

**The Corporation of the City of Kawartha Lakes  
Planning Advisory Committee Report**

**Report Number PLAN2019-064**

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**Meeting Date:** November 6, 2019

**Public Meeting**

**Title:** Official Plan and Zoning By-law Amendments to permit an 80 unit hotel

**Description:** Applications to amend the Town of Lindsay Official Plan and Zoning By-law to permit a range of commercial uses, including an 80 unit hotel on the property identified as Vacant Land on Angeline Street South, Lindsay (DDB Investment Group Limited)

**Ward Number:** Ward 7 – Lindsay

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

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**Recommendations:**

**That Report PLAN2019-064, Part of Lot 18, Concession 5, Former Town of Lindsay, DDB Investment Group Limited – Applications D01-2019-003 and D06-2019-029, be received; and**

**That PLAN2019-064 respecting Applications D01-2019-003 and D06-2019-029 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 a zoning by-law amendment. The proposal is to change the land use designation from the 'Residential' designation to the 'General Commercial' designation and to change the zone category from the 'Residential One (R1) Zone' to the General Commercial Special \*\* (GC-S\*\*) Zone' to permit a range of commercial uses appropriate for the site, including a five storey, 80 unit hotel. See Appendix 'A' and 'B' attached.

Owner:	DDB Investment Group Limited c/o Don Brown
Applicant:	Kevin M. Duguay Community Planning c/o Kevin Duguay
Legal Description:	57R-8940 Parts 1 to 8; Part of Lot 18, Concession 5, Geographic Township of Ops, Former Town of Lindsay; and 57R-8210 Parts 1, 5 and 6; Plan 61 Part Lots 9 to 12; Part of Lot 18 and 19, Concession 5, Geographic Township of Ops, Former Town of Lindsay
Designation:	Residential on Schedule 'A' of the Town of Lindsay Official Plan. The land is identified as fronting on a County Road on Schedule 'C' – Transportation Network
Zone:	Residential One (R1) Zone on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	8,140.5 square metres [2.01 acres]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land
Adjacent Uses:	North: Hydro One Substation; Hotel (Days Inn & Suites); Veterinary Clinic (Kawartha Animal Hospital) East: Lindsay Recreation Complex; Sir Sandford Fleming College (Frost Campus) South: Multi-purpose trail (Trans-Canada Trail); Auk Trail; Senior Citizens Home (Victoria Manor) West: Angeline Street South; McGibbon Boulevard; Low Density Residential

## Rationale:

The property is located on the east side of Angeline Street South, part way between Auk Trail to the south and Mary Street West to the north, and opposite to McGibbon Boulevard in the southwest quadrant of Lindsay. See Appendix 'A'. The subject property is located in a mixed use area with single detached dwellings on the west side of Angeline Street South; a hydro substation, limited commercial (veterinary clinic and Days Inn), and residential to the north;

undeveloped lands directly to the southeast; and institutional uses (Sir Sandford Fleming College and Victoria Manor) to the east and south respectively. See Appendix 'B'.

The property is vacant and consists of approximately 0.81 ha. The applicant is applying on behalf of the owner to re-designate and rezone the property to permit commercial uses appropriate for the site, including an 80 unit hotel having 5 storeys and a maximum gross floor area of 4,500 square metres. The proposed hotel incorporates an indoor swimming pool and small meeting room, but is not currently including other amenities such as a restaurant or conference rooms. An increase in height to 18 metres is also requested to accommodate the 5 storeys including rooftop mechanical. See Appendix 'C'.

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. Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated September 10, 2019. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the Town of Lindsay Official Plan, the Council adopted and appealed Lindsay Secondary Plan, and the Town of Lindsay Zoning By-law 2000-75.
2. Functional Servicing Report prepared by D.M. Wills Associates Limited, dated April 2019. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
3. Phase 1 Environmental Site Assessment Report prepared by D.M. Wills Associates Limited, dated August 2019. The report discusses and assesses the historical uses on and around the property.
4. Phase 2 Environmental Site Assessment Report prepared by D.M. Wills Associates Limited, dated August 2019. The report discusses and assesses the results of soil samples taken from the property.
5. Traffic Brief prepared by D.M. Wills Associates Limited, dated April 9, 2019. The report discusses and assesses the proposal in context of any improvements required to Angeline Street South and the proposed new entrance.
6. Hydrogeological Study Report prepared by D.M. Wills Associates Limited, dated September 4, 2019. The report examines the existing soil and subsurface conditions relating to infiltration of water on the site.
7. Draft Geotechnical Investigation Report prepared by PR Engineering Inc., dated September 3, 2019. The report examines the existing soil and subsurface conditions of the site.

