



Planning Advisory Committee Report

Report Number:	PLAN2021-045
Meeting Date:	August 4, 2021
Title:	Rezoning Application by Three Lakes Developments Inc.
Description:	Rezoning Application (D06-2021-016 to Permit Front Porch and Rear Deck Encroachments into Front and Rear Yards Setbacks
Type of Report:	Public Meeting
Author and Title:	Richard Holy, Acting Director of Development Services

Recommendations:

That Report PLAN2021-045, **Rezoning Application - Three Lakes Developments Inc. (Former Rokeby Subdivision)**, be received;

That, provided that there are no substantive public concerns raised at the Public Meeting, the rezoning application for the Three Lakes Developments Inc. (Former Rokeby Subdivision), City of Kawartha Lakes, substantially in the form attached as Appendix "C" to Report PLAN2021-045 be approved by Council; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The approval for the development dates back to March 3, 1989, when the Ministry of Municipal Affairs granted draft plan of approval to Plan of Subdivision 16T-87002 to create 191 residential lots for single detached dwellings, 3 blocks for multiple residential development, 1 block for parkland; 1 block for walkways, 2 blocks for a road dedication purposes, and 4 blocks for 0.3 metre reserves.

Subsequently, the developer revised the draft plan of subdivision to intensify the development and provide better stormwater management and parkland facilities. As a result, on March 22, 2011, Council approved the revised conditions of draft plan approval and revised draft plan of subdivision, 221 single detached dwelling units with 10.5 m, 12.0 m, and 15.0 m lot frontages, two blocks to accommodate 40 townhouse dwelling units, a 2.20 ha park block, two blocks for stormwater management facilities, an environmental protection block, two walkway blocks, two access reserve blocks fronting CKL Road 8, and a block to accommodate a future collector road between Front Street and CKL Road 8. Servicing constraints were identified through the review process and the resulting phasing strategy only allows 100 units to be developed at this time, of which the developer has opted to develop 68 units at this time. The City will be undertaking servicing upgrades in the future to allow the full development to occur.

In December 2020, Council approved the subdivision agreement for the first 68 lots of the proposed development. The developer is currently working towards registration of the M Plan for the subdivision.

Owner: Three Lakes Developments Inc.

Applicant: MHBC Limited

Legal Description: Part of Lot 16, Concession 9 and Part of Park Lot 2, Registered Plan No. 70

Official Plan: Urban in the County of Victoria Official Plan

Zoning: Urban Residential Type One Exception Fourteen – Holding (R1-S14(H)) Zone, Urban Residential Type One Exception Fifteen – Holding (R1-S15(H)) Zone, Urban Residential Type One Exception Sixteen – Holding (R1-S16(H)) Zone, Urban Residential Type One Exception Seventeen – Holding (R1-S17(H)) Zone, Urban Residential Type Four Exception Nine (R4-S9(H)) Zone, Urban Residential Type Four Exception Ten - Holding (R4-S10(H)) Zone, Open Space (O1) Zone, Open Space Exception One - Holding (O1-S1(H)) Zone and Open Space Exception Two (O1-S2) Zone in Village of Bobcaygeon Zoning By-law 16-78

Area: 16.02 hectares (39.6 acres)

Site Servicing: The property will be serviced by full municipal water, sanitary, and stormwater management facilities.

Existing Uses: The property is currently serviced by the developer.

Adjacent Uses: North: Rural residential and rural properties
East: Urban residential
South: Urban residential
West: Vacant land and urban residential

Rationale:

MHBC Limited has submitted the rezoning application on behalf of Three Lakes Developments Inc. to change to the R1-S14, R1-S15, R1-S16 and R1-S17 zones is to accommodate:

1. an encroachment of 1.5m for any porch and an additional 1.5m for any stairs beyond a porch in the front yard; and,
2. an encroachment of 1.8 m for any deck or stairs in the rear yard.

