

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-032

Date: June 5, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 5 – Lindsay

Title: Proposed Residential Development for 152 Townhouse Units, Lindsay Street North, Lindsay

Description: Applications to amend the Town of Lindsay Official Plan and Zoning By-law together with a Draft Plan of Common Element Condominium (16CD-19501) and a Draft Plan of Subdivision (16T-19501) to permit a residential plan of subdivision consisting of 2 blocks for a total of 152 townhouse units and 1 block for buffer lands from Distillery Creek. The plan of common element condominium will include internal road network, services and utilities, visitor parking, open space and easements (2573532 Ontario Inc.)

Author and Title: Sherry L. Rea, Development Planning Supervisor

Recommendations:

That Report PLAN2019-032, Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, Applications D01-2019-001, D04-2019-001, D05-2019-001 and D06-2019-007 be received; and

That Report PLAN 2019-032 respecting Applications D01-2019-001, D04-2019-001, D05-2019-001 and D06-2019-007 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:

The applicant has submitted applications for an official plan amendment and zoning by-law amendment together with a draft plan of common element condominium and a draft plan of subdivision. The proposal is to permit a residential plan of subdivision consisting of two blocks for townhouse units with one block containing 55 residential units and a second block containing 97 residential units for a total of 152 residential units and a third block for buffer lands from Distillery Creek at the north end of the property. The plan of common element condominium will include internal road network, services and utilities, visitor parking spaces, open space and easements. The proposed development will be accessed from Lindsay Street North and from an extension of Alcorn Drive from the west and will be developed on full municipal services. The area of the applications represents 5.7 ha. (14.1 ac.). See Appendix 'A' and 'B'.

There are a number of design features common to both townhouse blocks:

1. A 7.4 m. wide private condominium road;
2. Significant areas of landscaped open space;
3. Bungalow (with loft) townhouse units facing Lindsay Street North and Alcorn Drive with detached garages. These units are accessed from the rear via the common element condominium road;
4. A combination of 2 storey and bungalow (with loft) front-loaded townhouses where the units do not face Lindsay Street North or Alcorn Drive;
5. Significant view-corridors into the site from the Victoria County Rail Trail (VCRT) through the use of open spaces and open-sided private roads abutting the VCRT;
6. Two private parking spaces per unit; and
7. Over 25% visitor parking spaces distributed throughout each block.

Owner: 2573532 Ontario Inc. c/o Andrew Salomon
Applicant: Bryce Jordan on behalf of GHD
Legal Description: Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, now City of Kawartha Lakes
Designation: Residential and Future Residential on Schedule 'A' of the Town of Lindsay Official Plan.
Zoning: Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area: 5.7 ha. (14.1 ac.)

Site Servicing: Full urban services are proposed including municipal water, sanitary sewer, stormwater management ponds, streetlights, sidewalks and curbs.

Existing Uses: Vacant Land

Adjacent Uses: North: Vacant land (Zoned Future Residential)
East: Closed Lindsay landfill site and small community park (Pioneer Park)
South: Residential lots fronting Cottingham Crescent
West: VCRT and residential lots fronting William Street North)

Rationale:

The property is located on the west side of Lindsay Street North, in the north east quadrant of Lindsay. The property is bordered by Distillery Creek on the north, VCRT on the west, residential lots fronting Cottingham Crescent on the south and Lindsay Street North on the east. The proposal is for a low profile residential townhouse development with a common element condominium for internal road network, services and utilities, visitor parking spaces, open space and easements. See Appendix 'A' and 'B'.

The official plan amendment (OPA) is only required on the northern one-third of the property from the Future Residential designation to the Residential designation to correspond with the proposed zoning by-law amendment. The balance of the property is appropriately designated Residential to accommodate the proposed development.

The companion zoning by-law amendment (ZBA) proposes that the Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone be changed to the Residential Multiple One Special (RM1-**) Zone and Residential Multiple Two Special (RM2-**) Zone to permit the townhouses fronting either on a public street or a privately owned condominium road and to apply site specific development standards for the development.

The draft plan of subdivision will create the two residential blocks for the townhouses and one block for the buffer area adjacent to Distillery Creek. The individual 'lots' or 'parcels of tied land' (POTL's) that contain the townhouse units will be created by lifting part lot control under the Planning Act. The development of the townhouse blocks will be subject to site plan approval. The draft plan of common element condominium (CEC) will create the internal road network, services and utilities, visitor parking spaces, open space and easements which will complete the development. See Appendix 'C' and 'D'.

