

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-069

Meeting Date: December 4, 2019

Public Meeting

Title: An Application to amend the Village of Fenelon Falls Zoning By-law 89-25

Description: A technical amendment to revise an existing permitted use from a senior citizens apartment dwelling house to allow an apartment dwelling house and to remove the (H) Holding provision. The property is described as Plan 100, Lots 124 to 126, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 106 Murray Street

Ward Number: Ward 3

Author and Title: Anna Kalnina, Planner II

Recommendation(s):

That Report PLAN2019-069, respecting Plan 100, Lots 124 to 126, former Village of Fenelon Falls, City of Kawartha Lakes, identified as 106 Murray Street, Kawartha Lakes Haliburton Housing Corporation – D06-2019-032, be received;

That a Zoning By-law Amendment respecting application D06-2019-032, substantially in the form attached as Appendix D to Report PLAN2019-069, be approved and adopted by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject land, municipally known as 106 Murray Street, is located on the west side of Murray Street and north of West Street South in the Village of Fenelon Falls (see Appendix 'A'). The applicant has submitted a Zoning By-law Amendment application to revise an existing permission for an apartment building. The existing zone permits a senior citizens apartment dwelling house. An amendment to the Zoning By-law is a technical amendment to not limit the use to seniors and permit an apartment building for a variety of tenants.

Owner:	Kawartha Lakes Haliburton Housing Corporation
Applicant:	Tim Welch Consulting Inc.
Legal Description:	Plan 100, Lots 124-126; 57R-6354, Part 1 former Village of Fenelon Falls
Designation:	Medium Density Residential in the Village of Fenelon Falls Official Plan
Zone:	Residential Type Five Exception 8 [R5-8(H)] Holding Zone on Schedule A of the Village of Fenelon Falls Zoning By-law 89-25
Lot Area:	0.61 ha (1.5 ac)
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Vacant Land
Adjacent Uses:	North: Low density residential East: Murray Street and low density residential South: Low density residential West: Ultramar Gas Station and Motel, commercial

Rationale:

The application proposes a two-storey apartment building with thirty (30) units served by forty five (45) parking spaces. The proposed apartment building would offer 1, 2 and 3-bedroom configurations, as well as barrier free units. The proposed development would provide a mix of market rate and rent-geared to income housing units. The development would be serviced by municipal sewer and water infrastructure.

The proposed building is L-shaped and would be located on the northeastern portion of the property. The access to the property from Murray Street and the main access to the building are proposed at the southern end of the property. The main entrance to the building is proposed to face the proposed pick-up/drop-off area near the vehicular entrance to the parking lot. The design of the site is proposed to provide direct ease for pedestrian access; the site is proposed to be

barrier free and Accessibility for Ontarians with Disabilities Act (AODA) compliant.

The proposed site configuration is intended to reduce the visual impact of the development on surrounding uses by designing the building as an L shape to break up the massing of the building, locating the parking lot closest to the adjacent commercial use, and proposing a landscaped courtyard in the middle of the site. None of the units are proposed to have a direct view into an adjacent residential dwelling. Furthermore, the plantings of coniferous trees are proposed to provide privacy and screening for the adjacent low density residential dwellings. The building is proposed to be two-storeys tall, with a total building height proposed to be 7.75m. Therefore, shadows would be minimal on the adjacent properties. The materials of the proposed building use a mixture of stone, brick and siding, and would be consistent with the existing character of residential properties.

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

1. Zoning By-law Amendment Application received September 5, 2019.
2. Planning Justification Report, prepared by EcoVue Consulting Services Inc. dated August 6, 2019 was submitted in support of the application. This document discusses the appropriateness of the application in the context of the Provincial Policy Statement (2014), Growth Plan (2019), applicable Official Plan and Zoning By-law.
3. Urban Design Brief, prepared by Ronald Awde Architect dated August 2019. This document analyses compatibility of the building's design with neighbourhood's existing built form, identifies the proposed landscaping to offer shade and privacy, parking and paving, and street lighting.
4. Geotechnical Investigation, prepared by Concord Engineering dated November 27, 2018. This document reports on geology and site description, subsurface conditions, fieldwork and recommendations.
5. Hydrogeologic Investigation Report, prepared by GHD dated July 30, 2019. This document reports on findings from monitoring wells, available well records and previous test holes, hydraulic conductivity testing and a water balance evaluation.
6. Traffic Impact Brief, prepared by Tatham Engineering dated May 9, 2019. The brief reviews the proposed development from a transportation perspective, addressing site access, site traffic volumes, sight lines at the access point and the potential impacts to the adjacent road systems.

7. Site Servicing and Stormwater Management Design Brief, prepared by Tatham Engineering dated May 8, 2019. The document also contains a Sedimentation and Erosion Control Plan, and Phosphorous Budget.
8. Sketch Plan by Ronald Awde Architect dated February 20, 2019.
9. Site Plan and Details A1.01, prepared by Ronald Awde Architect dated November 27, 2018.
10. Shadow Study A1.02, prepared by Ronald Awde Architect dated November 27, 2018.
11. Exterior Elevations A3.01, prepared by Ronald Awde Architect dated November 27, 2018.
12. Topographic Survey, prepared by Coe Fisher Cameron Land Surveyors dated December 12, 2018.
13. Legal Survey, prepared by William R. Coe Limited dated October 28, 1990.

