

The Corporation of the City of Kawartha Lakes
Minutes
Planning Advisory Committee Meeting

PC2019-03
Wednesday, March 6, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Councillor Patrick O'Reilly
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Mike Barkwell
Tammy Smith
Jason Willock

Accessible formats and communication supports are available upon request.

1. Call to Order and Adoption of Agenda

Chair O'Reilly called the meeting to order at 1:00 p.m. Mayor A. Letham, Councillors K. Seymour-Fagan, and A. Veale and T. Smith and J. Willock were in attendance.

Deputy Clerk and Recording Secretary A. Rooth, Manager of Planning R. Holy, Planner IIs Q. Adebayo, D. Harding and M. LaHay, Supervisor of Development Engineering C. Sisson and Senior Engineering Technician R. Perdue were also in attendance.

Absent: M. Barkwell

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

PAC2019-015

Moved By Councillor Veale

Seconded By Councillor Seymour-Fagan

That the agenda for the Wednesday, March 6, 2019 Planning Advisory Committee Meeting be adopted as circulated, and with the following amendments:

Addition - Deputation

Item 5.2

Debra Kakaria

An application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel), Report PLAN2019-016 (Item 7.2 on the Agenda).

Carried

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest noted.

3. Public Meeting

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2019-010

Quadri Adebayo, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the retained agricultural portion of the property from a Rural General (A1) Zone to Rural General Exception (A1-**) Zone to prohibit residential uses; and on the severed residential portion from Rural General (A1) Zone to Rural Residential Type One Exception (RR1-**) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 13, Concession 9, Geographic Township of Manvers, now City of Kawartha Lakes, identified as 77 Twigg Road (Youngfield Farms Ltd.) – Planning File D06-2019-003)

The Chair requested staff to advise on the manner of giving notice for the proposed Zoning By-law Amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Adebayo confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres, and a sign was posted the subject property. He summarized the application, explaining that it proposes to change the zone category on the retained agricultural portion of the property from a Rural General (A1) Zone to Rural General Exception (A1-**) Zone to prohibit residential uses; and on the severed residential portion from Rural General (A1) Zone to Rural Residential Type One Exception (RR1-**) Zone. The rezoning fulfills a condition of provisional consent required to sever the dwelling from the agricultural land. The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and meets the policy objectives of the City of Kawartha Lakes Official Plan. Mr. Adebayo summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the City's Agricultural Development Officer expressing concern regarding the use of the accessory building to house chickens (circulated to members of Committee) and from Enbridge Gas advising that they have no comments at this time. He advised that the applicant has agreed to withdraw the request to allow the accessory structure to house chickens, noting that the building could be converted for use

as storage. Division Staff are recommending that the application be approved with the exclusion of the zoning provision that would permit the accessory building to be used for keeping livestock. Mr. Adebayo responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Robert Clark of Clark Consulting Services confirmed that he has spoken with the owner and they are prepared to remove the request for the existing shed to be used for the housing of chickens.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.2 PLAN2019-014

David Harding, Planner II

An application to amend the Township of Verulam Zoning By-law 6-87 to rezone the property to facilitate a condition of provisional consent to sever rural land and consolidate it with an existing vacant rural residential lot. The portion of the proposed severed lands near the shoreline are to be rezoned from General Rural (A1) Zone to an Open Space (OS) Zone to prohibit the construction of buildings. The balance of the proposed severed land, as well as the benefitting land is to be rezoned from General Rural (A1) Zone to a General Rural Exception Zone to adjust the setback requirements of the enlarged vacant rural residential lot. The property is described as Part of Lots 12-14, Concession 9, Geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane (Elley) – Planning File D06-2019-002

The Chair requested staff to advise on the manner of giving notice for the proposed Zoning By-law Amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres and a sign was posted the subject property. He summarized the application, explaining that the rezoning fulfills a condition of provisional consent required to sever the dwelling from the agricultural land. The application proposes to sever a parcel of rural land and consolidate it with an existing vacant rural residential lot. The

portion of the proposed severed lands near the shoreline are to be rezoned from General Rural (A1) Zone to an Open Space (OS) Zone to prohibit the construction of buildings. The balance of the proposed severed land, as well as the benefitting land is to be rezoned from General Rural (A1) to a General Rural Exception Zone to adjust the setback requirements of the enlarged vacant rural residential lot. The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and meets the policy objectives of the City of Kawartha Lakes Official Plan. Mr. Harding summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the City's Agricultural Development Officer advising that she has no objections to the proposal. Staff are recommending that the application be approved. Mr. Harding responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Nolan Drumm, of EcoVue Consulting Services Inc., clarified that the OS Zone existed on the benefitting lot, and was being extended to the severed land. He also explained that the proposal will enlarge the area of the residential lot and will allow for enhanced buffering and shoreline protection.

