

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-015

Meeting Date: May 26, 2020

Title: Proposed residential development for 155 townhouses on Lindsay Street North, Lindsay

Description: Application to amend the Town of Lindsay Zoning By-law to facilitate a draft plan of subdivision and a draft plan of common element condominium for a residential development consisting of 155 townhouse units and common element areas for internal road network, services and utilities, visitor parking, open space, amenity areas and easements on Lindsay Street North, Lindsay (2573532 Ontario Inc.)

Ward Number: 5

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

Recommendations:

That Report PLAN2020-015, **Part of Lot 24, Concession 5, geographic Township of Ops and Part of Lot 3 and Block X, Plan 1, former Town of Lindsay, Application D06-2019-007** be received;

That the Zoning By-law Amendment, D06-2019-007, substantially in the form attached as Appendix C to Report Plan 2020-015, be approved and adopted;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted applications for official plan amendment and zoning by-law amendment together with draft plan of common element condominium and draft plan of subdivision. The 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. 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 area of the applications is 5.71 ha. See Appendix “A” and “B”.

The statutory public meeting with respect to the applications was held by the Planning Advisory Committee on June 5, 2019. The applications returned to the Planning Advisory Committee on December 4, 2019 and the following resolution was passed:

PAC2019-081

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

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;

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.

Carried

This report addresses that direction.

On December 10, 2019, Council adopted Official Plan Amendment No. 55 to the Town of Lindsay Official Plan through the passing of By-law No. 2019-173 which changed the designation from “Future Residential” to “Residential”, on the northern one-third of the property to permit residential development on the property.

On December 10, 2019, Council granted draft approval of Plan of Subdivision 16T-19501, 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. The Plan of Subdivision contained an extension of Alcorn Drive from Lindsay Street North to the western edge of the property.

On December 10, 2019, Council granted draft approval of Plan of Common Element Condominium 16CD-19501, to permit a plan of common element condominium to include internal road networks, services and utilities, visitor parking spaces, open space, amenity areas and easements.

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 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)

In adopting the official plan amendment and granting the draft plan of subdivision and draft plan of common element condominium, the proposed development will be implemented with the following key components. 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 of subdivision 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 has been included as a common element on the draft plan of CEC. See Appendix 'A' and 'B'.

The placement of the townhouses within the blocks and on the parcels will comply with a site specific zoning by-law amendment. The zoning by-law amendment (ZBA) originally proposed that the Residential One (R1) Zone, Residential Two (R2) Zone and Future Residential (FR) Zone be changed to the Residential Multiple One Special (RM1-**) Zones and Residential Multiple Two Special (RM2-**) Zones 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. Through a comprehensive review of the application, staff has worked with the applicant and propose a change to the Residential Multiple Two Special (RM2-**) Zone only with language that address townhouses that front either on a public street or a privately owned condominium road and applies site specific development standards. For the purposes of the Residential Multiple Two Special (RM2-**) Zone, the townhouses are referred to as Multiple Attached Dwellings which can front either on a public street or a privately owners condominium road.

Provincial Policies:

Provincial Policy Statement (PPS) 2020

The applications for official plan amendment, zoning by-law amendment, draft plan of subdivision and draft plan of common element condominium were received and reviewed under the PPS 2014 and staff concluded in the Report PLAN2019-067 that the applications were consistent with the PPS 2014.

The PPS 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the

Council of a municipality shall be consistent with the policy statement that is in effect on the date of the decision. Therefore, the zoning by-law application is now subject to the policies in the PPS 2020.

The PPS 2020 was reviewed for changes as they relate to the zoning by-law application and staff confirms that there are no applicable changes in the PPS 2020 that affect the zoning by-law application. Staff are satisfied that the zoning by-law application is consistent with the PPS 2020.

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

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. Staff had requested that the applicant assess the proposed development applications for conformity with the policies of the 2019 Growth Plan. Staff received and reviewed the submission and agrees that the the zoning by-law amendment conforms with the 2019 Growth Plan.

