



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2022-001</b>
<b>Meeting Date:</b>	March 9, 2022
<b>Title:</b>	<b>Town of Lindsay Official Plan Amendment and Zoning By-law Amendment for 69-71 Lindsay Street South, Lindsay</b>
<b>Description:</b>	To amend the Town of Lindsay Official Plan and Comprehensive Zoning By-law 2000-75 to permit the redevelopment of the subject site to include additional commercial uses.
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Jonathan Derworiz, Planner II

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### Recommendations:

**That** Report PLAN2022-001, **Town of Lindsay Official Plan Amendment and Zoning By-law Amendment for 69-71 Lindsay Street South, Lindsay**, be received for information;

**That** Report PLAN2022-001, **Town of Lindsay Official Plan Amendment and Zoning By-law Amendment for 69-71 Lindsay Street South, Lindsay**, be referred back to staff for processing until review of the technical studies has been completed.

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

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

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

## **Background:**

The land known as 69-71 Lindsay Street South in the former Town of Lindsay currently contains a manual carwash and unoccupied commercial building (Appendix A). Under the Town of Lindsay Official Plan (Official Plan), this property is designated Local Commercial and zoned 'Local Commercial Exception Seven (LC-S7)' Zone under the Town of Lindsay Comprehensive Zoning By-law 2000-75 (Appendix B). The purpose of this Exception Zone is to permit the existing car wash, 36 parking spaces and reduce the exterior side yard setback that pertains to the fuel pump canopy.

Owner:	1782031 Ontario Limited
Applicant:	Urban & Environmental Management Inc.
Legal Description:	Plan Town Plot, Lot 1 and Part of Lot 2, South of Melbourne Street
Official Plan:	Local Commercial – Lindsay Official Plan
Zoning:	Local Commercial Exception Seven (LC-S7) Zone – Town of Lindsay Comprehensive Zoning By-law 2000-75
Area:	Approximately 0.32 hectares
Site Servicing:	Full municipal water, sanitary and storm sewer services
Existing Uses:	Four bay manual car wash and unoccupied commercial building (formerly a convenience store)
Adjacent Uses:	North, South, West: Commercial and Residential East: Residential

## **Rationale:**

### **Proposal:**

The applicant is proposing to amend the current Local Commercial Exception Seven (LC-S7) Zone to facilitate redevelopment of the subject site. This lot recently merged with the lot to the east that was previously identified as 3 Melbourne Street West, which is also zoned LC-S7. A new automatic car wash, restaurant with drive-thru, convenience store and gas bar are proposed following demolishing of the existing commercial building and manual car wash (Appendix C). To accommodate the redevelopment and apply necessary zone provisions, the applicant is proposing an amendment to the Town

of Lindsay Official Plan and amend the LC-S7 Zone. The following materials were submitted in support of these applications:

- 1) Planning Justification Report (June 2021, amended December 2021), prepared by Urban & Environmental Management Inc. This report provides a review of the proposed re-development and its alignment with the Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, the Town Lindsay Official Plan, 2000 and the Town of Lindsay Comprehensive Zoning By-law #2000-75. This report was amended to include further review of the development and its alignment with the Town of Lindsay Official Plan in consideration of a required Official Plan Amendment.
- 2) Transportation Study (May 2021), prepared by Trans-Plan Transportation Inc. This study considered the potential traffic implications resulting from the proposed development. At the time of writing this report, the study is being peer-reviewed.
- 3) Stormwater Management Study Report (May 2021), prepared by blueprint2build. This Study aims to identify the storm water runoff impacts to existing drainage networks from the developed site; address City and Ministry of Environment, Conservation and Parks (MECP) concerns regarding quality and quantity control; and demonstrate that the proposed redevelopment and new drainage system is safe for operations and will not pose effects to the site and surrounding existing drainage system.
- 4) Geotechnical and Hydrogeologic Investigation Report (April 2021), prepared by GHD Limited. The purpose of this report was to determine and evaluate the site's geotechnical and hydrogeological conditions.
- 5) Functional Service Report Brief (May 2021), prepared by blueprint2build. The purpose of this brief is to demonstrate how the proposed development can be graded and serviced in accordance with municipal and provincial design criteria.
- 6) Erosion and Sediment Control Plan (May 2021), prepared by blueprint2build.
- 7) Notes and Details (May 2021), prepared by blueprint2build.
- 8) Building Elevations (May 2021), prepared by blueprint2build.
- 9) Site Features Plan – Landscaping and Signage (May 2021), prepared by blueprint2build.
- 10) Site Plan (July 2019), prepared by blueprint2build.
- 11) Survey (April 2021), prepared by J.D. Barnes Limited.
- 12) Site Grading Plan (May 2021), prepared by blueprint2build.
- 13) Site Servicing Plan (May 2021), prepared by blueprint2build.

