

Council Report

Report Number: PLAN2021-016

Meeting Date: April 20, 2021

Title: **Springdale Gardens Phases 3 and 4 –Exemption from Part-Lot Control Provisions of the Planning Act; Removal of Holding; and Repeal of portions of Deeming By-law 90-12 at Carew Boulevard, Lindsay – Burcar Investments Limited**

Description: Part-Lot Control, Removal of Holding (H), and Repeal of Deeming By-law Applications to permit 71 lots in Springdale Gardens Phases 3 and 4 by exempting Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, Registered Plan 383 from the Part-Lot Control provisions of the Planning Act; removing the Holding Symbol from the 'Residential Exception Two Holding Two [R-2(H2)] Zone'; and repealing Deeming By-law Number 90-12 of the former Township of Ops on the properties identified as Vacant Land on Carew Boulevard, Lindsay (Burcar Investments Limited)

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

Recommendations:

That Report PLAN2021-016, **Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops, Burcar Investments Limited – Applications D05-2021-002, D06-2021-003 and D30-2021-001**, be received;

That the Development Agreement for Burcar Investments Limited, Springdale Gardens Phases 3 & 4, substantially in the form attached as Appendix 'C' to Report PLAN2021-016, be approved by Council;

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That three (3) by-laws, substantially in the form attached as Appendices D, E, and F respectively to Report PLAN2021-016, be approved and adopted by Council; and

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

Background:

Springdale Gardens subdivision (Registered Plan 383) was first approved by the Province of Ontario (via the Minister of Planning and Development) in March of 1960. The development at that time consisted of:

- 276 residential lots;
- 2 blocks for public parkland; and
- Road allowances which were dedicated as public highways

Records refer to the Minister of Municipal Affairs granting draft approval on June 4, 1969, subsequently amended by the Department of Municipal Affairs on August 15, 1969. While various By-laws and Subdivision Agreements refer to Ministerial conditions that accompany such draft approval, the City's records do not contain a list of those conditions.

The original Springdale Gardens development was constructed using private communal water and wastewater services. In 1999, the Township of Ops had to repair and upgrade the existing systems which were failing. Through various processes, the Township of Ops was able to protect the public interest by ensuring that existing failed infrastructure would be repaired and additional required public infrastructure would be paid for by the owners of the individual developed lots, and the remaining undeveloped lots in Registered Plan 383. By-law 90-12 deemed the remaining undeveloped lots in the subdivision, which meant that all lots held under one ownership would merge back together (they could not be sold separately). This created the Blocks in Phases 3 and 4 as they are today. By-law 99-29 allocated capital costs and capital improvement charges to all Lots within Registered Plan 383, and required recovery of these costs and charges, which has now been collected.

A previous owner of these blocks, Springdale Gardens Properties Inc. originally purchased 153 lots which made up the western portion of the Springdale Gardens subdivision. That owner worked with the Township of Ops and Town of Lindsay (and now City of Kawartha Lakes) to install the required public infrastructure to current municipal standards, and proposed to develop this western portion of Registered Plan

383 in five (5) Phases. Three of these five Phases (1a, 1b and 2) have been constructed to date.

The applicant has submitted three (3) applications on behalf of the current owner to facilitate Phases 3 and 4:

1. To exempt the same Lots noted above from the Part-Lot Control provisions of the Planning Act. This will facilitate the reconfiguration of most of the lots by reducing the existing frontage to 12 m. (40 ft.), which is consistent with the existing 'Residential Exception Two (R-2) Zone' provisions in the Township of Ops Zoning By-law 93-30, as previously approved by Council;
2. To remove the holding symbol from the same Lots noted above, which will permit building permits to be issued. The 'Residential Exception Two Holding Two [R-2(H2)] Zone' applies, and while it permits the proposed low density residential uses on lots having a minimum lot frontage of 12 metres and a minimum lot area of 360 square metres, the holding (H2) provision requires that an adequate supply of municipal water and sewer servicing capacity be available to service the subject land. The capacity is now available for all 71 Lots constituting Phases 3 and 4 of the development; and
3. To repeal Deeming By-law 90-12 as it applies to Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, in Registered Plan 383. This will facilitate the companion Part-lot Control By-law and the eventual registration of a deed for each of the 71 reconfigured residential lots.

As a condition of the development, the owner will enter into a Development Agreement with the City to facilitate construction of the roadways and municipal services. See Appendix 'C'.