8. Urban Design Brief prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated September 11, 2019. The report discusses the context of the proposal based on site and neighbourhood, architectural design principles, and a shadow study, etc.
9. Shadow Study prepared by Aside Architects, dated April 17, 2017.
10. Species at Risk (SAR) Assessment Report prepared by D.M. Wills Associates Limited, dated July 2019. The report discusses and assesses the potential for an at-risk species on the property.
11. Topographic Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated January 3, 2019.
12. Site Plan and Floor Plans prepared by Aside Architects, dated September 4, 2019.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment, and until such time as all commenting agencies and/or City departments comments/concerns have been addressed.

### **Provincial Policies:**

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

These lands are identified as being within the 'Settlement Area' of Lindsay. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The City has expended significant cost in providing additional servicing capacity in the Colborne Street sewershed by replacing and upgrading aging infrastructure to accommodate growth in this area.

The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The applications conform to the Growth Plan in that they serve to permit a variety of commercial uses and in particular the need for accommodation in support of events and activities occurring in the City. The applications will also create full and part-time employment opportunities.

### **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.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. 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 applicant has submitted the appropriate technical reports for consideration and review. Through the appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be achieved.

### **Trent Source Protection Plan (TSPP):**

The property is located within the Kawartha-Haliburton source protection area. The property is located within the Lindsay Surface Water Intake Protection Zone 2 (IPZ-2). Therefore, the applicant was required to obtain a Section 59. (2) Notice under the Clean Water Act (2006), prior to submission of these applications. A Notice will be required to be issued by the Risk Management Official (RMO) at each stage of development (eg. Site Plan, Building, etc.), before the City can deem any application(s) complete.

### **Official Plan Conformity:**

The lands are designated 'Residential' on Schedule 'A' of the Town of Lindsay Official Plan (Lindsay Official Plan). The applicant has requested a change to the 'General Commercial' designation, which would permit retail establishments and commercial uses which are destination-oriented or intended to serve the travelling public, such as automobile service stations, vehicle sales and service, public garages, motels, hotels, eating establishments, establishments such as furniture, appliance, carpet, flooring, home electronics and/or garden centres, automated teller/banking machines, building supply centres, and other similar uses. The following criteria apply to lands designated General Commercial:

- a) General Commercial areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses;
- b) Adequate off-street parking and loading spaces shall be permitted;

- c) General Commercial uses shall only locate on County, arterial or collector roads.

The proposal generally adheres to the above noted criteria. Some of the commercial uses permitted in the General Commercial designation and zone are compatible with the surrounding uses and can be adequately buffered through site plan control. The proposal contemplates on-site parking and no relief from the Zoning By-law is requested. The land fronts Angeline Street which is identified as a County Road on Schedule 'C' – Transportation Network mapping in the Lindsay Official Plan.

Section 2 of the Lindsay Official Plan provides the Goals, Principles and Objectives of the Plan as it speaks to Fostering Economic Vitality. Specific objectives under Economic Development and Tourism include encouraging visitors to come to the Town by providing appropriate uses that may attract and promote tourism and promoting the development of new businesses and economic activities that are not currently available to the Town. The hotel proposal offers 80 additional accommodation units together with an indoor swimming pool.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through the appropriate revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

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

The lot is zoned 'Residential One (R1) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant has requested to change the zone category to a 'General Commercial Special \*\* (GC-S\*\*) Zone' to permit commercial uses appropriate to the site and to permit the hotel use. The Special provision would permit for site-specific development standards, such as an increase in the maximum height; increase in the maximum leasable floor area; and decrease in the minimum front and rear yard setbacks.

