

## Planning Report

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**Report Number:** PLAN2022-023

**Meeting Date:** April 6, 2022

**Title:** Woods of Jennings Creek Phase 1 - Block Development - Exemption from Part Lot Control Provisions of the Planning Act, Development Agreement and Dedication of 0.3 metre reserves, Alcorn Drive, Lindsay – Regis Homes Limited

**Description:** Part Lot Control, Development Agreement and Dedication of 0.3 metre reserves to permit 15 lots in Woods of Jennings Creek Phase 1 - Block Development by Exempting Blocks 79, 80, 105 and 106, Plan 57M-802 from the Part Lot Control Provisions of the Planning Act; Development Agreement and the Dedication of 0.3 metre reserves being Blocks 108 and 109, Plan 57M-802 in the former Town of Lindsay on properties identified as vacant land on Alcorn Drive, Lindsay (Regis Homes Limited)

**Author and Title:** Sherry L. Rea, Development Planning Supervisor

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### Recommendations:

**That** Report PLAN2022-023, **Regis Homes Limited – Part Lot Control Exemption Request, Application D05-2021-003**, be received;

**That** the Development Agreement for Regis Homes Limited, substantially in the form attached as Appendix C to Report PLAN2022-023, be approved by Council;

**That** the two (2) by-laws, substantially in the form attached as Appendices D and E respectively to Report PLAN2022-023, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any agreements, by-laws and documents required by the approval of these applications.

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

**Financial/Legal/HR/Other:** \_\_\_\_\_

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

## **Background:**

The Plan of Subdivision known as Woods of Jennings Creek (WOJC) – Phase 1 was approved by Council and registered as Plan 57M-802. The proposed lots in Plan 57M-802 were for single detached dwellings. Included in Plan 57M-802 were Blocks 79, 80, 105 and 106, which were intended for residential development but not individually lotted under the Plan to maintain the maximum 100 lot draft plan approval policy in the Town of Lindsay Official Plan on the balance of the land. The application for Plan of Subdivision for Woods of Jennings Creek was originally submitted by Dunster Investments Inc. The subject property together with Woods of Jennings Creek Phases 2 and 3 were subsequently sold and purchased by the current owner Regis Homes Limited c/o Spencer Feeley. The current application was submitted on March 17, 2021. All items were received and the application was deemed complete on June 11, 2021.

The applicant has applied to exempt Blocks 79, 80, 105 and 106 of Plan 57M-802 to permit the subdividing of the blocks to create 15 residential lots with 8 lots proposed on the north side of Alcorn Drive and 7 lots proposed on the south side of Alcorn Drive. The lots are intended to be developed with single detached dwellings. See Appendices A and B.

As a condition of the proposed development, the owner will enter into a Development Agreement with the City to facilitate construction of the roadways and municipal services. See Appendix C.

Owner: Regis Homes Limited c/o Spencer Feeley

Applicant: Weston Consulting c/o Kayly Robbins

Legal Description: Blocks 79, 80, 105 and 106, Plan 57M-802, former Town of Lindsay, now City of Kawartha Lakes

Designation: Residential' on Schedule A of the Town of Lindsay Official Plan

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

Lot Size: Parts on R-Plan

North of Alcorn Drive:	Area:	Frontage:
Parts 1 to 7	480 sq.m.	15.00 m
Part 8	655 sq.m.	18.25 m

Parts on R-Plan

South of Alcorn Drive:	Area:	Frontage:
Parts 1 to 6	480 sq.m.	15.00 m
Part 7	572.6 sq. m.	20.50 m

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

Existing Uses: Vacant Land

Adjacent Uses: North: Woods of Jennings Creek – Phase 2 Proposed residential development

East: Proposed Extension of Victoria Avenue North and Other Land Owned by the Applicant (WOJC – Phase 3)

South: Residential

West: Residential and Woods of Jennings Creek Parkland

## Rationale:

The owner has applied for an exemption from Part-Lot Control for Blocks 79, 80, 105 and 106, Plan 57M-802 being Parts 1 to 8 and Parts 1 to 7 on the two (2) Draft Reference Plans attached as Appendix B. The land is currently vacant and unserviced. The purpose of an exemption from Part Lot Control is to permit the further division of the subject Blocks into transferable lots. The owner will then transfer ownership of each lot and apply for building permits to construct single detached dwellings. The proposed exemption will permit these transfers to occur.

