

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-067**

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**Meeting Date:** December 4, 2019

### **Regular Meeting**

**Title:** Proposed residential development for 155 townhouses on 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 residential development for 155 townhouse units and common element areas for internal road network, services and utilities, visitor parking, open space, amenity areas and easements (2573532 Ontario Inc.)

**Ward Number:** 5

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

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### **Recommendations:**

**That** Report PLAN2019-067, **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;

**That** a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report Plan 2019-067, be referred to Council for approval and adoption;

**That** the Zoning By-law Amendment, D06-2019-007, be referred back to staff for further review;

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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**That** the Draft Plan of Subdivision (16T-19501), D05-2019-001, as shown on Appendix D and the conditions substantially in the form attached as Appendix E to Report Plan 2019-067, be referred to Council for approval and adoption;

**That** the Draft Plan of Common Element Condominium (16CD-19501), D04-2019-001, as shown on Appendix F and the conditions substantially in the form attached as Appendix G to Report Plan 2019-067, be referred to Council for approval and adoption;

**That** Council having considered the changes to the revised Draft Plan of Subdivision and Draft Plan of Common Element Condominium 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 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. Following the public meeting, the applicant submitted a revised draft plan of subdivision and draft plan of common element condominium to address issues raised through the public process and agency circulation. The revised 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 100 residential units for a total of 155 residential units, being 3 additional lots than under the original proposal. The proposed townhouses that back onto the residential lots fronting Cottingham Crescent will be conventional bungalow townhouses while the townhouses backing onto the Victoria County Rail Trail (VCRT) will be conventional 2 storey townhouses. Landscaping and fencing is proposed along the eastern limit of the VCRT, in addition to the width of the trail to assist with the transition from the single detached dwellings fronting William Street North and the proposed townhouse development.

The original third block for buffer lands from Distillery Creek at the north end of the property has been removed and will be part of the plan of common element condominium and held and maintained by the condominium corporation. The revised plan of common element condominium will include internal road network, services and utilities, visitor parking spaces, open space, amenity areas and easements. The proposed development will be accessed from Lindsay Street North and from an extension of Alcorn Drive, and will be developed on full municipal services. The area of the applications is 5.71 ha.

The statutory public meeting was held by the Planning Advisory Committee on June 5, 2019 and the following resolution was passed:

4.1 Item 3.1

**PAC2019-034**

**Moved By** Mayor Letham

**Seconded By** Councillor Seymour-Fagan

**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.

**Carried**

This report addresses that direction.

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
Zone:	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, amenity space, 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 two residential blocks for the townhouses and the street, Alcorn Drive will be dedicated on the final plan as a public street. 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. The buffer area adjacent to Distillery Creek will be included as a common element on the draft plan of CEC. See Appendix D and F.

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. There is a draft plan condition that requires the owner to withdraw the application and close the file prior to the City granting final approval of the plans.

## **Provincial Policies:**

Staff reviewed the original Planning Report 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 (Growth Plan) and the Provincial Policy Statement (PPS). The applications serve to permit

residential development that proposes to complete a residential area and provide connectivity with respect to road and servicing networks. The applicant has submitted the appropriate background information to demonstrate efficient use of servicing along with access to both Lindsay Street North and Alcorn Drive, which will eventually be extended to the west.

### **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. As the public meeting was held June 5, 2019 and the legislation was relatively new, the applicant had been requested to assess the proposed development for conformity with the policies of the 2019 Growth Plan. Staff received and reviewed the submission. The official plan amendment and recommended draft plan conditions for both the draft plan of subdivision and draft plan of common element condominium conform with 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 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) and circulated the technical reports to appropriate agencies and City departments. Staff is accepting of creating medium density residential development on this site. This is an opportunity to create housing in the municipality that is an alternative to single detached dwellings. 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 official plan amendment and recommended draft plan conditions for both the draft plan of subdivision and draft plan of common element condominium are consistent 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 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 that the northern one third of the property be designated from Future Residential to Residential to permit the development. The southern two thirds of the subject land are designated Residential. Staff supports the request and confirms that the proposed development maintains the medium density requirement in the LOP of less than 62 dwelling units per gross hectare.

