 block for a residential reserve; and 2 blocks for walkways.

Owner: CIC Developments Inc. c/o Bromont Homes Inc.

Applicant: Bousfields Inc. – Michael Bissett

Legal Description: Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, former Town of Lindsay

Designation: Residential” on Schedule JC2 of the Town of Lindsay Official Plan

Zone: Residential One (R1) Zone, Residential One Special Six (R1-S6) Zone, Residential One Holding Four [R1(H4)] Zone, Residential Two (R2) Zone, Open Space (OS) Zone and Open Space Special Two (OS-S2) Zone on Schedule A of the Town of Lindsay Zoning By-law No. 2000-75

Lot Area: 12.6 ha. [30.6 ac. – MPAC], of which the entire site is currently contemplated for the development

Site Servicing: Municipal sanitary sewer, storm sewer and water supply

Existing Uses: Vacant lands

Adjacent Uses: North: Jennings Creek; Agricultural; Residential  
East: Angeline Street North; Residential  
South: Residential  
West: Jennings Creek; Agricultural

## **Rationale:**

The property is located on the west side of Angeline Street North opposite Orchard Park Road, and consists of 3 new municipal roads. See Appendix A. Access to the subdivision is on Connolly Road, which lies opposite to Orchard Park Road. The other two municipal roads will be Hennessey Crescent and Hancock Crescent. See Appendix B. The proposed subdivision will be developed on full municipal services.

The Official Plan Amendment proposes to amend Schedule A of the Lindsay Official Plan for clarification purposes. Currently, both Schedule A and Schedule JC2 provide land use designations on the property. The amendment will remove the land use designations from Schedule A, such that the land use designation on Schedule JC2 prevails. Schedule B currently identifies the land is within the Jennings Creek Community Development Plan area.

The Zoning By-law Amendment proposes to reconfigure the zone boundaries to match the revised Residential lot patterns; to change the zoning from the Parks and Open Space (OS) Zone to a Residential Two (R2) Zone on the south east part of the development; to expand the Parks and Open Space Special Two (OS-S2) Zone for the proposed stormwater management pond and emergency access; and to exempt certain corner lots from the entrance requirement in the General Provisions section of the Lindsay Zoning By-law.

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

1. Revised Draft Plan of Subdivision, dated November 20, 2017 prepared by IBW Surveyors.
2. Stormwater Management Design Brief, dated December 6, 2017 prepared by Valdor Engineering Inc. The report examines the stormwater management facility design based on updated standards and the proposed revisions to the draft plan.

### **Provincial Policies:**

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

The Growth Plan provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The development will be serviced by new planned municipal roads, sewage, water and stormwater services within a designated settlement area.

Therefore, these applications conform to the policies of the Growth Plan.

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

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The Statement requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the Statement. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management. The proposed Stormwater management pond has been enlarged, to comply with current Ministry of the Environment and Climate Change standards.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the Statement. The proposed development is not within or adjacent to any natural heritage features, or species at risk (SAR) as identified in Section 2 of the Statement; and is not located within any natural hazards, as identified in Section 3 of the Statement.

Therefore, these applications are consistent with the Provincial Policy Statement.

## **Official Plan Conformity:**

The development subject to this proposal is located in the Residential and Parks and Open Space designations on Schedule A, and the Residential designation on Schedule JC2 of the Town of Lindsay Official Plan (Official Plan). The applicant submitted an application to amend Schedule A of the Official Plan, to clarify which land use designations and associated policies would apply to the proposed development. The lots are identified as part of the Jennings Creek Community Development Plan Area on Schedule B of the Official Plan, therefore, the amendment will identify that the lands are subject to the land use designations on Schedule JC2.

The Residential designation on Schedule JC2 will apply to this development. The predominant use of lands shall be for a variety of dwelling types. The designation permits low and medium density residential development subject to the availability of servicing and compatibility with surrounding uses. The proposed development generally conforms to these development policies.

Section 5.2.2 of the Official Plan contains policies to support sequential and orderly development. This will be accomplished by:

- only granting planning approvals to those lands, which are likely to develop within three (3) years from the time that the original planning application was approved; and
- limiting the total number of units to which planning approvals can be granted at a time to generally not greater than 100 residential units, unless the applicant/owner can justify market support above the 100 unit provision.

The existing conditions of draft plan of subdivision apply to 141 residential units, which were approved prior to the adoption of the Official Plan. The revised draft plan of subdivision includes an additional 5 units. As such, phasing of the additional 5 units will not be required. However, a three (3) year lapsing provision has been included in the revised conditions of draft plan of subdivision, in accordance with the Official Plan.

Section 5.2.3 of the Official Plan indicates that development and re-development in the Town of Lindsay shall be dependent upon the availability of servicing capacity in the Town. Draft approved plans may proceed to registration provided that sufficient servicing capacity exists. With the Northwest Trunk project now complete, conformity with the servicing allocation policies as set out in Section 5.2.3 have been demonstrated.

On this basis, the proposal conforms to the policies of the Official Plan.

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

The applicant has submitted a Zoning By-law Amendment application, to change the zoning on the property. The development is currently zoned R1, R1-S6,

R1(H4), R2, OS, and OS-S2 zones in the Town of Lindsay Zoning By-law 2000-75. The application, as proposed, will result in the following changes: converting a portion of the OS zone to the R1 and R2 zones; converting a portion of the R1-S6 zone to the OS-S2 zone; making changes to the R1-S6 and OS-S2 zone provisions; and creating the R1-S17 and R2-S37 zones.