Owner:	Burcar Investments Ltd. c/o Batavia Homes (Greg DeFreitas)
Applicant:	Wayne Simpson and Associates c/o Thomas Kirkby
Legal Description:	Registered Plan 383, Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93, designated as Part 208, 57R-9054; Part of Lot 25, Concession 5, Geographic Township of Ops
Designation:	'Urban' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan; 'Residential' on Schedule 'A' of the Township of Ops Official Plan
Zone:	'Residential Exception Two Holding Two [R-2(H2)] Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30
Lot Area:	4.19 hectares [10.35 acres]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses:	Vacant Land
Adjacent Uses:	North: Agricultural; Thunder Bridge Road
	East: Low Density Residential (Springdale Gardens)
	South: Low Density Residential (Springdale Gardens)
	West: Angeline Street North; Low Density Residential

Rationale:

The properties consist of 4 vacant blocks in the Springdale Gardens subdivision, located on the east side of Angeline Street North and at the existing terminus of Lamb Avenue, Lawson Avenue and Carew Boulevard. See Appendix 'A'. The development consists of 71 new single detached homes fronting on the extension of these three roads (Lamb, Lawson and Carew), in addition to a new cul-de-sac at the west end of Carew Boulevard, known as Burrows Crescent. See Appendix 'B'. The proposed development will be completed on full municipal services, including water, sanitary and storm sewers, the cost of which will be paid for by the developer.

The development is vacant and consists of approximately 4.19 hectares of residential land and 1.32 hectares of municipal land for roads. The original draft plan of subdivision (circa 1960) created 55 lots in this portion of the development, for single detached dwellings which were to be constructed on private communal services. In 1999, after taking over the existing private systems and repairing and upgrading them, the Township of Ops Council passed a by-law which provided for a total of 71 lots in this portion of the development (the original 55 lots constituting Phases 3 and 4).

Three applications are required:

- Application D05-2021-002 proposed the creation of 71 Lots by lifting part lot control to reconfigure the frontages of the existing 55 Lots in Phases 3 and 4 of Registered Plan 383;
- Application D06-2021-003 will remove the holding (H2) provision, allowing the development to proceed; and
- Application D30-2021-001 will repeal Deeming By-law 90-12 to permit the subsequent transfer of all lots.

Ultimately through the Part-Lot Control By-law, most of these lots will be further split and reconfigured with 12 metre frontages. The removal of the Holding Symbol (pursuant to a Development Agreement) facilitates the development of the remaining 71 lots (subject to all zoning requirements, Building Division requirements, etc.). The proposed frontage and area of each of the proposed 71 Lots meets or exceeds the minimum lot area and frontage of the 'R-2' zone. Council has already allocated servicing capacity for 71 Lots. It is now appropriate to enter into a Development Agreement (DA)

with Burcar Investments Limited with respect to the servicing and development of Phases 3 and 4.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (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 already expended significant cost in providing servicing to the Jennings Creek Community Development Plan (JCCDP) Area to the west of Angeline Street, and also provided adequate servicing for this development, which has been cost-recovered through the Northwest Trunk Sanitary Sewer Capital Charge as part of the Phase 2 development of Springdale Gardens.

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. This development is providing for additional low impact development measures.

On this basis, the application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS, 2020):

The Provincial Policy Statement (PPS, 2020) 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. This development is outside of natural heritage and hydrologic features, and outside of natural hazards. The development has been anticipated and planned for since 1999.

On this basis, the application is consistent with the policies of the PPS, 2020.

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 entire subject property within the Urban Settlement Boundary of Lindsay as recommended by the City's 2011 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 Township of Ops Official Plan (Ops Official Plan), where the subject lands are designated 'Residential' on Schedule 'A' of the Ops Official Plan. The predominant use of lands shall be for single detached dwellings. The proposed rezoning does not change the proposed use of the land, only amend two of the existing development standards.

On this basis, the proposal conforms to the policies of the Ops Official Plan.

Zoning By-law Compliance:

The blocks in this development are currently zoned 'Residential Exception Two Holding Two [R-2(H2)] Zone' in the Township of Ops Zoning By-law 93-30 (Zoning By-law). The holding (H2) provision requires that servicing be provided for the development. Given that Council has already committed to providing this servicing, it is now appropriate for Council to consider removing the H2 provision. At this time, development of the lots will be subject to the 'R-2' zone provisions.

