

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-006

Meeting Date: **March 11, 2020**

Regular Meeting

Title: Official Plan and Zoning By-law Amendments to permit a hotel and ancillary uses

Description: Applications to amend the Town of Lindsay Official Plan and Zoning By-law to permit a range of commercial uses, including a hotel and ancillary uses on the property identified as 140 Angeline Street South, Lindsay (DDB Investment Group Limited)

Ward Number: **Ward 7 – Lindsay**

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

Recommendations:

That Report PLAN2020-006, **Part of Lot 18, Concession 5, Former Town of Lindsay, DDB Investment Group Limited – Applications D01-2019-003 and D06-2019-029**, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix C to Report PLAN2020-006, be referred to Council for adoption;

That the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2020-006, be referred to Council for approval and adoption; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

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

PAC2019-074

Moved By Mayor Letham

Seconded By M. Barkwell

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.

Carried

This report addresses that direction.

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 Thirteen (GC-S13) Zone', to permit a range of commercial uses appropriate for the site, including a five storey, up to 80 unit hotel with ancillary uses such as a restaurant, and site-specific development standards relating to height and setbacks.

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, between Auk Trail to the south and Mary Street West to the north, and opposite to McGibbon Boulevard in the southwest quadrant of Lindsay. 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 uses (veterinary clinic and Days Inn) and low density residential uses 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 'A'.

The properties subject to this proposal are currently vacant and consist of approximately 0.81 ha. The applicant has concurrently applied for a consent (File D03-2019-042), to sever the southern portion of the former railway property and consolidate it with the abutting lands to the west. The applicant is applying on behalf of the owner to re-designate and rezone the larger consolidated property to permit commercial uses appropriate for the site, including an up to 80 unit hotel having 5 storeys and a maximum gross floor area of 4,500 square metres. The most recent proposal for the hotel incorporates an indoor swimming pool, small meeting room, and a restaurant, along with 76 suites. See Appendix 'B'. An increase in height to 18 metres is also requested to accommodate the 5 storeys including the rooftop mechanical, and due to the existing change in grades on the site (a drop of approximately 1 storey sloping from northwest to southeast).

The applicant has submitted a Supplementary Planning Justification Report with respect to the proposed 'General Commercial' designation and corresponding 'General Commercial (GC) Exception Zone'. Planning staff accept the rationale and justification provided in the updated report.

The various reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment, with no concerns or issues, and any issues raised through the public process have been addressed to the satisfaction of staff.

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. Based on these technical reports and plans, consistency with the policies of the PPS have been demonstrated.

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 subsequent application(s) complete.

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).

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 lands are designated 'Residential' on Schedule 'A' of the 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 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 most recent hotel proposal offers 76 additional accommodation units together with an indoor swimming pool and 200 square metre restaurant.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Lindsay Official Plan, based on the larger parcel (including the lands to be consolidated). Staff feel that the proposal conforms to the Lindsay Official Plan land use policies.

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 Thirteen (GC-S13) Zone' to permit all of the 'General Commercial (GC) Zone' uses, including the proposed hotel use. The Special provision will provide for site-specific development standards, as follows:

Zone Standard:	'GC' Zone:	Proposed 'GC-13' Zone:
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

Under a comprehensive zoning review, an exception is required to address specific details of the proposed development, due to the property's unique configuration. The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law, based on the larger parcel (including the lands to be consolidated). The proposed development is subject to Site Plan Control, which will follow the approval of all the applications (including the consent for lot boundary adjustment). On that basis, this proposal will comply with the Zoning By-law. Staff do not feel that the Holding (H) provision is necessary, as the property is within the City's site plan control area.

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 2020 – 2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

These applications align with the Vibrant and Growing Economy priority by attracting new business and expanding local employment opportunities and enhancing tourism. They may align with the Exceptional Quality of Life priority by potentially increasing linkages in local trail systems to improve connectivity. They align with the Healthy Environment priority by ensuring protection of municipal drinking water sources, and promoting sustainable development through the utilization of 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, and a Public Meeting was held by the Planning Advisory Committee on November 6, 2019. Since the Public Meeting and as of February 27, 2020, we have received the following additional comments:

Public Comments:

To date, no additional public comments have been received. One question was raised at the Public Meeting relating to the ability for the Fire Department to access a 5 storey building.

Agency Review Comments:

- | | |
|-------------------|--|
| November 6, 2019 | Fire Rescue Fire Prevention Division advised they have a 100 foot ladder to access multi-storey buildings. Fire Rescue will comment on the Site Plan Application for a specific development, when circulated. |
| November 8, 2019 | Kawartha Conservation has no objection to the approval of these applications. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Kawartha Conservation. |
| February 27, 2020 | Economic Development supports the applications. The 2017 Economic Development Strategy identifies an opportunity to support tourism through the development of additional roofed accommodation. |

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. 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, and the rezoning will establish the site-specific development standards for the proposed hotel.

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 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 Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2020-006
Appendix A.pdf

Appendix 'B' – Proposed Site Concept Plan, stamp dated January 29, 2020



PLAN2020-006
Appendix B.pdf

Appendix 'C' – Proposed Official Plan Amendment



PLAN2020-006
Appendix C.pdf

Appendix 'D' – Proposed Zoning By-law Amendment



PLAN2020-006
Appendix D.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

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