The purpose of the changes to the provisions is as follows:

<b>Site-Specific Zone Requirements:</b>	<b>Development Standard</b>	<b>Purpose of Amended Standard:</b>
R1-S6	To permit a park or trail as a use; and site-specific setback to the top of slope of the valleyland for any buildings	Remove park or trail as a permitted use
R1-S17	Location of driveway in relation to street intersection	Allow a driveway to be located closer than 15 metres to the limits of the right-of-way at a street intersection
R2-S37	Location of driveway in relation to street intersection	Allow a driveway to be located closer than 15 metres to the limits of the right-of-way at a street intersection
OS-S2	Stormwater pond as a permitted use, and site-specific setback to top of slope of the valleyland for any buildings	To include an emergency access as a permitted use

The proposed amendments to the schedule would remove the OS zone from the block which would have become the park and apply the R1 and R2 zones; expand the OS-S2 zone to include the larger area for the proposed stormwater management pond and emergency access; and realign the remainder of the residential zoning based on the revised lot pattern.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. 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:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the vibrant and growing economy and healthy environment strategic goals as it attracts new residents to the City, and implements newer environmental standards for stormwater management.

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

There are no accessibility implications for the City. Accessible standards will be implemented through the permits issued under the Ontario Building Code (OBC).

## **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. A Public Meeting was held at the Planning Advisory Committee meeting on March 7, 2018. As of May 25, 2018, we have received the following comments:

### Public Comments:

March 6, 2018	Brett and Jamie Jermyn submitted an email stating they have 2 concerns: conversion of the open space lands to residential, and the configuration of the proposed Lot 140.
March 7, 2018	Verbal comments provided at the public meeting by 6 area residents. Concerns included the proposed loss of future park land, the elimination of one of the new streets accessed from Angeline Street North, and whether sidewalks will be provided within the development.
March 9, 2018	Darlene McIntyre submitted an email stating that she was advised through the original approval for draft plan that there would be green space provided in the development, and that other parks in the area are not easily accessed without crossing very busy through fares.

March 11, 2018 Joe McColl submitted an email stating he has 3 concerns: that there is no dedicated parkland in this proposal, that the second entrance to the subdivision has been eliminated, and the location of the sidewalks within the reduced right-of-way for the main street access.

Agency Review Comments:

February 14, 2018	The Building Division has no concerns with this application.
February 21, 2018	Enbridge Gas Distribution does not object to the proposed applications.
March 1, 2018	Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
April 3, 2018	The Community Services Department advised that it requires 5% cash-in-lieu of parkland and a pedestrian walkway corridor linking the roadway to the existing Joan Parkette for this proposal. Future lands have already been identified in the Jennings Creek Community Development Plan area for future neighbourhood and community parks, and the City is not seeking to expand or take new parkettes.
April 18, 2018	The Engineering and Corporate Assets Department provided updated draft plan of subdivision conditions.
April 24, 2018	The Kawartha Region Conservation Authority provided updated draft plan of subdivision conditions.
May 7, 2018	Curve Lake First Nation advised that it has received the notice of public meeting and has suggested it be shared with the Williams Treaties First Nation Process Co-ordinator/Negotiator. They also advised they wish to be contacted should any excavation unearth bones, remains, or other such evidence of a native burial site.
May 14, 2018	The Kawartha Region Conservation Authority provided additional comments regarding an updated Stormwater Management Brief.

**Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The applications conform to the 2017 Growth Plan, and are consistent with the 2014 Provincial Policy Statement. Conformity with the Town of Lindsay Official Plan has also been demonstrated. The rezoning will permit 146 single detached dwellings to be constructed on their



respective lots. Site-specific exception zones have been provided to accommodate the appropriate development standards for the respective lots.

In response to the public concerns noted above, relating to the second road access, the loss of parkland, the narrowing of the street right-of-way and installation of sidewalks: Block 149 provides for a 7 metre wide emergency access for emergency services; the Community Services Department has advised that cash-in-lieu of parkland is required for this development, in place of dedicated parklands, as there is no demand to take parkettes within the City, and future lands will be taken in the Jennings Creek Development Plan area. The Engineering and Corporate Assets Department has requested a 20 metre wide road right-of-way, which would include all municipal services, including sidewalks. Block 151 is being deeded to the City as a widening for the Angeline Street North right-of-way.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Official Plan and Zoning By-law Amendment applications along with the application for Revised Draft Plan of Subdivision be referred to Council for APPROVAL.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

#### **Appendix 'A' – Location Map**



PLAN2018-050  
Appendix A.pdf

#### **Appendix 'B' – Revised Draft Plan of Subdivision – dated November 20, 2017**



PLAN2018-050  
Appendix B.pdf

#### **Appendix 'C' – Proposed Official Plan Amendment**



PLAN2018-050  
Appendix C.pdf

#### **Appendix 'D' – Proposed Zoning By-law Amendment**



PLAN2018-050  
Appendix D.pdf

## Appendix 'E' – Proposed Revised Draft Plan Conditions



PLAN2018-050  
Appendix E.pdf

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**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D01-2018-002, D06-2018-010, D05-2018-002 &  
D05-18-032