

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

## **Planning Advisory Committee Report**

**Report Number PLAN2019-015**

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**Date:** March 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 3 - Fenelon

**Subject:** Applications for Official Plan Amendment and Zoning By-law Amendment to permit residential condominium development consisting of 24 townhouse dwellings and an apartment building containing 40 dwelling units on West Street North, geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)

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

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### **Recommendations:**

**Resolved That** Report PLAN2019-015, respecting being Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, geographic Township of Fenelon, identified as 19 and 39 West Street North, "Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028", be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The proposal is to permit a residential condominium development consisting of three 5-unit townhouse blocks, three 3-unit townhouse blocks and one four-storey 40-unit apartment building with parking below for a total of 64 dwelling units together with a private stormwater management pond, amenity area and an internal road providing access to parking facilities. The proposal will be developed on full municipal water and sewer services. The purpose of the proposed Official Plan Amendment and Zoning By-law Amendment is to re-designate the lands from the “Urban Settlement – Fenelon Falls Fringe” area designation in the City of Kawartha Lakes Official Plan to an “Urban Settlement – Fenelon Falls Fringe” area designation with a “Special Policy” to permit residential development in the form of townhouse and apartment dwelling units with a density of 44.5 dwelling units per gross hectare and to rezone the lands from the “Future Residential Development (FRD)” Zone to a “Hamlet Residential Exception (HR-\*)” Zone or other appropriate residential zone category with site specific residential zone provisions. It is anticipated that the owners will seek Council’s approval for a Condominium Description Exemption once Site Plan Approval has been granted.

Owners:	Muskoka D&M Corp. (c/o Doug Gray)
Applicant:	EcoVue Consulting Services Inc. – Nolan Drumm
Legal Description:	Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, geographic Township of Fenelon
Designation:	“Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan
Zone:	“Future Residential Development (FRD) Zone” on Schedule ‘A’ of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	1.445 ha. [3.57 ac. – MPAC]
Site Servicing:	Proposed municipal water and sanitary sewer, private stormwater management pond, drainage swales and storm sewers
Existing Uses:	Vacant Land
Previous Uses:	Wood furniture and toy manufacturing and automobile service facility activities
Adjacent Uses:	North: Residential/Cameron Lake East: West Street North/Residential South: Residential West: Bass Street/Commercial/Residential

## **Rationale:**

The property, municipally known as 19 (and 39) West Street North, is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) (see Appendix 'A'). The proposed development borders the Village of Fenelon Falls but is located within the geographic Township of Fenelon. The owners propose a residential condominium development consisting of 24 townhouse dwelling units and 40 apartment dwelling units (see Appendices 'C' and 'D'). The proposed development will be serviced by municipal water and sanitary sewer and storm sewers. The internal components of the development are proposed to be accessed from West Street North and Bass Street through a common elements condominium road. An amendment to the Official Plan and Zoning By-law is necessary to permit the apartment building and townhouse dwelling residential use at a density of 44.5 dwelling units per gross hectare.

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 EcoVue Consulting Services Inc., dated October 23 2018. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law.
2. Concept Plan prepared by EcoVue Consulting Services Inc., dated September 26, 2018.
3. Conceptual Site Plan Layout prepared by Lett Architects Inc., dated July 6, 2018.
4. Preliminary Building Elevations prepared by Lett Architects Inc., dated July 6, 2018.
5. Shadow Study prepared by Lett Architects Inc., dated July 6, 2018.
6. Urban Design Guideline prepared by ISM Architects, received January 16, 2019.
7. Geotechnical Investigation Report prepared by Peto MacCallum Ltd., Consulting Engineers dated June 2018.
8. Phase One and Phase Two Environmental Site Assessment Report prepared by Grace & Associates Inc., dated October 22, 2013 and January 21, 2014, respectively.
9. Stage 1 and 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc., dated October 22, 2018. The report identifies and evaluates the proposal with respect to archaeological resources.

10. Topographic Plan prepared by EcoVue Consulting Services Inc., dated January 18, 2018.
11. Plan of Survey prepared by Coe, Fisher, Cameron, Ontario Land Surveyors dated August 29, 2000 deposited as Plan 57R-8353 on October 6, 2000.
12. Traffic Impact Study for MDM Developments prepared by JD Northcote Engineering Inc., dated May 14, 2018.
13. Functional Servicing Report prepared by Pearson Engineering Ltd., dated July 2018. The report examines municipal water and sanitary servicing options for the property as well as stormwater management.
14. Engineering Drawings including Notes and Details Plan, Site Grading Plan, Site Servicing Plan, Pre-Development Storm Catchment Plan, Post-Development Storm Catchment Plan and Erosion Protection Plan, prepared by Pearson Engineering Ltd., dated July 2018.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Justification Report that was prepared and filed in support of the applications and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes Policies and Plans. Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments and concerns have been addressed.

