



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2021-033</b>
<b>Meeting Date:</b>	June 2, 2021
<b>Title:</b>	<b>Amend the Lindsay Zoning By-law 2000-75 at 363 Kent Street West, Lindsay – 2793853 Ontario Inc.</b>
<b>Description:</b>	An application to amend the Town of Lindsay Zoning By-law to increase the maximum Gross Leasable Floor Area (GLFA) for a supermarket use from 3,716 square metres to 4,125 square metres on the property identified as 363 Kent Street West, Lindsay (2793853 Ontario Inc.)
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Ian Walker, Planning Officer – Large Developments

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### Recommendations:

**That** Report PLAN2021-033, **57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay, 2793853 Ontario Inc. – Application D06-2021-011**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2021-033, 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 this application.

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

The applicant has submitted an application for a zoning by-law amendment. The proposal is to amend the development standards in the 'General Commercial Special Eight (GC-S8) Zone' to increase the permitted Gross Leasable Floor Area (GLFA) for a supermarket use from a maximum of 3,716 square metres to 4,125 square metres, to facilitate the expansion of the existing Food Basics store.

Owner:	2793853 Ontario Inc. c/o Strathallen Property Management Inc.
Applicant:	Paul Marques Architect Inc. c/o Paul Marques
Legal Description:	57R-8491 Parts 1 to 3; Part of Lot 20, Concession 4, Geographic Township of Ops, Former Town of Lindsay
Designation:	'General Commercial' and subject to Special Provision 4.3.5.3 d) on Schedule 'A' of the Town of Lindsay Official Plan
Zone:	'General Commercial Special Eight (GC-S8) Zone' on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	4.25 hectares [10.4 acres]
Site Servicing:	Full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Large Format Retail Commercial Plaza
Adjacent Uses:	North: Kent Street West; Commercial Plaza (Whitney Town Centre); Vacant Commercial (Former Easton's Tire) East: Pharmacy (Shoppers Drug Mart); Restaurant (McDonalds); Low and Medium Density Residential (Cloverlea Subdivision) South: Low Density Residential (Cloverlea Subdivision) West: Big Box Retail Commercial (Canadian Tire); Shopping Centre (Lindsay Square Mall)

## Rationale:

The property is located on the south side of Kent Street West, part way between Angeline Street to the east and Commerce Road to the west in the southwest quadrant of Lindsay. See Appendix 'A'. The subject property is located along a commercial strip identified as the 'Kent Street West Area' in the Lindsay Official Plan, with commercial uses to the east, west and north along Kent Street West; and residential uses to the

south (including Thrushwood Trail to the immediate south and Fallingbrook Crescent to the east as part of the Cloverlea Phase 1 and 2 subdivisions).

The property is currently developed with 4 buildings consisting of approximately 9,171 square metres of retail space in a large format retail commercial plaza with 1 restaurant, and 520 parking spaces. The property is approximately 4.25 hectares. The applicant is applying on behalf of the owner to amend the existing special development standards for the property to increase the permitted GLFA for a supermarket use. See Appendix 'B' and 'C'.

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

1. Planning Brief prepared by Fotenn Planning + Design, dated January 2021. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan); the Town of Lindsay Official Plan, the Council adopted and appealed Lindsay Secondary Plan, and the Town of Lindsay Zoning By-law 2000-75. A draft by-law has been included in the Planning Brief.
2. Retail Demand Study: Supermarket Expansion Report prepared by Shore-Tanner & Associates, dated January 26, 2021. The report discusses and assesses the market demand for the expansion of the existing supermarket in Lindsay.
3. Demolition Plan, Construction Plan and Exterior Elevations prepared by Paul Marques Architect Inc., dated January 27, 2021.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment.

## **Provincial Policies:**

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The land is 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 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. This application will serve to permit an expansion of an existing established business.

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

### **Provincial Policy Statement, 2020 (PPS, 2020):**

The Provincial Policy Statement, 2020 (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). There are no natural heritage or hydrologic features on the site, , and the existing development is outside of any natural or man-made hazards.

The applicant has submitted the appropriate technical reports for consideration and review. 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 Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'General Commercial' on Schedule 'A' of the Lindsay Official Plan.

The 'General Commercial' designation permits 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. In addition, the property is subject to Special Provision 4.3.5.3 d) which states 'the list of permitted uses shall include a supermarket'.

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 provided;
- c) General Commercial uses shall only locate on County, arterial or collector roads;
- d) Enlargement of existing or establishment of a new retail use, in excess of 3,000 square metres and not defined as a Large Format Retail use may be permitted in this designation by amendment to the Lindsay Official Plan and require a site specific Zoning By-law Amendment; and
- e) Large Format Retail uses shall only be permitted in this designation on the basis of a site specific amendment.

For items d) and e) above, a Retail Market Analysis Study is required. The supermarket use was established through a site specific amendment to the Lindsay Official Plan (By-law 2000-84). 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. A Retail Demand Study has been submitted as part of the Zoning By-law amendment application, in keeping with the intent of the Official Plan policies. The Study concludes that there will not be a negative impact on the other supermarket uses in the area.