## **Provincial Policy Conformity:**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

With the subject land located within Lindsay, Settlement Area policies prescribed by the PPS apply to the proposal. Specifically, Sections 1.1.3.2a) and b) apply, which describe the efficient use of existing land and resources within the Settlement Area. Given that the site is located within Lindsay and currently serviced with municipal infrastructure, these policies are satisfied. Furthermore, the proposed Official Plan and Zoning By-law Amendments facilitate intensification of the site. By permitting multiple uses and development standards required to accommodate the development, Staff feel that Section 1.1.3.4 is satisfied.

Section 1.7 Long Term Economic Prosperity, contains a number of policies that are conducive to a maintaining a healthy economy. Section 1.7.1.a) addresses promotion of opportunities for economic development and community investment-readiness, which Staff feel is achieved through the proposed application. The subject site contains a manual car wash and an unoccupied commercial building which formerly housed a convenience store. Proposed by the applicant is a complete redevelopment of the site including construction of a new convenience store, a new automatic carwash, restaurant and drive-thru which demonstrates significant economic development. The proposed amendments are necessary to facilitate the proposal.

Final PPS conformity will be determined once review of the application is complete.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:**

In order 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, 2019 (Growth Plan).

As described above, the subject land is located within a Settlement Area and the proposed amendment is supported by relevant policies prescribed by the Growth Plan including directing growth to Settlement Areas (Section 2.2.1.2.a) where municipal servicing and infrastructure can be utilized (Section 2.2.1.2c).

Section 2.2 also prescribes guidance for achieving complete communities. Through review of the proposal and Planning Justification Report submitted in support of this application, the proposed amendments do provide new commercial uses for the surrounding residential area. Considering the context of the site and surrounding land uses being a mix of commercial and residential, the amendment would add to the commercial offerings already present for residents in the neighbourhood.

Following a complete review of the supporting materials, full conformity with the Growth Plan will be determined.

### **Town of Lindsay Official Plan**

The subject site is designated as Local Commercial under the Town of Lindsay Official Plan (Official Plan) and is also within the Mixed Use Corridor Area Policy Area, as per Section 4.9.4. This Policy Area is generally characterized as an older residential area in transition towards a mixture of commercial and residential uses. The Official Plan intends to maintain the residential built form of the area while also acknowledging that low profile commercial buildings exist in the area are a predominant use: "the predominant uses in these corridors are low- and medium-density residential dwellings and low-profile commercial developments." Staff feel that the development sought through the proposed amendment is of a low profile considering the single-storey building height.

As per Section 4.3.6.1. of the Official Plan: "The predominant use of land within the Local Commercial land use designation shall be convenience-type retail and commercial uses to serve the daily needs of the surrounding neighbourhood. Such uses shall include an office, convenience retail store with or without an associated gas bar, automated teller/banking machine, video rental establishment, dry cleaning depot, laundromat, automobile service station, eating establishment, a personal service shop, and other similar uses." Staff note that uses proposed by the applicant are supported by the Local Commercial designation.

In order to facilitate multiple buildings on site and achieve the development as proposed, an amendment to the Official Plan is required. As per Section 4.3.6.2.b), only one commercial structure or building is permitted per site under the Local Commercial designation.

The amendment to further intensify the site can be supported considering the size of the site, the size of the proposed developments and the built form of the Local Commercial designation along Lindsay Street South. Two provisions pertaining to floor

area are prescribed by the Local Commercial designation: Section 4.3.6.2.b) states that, "...the gross floor area of the commercial use or a group of commercial uses shall not exceed 1,500 square metres," and Section 4.3.6.2.c) states that, "the maximum gross floor area of any one commercial unit shall not exceed 500 square metres." The proposed area of the convenience store, restaurant and car wash are 224 square metres, 88 square metres, and 124 square metres, respectively. Thus, staff feel that proposed buildings are of an appropriate scale for the Local Commercial designation.

Staff feel that considering the size of the site related to the size of the structures and low-profile design, the proposed land uses can be supported by the Official Plan. Further review of the internal operation of the site is required before full Official Plan conformity can be determined.

**Township of Lindsay Comprehensive Zoning By-law 2000-75**

The property is currently zoned 'Local Commercial Exception Seven (LC-S7)' Zone which currently permits many of the proposed uses. In conjunction with an Official Plan Amendment, a Zoning By-law Amendment is required to allow more than one commercial structure and site-specific zone provisions. The site would remain LC-S7 Zone with changes made to the prescribed zone provisions. Existing and proposed Zone Provisions are described in the table below:

<b>LC-S7 Zone Provisions</b>	<b>Current</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Permitted Uses</b>	ATM/Banking Machine; Bake shop; Book store; Convenience retail establishment with or without gas bar; Day nursery or day care centre; Eating establishment; Florist; Laundry establishment; Office; Personal service establishment; Pharmacy; Service station; Video rental	Convenience store; Restaurant with drive thru; automatic car wash.	Only one commercial building is permitted. A Drive-thru is not permitted in the current LC-S7 Zone.