Staff has reviewed the Planning Justification Report that was prepared and filed in support of the application and has reviewed other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans.

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.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, provides that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating an appropriate range and mix of land uses (including affordable housing), promoting cost-effective development patterns, and improving accessibility to allow full participation by persons of all abilities.

Section 1.1.3 provides that settlement areas shall be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and mix of land uses which efficiently use land and resources, efficiently use the infrastructure and public service facilities which are planned or available, and support active transportation (Policy 1.1.3.1.a)). Policy 1.1.3.2.b)

provides that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.

The subject land is located within the settlement area and is identified as a Residential Intensification Area in the City of Kawartha Lakes Growth Management Strategy, 2011. The underutilized subject land is proposed to be redeveloped, thereby, increasing the residential density in the area. The proposed development would be serviced by the existing municipal infrastructure, which would be a cost effective use of the available services.

Section 1.4 Housing of the PPS requires that the City maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment. Policy 1.4.3 requires that the City provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Policy 1.4.3 provides that the City shall implement minimum affordable housing targets (affordable to low and moderate income households) and permit and facilitate all forms of housing required to meet the social, health and well-being requirements, including special needs requirements.

The proposed development would provide new, affordable rental units, some of which would be barrier-free units. This development would provide a form of housing that is in high demand in the City of Kawartha Lakes. According to the City of Kawartha Lakes 2019 Housing and Homelessness Assessment Report, and the Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, vacancy rates have been below one percent (1%) in the City for the past two years.

Section 1.6.6 Sewage, Water and Stormwater, encourages development within settlement areas utilizing existing municipal sewage services and municipal water services. Policy 1.6.6.7 requires that stormwater management minimize contaminant loads; minimize changes in water balance and erosion; not increase risks to human health, safety and property damage; and maximize the extent and function of vegetative and pervious surfaces.

The proposed development would be serviced by an internal storm sewer and controlled and treated prior to being discharged into the municipal storm sewer system. Stormwater quality is proposed to be controlled through an oil grit separator, infiltration unit and enhanced grass swales and downspouts. Forty nine percent (49%) of the subject land is proposed to be landscaped, pervious surface.

Therefore, this application is consistent with the PPS.

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

Section 2.2.1 Managing Growth of the GP provides that growth should be directed towards delineated settlement areas that have existing municipal water and wastewater systems. More specifically, the GP requires that the City direct a minimum of thirty percent (30%) of all residential development to built-up areas.

The subject land is located within the Delineated Settlement Area of the former Village of Fenelon Falls and is within the Fenelon Falls Delineated Built Boundary. The proposed development will provide infill residential development that would support the City in meeting its intensification target of 30%.

Policy 2.2.1.4 of the GP requires that the City supports the achievement of complete communities by supporting a diverse range of housing options, including affordable housing to accommodate people at all stages of life and support a more compact built form.

The application contributes to the development of a complete community by proposing a medium density residential development which supports compact built form and increases the housing stock within a designated settlement area, by proposing to locate the development within a walking distance to existing services, and by proposing to facilitate the efficient use of the existing infrastructure. The development would also help the City meet its requirements of increasing and diversifying affordable rental housing options in the Village of Fenelon Falls.

Policy 4.2.9.1 of the GP encourages energy conservation for planned developments. This development is proposed to employ many of the Leadership in Energy and Environmental Design (LEED) and Passive House principles to minimize energy consumption or waste.

Therefore, this application conforms to the GP.

Village of Fenelon Falls Official Plan (Official Plan)

The subject land is designated Medium Density Residential on Schedule A Land Use Plan. The Medium Density Residential designation permits low rise apartments or other similar multiple-family forms of housing. Policy 3.4.5.c. provides that the maximum permitted height and density of a low rise apartment dwelling house shall be three (3) storeys and fifty (50) dwelling units per net hectare provided that, where adjoining lands are designated as Medium Density Residential, the overall density of development within the Medium Density Residential area as a whole does not exceed thirty seven (37) units per gross hectare.

This application proposes no change to the existing designation. The proposal would be two storeys high and would have a density of forty-nine (49) units per gross hectare, which does not exceed the requirements in the Official Plan.

Using MPAC information, City staff estimate the overall density within the Medium Density Residential area would increase to about twenty eight (28) units per gross hectare, which does not exceed the policy 3.4.5.c. of the Official Plan.

Policy 3.4.5.d. of the Official Plan requires that new development shall be designed and sited to minimize the effects on adjacent land uses, particularly low density residential uses through adequate buffer planting and screening, as well as effective spatial separation.

