



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2022-007</b>
<b>Meeting Date:</b>	February 9, 2022
<b>Title:</b>	<b>PLAN2022-007</b>
<b>Description:</b>	Application to amend the Town of Lindsay Zoning By-law together with a Draft Plan of Subdivision (16T-17501) to permit a residential plan of subdivision consisting of single and semi-detached dwellings and townhouses on vacant land north of Alcorn Drive, Lindsay
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Sherry L. Rea, Development Planning Supervisor

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### Recommendations:

**That** Report PLAN2022-007, **Part of Lot 24, Concession 5, geographic Township of Ops, former Town of Lindsay, Regis Homes Limited – Applications D05-2017-001 and D06-2017-019**, be received; and

**That** PLAN2022-007 respecting Applications D05-2017-001 and D06-2017-019 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.

**Department Head:** \_\_\_\_\_

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

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

## **Background:**

The applicant has submitted revised applications for a zoning by-law amendment together with a draft plan of subdivision on vacant land north of Alcorn Drive in Lindsay. The proposal is to permit a residential plan of subdivision by:

- a) Changing the zone category from the 'Residential One Special Seventeen Holding One (R1-S17)(H1) and Residential One Holding One (R1)(H1) Zones' to the 'Residential Two (R2), Residential Two Special \*\* (R2-S\*\*), Residential Three (R3) and a Residential Multiple One Special \*\* (RM1-S\*\*) Zones' on the property.

The application for draft plan of subdivision will create a 63 unit residential plan of subdivision consisting of 9 lots for single detached dwellings, 7 lots for 14 semi-detached dwellings and 10 blocks for 40 townhouse dwelling units. The townhouse blocks will be further subdivided using the Part Lot Control provision of the Planning Act, which allows the lots to be sold separately without requiring consent applications to create each lot. The lots for the individual townhouses and semi-detached dwellings will all be freehold. The applications were originally submitted by Dunster Investments Inc. in 2017 for Woods of Jennings Creek (WOJC) – Phase 2. The property was subsequently sold and purchased by the current owner Regis Homes Limited c/o Spencer Feeley who resubmitted applications on September 17, 2021 with minor revisions to the draft plan of subdivision and zoning by-law amendment. All items were received and the applications deemed complete on December 14, 2021.

Owner: Regis Homes Limited c/o Spencer Freeley

Applicant: Weston Consulting c/o Robert Walters

Legal Description: Part of Lot 24, Concession 5, geographic Township of Ops, former Town of Lindsay, now City of Kawartha Lakes

Designation: 'Residential' on Schedule 'A' of the Town of Lindsay Official Plan and identified as containing Hazard Lands on Schedule "D" – Natural Environmental Considerations Mapping

Zone: 'Residential One Special Seventeen Holding One (R1-S17)(H1) and Residential One Holding One (R1)(H1) Zones' on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75

Lot Area: 3.56 hectares (8.80 acres)

Site Servicing: Proposed full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses: Vacant Land

Adjacent Uses:	North:	Woods of Jennings Creek Parkland and Springdale Gardens Residential Development
	East:	Proposed Extension of Victoria Avenue North and Other Land Owned by the Applicant (WOJC – Phase 3)
	South:	Residential and Other Land Owned by the Applicant
	West:	Residential and Woods of Jennings Creek Parkland

## **Rationale:**

The property is located in the north east quadrant of Lindsay, on the north side of Alcorn Drive and north east of the residential development of Woods of Jennings Creek – Phase 1. The subject property is located in a residential area with new single detached dwellings completed or under construction together with the undeveloped Woods of Jennings Creek Parkland to the west of the subject property. Further east of the subject property is the Victoria Rail Trail and the Scugog River. The proposal serves to further complete the area of development north of Alcorn Drive, east of the new passive recreational park acquired under WOJC - Phase 1 and west of an extension of Victoria Avenue North to connect with William Street North. The owner has acquired lands east of the Victoria Avenue North extension and will be seeking approvals in the future to complete the area of development. See Appendix 'A' and 'B'.

The applicant is applying on behalf of the owners to re-zone the property to permit a 63 unit residential plan of subdivision consisting of 9 lots for single detached dwellings, 7 lots for 14 semi-detached dwellings and 10 blocks for 40 townhouse dwelling units; and additional blocks for parkland and 0.3 metre reserves. The proposal will create 2 new municipal roads (Spencer Crescent and Parker Crescent) and extend Victoria Avenue North into the Springdale community. The residential plan of subdivision will be developed on full municipal services and consists of 3.56 ha. (8.80 ac.). The zoning by-law amendment contemplates an increase in the percentage of lot coverage for a limited number of lots and a reduction in minimum interior yard setbacks for the proposed townhouses.

