



## Planning Advisory Committee Report

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**Report Number:** PLAN2021-064

**Meeting Date:** December 1, 2021

**Title:** Amend the Bobcaygeon Zoning By-law 16-78 together with a Draft Plan of Subdivision at 63 Dunn Street, Bobcaygeon – Elm Bobcaygeon (2018) Inc.

**Description:** An application to amend the Village of Bobcaygeon Zoning By-law, together with a Draft Plan of Subdivision (16T-21502) to permit a residential plan of subdivision consisting of 70 residential lots and 8 blocks: 6 single detached, 36 semi-detached and 28 townhouse dwelling units; five service blocks; one road widening block; and two 0.3 metre reserve blocks to allow the Arizona Heights Phase 2 development on the property identified as 63 Dunn Street, Bobcaygeon

**Type of Report:** Public Meeting

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

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### Recommendations:

**That** Report PLAN2021-064, **57R-6468, Part of Part 1; Plan 70, Part of Block X; Former Village of Bobcaygeon, Elm Bobcaygeon (2018) Inc. – Applications D06-2021-024 and D05-2021-004**, be received; and

**That** PLAN2021-064 respecting Applications D06-2021-024 and D05-2021-004 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

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

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

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

## **Background:**

The applicant has submitted applications for a draft plan of subdivision and zoning by-law amendment for the property identified as 63 Dunn Street in Bobcaygeon. The proposal is to permit a 70 residential unit development with a mix of singles, semis and townhouses by changing the zone category from the 'Urban Residential Type One Exception Thirteen (R1-S13) Zone' to the following zones:

- a) 'Urban Residential Type One Exception XX (R1-SXX) Zone';
- b) 'Urban Residential Type Two Exception XX (R2-SXX) Zone'; and
- c) 'Urban Residential Type Two Exception YY (R2-SYY) Zone'.

The draft plan of subdivision will create the lots for the single and semi-detached units; create the blocks for the townhouse units; and allow for the future division of the blocks into 'lots' for the townhomes to be completed by using the Part Lot Control (PLC) provision of the Planning Act. The PLC provision allows each unit and respective 'lot' to be sold separately without requiring consent applications to create each lot after they are constructed.

The applicant attended a Preconsultation meeting with the City in January of 2020, and first submitted these applications in August of 2021. All items were received and the applications were deemed complete on October 20, 2021.

Owner:	Elm Bobcaygeon (2018) Inc. c/o Joe Morano
Applicant:	D.M. Wills Associates Limited c/o Diana Keay
Legal Description:	57R-6468, Part of Part 1; Plan 70, Part of Block X; Former Village of Bobcaygeon
Designation:	'Urban' on Schedule 'A-2' of the Victoria County Official Plan. The land is identified as fronting on former Provincial Highway 649 (now Kawartha Lakes Road 49) on Schedule 'C-3' – Transportation Schedule
Zone:	'Urban Residential Type One Exception Thirteen (R1-S13) Zone' on Schedule 'A' of the Village of Bobcaygeon Zoning By-law Number 16-78
Lot Area:	3.84 hectares [9.5 acres]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land

Adjacent Uses:	North:	Bick Street; Low Density Residential; Agricultural
	East:	Kawartha Lakes Road 49 (former Highway 649); Low Density Residential; Taylor Street
	South:	Low Density Residential (Arizona Heights Phase 1); Dunn Street; Low Density Residential
	West:	Kawartha Settlers Village; Cemetery; Balaclava Street

### Rationale:

The property is located on the south side of Bick Street, at the intersection of East Street North (Kawartha Lakes Road 49) in the northeast portion of Bobcaygeon. See Appendix 'A'. The subject property is located in a predominantly residential area consisting of single detached dwellings on the north side of Bick Street, the east and west sides of Kawartha Lakes Road 49, and on the north and south sides of Dunn Street; and institutional uses located to the west (Kawartha Settlers Village and Verulam Cemetery). See Appendix 'B'.