The Village of Bobcaygeon Zoning By-law 16-78 does not permit encroachments into required front or rear setbacks, relying instead on a larger lot fabric where encroachments are not necessary. The zoning change will permit encroachments into the front and rear yards for front porches, stairs and decks that are currently not permitted by the Zoning By-law 16-78. This will not change the lot pattern or the proposed uses within the draft plan of subdivision.

Provincial Policies:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A balance between economic development, efficient use of resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The intent of the proposed amendments is to facilitate the development of housing that is more street friendly and allows some outdoor amenity space.

Section 1.1.1. includes provisions that aim to sustain healthy, liveable and safe communities. The proposed location and type of housing that comprise this

development are supported by 1.1.1.b) which states that, "healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs." Provisions 1.1.1.d and 1.1.1.e support intensification of lands within an established settlement area in order to achieve cost-effective development patterns and minimize land consumption and servicing costs. Both of these sections are realized through the proposed amendment.

As previously stated, the proposed development is within a Settlement Area. The PPS contains policies that pertain to the vitality and development of settlement areas such section 1.1.3.2. which states that, "Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and, are transit-supportive, where transit is planned, exists or may be developed." Staff feel that the proposed amendments would facilitate an efficient use of land given that, following preliminary review of the supported materials, no upgrading of municipal servicing or traffic infrastructure is required.

The Engineering and Corporate Assets Department has stated that the additional lot coverage will not be an issue from a stormwater servicing perspective. This satisfies Section 1.6.6: Sewage, Water and Stormwater of the PPS which states that: "Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."

Staff feels that the application conforms to the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020:

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan).

Section 2.2.6 of the Growth Plan contains policies that pertain to housing. This proposal achieves many of the policies within Section 2.2.6 in addition to supporting complete communities.

The Growth Plan places emphasis on the creation of complete communities through the implementation of the policies contained within. For instance, as per section 2.2.1.4,

such policies are supporting the achievement of complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Staff feels that the application conforms to the policies of the Growth Plan.

Official Plan Conformity:

The property is designated "Urban" in the County of Victoria Official Plan. This proposed rezoning application conforms to the policies and land use designations in the County of Victoria Official Plan.

Zoning By-Law Compliance:

The residential lands are zoned "Urban Residential Type One Exception Fourteen (R1-S14) Zone", "Urban Residential Type One Exception Sixteen (R1-S16) Zone", and "Urban Residential Type One Exception Seventeen (R1-S17) Zone" in the Village of Bobcaygeon Zoning By-law 16-78 to recognize various development constraints. Given that the Zoning By-law does not permit yard encroachments, the applicant has submitted a rezoning application to consider encroachments into the front yard setbacks for front porches and stairs as well as encroachments for decks or stairs in the rear yard.

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 providing economic opportunities for local contractors as well as with the Exceptional Quality of Life priority as it provides for new housing availability.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Servicing Comments:

The lots will be serviced through full urban municipal services, including water, sanitary sewer and storm sewer. Stormwater management will be handled through a stormwater management pond.

Consultations:

Notice of this application was delivered to property owners within 120m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

A Public Meeting was held on July 14, 2021 at which three residents voiced their concerns with the development. Their comments can be grouped into the following categories.

1. There were concerns raised with construction practices being used by the developer. These include spillage of materials related to the construction of the berm onto private property, contractor conduct issues, and direct discharge of dirty stormwater into Sturgeon Lake. While not part of the rezoning application, the City has been made aware of these issues in the past and doing its best to monitor and resolve these issues.
2. Several residents mentioned that there would be a loss of privacy associated with the removal of trees along the property line. To mitigate this issue, they have requested a 2.0 metre-high privacy fence.
3. Concerns were also raised over the possibility of flooding from the development.
4. One resident requested a graphic of what the proposed changes to the front yard and rear yard setbacks. These are attached in Appendix "C" to this report.

The following answers are provided by Staff to these concerns:

1. While these types of performance issues are generally not part of the rezoning application but more within the implementation realm, the City has been made aware of these issues in the past and is doing its best to monitor and resolve these issues with the developer.

