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

Report Number PLAN2019-072

Meeting Date:	December 4, 2019
Regular Meeting	
Title:	Proposed Mixed-Use Residential and Commercial Plan of Subdivision for 563 Residential Units
Description:	Applications to amend the Town of Lindsay Official Plan and Zoning By-law, together with a Draft Plan of Subdivision (16T-18501) to permit a mixed-use residential and commercial plan of subdivision consisting of up to 815 residential units total: 394 lots for single detached dwellings; 32 blocks for 169 townhouse dwelling units; 2 blocks for future mixed-use residential and commercial developments with up to 252 residential units; 1 commercial block; 1 institutional block; 4 blocks for stormwater management facilities; 2 blocks for parks; 3 blocks for open space; 2 blocks for road widening; 1 utility block; and 1 retained commercial parcel on the property identified as Vacant Land on Colborne Street West, Lindsay (Lindsay 2017 Developments Inc.)
Ward Number:	Ward 5 – Lindsay
Author and Title:	Ian Walker, Planning Officer – Large Developments
Recommendati	ons:
Township of Ops; Former Town of L	2019-072, Concession 4, Part of Lot 22, geographic 57R-6839, Parts 1, 2 and 6 to 20, and Part of Parts 3 to 5, indsay, Lindsay 2017 Developments Inc. – Applications 6-2018-026 and D05-2018-004, be received;
Department Head:	:
Legal/Other:	-
Chief Administrati	ive Officer:

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report PLAN2019-072, be referred to Council for adoption;

That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2019-072, be referred to Council for approval and adoption;

That the Draft Plan of Subdivision (16T-18501), Application D05-2018-004, as shown on Appendix B and the conditions substantially in the form attached as Appendix E to Report PLAN2019-072, be approved and adopted by Council;

That in accordance with Section 34(17) of the Planning Act, Council having considered the changes to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Background:

The statutory public meeting was held by the Planning Advisory Committee on February 6, 2019 and following resolution was passed:

PAC2019-008

Moved By J. Willock

Seconded By Mayor Letham

That Report PLAN2019-007, Part of Lot 22, Concession 4, Former Town of Lindsay, Lindsay 2017 Developments Inc. – Applications D01-2018-005, D06-2018-026 and D05-2018-004, be received; and

That PLAN2019-007 respecting Applications D01-2018-005, D06-2018-026 and D05-2018-004 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.

CARRIED

This report addresses that direction.

The applicant has submitted three concurrent applications which apply to a portion of the subject land: a draft plan of subdivision; an official plan amendment; and a zoning by-law amendment. Based on public and agency review and comment, minor amendments have been made to the applications. The applications together propose to permit a mixed use residential and commercial plan of subdivision consisting of 563 residential units, and potentially

an additional 252 residential units as part of a future mixed-use development for up to 815 residential units as follows: 394 lots for single detached dwellings; 32 blocks for 169 townhouse dwelling units; and 2 blocks for future mixed-use residential and commercial developments consisting of up to 252 residential units. In addition, the remainder of the subdivision will consist of: 1 commercial block; 1 institutional block for an elementary school; 4 blocks for stormwater management facilities; 2 blocks for parks; 3 blocks for open space; 2 blocks for road widening along Colborne Street West and Highway 35; 1 utility block for a municipal pump station; and 1 retained commercial parcel. The lots and blocks will be serviced by full urban municipal services with access via an extension of St. Joseph Road and sixteen (16) new streets, including two new collector streets: Street A, which intersects with Colborne Street West and will continue into the developments to the north; and Street D, which intersects with Highway 35 and the St. Joseph Road extension.

Owner: Lindsay 2017 Developments Inc. c/o Teresa Salazar

Applicant: D.G. Biddle & Associates Limited c/o Michael Fry

Legal Description: 57R-6839 Parts 1, 2, and 6 to 20, and Part of Parts 3 to 5,

Part of Lot 22, Concession 4, Geographic Township of Ops,

former Town of Lindsay

Designation: General Commercial, Local Commercial, Residential, Future

> Residential, Institutions and Community Facilities, and Parks and Open Space on Schedule JC2 of the Town of Lindsay Official Plan. The land contains Airport Obstacle Restrictions as shown on Schedule JC4 of the Town of Lindsay Official

Plan.