The development is proposed to have landscape planting strips ranging from 2.5 metres wide to 12.49 metres wide along the perimeter of the subject land. The application provides that most of the units will be facing the street and interior court. The low-density dwellings to the North would be screened with denser plantings of coniferous trees, privacy planting and a privacy fence. The property is located in the Site Plan Control area; therefore, the applicant would be required to submit a Site Plan Application through which, landscape buffering may be further refined.

Village of Fenelon Falls Zoning By-law 89-25

The subject land is zoned Residential Type Five Exception 8 [R5-8(H)] Holding Zone. The R5-8 zone permits only a senior citizens apartment dwelling house containing a maximum of 30 apartment dwelling units together with such other accessory uses as normally considered incidental and subordinate thereto.

The applicant has submitted a Zoning By-law Amendment application to allow an apartment dwelling that caters to persons of all ages. The proposed development meets or exceeds all of the requirements in the Village of Fenelon Falls Zoning By-law 89-25.

It is recommended that through this Zoning By-law Amendment, the (H) Holding Provision be removed. The (H) Provision was implemented in 1994 and had the effect of prohibiting development or site alteration until all necessary approvals have been obtained pursuant to Sections 41 and 42 of the Planning Act, R.S.O., 1990, c.P.13, as amended, and, a site plan agreement has been entered into with the Village of Fenelon Falls and registered on title of the subject lands.

The proposed development is subject to the Site Plan Control process and cannot proceed without a site plan agreement. Therefore, staff concludes that the (H) Provision is redundant and should be removed.

Site Plan Application Process

The applicant intends to submit a complete Site Plan application following approval and adoption of the Zoning By-law Amendment.

Housing Plans and Reports

The City has a number of housing related reference documents, including the 2017 Affordable Housing Framework, the 2019 Housing and Homelessness Assessment Report, and the 10 Year City of Kawartha Lakes Housing and Homelessness Plan.

The Affordable Housing Framework and the Housing and Homelessness Assessment Report explain that there are very limited rental housing units in the City and the units are becoming less affordable as rent increases surpass the rate of inflation. Over a fifth of all households in Kawartha Lakes are facing housing affordability issues.

The City of Kawartha Lakes Housing and Homelessness Plan vision is to provide adequate, stable, affordable, well maintained and diverse housing choices. The Plan provides that one of the City's goals is to increase the supply of affordable housing and outlines its objective to stimulate the creation of new purpose built rental housing in the City.

The proposed development upholds the vision, goals and objectives of these Housing Plans and Reports by increasing the rental stock, increasing the supply of affordable units and accessible units.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial/operational considerations unless Council's decision 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 Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies three Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application directly aligns with an exceptional quality of life strategic goal as it meets the Objective 2.2 Improved Wellness, Well-Being & Community Health by meeting its Action 2.2.3, which provides, Increase the supply of affordable housing. The proposed development would contribute to an increase in new affordable rental housing.

Servicing Comments:

The lot is serviced by full municipal services.

Consultations:

Notice of this application was circulated to persons within a one-hundred twenty (120) metre radius in accordance with the Planning Act, agencies and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments

To date, one (1) party expressed an interest in the application, particularly in clarifying the number of proposed parking spaces.

Agency Review Comments

October 28, 2019	The Building Division has no concerns with the application. Comments on technical aspects are reserved to the Site Plan process.
October 31, 2019	The Engineering and Corporate Assets Department did a preliminary review of the supporting documentation. A detailed review and comments will be provided at the time of the Site Plan process. The City of Kawartha Lakes Infrastructure Guidelines must be adhered to.
November 11, 2019	The Community Services Department has no concerns or comments.
November 19, 2019	Kawartha Conservation provided that the subject property does not contain any natural heritage features or natural hazards of interest to Kawartha Conservation, and does not contain regulated lands. Kawartha Conservation has no objections to the approval of the Zoning By-law Amendment application. Kawartha Conservation will provide comments for the technical reports during the site plan stage.

Open House

The applicant held an Open House on November 26, 2018 between 6:30pm and 7:30pm at the Fenelon Falls Community Centre at 27 Veterans Way in Fenelon Falls. Residents within 120 metres of the proposed development were notified by the applicant via a flyer.

The applicant prepared boards showing preliminary site plan and elevation drawings of the development, a sign in sheet and a comment sheet. Ten (10) members of the public provided their contact information on the sign in sheet. One (1) member of the public provided their written comments in opposition of the development.

Public members that filled out the sign in sheet, but were not identified in the 120 metre circulation as part of the Zoning By-law Amendment, were notified of this Public Meeting.

Attachments:

The following attached documents may include scanned images of maps and drawings. If you require an alternative format, please call Anna Kalnina, Planner II, (705) 324-9411 extension 1393.

Appendix 'A' - Location Map



Adobe Acrobat
Document

Appendix 'B' - Proposed Site Plan and Details



Adobe Acrobat
Document

Appendix 'C' - Proposed Elevations



Adobe Acrobat
Document

Appendix 'D' - Draft Zoning By-law Amendment



Adobe Acrobat
Document

Department Head E-Mail: cmarshall@kawarthlakes.ca

Department Head: Chris Marshall

Department File: D06-2019-032