2. The issue of privacy loss has been discussed with the developer. In order to mitigate the privacy matter, staff are proposing to include a provision in the zoning by-law that requires the developer to construct a 2.0 metre-high privacy wood fence between all new lots that back onto or flank any lots that front onto Front Street West. This will be constructed on top of a berm that will be approximately 1 metre in height.
3. The subdivision has been designed to accommodate all stormwater within the stormwater management system constructed for this subdivision. As a result, there should be no more flooding occurring from the subject lands onto the Front Street West lots.
4. The Lot Demonstration Plans contained in Appendix "C" to this report should provide a depiction of the proposed zoning changes.

A phone call was also received from an abutting resident requested clarification whether or not the encroachments would be onto abutting private property. Staff explained the nature of the proposed front and rear yard encroachments for the porches and decks and the resident accepted the explanation.

Agency Review Comments:

The application was also circulated to all required agencies for comment. Both the Engineering and Corporate Assets Department and the Building and Septic have no concerns with the proposed zoning by-law amendment.

As a result of the application circulation process, comments were received from the Curve Lake First Nation (CLFN) requesting further information on how the application mitigates impacts on the environment and whether any archaeological assessment work had been completed for the property. In response to the request, the applicant provided a submission package, which included the Stage I and Stage II archaeological assessment and environmental impact assessment that had been prepared for the development application, to the CLFN for review. They remain concerned about the proposal's impact on water quality of Sturgeon Lake as well as plants and animals in the area and also to protect their Treaty ability to harvest and fish in the area. Staff have stated that the development has been approved using the latest Provincial engineering standards to protect Sturgeon Lake, that KRCA has also been involved to protect water quality, and that environmental impacts have been addressed through an environmental impact study during the last approval. Staff and the applicant have arranged a meeting with CLFN in September to discuss these issues as they relate to future phases of the development.

Development Services – Planning Division Comments:

The proposed rezoning application would allow a better use of the lots by permitting front porches on the fronts of homes and creating a more intimate street feeling. Similarly, allowing decks to encroach into the rear yards allows new home owners to enjoy their back yards. In order to address the privacy concerns raised by a number of residents, a 2.0 metre-high wooden privacy fence will be installed along all new lots that back onto or flank lots on Front Street West.

The applicant also agrees with the provision that moves the habitable portion of the dwelling towards the street. This has been increased to a 3.0 metre encroachment for the porch and 1.5 metre encroachment for the steps.

Staff are also proposing that the lot coverage be increased from 45% to 50% to accommodate the porches and stairs in the front yard. While most units can be accommodated with the 45% lot coverage, one dwelling type, which is a bungalow, would benefit from the increased lot coverage provision.

The zoning provisions also do not include the rear decks and stairs into the lot coverage provisions because they are not fully enclosed. Any precipitation would drain off the decks between the boards and infiltrate into the ground, as such not contributing to runoff characterized by a hard surface.

The proposed zoning amendment will not change the design or intensity of the development. The subdivision has been approved based on the latest Provincial engineering standards. The applicant has been servicing the lands and constructing the roads and is getting close to finalizing the subdivision plan for signature.

Conclusion:

City staff has completed their review of the rezoning application and supports the proposed zoning by-law amendment contained in Appendix "D" to the Report. Staff respectfully recommends that the proposed zoning by-law amendment be forwarded 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 Richard Holy, Acting Director of Development Services, (705) 324-9411 extension 1246.

Appendix "A" – Location Map



Appendix A
D06-2021-016-Locati

Appendix "B" – Subdivison Phasing Plan



Appendix B Three
Lakes Developments

Appendix "C" – Lot Demonstration Plans



Appendix C Zone
App-LOT 19 20.Aug2



Appendix C Zone
App-LOT 41-43.Aug2



Appendix C Zone
App-LOT 63.Aug202

Appendix "D" – Proposed Zoning By-law Amendment



Appendix D Draft
Zoning By-law - Thr

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Department File: D06-2021-01