Zone: General Commercial Special Nine – Holding One [GC-

> S9(H1)] Zone, Residential One (R1) Zone, and Future Community Development (FCD) Zone on Schedule A of the

Town of Lindsay Zoning By-law Number 2000-75

Lot Area: 57.67 hectares [143.08 acres – MPAC]

Site Servicing: Full urban services: municipal water, sanitary sewer,

stormwater management ponds, streetlights, sidewalks,

curbs.

Vacant Land Existing Uses:

Adjacent Uses: Agricultural (Vacant Future Development Land) North:

> East: Low Density Residential; Municipal Park (Auden

> > Park)

Colborne Street West: Municipal Parks (Wilson South:

Fields and Optimist Park)

West: Highway 35; Vacant Agricultural and Kawartha

Lakes Municipal Airport

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Rationale:

The property is located at the northeast intersection of Colborne Street West and Highway 35 in the Jennings Creek Community Development Plan (JCCDP) Area in the northwest quadrant of Lindsay. See Appendix A. The subject land includes proposed low and medium density residential development, future mixed-use residential and commercial, institutional, commercial, and open space properties, serviced by a number of new municipal roads. The draft plan of subdivision will create the lots, blocks, and streets which form the development, and will apply to a portion of the property, excluding the retained lands, shown as Additional Lands Owned by Applicant to the west of Street A and south of Street B. See Appendix B.

The official plan amendment proposes to remove the Local Commercial designation from the property, currently located at the northwest intersection of St. Joseph Road and Colborne Street West; and to reconfigure portions of the remaining land use designations to correspond with the proposed draft plan of subdivision. Only those land use designations which are being reconfigured or removed are the subject of the official plan amendment. See Appendix C.

The companion zoning by-law amendment proposes that the existing Residential One (R1) Zone at the northeast corner of the property will be changed to the Residential Three Special Eighteen (R3-S18) Zone and Parks and Open Space (OS) Zone; a portion of the General Commercial Special Nine Holding [GC-S9(H)] Zone affecting Blocks 436 and 441 will be changed to the Parks and Open Space Special Seven (OS-S7) Zone and Future Residential (FR) Zone respectively; and the Future Community Development (FCD) Zone will be changed to the appropriate residential, future residential, institutional, and parks and open space zone categories to correspond with the reconfigured land use designations and proposed plan of subdivision. Further details of the proposed zone changes are provided in the table under the heading Zoning By-law Compliance below. Only the land use permissions which are being reconfigured or changed are the subject of the zoning by-law amendment. See Appendix D.

To address issues and concerns raised through the public process and by the circulated commenting agencies and City Departments, the following changes and/or additional information have been provided:

Noise:

- 2 draft noise studies have been prepared:
 - The first noise study assesses the impacts of the noise emitted by the traffic and commercial uses on the proposed residential development;
 - The second noise study assesses the noise impacts of the Kawartha Lakes Municipal Airport (the Airport) on the residential development. This includes developing the Noise Exposure Forecasts (NEF)

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contours for the Airport. The second study must be reviewed and approved by Transport Canada (TC).

- The purpose of the NEF contours is to determine what impact, if any, the Airport will have on the residential component of the subdivision, and any future residential subdivisions in proximity to the Airport;
- Mitigation measures have been proposed, based on the initial findings of the draft studies;
- The draft studies will be finalized prior to registration of the subdivision agreement for any residential phases;
- Confirmation of noise levels and mitigation, if necessary, will be required and handled through the subdivision agreement at each phase.

Traffic:

- The ultimate land requirements for the widening of Highway 35 have been determined by the Ministry of Transportation Ontario (MTO). A block will be dedicated to MTO for future widening of Highway 35;
- In addition, a block will be provided to the City for the future widening of Colborne Street West;
- Draft plan conditions are included in the Conditions of Draft Plan Approval to protect the MTO's interest for the ability to cost-share the future upgrades of Highway 35 with all new developments in the JCCDP Area;
- Even though the Lindsay Official Plan policies permit the connection of local roads to the existing Walker Street, the extension of Walker Street has been removed from this plan based on public comments.

Servicing:

 Further design details have been confirmed for the development to ensure the adequate services can be constructed.

