

AIRD BERLIS

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June 26, 2017

Our File No. 132860

BY EMAIL

Mayor and Members of City Council
City of Kawartha Lakes
P.O. Box 9000
26 Francis Street
Lindsay, ON, K9V 5R8

Dear Madame Clerk:

**Re: City of Kawartha Lakes Official Plan
Secondary Plan for Lindsay
Revision to the Commercial designation for the Kent Street West Corridor**

I am counsel to Lindbrook Development Inc. ("Lindbrook"), the owner of the commercial plaza located at 449 Kent Street West in the former Town of Lindsay. On May 29, I wrote to City Council to provide my client's written submission for what was at that time contemplated to be a Special Council Meeting pursuant to section 26 of the *Planning Act*. As part of that letter, I provided Lindbrook's submissions in respect of the version of the Lindbrook Secondary Plan that had been endorsed (but not adopted) by City Council in December 2015.

It is now my understanding that City Council will not be proceeding with a full section 26 process and will instead be moving to adopt the Lindbrook Secondary Plan as previously endorsed. If this is the case (because the City's process has certainly been less than clear), then please accept my May 29 letter as Lindbrook's written submission to Council pursuant to subsection 17(20) of the *Planning Act*.

My client continues to submit that the permission for "professional office" within the Commercial designation proposed for the Kent Street West Corridor under the endorsed Lindsay Secondary Plan should be revised to a more general "office" permission to avoid future confusion and to appropriately reflect the actual office uses already permitted within the Kent Street West Corridor.

If City Council, planning staff, or the City Clerks have any questions about this submission, please contact me directly. Otherwise, I ask that I receive notice of any decision rendered by City Council in respect of the Lindsay Secondary Plan.

June 26, 2017
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Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'P. J. Harrington', written over the printed name.

Patrick J. Harrington

PJH/np

Encl.

cc. Lindbrook Development Inc.

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AIRD BERLIS

AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416-865-3424
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May 29, 2017

Our File No. 132860

BY EMAIL

Mayor and Members of City Council
City of Kawartha Lakes
P.O. Box 9000
26 Francis Street
Lindsay, ON, K9V 5R8

Dear Madame Clerk:

**Re: City of Kawartha Lakes Official Plan
Secondary Plan for Lindsay
Special Council Meeting Pursuant to Section 26 of the *Planning Act*
Meeting Date: May 30, 2017**

I am counsel to Lindbrook Development Inc. ("Lindbrook"), the owner of the commercial plaza located at 449 Kent Street West in the former Town of Lindsay. Please accept this letter as a written submission made on Lindbrook's behalf pursuant to subsection 26(5) of the *Planning Act*.

I have reviewed the Notice of Special Council Meeting posted online by the City (the "Notice"). The Notice indicates that the "revisions" being considered by City Council on May 30 are to "repeal" a number of Official Plan Amendments, including OPA No. 16, which was the Secondary Plan for Lindsay endorsed by Council in December 2015.

The Notice indicates that materials for the special meeting will be available by May 12. However, my office has reviewed the "Planning" section of the City's website, as well as the agendas for the May 30 meeting, and we cannot locate any updates, revisions or alternative versions of the Lindsay Secondary Plan that are proposed for Council's consideration. Without access to the updated/revised Lindsay Secondary Plan, it is difficult to provide Council with appropriate, meaningful feedback as part of the section 26 process.

In terms of the endorsed version of the Lindsay Secondary Plan (i.e. the version proposed to be "repealed" pursuant to the Notice), Lindbrook notes that 449 Kent Street West is proposed to be included within a new *Commercial* designation to be applied to a number of sites within the Kent Street West corridor. Lindbrook supports the initiative to re-designate commercial sites within the Kent Street West corridor to a common land use category.

May 29, 2017

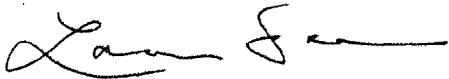
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However, the endorsed version of the Lindsay Secondary Plan indicates that "professional office" will be one of the permitted uses within the new *Commercial*. Other land use categories under the endorsed Lindsay Secondary Plan indicate that a more general "office" permission is being provided. The endorsed Lindsay Secondary Plan does not define "professional office", so it is not clear whether "professional office" is a subset of "office" or a different category altogether. Lindbrook submits that there are currently a number of "offices" permitted within the Kent Street West corridor such that there is no planning justification to limit the future permitted uses within the *Commercial* designation to "professional office". Lindbrook accordingly requests that "professional office", as shown in proposed policy 31.2.3.2.4 to the endorsed Lindsay Secondary Plan, be revised to "office".

Lindbrook reserves a right to provide further submissions to Council as part of the section 26 process in light of the unavailability of an updated/revised version of the Lindsay Secondary Plan. To assist, our office would appreciate being provided with notice of all future Committee and Council meetings pertaining to the City's updates to the City of Kawartha Lakes Official Plan – specifically, any proposed plans or policies for the former Town of Lindsay. We would also appreciate receiving all Notices of Decision issued in respect of same.

Yours truly,

AIRD & BERLIS LLP



Per: Patrick J. Harrington

PJH/np

cc. Lindbrook Development Inc.

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