The southern portion of the subject land was draft approved in 1995 for 13 residential lots on an internal cul-de-sac accessed from Lindsay Street North. The current applications do not incorporate the 1995 draft approved lot fabric. It will be necessary for the City to formally close the file upon receipt of written confirmation from the owners that they no longer wish to proceed with fulfilling

the conditions of draft plan approval. This will be a condition of draft plan approval for the current applications.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to the various City departments and commenting agencies for review:

1. Conceptual Plan for the proposed development prepared by FBP Architects Inc. and dated March 24, 2018.
2. Draft Plan of Subdivision prepared by GHD and dated November, 2018.
3. Draft Plan of Common Element Condominium prepared by GHD and dated July, 2018.
4. Compiled Boundary Plan prepared by Coe Fisher Cameron and dated November 20, 2017.
5. Topographic Plan of Survey prepared by Coe Fisher Cameron and dated June 26, 2018.
6. Planning Justification Report (PJR) prepared by GHD and dated December, 2018. The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, the 2017 Growth Plan for the Greater Golden Horseshoe, the Town of Lindsay Official Plan; the Council adopted and appealed Lindsay Secondary Plan and the Town of Lindsay Zoning By-law 2000-75.
7. Functional Servicing and Stormwater Management Report prepared by GHD and dated December 18, 2018. The report discusses and assesses the proposal in the context of functional servicing, grading and drainage matters and includes a functional servicing plan and a functional grading plan. The report also addresses floodplain mapping for Distillery Creek and Phosphorous Management techniques. Finally, the report assesses sanitary sewer servicing, municipal water supply and stormwater management.
8. Urban Design Analysis prepared by FBP Architects Inc. and dated January 22, 2019. The report discusses the context of the proposal based on proposed design, establishes a design vision, and provides design details for the development and general design guidelines and criteria for the proposed built form. The report concludes that the proposed development will be compatible with the surrounding land use and the VCRT. The proposed development is sympathetic to the existing stable residential neighbourhood to the west and south. Additionally, the height and massing of the proposed development has regard for the height and massing of the existing residential neighbourhoods.

9. Hydrogeological Assessment Report prepared by GDH and dated September 20, 2018. The report discusses and assesses the proposal in the context of hydrogeological functions of the site.
10. Preliminary Geotechnical Investigation Report prepared by GHD and dated September 20, 2018. The report examines the existing soil and subsurface conditions of the site.
11. Phase One Environmental Site Assessment prepared by GHD and dated July 6, 2018. The report discusses and assesses the proposal in the context of a number of on-site and off-site potentially contaminating activities being the former presence of a railway spur line, former adjacent landfill, adjacent hydro transformer and historic coal storage and other storage tanks.
12. Phase Two Environmental Site Assessment prepared by GHD and dated July 6, 2018. The report was prepared in order to file a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks (MECP). The MECP has acknowledged the filing of the RSC on November 2, 2018. The final acceptance and registration of the RSC will be a condition of draft plan approvals.
13. Scoped Environmental Impact Study prepared by Niblett Environmental Associates Inc. and dated October, 2018. The report discusses and assesses the proposal in the context of species at risk, appropriate buffering from Distillery Creek together with recommended setbacks and any mitigated measures.
14. Tree Inventory and Preservation Plan prepared by Kuntz Forestry Consulting Inc. and dated June 29, 2018. The document provides a tree inventory together with tree removals and a tree preservation plan.

In addition to the above, Transportation Reports have been prepared for the East Jennings Creek Area and these reports contributed to the proposed extension of Alcorn Drive from Angeline Street North to Lindsay Street North. There will be a requirement for the urbanization of Lindsay Street North to municipally connect the Alcorn Drive with Lindsay Street North.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment. A number of comments and/or issues have been received by staff and forwarded to the applicant for review. Given the complexity of the application, Staff recommends the applications be referred back to staff until such time as all commenting agencies and/or City departments' comments/concerns have been addressed, and to permit further discussions with the applicant respecting conformity to applicable policies, as required.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan)

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) replaced the 2017 Growth Plan for the Greater Golden Horseshoe (2017). The 2019 Growth Plan is part of the Provincial Government's *More Homes, More Choice: Housing Supply Action Plan*, which aims to address the needs of the Province's growing population, its diversity, its people and local priorities, and its local growth context. The intent of the new policy is to give local governments greater flexibility through policies with respect to intensification and Greenfield targets that aim to streamline the process for development approvals, introduces new policies for preserving provincially significant employment lands and revising policies related to rural settlement areas and how growth may be directed.