### **Provincial Policies:**

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

The Growth Plan (GP) provides that growth should be directed towards settlement areas and utilizes existing or planned infrastructure and anticipates the intensification of brownfield sites. The proposed development will provide infill residential development on full municipal services and be located within the Fenelon Falls settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

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

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

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. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

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 1.1.3.1 states that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

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
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, which permits Planning authorities to identify appropriate locations and promote opportunities where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The applications were circulated to the Kawartha Region

Conservation Authority (KRCA) for their review to ensure conformity with respect to:

- a) natural heritage feature policies as identified in Section 2 of the PPS being within or adjacent to the proposed development being within 120 metres of a waterbody (Cameron Lake); and
- b) whether any natural hazards, as identified in Section 3 of the PPS are located within the proposed development.

Also in relation to Section 3, a Phase One and Phase Two Environmental Site Assessment (ESA) has been circulated for review and comment in relation to Human-Made Hazards. Although the report suggested no further investigation is recommended as all tested parameters related to soil and groundwater sampling were in accordance with MOE standards, the Ministry of Environment, Conservation and Parks (MECP) advised further work is required to address significant deficiencies in the initial Record of Site Condition (RSC) submission from 2014. In addition, the Phase 1 and Phase 2 Studies need to be updated and more scoped work may need to be undertaken in order to bring these studies into conformity with the current regulations in order to properly file a Record of Site Condition for the subject property.

Further comments from the relevant Department and Agencies are required to demonstrate that these applications are consistent with the PPS.

### **Official Plan Conformity:**

The “Urban Settlement Area – Fenelon Falls Fringe” designation in the City of Kawartha Lakes Official Plan (CKLOP) applies as the “Residential” designation in the Fenelon Falls Secondary Plan (SP) is under appeal to the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board. The Urban Settlement designation predominately permits single detached dwellings as a residential use; however medium density residential uses in the form of row or cluster dwellings are also permitted with a maximum density of 24 dwelling units per gross hectare. The proposed density on the subject land, being approximately 44.5 units per gross hectare, exceeds the medium density policy provisions, and therefore an Official Plan Amendment is being sought to create a Special Policy Area to permit the proposed development in the built form of townhouses and an apartment building which is in keeping with the general policies of the proposed SP for residential use of land within the settlement area of Fenelon Falls. Staff is further reviewing the application submission with respect to the Housing Affordability policy in accordance with Section 5.3 of the CKLOP and the definition contained in Section 30 of the CKLOP.

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

The subject land is zoned “Future Residential Development (FRD) Zone” in the Township of Fenelon Zoning By-law 12-95. The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone to a Hamlet Residential Exception (HR-\*) Zones or appropriate residential zone

categories, to permit the proposed development consisting of a mix of 24 townhouse and 40 apartment residential dwelling units with site specific provisions relating to minimum lot area, front and rear yard setback, building height, maximum lot coverage and minimum dwelling unit area on the subject lands. Based on comments received regarding the Phase One and Phase Two ESAs, it is recommended that a Holding (H) Provision be applied which requires further updates to the ESAs and any required site remediation in order to file a Record of Site Condition, prior to any development. The Holding symbol would also be applied to the entire subject lands to ensure that a secured site plan agreement is executed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial/operational considerations unless Council's decision to adopt or its 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 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 increases the supply of new housing options to attract new residents in the City of Kawartha Lakes.

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

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

### **Servicing Comments:**

The Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report suggests that the subject lands are serviceable to review and confirmation by the City's Engineering and Public Works Divisions.

## **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:

### Public Comments:

As of the time of writing this report, two public comments were received. The residents at 4 Oriole Road are opposed to the applications as they do not believe that Cameron Lake can support high density development with a four storey apartment building with inadequate sewer infrastructure and it does not fit in their community of single detached dwellings and cottages. They are in favour of lower density single detached dwellings. Another resident who called in and lives a block away from Bass Street along CKL Road 8 was inquiring where the existing municipal water and sewer service connections are for the proposed development and if the City would consider extending services further west.