The property is vacant and consists of approximately 3.84 ha. The applicant is applying on behalf of the owner to rezone the property to permit a 70-unit plan of subdivision as follows: 6 lots for single detached dwellings; 18 lots for a total of 36 semi-detached dwelling units; 6 blocks for a total of 28 townhouse dwelling units; five service blocks; one block for a road widening; and two blocks for 0.3 metre reserves (to prevent driveway and servicing access to the appropriate properties fronting on two roadways). See Appendix 'C' and 'D'.

The property was previously draft plan approved under file 16T-06505 for 45 single detached dwelling lots, which represented the second phase of the Arizona Heights subdivision. The lots had minimum lot frontages generally between 15 to 16 metres with the draft plan having lots fronting external roads and a cul-de-sac. The conditions of draft plan approval lapsed on October 24, 2019 and the applicant has subsequently submitted a more dense proposal.

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 Justification Report prepared by D.M. Wills Associates Limited, dated July 2021 and Addendum Letter dated September 23, 2021. The report and addendum letter discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the

- Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan); the City of Kawartha Lakes Official Plan (CKLOP); the Council adopted and appealed Bobcaygeon Secondary Plan; the Victoria County Official Plan (VCOP); and the Village of Bobcaygeon Zoning By-law 16-78.
2. Functional Servicing Report prepared by D.M. Wills Associates Limited, dated June 2021. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
  3. Preliminary Stormwater Management Report prepared by D.M. Wills Associates Limited, dated May 2021. The report discusses and assesses the proposal in context of stormwater management services, in accordance with the Ministry of the Environment, Conservation and Parks (MECP) standards.
  4. Subsurface Soil and Infiltration Investigation Report prepared by D.M. Wills Associates Limited, dated November 18, 2020. The report examines the existing soil and subsurface conditions relating to infiltration of water on the site as a background for the Stormwater Management Report.
  5. Geotechnical Investigation Report prepared by PRI Engineering Corp., dated March 23, 2021. The report examines the existing soil and subsurface conditions of the site, and makes recommendations for the foundation design and construction.
  6. Traffic Impact Study prepared by D.M. Wills Associates Limited, dated September 16, 2020. The report discusses and assesses the proposal in context of traffic generated by the proposed development, and the requirements for any auxiliary lanes.
  7. Species at Risk (SAR) Evaluation Report prepared by D.M. Wills Associates Limited, dated June 17, 2021. The report discusses and assesses the potential for any at-risk species or species habitat on the property, in accordance with the Endangered Species Act, 2007.
  8. Comprehensive Urban Design Analysis prepared by Cassidy + Company Residential Design Consultants, dated June 30, 2021. The report provides floor plans and elevations for the single detached dwellings; floor plans for the townhouse dwellings; and an exterior colour and material schedule.
  9. Cost Estimate for Subdivision Agreement prepared by D.M. Wills Associates Limited, dated July 23, 2021.
  10. Site Plan Scheme 4 prepared by Cassidy + Company Residential Design Consultants, dated July 29, 2021.
  11. Zoning Standards prepared by Cassidy + Company Residential Design Consultants, dated July 9, 2021.
  12. Existing Topography prepared by D.M. Wills Associates Limited, dated June 17, 2021.

13. Draft Plan of Subdivision prepared by D.M. Wills Associates Limited, dated October 7, 2021.
14. Plan of Subdivision of Part of Blocks W and X Registered Plan No. 70 City of Kawartha Lakes prepared by Coe Fisher Cameron Land Surveyors, dated May 20, 2021.

All of the reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment. Staff recommend that the applications be referred back to staff to allow the public an opportunity to provide comment; and until such time as all commenting agencies and/or City departments comments/concerns have been addressed.

### **Provincial Policies:**

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):**

These lands are identified as being within the 'Settlement Area' of Bobcaygeon. 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 featuring 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 proposal is subject to Section 2.2.7 – Designated Greenfield Areas. The City of Kawartha Lakes 2011 Growth Management Strategy (GMS) requires the development to meet a density of not less than 40 residents and jobs per hectare, measured over the entire Greenfield Area.

The applicant has submitted the appropriate technical reports for consideration and review. Through the appropriate revisions to the technical reports and plans, conformity with the policies of the Growth Plan should be demonstrated.