The Chair inquired if anyone wished to speak to the application.

Christine Stratton, owner of property on Rocky Road, requested clarification on what the intent of the application was in terms of development.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.3 PLAN2019-015

Mark LaHay, Planner II

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.)

The Chair requested staff to advise on the manner of giving notice for the proposed Official Plan and Zoning By-law Amendments. He also asked staff to

briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120 metres and signs were posted the subject property. He summarized the application, explaining that the purpose of the Official Plan Amendment and Zoning By-law Amendment is to re-designate lands from the 'Urban Settlement - Fenelon Falls Fringe' area designation to an 'Urban Settlement - Fenelon Falls Fringe area designation with a 'Special Policy' to permit residential condominium development consisting of 24 townhouse dwellings and an apartment building containing 40 dwelling units with a density of 44.5 dwelling units per gross hectare. These applications appear to conform to the Growth Plan and further comments from relevant Departments and Agencies are required to demonstrate that they are consistent with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from Kawartha Conservation advising they do not foresee any issues with the applications but require more information to confirm if the property is within their regulated flood hazard associated with the flood elevation and also require an update to the geotechnical study as the property is in a known area of Karst topography; the City's Community Services Department advising that they have no concerns, the Kawartha Lakes Accessibility Advisory Committee with recommendations to increase the amount of accessible parking and improvements for barrier free access, from Curve Lake First Nations advising that additional consultation is required to assess potential effects on fish populations and possible impact on drinking water and aboriginal rights and from Hydro One advising that they have reviewed the application and that they have no facilities located on property. In addition, 2 comments from separate residents on King Street were received, expressing concern regarding inconsistency with the character of neighbourhood, increased water consumption and waste, traffic, noise, lighting and loss of privacy. Division staff are recommending the applications be referred back to staff until such time as all comments have been received from circulated agencies and City Departments and for further review and processing.

The Chair inquired if the applicant wished to speak to the application.

Nolan Drumm, of EcoVue Consulting Services Inc., provided an overview of the proposed development. He shared renderings of the proposed development, noting that it will consist of 4 residential stories above the parking storey. The

development supports intensification objectives and will provide a stock of townhouse and apartment dwelling units that are currently lacking in the City, providing more housing options to current and future residents. Mr. Drumm presented a comparison of Official Plan Policies with the proposed amendment and shadowing study results. He noted there will be some shadowing to the Northwest of the property during certain times of the year, but that most of the shadowing will fall on the property itself. Mr. Drumm advised that City staff have confirmed sufficient sewer capacity is available and he provided an overview of public consultation done to date. He stated that he accepts the staff recommendation to refer the application back for further review.

The Chair inquired if anyone wished to speak to the application.

Wendy Flett, adjacent property owner on Bass Street, expressed concern regarding the potential proximity of the entrance to the development to her property line and how the values of the new units will affect other property values in the area. Ms. Flett expressed an interest in sewer connectivity for her residential property with services being extended to the new development.

Debbie Branidis, resident on West Street, advised that her home is on the street directly across from the proposed development. She expressed concern regarding the effect the additional 64 units will have on the character of the neighbourhood, traffic congestion, property taxes, safety of children and impact on the small waterway nearby. Ms. Branidis noted that the area is a quiet family-oriented area and in her opinion only single houses should be permitted. She stated that the proposed development will infringe on her peace and privacy.

Ms. Vicki Moulder, a resident of Bobcaygeon who was with Ms. Flett, requested that a social impact study be done prior to approval of the land zoning change with an opportunity for public input. She expressed concern regarding traffic, transportation and the overall impact of the proposed development on the existing residents in the area.

No other persons spoke to the application.

The Public Meeting adjourned at 1:40 p.m.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2019-016

Moved By Mayor Letham

Seconded By Councillor Veale

That Report PLAN2019-010, respecting Part of Lot 13, Concession 9, Geographic Township of Manvers, and identified as 77 Twigg Road; Application No. D06-2019-003, be received;

That a Zoning By-law Amendment respecting application D06-2019-003, substantially in the form attached as Appendix D to Report PLAN2019-010, with the exception of the provision that permits the accessory building to be used for keeping livestock which shall be removed, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.2 Item 3.2

PAC2019-017

Moved By Councillor Seymour-Fagan

Seconded By T. Smith

That Report PLAN2019-014, respecting Part of Lots 12-14, Concession 9, Geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane – Planning File D06-2019-002, be received;

That a Zoning By-law Amendment respecting application D06-2019-002, substantially in the form attached as Appendix D to Report PLAN2019-014, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.3 Item 3.3

PAC2019-018

Moved By Councillor Veale

Seconded By J. Willock

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.