Part Lot Control is provided as an alternative process to Consent under the Planning Act and is used where the subject lands are included in a Plan of Subdivision and described either as a Lot or a Block:

- where the subject land is covered by a zoning by-law that clearly establishes the minimum lot frontage and the minimum lot area for the proposed use; and
- where the subject land is covered by a subdivision agreement registered on title that will be in effect during the time of the Part Lot Control By-law is in effect and which provides for the passing of a Part Lot Control By-Law under Section 50(7) of the Planning Act.

The subject land complies with all of the above criteria. The proposed By-law exempting these Blocks from Part Lot Control is attached as Appendix D.

As noted above, as a condition of the development, the owner will enter into a Development Agreement with the City to facilitate construction of the roadway and municipal services. The proposed development will be completed on full municipal services, including water, sanitary and storm sewers, the cost of which will be paid for by the developer.

Blocks 108 and 109, Plan 57M-802, on the north and south sides of Alcorn Drive were established as 0.3 m. reserves to limit access beyond the boundaries of the development within the associated Plan of Subdivision. It is necessary to lift and dedicate those portions of Blocks 108 and 109, Plan 57M-802 as public highway to permit legal access to the lots to be created with the lifting of Part Lot Control. See Appendix E attached. The applicable portions of Blocks 108 and 109 are further defined as Parts 8 and 9 on the draft reference plans attached as Appendix B. The respective parts have been confirmed with Development Engineering and Public Works and the applicant has been directed to deposit the reference plan with registration particulars to be added to the draft by-law prior to Council's consideration of the dedication by-law.

## **Applicable 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. This development is providing for additional low impact development measures.

On this basis, the application conforms to the policies of the Growth Plan.

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

The Provincial Policy Statement (PPS, 2020) 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.

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). 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. This development is outside of natural heritage and hydrologic features, and outside of natural hazards. The development has been anticipated and planned for with the approval of the original Woods of Jennings Creek – Phase 1 development.

On this basis, the application is consistent with the policies of the PPS, 2020.

### **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 as recommended by the City's 2011 Growth Management Study (GMS).

The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Ontario Lands Tribunal (OLT). Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'Residential' on Schedule A of the Official Plan. The predominant use of lands shall be for single detached dwellings.

On this basis, the proposal conforms to the policies of the Lindsay Official Plan.

### **Zoning By-law Compliance:**

The Blocks in this development are currently zoned Residential One Special Seventeen (R1-S17) Zone in the Town of Lindsay Zoning By-law 2000-75. The proposed lot frontages and lot areas comply with the R1-S17 Zone.

On this basis, the proposal complies with the Zoning By-law.

### **Other Alternatives Considered:**

While the owner could apply to the Committee of Adjustment for Consents, staff considers Part Lot Control Exemption a more appropriate and efficient process to create these lots. 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 Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality and the Exceptional Quality of Life priority by increasing the availability of housing stock.

## **Financial/Operation Impacts:**

There are no financial considerations as Council's approval or refusal to grant the Part Lot Control Exemption cannot be appealed to the Ontario Land Tribunal.

## **Servicing Implications:**

The servicing for each of the proposed lots which includes water, sanitary sewer and storm sewer services has been approved and will be secured for through the Development Agreement which will be registered on title to the property.

## **Consultations:**

There are no notice requirements under the Planning Act; however, the City's Engineering Division along with KRCA reviewed the engineering submissions and contributed to the Development Agreement.

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

The background information which has been submitted in support of the application has been circulated to KRCA and the City's Engineering Division for review and comment. The application conforms to the 2020 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes and Town of Lindsay has been confirmed.

## Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed By-laws and Development Agreement be **Approved**.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Sherry Rea, Development Planning Supervisor, [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca) or 705.324.9411 x 1331.

### Appendix A – Location Map



20220406 Appendix  
A Location Map.pdf

### Appendix B – Draft Reference Plans



20220406 Appendix  
B Draft Reference Pla

### Appendix C – Draft Development Agreement



20220406 Appendix  
C Draft Development .

### Appendix D – Part-Lot Control By-law



20220406 Appendix  
D Part Lot Control By-

## Appendix E – Dedication By-law



20220406 Appendix  
E Dedication By-law.pdf

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

**Department File:** D05-2021-003