As the legislation is relatively new, the applicant has been requested to assess the proposed development for conformity with the policies of the 2019 Growth Plan.

Provincial Policy Statement, 2014 (PPS):

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

Staff has reviewed the Planning Justification Report (PJR) prepared by GHD in support the official plan and zoning by-law amendments and plans of subdivision and draft plan of common element condominium (CEC). Staff is generally accepting of the planning rationale and the concept of creating medium density residential development on this site. This is an opportunity to create housing in the municipality as an alternative to the creation of single detached dwellings which are prevalent in Lindsay. Staff agrees that the proposal promotes efficient development and land use patterns and supports compact urban form. The proposal promotes cost-effective development standards to minimize land consumption, servicing costs to the City and supports an opportunity for intensification.

The applicant has submitted the appropriate technical reports for consideration and review to demonstrate conformity with the PPS.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan was adopted in September 2010 and included the subject property within the Urban Settlement Boundary of Lindsay as recommended by the Growth Management Study (GMS). The GMS allocated 134 units as Residential Greenfield. The Lindsay Secondary Plan was adopted by Council in June 2017 and is currently under appeal to the LPAT. The governing policy document is the Town of Lindsay Official Plan (LOP) and the applicant has requested a site specific OPA to permit the development. The southern two thirds of the subject land is designated Residential while the northern one third is designated Future Residential in the Town of Lindsay Official Plan (LOP). The applicant has requested that the land designated Future Residential be changed to Residential. Staff supports the request and confirms that the proposed development maintains the medium density requirement of less than 62 dwelling units per gross hectare.

Staff is accepting of the PJR and supporting material submitted as per official policy regarding land identified as being adjacent to a Waste Disposal Assessment Area (WDAA) and land identified as being adjacent to Hazard Land on Schedule 'D' – Natural Environmental Considerations Mapping of the LOP. Phase 1 and 2 Environmental Site Assessments have been completed on the property along with a Record of Site Condition. Reports conclude that there is no concern with contamination of the subject property as it is down gradient with regard to ground water movement.

Staff is also accepting of the PJR with respect to Section 5.3.5 of the LOP which requires the City to develop a housing strategy. In the interim prior to a housing strategy being in place, Council shall strive for 25% of all new development to be affordable to low and moderate income households. The PJR provides justification that at least 25% of the units in the development will be offered for sale at less than median sale price in the regional market place, being \$350,000.00.

Pursuant to Section 4.1.2.2 of the LOP, medium density residential developments shall meet the following criteria:

- a) The density, height and character of the development is in keeping with the adjacent uses;
- b) The height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
- c) The development shall be encouraged to have direct access to a County, arterial or collector road, where possible and appropriate;
- d) The water mains and sanitary sewers shall be capable of accommodating the development, or the developer has committed to extend services at no expense to the Town, subject to the phasing policies of this Plan;

- e) The development is adequately service by parks and school facilities in accordance with Section 4.6.3 of this Plan;
- f) In development incorporating walk-up apartments, block townhouse dwellings and similar medium-profile residential buildings, on site recreational facilities or amenities such as playground equipment maybe required to service the development;
- g) The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized; and
- h) Except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services shall be prepared by the applicant and approved by the Municipal Engineer.

The PJR and supporting material demonstrates that the above noted criteria are supported although a more thorough review is currently being undertaken through the review of the supporting material by other Departments and agencies. The issue of the urbanization of Lindsay Street North needs to be addressed. Although access to the development will be via one entrance from Lindsay Street North in the south and Alcorn Drive in the north, the construction of Lindsay Street North to intersect with the extension of Alcorn Drive from the west needs to be confirmed. The applicable Departments will arrange for consultation with the applicant to discuss the requirements for the proposed development.

Zoning By-Law Compliance:

The land is zoned Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone in the Town of Lindsay Zoning By-law No. 2000-75. The applications propose both townhouse dwellings and multiple attached townhouse dwellings, which are permitted in the Residential Multiple One (RM1) Zone and Residential Multiple Two (RM2) Zone. Under a comprehensive zoning review, several exceptions are required to address the specific details of the proposed development. Staff recommends that the application for zoning amendment be referred back to staff to address further details of development such as minimum lot size, minimum front and rear yard setbacks, maximum lot coverage, permitted projections into the required yards for any open decks and specific development standards for those lots adjacent to Lindsay Street North.