Section 3.1 of the LOP speaks to environmental constraints that influence the ultimate form and structure of Lindsay. The applicant submitted Phase 1 and 2 Environmental Site Assessments along with a Record of Site Condition 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. The assessments conclude that there is no concern with contamination of the subject property as it is down gradient with regard to ground water movement. Staff are recommending draft plan conditions that require the owner to follow the recommendations contained in the Phase 1 and 2 of the Environmental Site Assessments and those assurances are obtained through the subdivision agreement. KRCA has reviewed both reports and have provided draft plan conditions to be implemented through the subdivision agreement and for final approval of the draft plan of subdivision and draft plan of common element condominium. See Appendix E.

Pursuant to Section 4.1.2.2 of the LOP, the proposed development maintains the criteria for 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.

Section 5.2.2 of the LOP 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 the first Phase of development be limited to 100 units. See Appendix E.

The issue of the urbanization of Lindsay Street North needed 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 needed to be confirmed. The draft plan conditions to be implemented through the subdivision agreement requires the owner to design and construct, entirely at his or her expense, the urbanization of the extension of Alcorn Drive across the existing Victoria Rail Trail Corridor and for the urbanization of the west half of Lindsay Street North from the south limit of the subject property to the north limit of Lindsay Street North, including sidewalk, curb, storm sewer, street lights, and streetscaping to the City's satisfaction. See Appendix E.

The issue of connectivity of Lindsay Street North with Alcorn Drive and its extension west through to the east limit of Woods of Jennings Creek – Phase 1 was raised through the public process. Staff have determined that through the draft plan conditions for Woods of Jennings Creek – Phase 2, the City will require the necessary extension to the east to connect with Alcorn Drive which will be constructed through the subject development applications.

The official plan amendment and recommended draft plan conditions for both the draft plan of subdivision and draft plan of common element condominium conform with the LOP.

### **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. Townhouse dwellings front on a public street and multiple attached townhouse dwellings front on a private street. Under a comprehensive zoning review, several exceptions are required to address the specific details of the proposed development and to apply appropriate development standards once part lot control has been lifted.

Staff is not recommending that the application for zoning amendment be referred onto Council at this time. Additional time is required to ensure that the 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 are correctly set out in the implementing zoning by-law. Staff requires additional detail from the applicant. It is also necessary to have exceptions in the OS Zone to accommodate stormwater facilities and to maintain the naturalized area of the buffer to Distillery Creek.

Staff continues to support 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 155 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 was circulated to the Engineering and Corporate Asset Division for review and comment. Comments received indicate there is 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. Engineering has provided draft plan conditions that will be imbedded into the subdivision



agreement and that will be reviewed and approved through the detail 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 applications 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 and draft plan of common element condominium. The applications conform to the 2019 Growth Plan, and are consistent with the 2014 Provincial Policy Statement. Conformity with the Town of Lindsay Official Plan has also been demonstrated and while the request for zoning amendment is generally supportable, further detailed review is necessary.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the official plan amendment, plan of subdivision (16T-19501) and plan of common element condominium (16CD-19501) together with the draft plan conditions for each draft plan be referred to Council for approval and that the draft zoning by-law amendment, be referred back to staff for further review.

### **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' – Draft OPA By-law



Appendix 'C' - Draft  
Official Plan Amendment

## Appendix 'D' – Proposed Draft Plan of Subdivision



Appendix 'D' -  
Proposed Draft Plan of Subdivision

## Appendix 'E' – Proposed Draft Plan of Subdivision Conditions



Appendix E  
Proposed Draft Plan of Subdivision Conditions

## Appendix 'F' – Proposed Draft Plan of CEC



Appendix 'F' - Draft  
Plan of CEC.pdf

## Appendix 'G' – Proposed Draft Plan of CEC Conditions



Appendix G  
Proposed Draft Plan of CEC Conditions

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

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

**Department File:** D01-2019-001, D04-2019-001, D05-2019-001 and  
D06-2019-007