

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

PC2019-09
Wednesday, September 11, 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

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1. Call to Order and Adoption of Agenda

Chair O'Reilly called the meeting to order at 1:01 p.m. Mayor A. Letham, Councillors K. Seymour-Fagan, and A. Veale and M. Barkwell, T. Smith, and J. Willock were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Supervisor of Development Planning S. Rea, Planners II Q. Adebayo, D. Harding, and M. LaHay were also in attendance.

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

PAC2019-056

Moved By Councillor Seymour-Fagan

Seconded By Councillor Veale

That the agenda for the Wednesday, September 11, 2019 Planning Advisory Committee Meeting be adopted as circulated.

Carried

2. Declarations of Pecuniary Interest

J. Willock declared a conflict for Item 3.3 (Report PLAN2019-049) as the applicant is a client of his.

No other declarations of pecuniary interest were declared.

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 PLAN2019-047

Quadri Adebayo, Planner II

An application to amend the Township of Manvers Zoning By-law 87-06 on lands described as Part Lot 18, Concession 12, Geographic Township of Manvers, identified as 1067 Fleetwood Road - Trevor and Lorraine Nesbitt

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 Council direction and circulated to each owner of land within 500m, and a sign was posted on the subject property. He summarized the application, explaining that as a condition of provisional consent, the land to be retained is to be rezoned to, prohibit residential use on the agricultural lands; protect areas on the land containing natural heritage features by prohibiting development, buildings or structures; to have the retained lands be considered one lot for lot area requirements where there are two zones; and the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law. For the severed land, the conditions of provisional consent require the land to be rezoned in order to restrict the use on the lot to residential and residential accessory uses. The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. 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 Community Services and Kawartha Conservation both with no concerns. Staff are recommending that the application be referred to Council for approval. He responded to questions from Committee members.

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

Robert Clark spoke on behalf of the applicant and noted that Planning Staff have conducted a thorough review of the proposal and made himself available for any questions.

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

No other persons spoke to the application.

3.2 PLAN2019-048

Quadri Adebayo, Planner II

An application to amend the Township of Verulam Zoning By-law 6-87 on lands

described as Part of Lot 26, Concession 6, Geographic Township of Verulam, identified as 36 Walker's Road - William Ashby and Joseph McGale

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 Council direction and circulated to each owner of land within 500m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to amend By-law 2019-076 that would replace the temporary use provisions with textual amendments that would allow the Live Action Role Play (LARP) use to continue on a permanent basis. At this time, the application does not demonstrate conformity with the Growth Plan and consistency with the Provincial Policy Statement. 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 Kawartha Conservation with no concerns. Staff respectfully recommended that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, have been addressed. He responded to questions from Committee members.

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

Beverly Saunders of EcoVue Consulting spoke on behalf of the applicant. She stated that they have been recently retained by the applicant, and will be providing an Agricultural Impact Study, and she noted that they should be able to provide comments for the servicing application. She responded to questions from Committee members.

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

No other persons spoke to the application.

3.3 PLAN2019-049

Mark LaHay, Planner II

A revised application to amend the Township of Fenelon Zoning By-law 12-95 on

lands described as Part Lot 12, Concession 7, Geographic Township of Fenelon, identified as 356 Country Lane - Moore

J. Willock left the Council Chambers at 1:21pm due to his previously declared pecuniary interest.

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. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to rezone the subject land from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone. The effect of the zoning amendment would be to permit a garden suite, which is a temporary, detached dwelling unit that is designed and constructed to be portable and is ancillary to the existing detached dwelling, as a second dwelling unit on the property. This revised application does not propose a permanent second dwelling, as was previously proposed to the Planning Advisory Committee on July 3, 2019. The application appears to conform to the Growth Plan and appears to be 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 Community Services with no concerns. Curve Lake First Nation noted concerns stating 'aboriginal knowledge' of pre-contact land use in the area, and requested an archeological assessment of the property, however staff feel this will not be required due to distance from water resources. Staff are recommending that the application be forwarded to Council for approval.