Staff is supportive of site specific development standards to achieve an overall design that is attractive and functions as a complete neighbourhood providing easy access, good urban design, walkability and connectivity to streets, parks and walking trails and has regard for adjoining established neighbourhoods.

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 Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies three Strategic Goals, being a Vibrant and Growing Economy, an Exceptional Quality of Life and a Healthy Environment.

The applications align with an Exceptional Quality of Life and a Healthy Environment. The proposal seeks to create 152 residential townhouses which will increase the supply of affordable housing, create a new neighbourhood, and provide for walkability and connectivity to the VCRT and the Woods of Jennings Creek Park. An underutilized neighbourhood park (Pioneer Park) is available to the development along with a proposed design for 'eyes on the park' from the west side of Lindsay Street North. An appropriate buffer area from Distillery Creek is proposed that will protect and possible enhance water quality and provide opportunity to utilize Low Impact Development (LID) techniques throughout the development.

Review of Accessibility Implications of Any Development or Policy:

There are no immediate accessibility implications for the City. Accessible standards will be implemented through the appropriate Subdivision and Site Plan Agreements and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The Functional Servicing and Stormwater Management Report were circulated to the Engineering and Corporate Asset Division for review and comment. Preliminary comments received indicate that from an engineering perspective, they have no objection to the proposed OPA and ZBA to permit townhouse dwellings and no objection to the proposed draft plan of subdivision and draft plan of common element condominium. The Division provided preliminary comments that have been forwarded to the applicant for consideration. It is noted that a detailed Engineering review and comments will be provided at the time of draft plan of subdivision and draft plan of CEC approval.

Consultations:

Notice of these applications was circulated to persons within a 120 m. radius of the property, agencies, and City Departments which may have an interest in the application.

Public Comments:

To date, two parties have expressed an interest in the applications. A question was raised regarding potential leachates and methane gas migration given that there is a proposed storm water management pond that is located in close proximity to the closed landfill site. Staff has forwarded the enquiry to the applicant for review and comment. The second comment received was a telephone message regarding the number of entrances onto Lindsay Street North. Staff confirmed one entrance onto Lindsay Street North for the private condominium road at the south end of the property and the construction of the intersection of Alcorn Street with Lindsay Street North towards the north end of the property.

Agency Review Comments:

May 2, 2019	Hydro One; no comments or concerns regarding a preliminary review of issues affecting Hydro One's High Voltage Facilities and Corridor Lands only.
May 8, 2019	The Building Division has no concerns with the applications.
May 9, 2019	The Engineering and Corporate Assets Division has no objection to the OPA, ZBA, Draft Plan of Subdivision and Draft Plan of CEC. Additional comments will be provided as conditions of draft plan approval.
May 10, 2019	Fleet and Transit Services; no concerns. Once the roadway connectivity has been determined, Transit would begin the process of determining any extension of service. Service would not likely occur until the roadway has been assumed by the City.
May 14, 2019	Cable Cable; no conditions and/or objections.
May 16, 2019	Enbridge Gas Inc.; does not object to the proposed applications.

Development Services – Planning Division Comments:

The appropriate background information submitted in support of the applications has been circulated to the agencies and City Departments for review and comment. Given that the 2019 Growth Plan has recently been introduced, the applicant will prepare a supplementary brief to demonstrate conformity with the new Growth Plan policies. Staff recommends that the applications be referred back to staff until such time as all comments, issues and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed OPA, ZBA and Draft Plans of Subdivision and CEC be referred back to staff for further review and processing until such time as all comments, issues 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 contact Sherry L. Rea, Development Planning Supervisor, (705) 324.9411 ext. 1331.

Appendix 'A' – Location Map



Appendix 'A' -
Location Map.pdf

Appendix 'B' – Proposed Concept Plan



Appendix 'B' -
Proposed Concept Plan

Appendix 'C' – Proposed Draft Plan of Subdivision



Appendix 'C' -
Proposed Draft Plan of Subdivision

Appendix 'D' – Proposed Draft Plan of CEC



Appendix 'D' -
Proposed Draft Plan of CEC

Department Head E-Mail: cmarshall@kawarthalakes.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D01-2019-001, D04-2019-001, D05-2019-001 and
D06-2019-007