Planning:

- Considerations have been made to the design of the commercial block, to prevent the existing permitted commercial land uses from conflicting with the nearby Airport;
- Active transportation has been accommodated and designed through the
 development, to provide a variety of options and connectivity for residents.
 The multi-use trails, bike lanes, and sidewalks will connect with the
 proposed new developments to the north, with Wilson Fields, and with the
 proposed new multi-use trail on the south side of Colborne Street West,
 when the road is reconstructed in the future;
- In accordance with the Lindsay Official Plan policies, the residential portion of the subdivision has been designed to be constructed in phases, containing no more than 100 residential units per phase. A draft plan

condition is included in the Conditions of Draft Plan Approval to ensure no more than 100 residential units are approved at each phase. See Appendix E;

A Holding (H) provision has been recommended for each property that
does not constitute part of the first phase of draft plan approval. An
application to Council to remove the Holding (H) provision must be made
by the developer at each phase, upon entering into a subdivision
agreement with the City.

Provincial Policies:

Staff have reviewed the amended Planning Justification Report (PJR) prepared by D.G. Biddle & Associates Limited and submitted in support of the applications, and accepts the planning rationale contained in the report with respect to the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, as noted below.

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

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 replaced the 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.

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 already expended significant cost in providing servicing to the JCCDP area in anticipation of development of these lands, which will be cost-recovered as development proceeds 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.

Section 2.2.7 of the Growth Plan requires new greenfield development to be planned, designated, zoned, and designed to support complete communities, active transportation, and encourage the integration and sustained viability of transit services. Active transportation measures have been included throughout the design, and transit services will be integrated into the development. Within the horizon of the Growth Plan, the City will plan to achieve a density target of not less than 40 persons and jobs combined per hectare. According to the PJR,

the proposed development provides a density of 38.5 persons and jobs per hectare, however, there could potentially be additional residential dwelling units considered in the future, depending on whether the elementary school is required within this development. Additionally, the density target of 40 persons and jobs per hectare will apply to the entire JCCDP, which includes additional development land not part of this development.

On that basis, the official plan amendment, zoning by-law amendment and recommended draft plan conditions conform to 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.

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.

Staff reviewed the PJR prepared in support of the applications, and circulated the required technical reports to the appropriate agencies and City departments. Staff is supportive of creating a mix of low and medium density residential development on this site. Staff agrees that the proposal promotes efficient development and land use patterns, and cost-effective development standards to minimize land consumption and support compact urban form. This development will also allow the City to recuperate the respective portion of the costs allocated to the construction of the North West Trunk (NWT) Sewer. The official plan amendment, zoning by-law amendment and recommended draft plan conditions are consistent with the PPS.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the subject property within the Urban Settlement Boundary of Lindsay as recommended by the Growth Management Study (GMS). In 2012, the GMS was updated to allocate 1,000 residential units as Residential Greenfield. The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Local Planning Appeal Tribunal (LPAT). Due to the appeals, the subject land

remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject land is within the Urban Settlement Boundary for Lindsay and may be considered for development under the Growth Management policies contained in the City Official Plan.

Section 3.1 of the Lindsay Official Plan speaks to environmental constraints that influence the ultimate form and structure of Lindsay. No environmental constraints are shown on Schedule D - Natural Environmental Considerations of the Lindsay Official Plan.

In accordance with Sections 2.7.2.2 and 2.7.2.3 of the JCCDP, and Sections 4.1.2.1 and 4.1.2.2 respectively of the Lindsay Official Plan, the proposed development maintains the criteria for the respective low and medium density residential developments such as density, height, and character of the development, access to arterial or collector roads, adequate water and sewer servicing, and access to parks. In accordance with Sections 2.7.5.2 and 2.7.6.1 of the JCCDP, the exact locations, configurations, and boundaries of the elementary school sites and neighbourhood parks respectively shall be determined through the subdivision process.

The transportation network has been designed in accordance with Section 2.8 of the JCCDP, as shown on Schedule JC3 – Infrastructure Plan. The road network and the walking and cycling networks in the proposed development have been designed in accordance with Section 2.8.1 and 2.8.2 respectively.