The applicant is also applying to lift the Holding One (H1) provision as the North West Sanitary Sewer has been commissioned and the payment of the North West Trunk Municipal Act Capital Charge is intended to be paid prior to Council's consideration of the zoning by-law amendment.

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. Supplemental Planning Justification Report prepared by Weston Consulting, dated September 2021. The report augments the original Planning Justification Report prepared by Dunster Management Inc. and 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, 2020 (Growth Plan); the Town of Lindsay Official Plan and the Town of Lindsay Zoning By-law 2000-75.
2. Draft Zoning By-law Amendment prepared by Weston Consulting, dated September 2021.
3. Revised Draft Plan of Subdivision prepared by JD Barnes Limited, Land Surveyors, dated August 25, 2021.
4. Design Analysis prepared by Weston Consulting, dated September 2021. The analysis discusses the context of the proposal based on site and neighbourhood, architectural design principles, etc. and includes conceptual elevations.
5. Phase 1 Environmental Site Assessment prepared by Exp., dated October 20, 2020. The report discusses and assesses the historical uses on and around the property and concluded the requirement for a Phase 2 Environmental Site Assessment to assess the quality of the stockpiles of fill on the site.
6. Phase 2 Environmental Site Assessment Report prepared by Exp., dated June 22, 2021 and revised July 9, 2021. The report discusses and assesses the results of soil samples taken from the property and concludes that the stockpiles contain rubble and concrete debris and a mixture of fill and topsoil and would not be considered suitable for reuse as engineered fill. The remaining topsoil stockpiles would be considered suitable for reuse for landscaping purposes.

A number of additional reports and background studies were submitted with the original applications in 2017 including the following:

1. Functional Servicing Report prepared by Greck and Associates Limited and dated October, 2014. The report examines municipal water and sanitary servicing options for the property in the context of the entire developable property and provides a servicing strategy for the City's review.
2. Stormwater Management Report prepared by Greck and Associates Limited and dated November, 2014 and last revised November, 2016. The report examines stormwater management options for the property in the context of the entire developable property. The report concludes that the proposed measures will appropriately control the quantity and quality of water flows.
3. Environmental Impact Assessment prepared by Niblett Environmental, dated January, 2009 was prepared for the entire Woods of Jennings Creek property being Phases 1, 2, and 3. The report examined the impacts of the proposed

development on natural heritage features including significant portions of the habitat of endangered or threatened species and fish habitat and in particular the main wetlands along Jennings Creek and adjacent woodlands.

4. The Planning Justification Report prepared by Dunster Management Inc. identified that a Stage I-II Archaeological/Heritage Assessment was prepared at the time of the initial submission for the Woods of Jennings Creek Phase 1 development. The report examined the potential for archaeological material to exist on the subject property and was accepted by the Ministry of Culture, Sport and Tourism as identifying no evidence to suggest that there are any archaeological resources of cultural interest or value on the property.

The applicant is currently working with Curve Lake First Nations to address the areas of concern within their Traditional Treaty Territory being possible environmental impact to drinking water, endangerment to fish and wild game, impact on Aboriginal heritage and cultural values and to endangered species, lands and other matters.

All the reports 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, 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 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 property shows the Phase 2 lands within the Designated Greenfield Areas of the Growth Plan and is subject to Policy 2.2.7. The Plan provides the City of Kawartha Lakes with a minimum density target of not less than 40 residents and jobs combined per hectare, measured over the entire Greenfield Area. The applications will assist the City in reaching this density target.

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

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

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.

Section 1.1.1 outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 provides direction to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- d) prepare for the impacts of a changing climate;

- e) support active transportation.

Section 1.1.3.3 directs Planning authorities to identify locations and promote opportunities to accommodate a significant supply and range of housing options through intensification and redevelopment in taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development for intensification and redevelopment occupies a brownfield site and will utilize existing municipal infrastructure.

Section 1.4.3 provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities in areas where it exists or is to be developed.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. Section 1.6.6.1 provides that planning for sewage and water services shall:

- a) Accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage and water services;
- b) Ensure that these systems are provided in a manner that can be sustained by the water resources on which they rely, prepare for the impacts of a changing climate, are feasible and financially viable, and protect human health and safety, and the natural environment.

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 human-made hazards (Section 3) along with Cultural Heritage and Archaeology.