The applicant has made a separate request to change the zone category from the 'R-2' zone to the 'Residential Exception Five (R-5) Zone' to amend two of the development standards currently in the 'R-2' zone:

- A decrease in the minimum front yard setback from 7.5 metres to 6.0 metres; and
- An increase in lot coverage from 35% to 45%.

A separate report (PLAN2021-015) and by-law will be considered by Council for changing these development standards, however, this does not impact the ability of Council to consider removing the holding provision to allow the development to proceed on the basis of the existing 'R-2' zoning, until such time as the new 'R-5' zoning is final and binding.

On this basis, the proposal complies with the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

These applications align with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality and the Exceptional Quality of Life priority by increasing the availability of housing stock.

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.

Servicing Implications:

The developer will install water, sanitary sewer and storm sewer services for the development.

Consultations:

Notice of this application was given in accordance with the Planning Act. As of April 7, 2021, we have received the following comments:

Agency Review Comments:

March 10, 2021	The Building and Septic Division has no concerns with the application.
March 10, 2021	The Engineering and Corporate Assets Department advised they have no concerns with the application.
March 22, 2021	The Community Services Department advised they have no concerns or comments.

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 application conforms to the 2020 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes and Township of Ops Official Plans have also been demonstrated.

The following issues relate to the proposed development:

Parkland Contribution:

Previously, 2.84 hectares (or 7.04 acres) were conveyed to the Township of Ops for public park purposes (being Block H and J at 1.57 hectares 1.27 hectares respectively). Registered Plan 383 complied with the requirement for 5% (1.6 hectares or 4 acres) of land to be dedicated to the municipality for public park purposes. Therefore, no further land is required to be dedicated for public park purposes in the current Phases 3 and 4 of the development.

Increased Density:

With the provision of full municipal water supply and sanitary sewer servicing to this property, it was no longer necessary to retain the previous minimum lot frontage of 18 metres. In 2003, Council consulted with the neighbourhood and subsequently passed By-law 2003-31 which permits a minimum lot frontage of 12 metres for each lot. This allowed for an increase from 55 lots to 71 lots for Phases 3 and 4.

Municipal Servicing Capacity:

The Engineering and Corporate Assets Department has confirmed that an adequate supply of municipal water and sewer servicing capacity is available for 71 detached dwellings in Phases 3 and 4. Therefore, it is appropriate to remove the Holding provision.

Prior Capital Costs and Capital Improvements:

As noted in the Background section of this report, in 1999 the Township of Ops undertook to repair and upgrade the inadequate operation of the private communal water services and sewage services within Registered Plan 383. By-law 99-29 allocated capital costs and capital improvement charges to all Lots within Registered Plan 383 and required recovery of these costs and charges. Any outstanding charges would be collected through the subsequent applications for Building Permits on the lots.

Part-Lot Control:

Phase 3 and 4 is currently comprised of 55 Lots in Registered Plan 383. Burcar Investments Limited proposes to further subdivide these 55 lots to create 71 lots. To permit the re-configuration of the land into 71 lots, a Part-lot Control By-law must be passed by Council that specifically lists the relevant lots in Registered Plan 383.

As a condition of adopting a Part-lot Control By-law, staff recommends that the owner is required to enter into a Development Agreement with the City.

Deeming By-law 90-12:

The Lots in Registered Plan 383 that comprise Phases 3 and 4 have been deemed to not be lots on a Registered Plan of Subdivision, by By-law 90-12 of the Township of Ops. To facilitate the future sale of the proposed lots, By-law 90-12 must be amended by deleting the specific Lots that comprise Phase 3 and 4, specifically Lots 61 to 68, 80 to 91, 94 to 116, 142 to 152 and Part of Lot 93.

As a condition of amending By-law 90-12, staff recommends that the owner is required to enter into a Development Agreement with the City.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed By-laws and Development Agreement be **Approved**.

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, iwalker@kawarthalakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-016
Appendix A.pdf

Appendix B – Proposed Site Concept Plan



PLAN2021-016
Appendix B.pdf

Appendix C – Draft Development Agreement



PLAN2021-016
Appendix C.pdf

Appendix D – Part-Lot Control By-law



PLAN2021-016
Appendix D.pdf

Appendix E – Removal of Hold By-law



PLAN2021-016
Appendix E.pdf

Appendix F – Repeal of Deeming By-law



PLAN2021-016
Appendix F.pdf

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Department File: D05-2021-002, D06-2021-003 & D30-2021-001