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

The Provincial Policy Statement (PPS) 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.

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.

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). A Species at Risk (SAR) Evaluation indicates the proposal would not likely contravene the Endangered Species Act (ESA).

The applicant has submitted the appropriate technical reports for consideration and review. Subject to confirmation from the relevant Departments and Agencies and through the appropriate revisions to the technical reports and plans, consistency with the policies of the PPS should be demonstrated.

### **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 Bobcaygeon.

The Bobcaygeon Secondary Plan (BSP) was adopted by Council in June of 2017 and is currently under appeal to the Ontario Land Tribunal (the 'Tribunal'). The entirety of the lands was designated 'Residential' in the Council adopted BSP. Due to the appeals, the subject land remains under the jurisdiction of the Victoria County Official Plan (the 'VCOP'), where the subject lands are designated 'Urban' on Schedule 'A-2' of the VCOP. The 'Urban' designation policies along with the 'Designated Greenfield Area Growth Management Policies' of the VCOP apply to this development.

The Growth Management Policies include creating street configurations, densities, and an urban form that support walking, cycling, and the early integration and sustained viability of transit services; providing a diverse mix of land uses, including residential and employment uses, to support vibrant neighbourhoods; and creating high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling.

The 'Urban' designation permits low and medium density residential uses as follows:

- a) Low Density: Single or semi-detached dwellings; duplexes; triplexes and fourplexes with a maximum density of 25 dwelling units per net hectare (d.u./ha.).
- b) Medium Density: Row or cluster dwellings with a maximum density of 35 d.u./ha. and apartments with a maximum density of 60 d.u./ha. Medium density residential uses shall be located on a major road or a local road connecting directly to a major road (being a local collector, County Road or Provincial Highway on Schedule C-3). The medium density development shall be located so as not to have an adverse impact on lower density residential areas and where there is adequate recreational and park facilities within reasonable proximity.

The proposal generally adheres to the above noted criteria for medium density development, such as maintaining density and being located on a local road connecting directly to a major road. The proposal contemplates on-site parking and no relief from the Zoning By-law is being requested for parking.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the VCOP. Through any appropriate revisions to the technical reports and plans and upon completion of a detailed review, it is anticipated that conformity with the policies of the VCOP have been or can be demonstrated.

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

The lot is zoned 'Urban Residential Type One Exception Thirteen (R1-S13) Zone' in the Village of Bobcaygeon Zoning By-law 16-78 (the 'Zoning By-law'). The applicant has requested to change the zone category to three new exception zone categories as follows:

- a) an 'Urban Residential Type One Exception XX (R1-SXX) Zone' to permit single detached dwellings subject to site-specific development standards;
- b) an 'Urban Residential Type Two Exception XX (R2-SXX) Zone' to permit semi-detached dwellings subject to site-specific development standards; and
- c) an 'Urban Residential Type Two Exception YY (R2-SYY) Zone' to permit townhouse dwellings subject to site-specific development standards.

The exception zone provisions would permit for site-specific development standards for the 'R1-SXX' zone as follows:

<b>Zone Standard:</b>	<b>'R1' Zone:</b>	<b>Proposed 'R1-SXX' Zone:</b>
Minimum Lot Area	460 square metres	400 square metres
Minimum Lot Frontage	15.0 metres	11.0 metres
Minimum Front Yard Setback	7.5 metres	6.0 metres
Minimum Interior Side Yard Setback	1.2 metres plus 1.0 metre for each additional storey	1.2 metres
Minimum Flankage (Exterior) Side Yard Setback	4.5 metres	4.0 metres
Minimum Rear Yard Setback	7.5 metres	7.5 metres
Maximum Lot Coverage	30%	50%
Porch, Deck and Stairs Encroachment within Front and Rear Yards	0.0 metres	1.8 metres

The exception zone provisions would permit for site-specific development standards for the 'R2-SXX' and 'R2-SYY' zones respectively as follows:

<b>Zone Standard:</b>	<b>'R2' Zone:</b>	<b>Proposed 'R2-SXX' Zone:</b>	<b>Proposed 'R2-SYY' Zone:</b>
Permitted Uses	Duplex, Triplex, Converted, Semi-Detached and Fourplex Dwelling; and all uses in the 'R1' zone, subject to the 'R1' zone standards	No Change	A townhouse dwelling having a maximum of six (6) dwelling units shall also be permitted
Minimum Lot Area	700 square metres for 2 dwelling units, plus 550 square	300 square metres	290 square metres



<b>Zone Standard:</b>	<b>'R2' Zone:</b>	<b>Proposed 'R2-SXX' Zone:</b>	<b>Proposed 'R2-SYY' Zone:</b>
	metres for each additional dwelling unit		
Minimum Lot Frontage	7.5 metres	6.0 metres	7.0 metres
Minimum Front Yard Setback	7.5 metres	6.0 metres	6.0 metres
Minimum Interior Side Yard Setback	1.2 metres plus 1.0 metre for each additional storey	1.2 metres	1.2 metres
Minimum Flankage (Exterior) Side Yard Setback	4.5 metres	4.0 metres	4.0 metres
Minimum Rear Yard Setback	7.5 metres	7.5 metres	7.5 metres
Maximum Lot Coverage	30%	65%	66%
Porch, Deck and Stairs Encroachment within Front and Rear Yards	0.0 metres	1.8 metres	1.8 metres
Interior Side Yard Setback where a common wall is shared	0.0 metres	0.0 metres	0.0 metres

The goal is to provide for more intensive housing than permitted under current standards. The applicant has submitted the appropriate technical reports and background studies to justify the proposed changes to 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 Exceptional Quality of Life priority by encouraging a new development, which provides a variety of new housing opportunities, of which a portion may be available for affordable initiatives; and 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.

**Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment and/or the Draft Plan Approval request is appealed to the Ontario Land Tribunal (the 'Tribunal'). 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 not serviced. Full urban municipal services, including water, sanitary, and storm sewer are proposed.

**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 November 22, 2021, we have received the following comments:

**Public Comments:**

Comments and inquiries were received from residents S. Noll, L. Pickering, L. Britton, and J. Tyas. Noted concerns included:

- Concerns with proposed height of the development (interest in the profile drawings);
- Status of the Bobcaygeon Secondary Plan appeal and what effect that has on this development;
- Water and sewer treatment capacity to support the development;
- Existing drainage issues on Bick Street;
- Traffic issues with increasing the number of vehicles on Bick Street;
- Road setbacks and parking;

- A reduction in property value for the existing dwellings on the north side of Bick Street;
- Access to schools and bussing; and
- Security (based on the proposal to construct townhouses instead of single detached dwellings).

The public comments that were received have been responded to and also forwarded to the applicant and/or City Departments for review.

**Agency Review Comments:**

November 4, 2021	Alderville First Nation noted that Curve Lake, Hiawatha or Scugog Island First Nations are more likely to have comments on the applications.
November 6, 2021	The Building Division has no concerns with the applications.
November 10, 2021	WSP on behalf of Bell Canada noted no objections to the proposal, and provided a list of proposed draft plan conditions for the subdivision request.
November 12, 2021	Hydro One's Land Use Planning noted they have no comments or concerns, based on a preliminary review of Hydro One's High Voltage Facilities and Corridor Lands only. Comments relating to the Low Voltage Distribution Facilities would be circulated separately.

**Development Services – Planning Division Comments:**

The background information which has been submitted in support of the applications has been circulated to the appropriate agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff until such time as all comments and concerns have been addressed.

**Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application along with the Draft Plan of Subdivision application be referred back to staff for further review and processing until such time as all comments and concerns have been addressed.

## 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



PLAN2021-064  
Appendix A.pdf

### Appendix B – Surrounding Land Use Plan, dated July 2021



PLAN2021-064  
Appendix B.pdf

### Appendix C – Proposed Draft Plan of Subdivision, dated October 7, 2021



PLAN2021-064  
Appendix C.pdf

### Appendix D – Proposed Site Concept Plan, dated July 29, 2021



PLAN2021-064  
Appendix D.pdf

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

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

**Department File:** D06-2021-024 & D05-2021-004