The property has an existing site plan agreement registered on title, and the proposed addition will be subject to an amending site plan agreement.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. On this basis, conformity with the policies of the Official Plan have been demonstrated.

### **Zoning By-Law Compliance:**

The lot is zoned 'General Commercial Special Eight (GC-S8) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant has requested to amend

the existing development standards to increase the permitted Gross Leasable Floor Area (GLFA) for a supermarket use from 3,716 square metres to 4,125 square metres. The 'GC-S8' zone permits all uses in the 'GC' zone, in addition to a supermarket use; and a retail establishment with a minimum GLFA of 325 square metres and maximum GLFA of 3,000 square metres in conjunction with a supermarket that has a minimum GLFA of 3,000 square metres. The 'GC' zone includes the following uses:

### **General Commercial Uses:**

Automated teller/banking machines, beer, liquor or wine store, brew-your own establishment, building supply establishment, bus or taxi depot, eating establishment, fabric shop, garden and nursery sales and supply establishment, hardware store, home and auto supply store, home improvement store, hotel, marine and recreational vehicle sales and service establishment, motel, motor vehicle repair establishment, motor vehicle sales and service establishment, motor vehicle washing establishment, pet store, pet supply store, rental establishment, retail establishment that carries only furniture, appliances, home electronics, carpet, flooring and/or window coverings, service station, swimming pool or swimming pool supply store, tourist information centre and video rental and sales store.

### **Convenience Commercial Uses:**

The following additional uses are permitted provided that the total gross leasable floor area does not exceed 15% of the total gross leasable floor area of all buildings on the lot.

Bake shop, convenience retail establishment with or without a gas bar, dry cleaning establishment, drug store, personal service establishment and pharmacy.

### **Special (Exception) Zone:**

The 'GC-S8' zone permits all uses listed above, and in addition, recognizes site-specific development standards as follows:

<b>Zone Standard:</b>	<b>Existing 'GC-S8' Zone:</b>	<b>Amended 'GC-S8' Zone:</b>
Permitted Uses	<ul style="list-style-type: none"><li>• Supermarket</li><li>• Retail Establishment with a minimum GLFA of 325 m<sup>2</sup> and a maximum GLFA of 3,000 m<sup>2</sup>, in conjunction with a supermarket having a minimum GLFA of more than 3,000 m<sup>2</sup>.</li></ul>	No change proposed

<b>Zone Standard:</b>	<b>Existing 'GC-S8' Zone:</b>	<b>Amended 'GC-S8' Zone:</b>
Maximum Gross Leasable Floor Area (GLFA) of a Supermarket Use	Notwithstanding any other provision of this By-Law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed 3,716 m <sup>2</sup>	Notwithstanding any other provision of this By-law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed <b>4,125 m<sup>2</sup></b>

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. On this basis, full compliance with the provisions of the Zoning By-law have been demonstrated.

### **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

This application aligns with the Vibrant and Growing Economy priority by increasing the available floor space occupied by a commercial business, and may also allow for expanding local employment opportunities.

### **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 (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Servicing Comments:**

The property is currently serviced by full urban municipal services, including water, sanitary sewer and storm sewer.

## **Consultations:**

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of the property; and a sign was posted on the property. As of May 19, 2021, we have received the following comments:

## **Public Comments:**

To date, no formal public comments have been received. Two members of the public (one on Thrushwood Trail and one on Fallingbrook Crescent) have asked for clarification on where the addition is proposed to be placed on the property. One of the inquirers also asked if there will be an increase in transport traffic as a result of the increase in GLFA. Staff are waiting for a response from the applicant on this matter, however would anticipate there will be a slight increase in truck traffic due to the slightly larger floor area. Any traffic or noise related issues as a result of increased traffic can be addressed through the subsequent amending site plan agreement.

## **Agency Review Comments:**

May 4, 2021	The Building Division has no concerns with the application.
May 5, 2021	The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment.
May 9, 2021	The Haliburton, Kawartha, Pine Ridge District Health Unit advised they have no objection to the proposed Zoning By-law amendment, and requested that should the application be approved, floor plans should be submitted to the Health Unit prior to construction.

## **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 Town of Lindsay Official Plan has also been demonstrated.



The rezoning will amend the development standard for the expansion of the supermarket use. The expansion of the supermarket use will be subject to Site Plan Control.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application 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 email or call Ian Walker, Planning Officer – Large Developments, [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

### **Appendix A – Location Map**



PLAN2021-033  
Appendix A.pdf

### **Appendix B – Proposed Site Plan, dated January 27, 2021**



PLAN2021-033  
Appendix B.pdf

### **Appendix C – Proposed Elevations, dated January 27, 2021**



PLAN2021-033  
Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



PLAN2021-033  
Appendix D.pdf

**(Acting) Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**(Acting) Department Head:** Richard Holy

**Department File:** D06-2021-011