The 'GC' zone includes the following uses:

#### **General Commercial Uses:**

Automated teller/banking machines, beer, liquor or wine store, brew-your own establishment, building supply establishment, bus or taxi depot, eating establishment, fabric shop, garden and nursery sales and supply establishment, hardware store, home and auto supply store, home improvement store, hotel, marine and recreational vehicle sales and service establishment, motel, motor vehicle repair establishment, motor vehicle sales and service establishment, motor vehicle washing establishment, pet store, pet supply store, rental establishment, retail establishment that carries only furniture, appliances, home electronics, carpet, flooring and/or window coverings, service station, swimming pool or swimming pool supply store, tourist information centre and video rental and sales store.

**Convenience Commercial Uses:**

The following additional uses are permitted provided that the total gross leasable floor area does not exceed 15% of the total gross leasable floor area of all buildings on the lot.

Bake shop, convenience retail establishment with or without a gas bar, dry cleaning establishment, drug store, personal service establishment and pharmacy.

**Special (Exception) Zone:**

The ‘GC-S\*\*’ zone as proposed would permit all uses in the ‘GC’ zone listed above, and in addition, recognize site-specific development standards as follows:

<b>Zone Standard:</b>	<b>‘GC’ Zone:</b>	<b>Proposed ‘GC-**’ Zone:</b>
Maximum Building Height	10.5 metres	18.0 metres
Maximum Leasable Floor Area of a Single Commercial Use	3,000 square metres	4,500 square metres
Minimum Front Yard Setback	15.0 metres	5.0 metres
Minimum Rear Yard Setback	15.0 metres	6.0 metres

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. Through the appropriate revisions to the technical reports and plans, full compliance with the provisions of the Zoning By-law should be achieved.

**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 (LPAT). 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:

- 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 will attract new businesses, provide employment opportunities, and can utilize Low Impact Development (LID) techniques where possible to protect and enhance water quality.

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

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

## **Servicing Comments:**

The property is currently not serviced. Full urban municipal services, including water, sanitary sewer and storm sewer are proposed.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius of the properties; and agencies and City Departments which may have an interest in the application. As of October 25, 2019, we have received the following comments:

### **Public Comments:**

To date, no public comments have been received.

### **Agency Review Comments:**

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|------------------|---|
| October 11, 2019 | The Building Division has no concerns with the applications. Comments will be reserved to site plan circulation.  |
| October 17, 2019 | The Engineering and Corporate Assets Department advised they have no objection to the proposed Official Plan and Zoning By-law amendments. Detailed Engineering review and comments will be provided at the time of Site Plan Approval. Preliminary Engineering |



comments regarding servicing and stormwater management are provided as follows:

**Servicing:**

1. Servicing shall be in compliance with City of Kawartha Lakes By-Laws (i.e. By-Law 2016-006, By-Law 2018-039) which identify requirements for separate water services for domestic and fire flow requirements and sized as required.
2. A Municipal Service Connection Application will be required for service connections in the municipal Right of Way, using City approved service connection contractors.
3. Please identify all proposed servicing on the Proposed Servicing Plan and identify service lateral separation distances, setbacks, existing infrastructure, etc. to ensure there are no conflicts. Water services cannot be installed within a driveway.

**Stormwater Management:**

4. As noted in the Functional Servicing Report the outlet for this development ultimately leads to Scugog River which has been identified as a Policy 2 receiver. The development must satisfy a no net increase with an effort to reduce phosphorus loading.
5. Please ensure all Stormwater Management calculations/values correlate with City guidelines.

**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. Staff recommends that the applications be referred back to staff until such time as all comments and concerns have been addressed.

**Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all 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 Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2019-064  
Appendix A.pdf

Appendix 'B' – Proposed Site Concept Plan, dated September 4, 2019



PLAN2019-064  
Appendix B.pdf

Appendix 'C' – Proposed Building Concept Plan, dated April 17, 2017



PLAN2019-064  
Appendix C.pdf

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

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

**Department File:** D01-2019-003 and D06-2019-029