As part of the submission for WOJC – Phase 1, Niblett Environmental Associates prepared an Environmental Impact Assessment (EIS) which included the subject lands.

The EIS examined plant species on the property along with threatened species, bird, fish and wetland habitats and woodlands.

The applicant has confirmed that their consultation with Curve Lake First Nations regarding Traditional and Treaty Territory issues is ongoing.

As part of the resubmission for WOJC – Phase 2, Phase 1 and Phase 2 Environmental Site Assessments were prepared by Exp. If required, the draft plan conditions may include a Record of Site Condition.

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 Lindsay. The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Ontario Land Tribunal (OLT).

Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (LOP), where the subject lands are designated 'Residential' on Schedule 'A' of the Plan. Permitted uses in the Residential designation includes residential uses, home occupations, places of worship and neighbourhood commercial uses. The Residential designation permits a variety of dwelling types, subject to the low, medium and/or high density policies. The built form and density of the proposed development would be considered low and medium density to include single and semi-detached dwellings and townhouses with a maximum density of 25 dwelling units per hectare for singles and semi-detached dwellings and 62 dwelling units per hectare for townhouse dwellings.

The proposal generally adheres to the criteria for medium density development (townhouses), such as maintaining density, height and character in keeping with adjacent uses. The applicant submitted an urban design analysis in support of the proposal. See Appendix 'C'. The townhouse development will be subject to site plan control, which will address details such as dwelling unit siting, walkway placements, rear yard deck sizing, landscaping, etc.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. Through completing the review and

any appropriate revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

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

The property is zoned 'Residential One Special Seventeen Holding One (R1-S17)(H1) and Residential One Holding One (R1)(H1) Zones' in the Town of Lindsay Zoning By-law 2000-75. The applicant has requested to change the zone categories to a 'Residential Two (R2), Residential Two Special \*\* (R2-S\*\*), Residential Three (R3) and a Residential Multiple One Special \*\* (RM1-S\*\*) Zone' to permit single and semi-detached dwellings and townhouse units to be constructed. The Special provision would permit site-specific development standards such as an increase in the maximum lot coverage from 35% to 40% for the singles and a decrease in the interior side yard setback from 3.5 m. to 1.2 m. for the townhouse blocks. Staff continues to review these requests in the context of functional servicing, storm water management and good urban design. The townhouse blocks would be subject to site plan approval. As previously noted, individual lot creation of the semi-detached dwellings and townhouses would be completed by the lifting of part lot control.

The applicant is also applying to lift the Holding One (H1) provision as the North West Sanitary Sewer has been commissioned and the payment of the North West Trunk Municipal Act Capital Charge is intended to be paid prior to Council's consideration of the zoning by-law amendment. Staff recommend that the payment be made as soon as possible.

### **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 new development which provides for housing options of single and semi-detached dwellings

along with townhouse development. The proposal seeks to further residential development adjacent to the Woods of Jennings Creek passive recreational park and the Victoria Rail Trail.

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

### **Servicing Comments:**

Full urban municipal services, including water, sanitary sewer and storm sewer are proposed. The Functional Servicing and Stormwater Management Reports were submitted in 2017 and are being reviewed by the Engineering and Corporate Assets Department and the KRCA.

### **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 properties; and a sign was posted on the property. As of January 26, 2022, we have received no Public Comments.

### **Agency Review Comments:**

- January 11, 2022     Dave Simpson, Alderville First Nation; project is not within their Treaty Territory.
- January 11, 2022     Joel Watts, Clerks Office; reviewed application in conjunction with the Street Naming Policy. The policy requires in 2.02 (j) that "Continuous streets shall have one continuous name". The Key Map seems to identify a significant issue. The new subdivision will have the extension of Victoria Avenue North continue north from its current terminus, to an existing road in the older section of Springdale Gardens named "William Street North". We foresee significant navigation issues for the properties along William Street North in Springdale Gardens if their existing road is not connected with the current terminus of William Street North (to the east of Victoria Avenue North).

## **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 recommends that 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 Sherry L. Rea, [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca) or 705.324.9411 x 1331.

### Appendix A – Location Map



PLAN2022-007  
Appendix A.docx

### Appendix B – Proposed Draft Plan of Subdivision, dated August 25, 2021



PLAN2022-007  
Appendix B.docx

### Appendix C – Urban Design Analysis, Weston Consulting dated August 12, 2021



PLAN2022-007  
Appendix C.docx

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

**Department Head:** Richard Holy, Director, Development Services

**Department File:** D05-2017-001 and D06-2017-019