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

Tom deBoer spoke on behalf of the applicant, and thanked staff for their review of the application and the negotiation process. He made himself available for any questions from Committee members.

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

No other persons spoke to the application.

J. Willock returned to his chair at 1:27pm.

3.4 PLAN2019-050

David Harding, Planner II

An application to amend the Town of Lindsay Zoning By-law 2000-75 on lands described as Lots 8-23, 57M-802, former Town of Lindsay, identified as 97-129 Springdale Drive - Squires Built Homes Inc.

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 120m, and two signs were posted, one on each end lot of the series of lots comprising the subject lands. He summarized the application, explaining that it proposes to permit decks to be constructed on the main levels of dwellings on lots which abut the ravine. The sloping nature of the lots combined with the walkout basement design would not otherwise permit the construction of decks. The application conforms to the 2019 Growth Plan and is consistent with the 2014 Provincial Policy Statement. 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 Alderville First Nation and Community Services Department noting no concerns. Staff are recommending that the application be forwarded to Council for approval. He responded to questions from Committee members.

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

Dave Squires of Squires Built Homes Inc. made himself available for any questions.

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

Kathy Cooper of 135 Springdale Drive expressed her similar concerns for building a deck at her property, and questioned whether the same provisions from this application would be required to allow her to do the same. Planning staff advised Ms. Cooper about filing a minor variance application.

No other persons spoke to the application.

3.5 PLAN2019-051

Mark LaHay, Planner II

Applications for Official Plan and Zoning By-law Amendments on lands described as Part Lot 21, Concession 13, Geographic Township of Manvers, identified as 344 Old Mill Road - Riwoche Society

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 500m, and a sign was posted on the subject property. He summarized the application (comparing it to a previous application presented to the Planning Advisory Committee on December 7, 2016, explaining that it proposes to permit a two phase development on the land which will now include a smaller 550 sq. m. religious educational centre, compared to the previous 1,145 sq. m. proposal, with fewer rooms for accommodation (15 vs. 25) and 5 private cabins in the first phase and a 363 sq. m. place of worship (Temple) in the second phase. The area of the phased development represents approximately one third of the 40.5 ha. land while the balance of the land will be used for agricultural pursuits. The application appears to conform to the Growth Plan and to be 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:

- Community Services Department with no concerns
- Alderville First Nation with no concerns
- Curve Lake First Nation noted 'aboriginal knowledge' of pre-contact land use in the area and requested that an archeological assessment be conducted
- Kawartha Conservation provided comments on the natural heritage features of the property
- Ross Beattie of 1149 Pigeon Creek Road advised of concerns with the condition of Old Mill Road that should be upgraded due to flooding that is experienced
- Carol and Brian Wallace of 1229 Pigeon Creek Road provided a letter of support noting the positive attributes to the application

- Paul McCourt of 318 Old Mill Road was provided the geotechnical test pit report and addendum traffic letter
- Linda Carder of 215 Lifford Road provided comments with regards to the nature and type of development activity

Staff recommends that the applications be referred back to staff for further review and processing until such time as all comments have been received from all circulated Agencies and City Departments and the Planning Advisory Committee and the Public and any comments or concerns have been addressed. He responded to questions from Committee members.

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

Beverly Saunders of EcoVue Consulting spoke on behalf of the applicant, and stated that the archeological and road concerns could be addressed in a forthcoming letter, and she made herself available for any questions from Committee members.

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

David Marsh of 1115 Fleetwood posed several questions to the Committee including how many people would attend the function on the site, if there was sufficient parking, and what the applicant might do with the current site if the application is denied. He noted concerns with existing uses and construction on the site that may have been completed without a permit, and expressed concern that the road would not be able to handle the additional capacity. He requested that Old Mill Road from their property northward to Mount Horeb Road be improved to handle access to the site, and that the application be denied.