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). Staff confirms that the proposed development maintains the medium density requirement in the LOP of less than 62 dwelling units per gross hectare.

Pursuant to Section 4.1.2.2 of the LOP, the proposed zoning by-law amendment governs the proposed development to maintain 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.

The zoning by-law amendment conforms 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) Zones. Townhouse dwellings front on a public street and multiple attached townhouse dwellings front on a private street. Under a comprehensive zoning review, staff and the applicant agree that

the Residential Multiple Two (RM2) Zone may be used with language that addresses the fronting issue and to apply appropriate development standards once part lot control has been lifted.

Staff did not recommend that the application for zoning by-law amendment be referred to Council at the December 4, 2019 PAC meeting as additional time was 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 were correctly set out in the implementing zoning by-law. Staff requested additional detail from the applicant, which was received and reviewed. It was also necessary to rezone those lands adjacent to Distillery Creek to maintain the naturalization of the area. These lands are part of a common element and will be held by the Condominium Corporation.

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. To this end, the following site specific development standards are supported:

1. Permitting the proposed townhouse development to be multiple attached dwellings which will front either a public street (Lindsay Street North or Alcorn Drive) or a private condominium road.
2. Front facades on Lindsay Street North and Alcorn Drive with detached garages in the rear to be accessed from the private condominium road.
3. Proposed condominium road of 7 m.
4. Reduced front yard setbacks that allow for greater rear yards which for the majority of the proposed lots maintain the zoning by-law rear yard setback of 7.5 m.
5. Separate front yard setbacks for the dwelling and the attached garage to create an interesting streetscape with recessed garages.
6. A reduced rear yard setback to 6.0 m. is proposed on those lots adjacent to the Distillery Creek buffer area. This reduction is supported as there is an additional 8 m. setback from the valley lands of the creek.
7. A 2.4 m. permitted deck projection into the rear yard setback which will allow for decks without requiring minor variances.
8. A maximum building height of 10.5 m. will limit the townhouses to 2 storeys to blend with adjacent established neighbourhoods. One storey or bungalow townhouses are proposed for those lots adjacent to the lots fronting Cottingham Crescent.

Staff worked with the applicant on a draft zoning by-law which is attached as Appendix "C". The draft zoning by-law is detailed and to assist with ease of reference, the applicant has submitted overall lot information along with examples of block and parcel information. See Appendix "D".

The proposed development will be subject to site plan approval by the City. The site plan application will consider further details of development such as servicing, grading, drainage, sediment and erosion control, building elevations and facades, lighting, landscaping and waste collection, etc. Prior to site plan submission, the applicant will submit detail engineering under the draft plan approval of the subdivision and common element condominium.

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 amendment 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 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

The zoning by-law application aligns with the Exceptional Quality of Life and Healthy Environment strategic priorities. 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. There is 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 and KRCA under the original review of the official plan amendment and draft plans of subdivision and common element condominium. Comments received indicated there was no objection to the proposed development applications to permit townhouse dwellings on the subject property.

Consultations:

No further consultations were considered at this time.

Development Services – Planning Division Comments:

The additional detail with respect to the application for rezoning has been received and reviewed. The application for rezoning conforms to the 2019 Growth Plan and Town of Lindsay Official Plan and is consistent with the 2020 Provincial Policy Statement.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the draft zoning by-law amendment be approved and adopted by Council.

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 x 1331.

Appendix 'A' – Location Map



Appendix 'A' -
Location Map.pdf

Appendix 'B' – Proposed Concept Plan



Appendix 'B' -
Concept Plan.pdf

Appendix 'C' – Draft Zoning By-law



Appendix C -
Report PLAN2020-01

Appendix 'D' – Overall Lot, Block & Parcel Information



Appendix 'D' -
Overall Lot, Block & P.

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Department Head: Chris Marshall, Director, Development Services

Department File: D06-2019-007