In accordance with Section 2.8.3 of the JCCDP, the applicant has retained Jade Acoustics Inc. to determine the Noise Exposure Forecasts (NEF) for the Airport. A draft noise study has also been completed for the commercial development, and provided mitigation measures for both the Airport and commercial noise. The draft reports will be finalized prior to the registration of any phase of the subdivision which includes residential uses. In addition, the City's Engineering and Corporate Assets Department has refined the height restrictions mapping for the Airport, to prevent obstacles from penetrating into Airport operating areas, as shown on Schedule JC4 – Airport Obstacle Restrictions of the Lindsay Official Plan.

Section 5.2.2 of the Lindsay Official Plan contains policies to support sequential and orderly development. This will be accomplished by:

- Only granting planning approvals to those lands, which are likely to develop within three (3) years from the time that the original planning application was approved; and
- Limiting the total number of units to which planning approvals can be granted at a time to generally not greater than 100 residential units, unless the applicant/owner can justify market support above the 100 unit provision.

Staff acknowledges that the Planning Act limits draft plan approval to three (3) years and recommends a draft plan condition that each Phase of residential development be limited to 100 units. See Appendix E.

Within the Lindsay Official Plan, development of this land is subject to the JCCDP policies. The lands are currently designated General Commercial, Local Commercial, Residential, Future Residential, Institutions and Community Facilities, and Parks and Open Space on Schedule JC2 of the Lindsay Official Plan. This proposal removes the Local Commercial designation entirely from this property, and reconfigures the remaining designations to align with the proposed land uses in conjunction with the proposed subdivision.

For clarity, the land use designations apply to the land uses in the following table:

Land Use Designation:	Proposed Land Uses:
Residential	 A variety of low and medium density dwelling types Includes single detached dwellings (low density), row or block townhouse dwellings (medium density), and includes a home occupation in a dwelling Applies to the residential lots being created
Future Residential	 Primarily uses which existed as of the date of adoption of the JCCDP, and non-intensive agricultural uses, reforestation, public utilities and stormwater management facilities Applies to the two future potential mixed use blocks
Parks and Open Space	 Primarily for the preservation and conservation of land and/or environment Includes floodplain lands, parks, and low intensity recreational uses Applies to the stormwater ponds, trails, and parks
Institutions and Community Facilities	 Only permits one elementary school site Applies to the future potential elementary school site
General Commercial	 Primarily for retail establishments and commercial uses that are destination-oriented and intended to serve the travelling public Includes eating establishments and large format retail uses (single or multiple businesses in excess of 3,000 square metres gross leasable floor space, engaged in retailing or wholesaling of goods, requiring large sites) A portion of the existing designation is being removed from this property
Local Commercial	 Primarily for local commercial service uses serving the daily needs of the surrounding neighbourhood The entire existing designation is being removed from this property

Some portions of the Residential and General Commercial designations are not changing and as such, those portions of the property are not subject to the Official Plan Amendment (OPA) application.

Zoning By-Law Compliance:

The lot is currently zoned General Commercial Special Nine – Holding One [GC-S9(H1)] Zone; Residential One (R1) Zone; and Future Community Development (FCD) Zone in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The GC-S9(H1) zone permits all uses in the General Commercial (GC) Zone, in addition to the following:

- an animal hospital;
- artist's supply establishment;
- florist;
- a department store;
- · a home improvement store; and
- an optical establishment

The proposal does not change any of the uses permitted or the development standards in the GC-S9(H1) zone, but does remove a portion of the zone by converting it to the Parks and Open Space Special Seven (OS-S7) Zone and the Future Residential (FR) Zone. The FCD zone is changing to the appropriate residential, future residential, institutional, and parks and open space zone categories, to correspond with the proposed OPA and draft plan of subdivision. The existing R1zone at the northeast corner of the development is changing to the Parks and Open Space (OS) Zone for a park block, and the Residential Three Special Eighteen – Holding [R3-S18(H)] Zone for residential development.