Diane Costa, Chair of the Riwoche Temple spoke to clarify the issues being raised. She stated that there is no affiliation with the nearby Cham Shan Temple, and that their core membership is significantly smaller in comparison with only 25-30 people. She stated that the main building would offer educational programs including healthy living, and traditional Buddhist courses and retreats, and typically attract 20-25 people at a time. She said the location was selected for its peace and tranquility and she believes the construction of stupas and other facilities will add to the peace in the area. They have listened to previous concerns about traffic numbers and have rented a bus, and/or carpooled attendees to the site to reduce impact, and she stated that they intend to hire local contractors where possible.

Linda Carder of 215 Lifford Road expressed concerns about the existing uses on the site, including the construction of several cabins. She posed questions inquiring if this application was approved, what other uses would be permitted in the future. She noted the number of properties in the Manvers area owned by Buddhist-affiliated groups and provided a list to Committee members for their reference. She also raised concerns about emergency vehicle access, and road conditions on Old Mill and Fleetwood Roads.

Paul McCourt of 318 Old Mill Road noted an error in a calculation on the traffic study and requested that it be corrected. He alleged several by-law violations by the applicants, stating that this has reduced the trust between the local residents with the applicants. He questioned how large such a development could grow and asked how many attendees may attend the functions on the property. He disagreed with the road improvement study, and urged the Committee to deny the application.

The Chair permitted the applicant, Beverly Saunders of EcoVue Consulting, to address the comments made by the members of the public. She stated they would revise the error in the traffic study. She also noted the site-specific nature of the application which would limit the uses on the property, and that any other future uses of the property would require a future zoning by-law amendment. She shared proposed improvements to Old Mill Road to address traffic and emergency services concerns. In conclusion, she emphasized that the development is of a limited, site-specific scope, and there is no affiliation with the larger nearby Cham Shan Temple.

No other persons spoke to the application.

The Public Meeting concluded at 2:33pm.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2019-057

Moved By Councillor Veale

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-047, respecting Part of Lot 18, Concession 12, geographic Township of Manvers, and identified as 1067 Fleetwood Road; Application No. D06-2019-020, be received;

That a Zoning By-law Amendment respecting application D06-2019-020, substantially in the form attached as Appendix D to Report PLAN2019-047, 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

PAC2019-058

Moved By Councillor Seymour-Fagan

Seconded By M. Barkwell

That Report PLAN2019-048, respecting Part of Lot 26, Concession 6, geographic Township of Verulam, and identified as 36 Walker's Road; Application No. D06-2019-018, be received; and

That a Zoning By-law Amendment respecting application D06-2019-018 be referred back to staff for further review and processing until such time as the additional requirements and concerns raised by City Departments, have been addressed.

Carried

4.3 Item 3.3

J. Willock left Council Chambers due to his previously declared pecuniary interest at 2:34pm.

PAC2019-059

Moved By Mayor Letham

Seconded By T. Smith

That Report PLAN2019-049, respecting Part Lot 12, Concession 7, geographic Township of Fenelon, Application D06-2019-014, be received;

That a Zoning By-law, respecting application D06-2019-014, substantially in the form attached as Appendix D to Report PLAN2019-049 be approved and adopted by Council;

That staff be directed to prepare a Garden Suite agreement pursuant to Section 39.1 of the Planning Act, respecting this application; and

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

Carried

J. Willock returned to his chair at 2:35pm.

4.4 Item 3.4

PAC2019-060

Moved By Councillor Veale

Seconded By J. Willock

That Report PLAN2019-050, respecting Lots 8-23, 57M-802, former Town of Lindsay, City of Kawartha Lakes, identified as 97-129 Springdale Drive – Application D06-2019-019, be received;

That a Zoning By-law Amendment respecting application D06-2019-019, substantially in the form attached as Appendix D to Report PLAN2019-050, 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

4.5 Item 3.5

PAC2019-061

Moved By Mayor Letham

Seconded By M. Barkwell

That Report PLAN2019-051, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035, be received; and

That the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments and any public comments and concerns have been addressed.

Carried

5. **Deputations**
6. **Correspondence**
7. **City of Kawartha Lakes Reports**
8. **Adjournment**

PAC2019-062

Moved By Councillor Veale

Seconded By Councillor Seymour-Fagan

That the Planning Advisory Committee Meeting adjourn at 2:38 p.m.

Carried