<b>LC-S7 Zone Provisions</b>	<b>Current</b>	<b>Proposed</b>	<b>Compliance</b>
	establishment; Dwelling units above a permitted commercial use that is not a service station; home occupation; the existing 4-bay car wash		
<b>Minimum Lot Frontage</b>	30m	60.9m	Yes
<b>Maximum Lot Coverage</b>	40%	20%	Yes
<b>Minimum Front Yard Setback (East)</b>	18m	30.2m	Yes
<b>Minimum Side Yard Setback (South)</b>	4.5m	18.4m	Yes
<b>Minimum Side Yard Setback (North)</b>	10.0m	12.4m	Yes
<b>Minimum Rear Yard Setback (West)</b>	7.5m	11.1m	Yes
<b>Canopy Front Yard Setback (East)</b>	6.0m	7.8m	Yes
<b>Canopy Side Yard Setback (South)</b>	6.0m	18.4m	Yes
<b>Canopy Side Yard Setback (North)</b>	3.0m	11.1m	Yes

<b>LC-S7 Zone Provisions</b>	<b>Current</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Canopy Rear Yard Setback (West)</b>	6.0m	37.4m	Yes
<b>Maximum Height</b>	5.0m	6.0m	No
<b>Minimum Parking Spaces</b>	36	17	No

Staff feel that the proposed uses and redevelopment are appropriate within the Local Commercial Zone. Further review of the internal operation of the site, including parking requirements, is required before full zoning by-law conformity can be determined as said review may affect the zone provisions described above.

**Other Alternatives Considered:**

No other alternatives have been considered.

**Alignment to Strategic Priorities:**

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendment would facilitate the redevelopment and intensification of commercial land within Lindsay.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

**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.

**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:**

December 2021 (Murray, Krista): The location of the drive-thru in proximity to the nearby residential property, potential screening of the drive-thru and potential related odour and noise issues were identified. Staff are reviewing the alignment and setback of the proposed drive-thru. The site was described as unkept with overflowing trash bins. This concern has been forwarded to the applicant.

February 2022 (Creighton, Craig): requested details on the current zoning of the property.

February 2022 (Murray, Krista): requested clarification on landscaping on the west side of the property and described concerns with noise and pollution pouring over the property line. Concerns with traffic and vehicular movement along Melbourne were also raised. These comments have been taken back to the applicant for review and consideration during the site plan process.

February 2022 (Tamlin, Brad): submitted a letter detailing opposition to: access to the site off of Melbourne street citing increased traffic and safety of children as reasons; and, restaurant drive-thru without adequate screening.

**Agency Review Comments:**

Building and Septic Division, December 2021: no concerns with the proposed Zoning By-law Amendment.

Development Engineering Division, January 2022:

- The Transportation Study did not investigate requirements for a road widening. As per the City of Kawartha Lakes Transportation Master Plan, Urban Arterial and Collector roads require a minimum of 26 metre right of way. Currently, Lindsay Street South at this location appears to be a 20 metre right of way cross section. A 3-metre-wide road-widening block along the Lindsay Street South frontage is required to be conveyed to the City. The site design and drawings shall be updated as required.
- A 9m x 12m sight triangle block is required to be conveyed to the City at the northeast corner of the property, at the intersection of Lindsay Street South and Melbourne Street West, as per the City of Kawartha Lakes Road Infrastructure Guidelines. The site design and drawings shall be updated as required.
- The above comments have been shared with the applicant and necessary revisions will be completed during the Site Plan Application process.

## **Development Services – Planning Division Comments:**

Staff feel that, considering nature of the uses and the size of the subject lot, intensification of the lot by way of the proposed Official Plan and Zoning By-law Amendments can be supported from a land use perspective. Further review of the internal site layout and operation is required before a final determination can be made. A final recommendation on the proposal will be made once review of the Transportation Study submitted in support of the applications is complete.

## **Conclusion:**

Staff recommends that this report for the proposed Official Plan Amendment and Zoning By-law Amendment for 69-71 Lindsay Street South be referred back to staff for review until review of the Transportation Study is complete and comments from the public have been addressed.

## **Attachments:**



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

**Appendix 'A'** – Location Plan

**Appendix 'B'** – Aerial Photo

**Appendix 'C'** - Site Plan

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

**Department File:** D01-2022-001 and D06-2021-029