### Agency Review Comments:

On February 5, 2019, the Building Division advised they have no concerns at this time but will reserve their ability to comment with respect to the site plan circulation.

On February 6, 2019, the Ministry of the Environment, Conservation and Parks (MECP) advised that a Record of Site Condition (RSC) was submitted in 2014 but never filed as a number of outstanding issues remain to be resolved. Furthermore, the Phase I and Phase II Environmental Site Assessment Studies submitted in support of the subject applications are out of date and in addition to addressing deficiencies in the said studies, more scoped work may need to be undertaken in order to bring the Phase I and Phase II studies into conformity with the Regulations.

On February 6, 2019, a Restricted Land Use Notice was issued by the Risk Management Official (RMO) of the Kawartha Region Conservation Authority (KRCA) as required under Section 59 of the Clean Water Act (2006) as a portion of the property is within an intake protection zone for Fenelon Falls. This is necessary to engage in an activity in a vulnerable area for a municipal drinking water supply; however, there is no prohibition or risk management plan requirement. A new application for Notice will need to be submitted prior to applying for any subsequent municipal approvals under the Planning Act or Building Code Act.

On February 12, 2019, Enbridge Gas Distribution advised they do not object to the proposed applications and reserve the right to amend or remove development conditions.

On February 12, 2019, Canada Post Corporation advised that mail delivery will be provided through centralized Community Mail Boxes (CMB) and Lock Box Assembly (LBA) for the multi-unit building but has not determined the CMB

location at this time. Canada Post requested dates when the development is scheduled to begin along with civic addresses.

On February 12, 2019, Fire Services advised that they have no issues with the proposed applications and any issues can be dealt with through the site plan approval process.

On February 20, 2019, Engineering and Corporate Assets advised they have reviewed the proposed plan and the City's by-laws and are recommending that Planning coordinate a meeting with the owner and their development team. Some of the issues identified include but are not limited to:

- Engineering does not support 15 additional entrances and service connections to West Street North;
- Water and sanitary services for all townhouses shall be internal to the site. Separate service connections for separate buildings on the same property require a formal By-law Exemption request;
- Traffic Impact Study (TIS) will need to be corrected based on the current development proposal with 24 townhouse units. Access to the townhouse units will be from the internal site as identified in the TIS;
- Bass Street is a non-standard right of way width with a gravel surface. Secondary access from Bass Street is not permitted and was not identified in the TIS;
- Plan and Profile design is required for new infrastructure and improvements to West Street North taking into account pedestrian access and sidewalk along the frontage of the property;
- An MECP Environmental Compliance Approval (ECA) application and approval required for new municipal servicing infrastructure and storm outlet to Cameron Lake. Pre-consultation with MECP is advised;
- Engineering requires comments from the Kawartha Region Conservation Authority (KRCA) prior to finalizing stormwater management related comments;
- Quality control for stormwater flows must be included for the entire site;
- Clarification is required to demonstrate how stormwater will be collected and conveyed to the proposed bio retention basin;
- Further detail is required to confirm the proposed stormwater quality control measures and the impacts of shallow impermeable bedrock for on-site and off-site works;
- Geotechnical Investigation Report will need to be revisited to ensure it supports the engineering design;
- Functional Servicing Report needs to take into account the City's Storm and Stormwater Infrastructure Guidelines and the drainage areas do not match the drainage plan;
- All proposed servicing must be identified on a Proposed Servicing Plan;
- A Removals Plan is required to indicate removal of existing servicing laterals, water wells, old entrances, fencing, etc.; and

- Topographic Survey is required to to be prepared by an Ontario Land Surveyor (OLS).

On February 20, 2019, the Economic Development Department advised they have no comments on the applications.

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

The applications for Official Plan Amendment and Zoning By-law Amendment appear to conform to the Growth Plan; however further confirmation from relevant Departments and/or Agencies is required to demonstrate that the applications are consistent with the Provincial Policy Statement. 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. Therefore, Staff recommends the applications be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan Amendment 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 agency and public 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'  
PLAN2019-015.pdf



Appendix 'B'  
PLAN2019-015.pdf



Appendix 'C'  
PLAN2019-015.pdf



Appendix 'D'  
PLAN2019-015.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photo  
Appendix 'C' – Proposed Concept Plan  
Appendix 'D' – Proposed Site Plan

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

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

**Department File:** D01-2018-006 and D06-2018-028