Carried

5. Deputations

5.1 PC2019-03.5.1

Kevin M. Duguay

Zoning By-law Amendment Application

4 Lindsay Street, Fenelon Falls, Report PLAN2019-012 (Item 7.1 on the Agenda)

Kevin Duguay, Kevin M. Duguay Community Planning and Consulting Inc., was in attendance with Mr. Francis, owner of 4 Lindsay Street, Fenelon Falls, to provide an update on the proposed development. He advised that conceptual plans and planning justification reports have been prepared in support of the application which will allow for the modernization of the old gas station including; installation of a gas canopy over the pumps, and replacement of existing tanks and pumps with new ones to meet current standards and improve safety. He noted that they will continue to work with staff on developing parameters for a scoped site plan agreement. Mr. Duguay advised that the owner is anxious to move forward with the proposal. He responded to questions from Committee members.

PAC2019-019

Moved By Councillor Veale

Seconded By Mayor Letham

That the deputation of Kevin M. Duguay, regarding a Zoning By-law Amendment Application, 4 Lindsay Street, Fenelon Falls, (Report PLAN2019-012, Item 7.1 on the Agenda), be received.

Carried

5.2 PC2019-03.5.2

Debra Kakaria

An application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel), Report PLAN2019-016 (Item 7.2 on the Agenda)

Debra Kakaria, MHBC Planning, Urban Design and Landscape Architecture, provided an overview of the proposed Manvers Pit Extension development. She advised that the application is currently under appeal at the Local Planning Appeal Tribunal (LPAT), noting that the applicant has been working to resolve identified issues, and specifically those identified by the Ministry of Natural Resources and Forestry. She highlighted rehabilitation and enhancement efforts to maintain the haul route entrance through an existing woodlot on the property. Ms. Kakaria advised that she is in support of the recommendation from staff. She responded to questions from Committee members.

PAC2019-020

Moved By Councillor Veale

Seconded By J. Willock

That the deputation of Debra Kakaria, regarding an application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel), (Report PLAN2019-016, Item 7.2 on the Agenda), be received.

Carried

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2019-012

David Harding, Planner II

An application to amend the Village of Fenelon Falls Zoning By-law 89-25 to rezone the property to permit the modernization and redevelopment of an existing gas station use to add features such as an overhead gas island canopy. The property is described as Part of Lot 171, Plan 25, former Village of Fenelon

Falls, City of Kawartha Lakes, identified as 4 Lindsay Street (2607892 Ontario Inc.) – Planning File D06-2018-031

PAC2019-021

Moved By Mayor Letham

Seconded By Councillor Veale

That Report PLAN2019-012, respecting Part of Lot 171, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 4 Lindsay Street – Planning File D06-2018-031, be received;

That a Zoning By-law Amendment respecting application D06-2018-031, substantially in the form attached as Appendix D to Report PLAN2019-012, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

7.2 PLAN2019-016

Mark LaHay, Planner II

An application to permit the expansion of an existing Licensed Class A - Category 3 Pit above water table, with accessory uses and an application to amend the Oak Ridges Moraine Zoning By-law 2005-133 to permit an aggregate operation (VicDom Sand and Gravel)

PAC2019-022

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-016, respecting Conc. 1, Part Lot 15, Geographic Township of Manvers, VicDom Sand and Gravel – Application D06-02-009, be received;

That Zoning By-Law amendment respecting application D06-02-009, substantially in the form of Appendix E to Report PLAN2019-016, be adopted by Council and forwarded to the Local Planning Appeal Tribunal for approval; and

That after the Zoning By-law amendment respecting application D06-02-009 is adopted, staff shall then advise the Local Planning Appeal Tribunal and the Ministry of Natural Resources and Forestry that Council withdraws its objection to

the application by VicDom Sand and Gravel for a Licence under the Aggregate Resources Act.

Carried

8. Adjournment

PAC2019-023

Moved By T. Smith

Seconded By J. Willock

That the Planning Advisory Committee Meeting adjourned at 2:04 p.m.

Carried