For clarity, the proposed changes are shown in the following table:

Current Zone Category:	Proposed Zone Categories:
The existing FCD zone	 Parks and Open Space (OS) Zone; Parks and Open Space Special Seven (OS-S7) Zone; Parks and Open Space Special Eight (OS-S8) Zone; Residential One Special Twenty-One (R1-S21) Zone; Residential Three Special Eighteen (R3-S18) Zone; Residential Three Special Nineteen (R3-S19) Zone; Residential Three Special Twenty (R3-S20) Zone; Residential Multiple One Special Twenty-Two (RM1-S22) Zone; Residential Multiple One Special Twenty-Three (RM1-S23) Zone; Community Facility Special Seven (CF-S7) Zone; and A Holding (H) Provision applied as appropriate.

Current Zone Category:	Proposed Zone Categories:
The existing R1 zone	 Parks and Open Space (OS) Zone; Residential Three Special Eighteen (R3-S18) Zone; and A Holding (H) Provision applied as appropriate.
A portion of the GC-S9(H1) zone	 Future Residential (FR) Zone; Parks and Open Space Special Seven (OS-S7) Zone

Under a comprehensive zoning review, exceptions are required to address specific details of the proposed development. For the residential zones, the exceptions apply to exempt any of the lots from Section 5.12 j) v. of the Zoning By-law, which requires a minimum 15 metre setback between any driveway and a street intersection. The purpose of this provision is to provide a minimum setback for commercial, industrial, and larger scale residential developments, such as an apartment building. Additionally, for the R1-S21 zone, it will also allow bay windows to project up to 0.6 metres into any yard. The R3-S19 zone applies to one proposed lot, to reduce setbacks due to the lot's configuration.

The CF-S7 zone will limit the uses to an elementary school and provide the maximum height of buildings, in accordance with the Lindsay Official Plan policies. The OS-S7 zone provides that the lands may be used for stormwater management facilities, and the OS-S8 zone provides that the land may be used for public infrastructure, being the pump station. A holding (H) provision has been applied to the CF-S7 lot and all residential lots which are not part of the first phase of the development. The applicant will apply to Council to remove the holding (H) provision at each phase of the development, once a subdivision agreement has been entered into for that respective phase.

As noted in the table above, only a portion of the GC-S9(H1) zone is proposed to be rezoned. The portion which is not proposed to be rezoned does not constitute part of the Zoning By-law amendment application. The Zoning By-law amendment and recommended conditions of draft plan of subdivision will comply with the Zoning By-law.

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 Recommendation(s) 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 all three strategic goals. The proposal seeks to create a future block for new commercial uses and two new mixed use blocks for up to 252 residential units; to create 563 residential units which will increase the supply of affordable housing, create a new neighbourhood, and provide for walkability and connectivity to Auden Park, Wilson Fields and Optimist Soccer Park; 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 Agreements, and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The property is currently not serviced, and is proposed to be constructed on full urban municipal services, including water, sanitary sewer, stormwater management ponds, streetlights, sidewalks, etc. The Functional Servicing and Stormwater Management Report was circulated to the Engineering and Corporate Assets Department for review and comment. Comments received indicate there is no objection to the proposed OPA and ZBA to permit the development, and no objection to the proposed draft plan of subdivision. Engineering has provided draft plan conditions that will be embedded into the subdivision agreement and that will be reviewed and approved through the detailed design phase of the proposed development. See Appendix E.

As the proposed development is North West Trunk (NWT) dependent, staff recommends a draft plan condition that payment of the applicable NWT Capital Charge has been addressed in the associated subdivision agreement. See Appendix E.

Consultations:

No further consultations were considered at this time.

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. Those agencies and City Departments have provided draft plan conditions for the draft plan of subdivision. The applications conform to the 2019 Growth Plan, and are consistent with the 2014 PPS. Conformity with the Lindsay Official Plan has also been demonstrated. The rezoning will establish the development standards to implement the draft plan of subdivision.

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 along with the Plan of Subdivision (16T-18501) application together with the draft plan conditions be referred to Council for **approval**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call lan Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2019-072 Appendix A.pdf

Appendix B – Proposed Draft Plan of Subdivision



PLAN2019-072 Appendix B.pdf

Appendix C – Proposed Official Plan Amendment



PLAN2019-072 Appendix C.pdf

Appendix D – Proposed Zoning By-law Amendment



PLAN2019-072 Appendix D.pdf

Appendix E – Proposed Draft Plan of Subdivision Conditions



Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2018-005, D06-2018-026 and D05-2018-004