



Planning Advisory Committee Report

Report Number: PLAN2022-021

Meeting Date: April 6, 2022

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: Regular Meeting

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

Recommendations:

That Report PLAN2022-021, **Elm Bobcaygeon (2018) Inc. – Applications D06-2021-024 and D05-2021-004**, be received;

That the zoning by-law amendment, substantially in the form attached as Appendix C to Report PLAN2022-021, be referred to Council for approval and adoption;

That the Draft Plan of Subdivision (16T-21502), Application D05-2021-004, as shown on Appendix 'B' and the conditions substantially in the form attached as Appendix 'D' to Report PLAN2022-021, be referred to Council for approval and adoption;

That in accordance with Section 34(17) of the Planning Act, Council having considered the changes to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Background:

The statutory public meeting was held by the Planning Advisory Committee on December 1, 2021 and the following resolution was passed:

PAC2021-081

Moved By Mayor Letham

Seconded By W. Brumwell

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.

Carried

This report addresses that direction.

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 original draft plan of subdivision (16T-06505) for 45 single detached dwelling units lapsed. The current owner submitted a revised proposal that would increase the density of the development from the original 45 units to permit a 70 residential unit development with a mix of single, semi-detached, and townhouse units 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 Nineteen (R1-S19) Zone;
- b) Urban Residential Type Two Exception Sixteen (R2-S16) Zone; and
- c) Urban Residential Type Two Exception Seventeen (R2-S17) 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.

Owners: 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 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; 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 larger rural lots on the north side of Bick Street; single detached dwellings on smaller urban lots on 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). The property is currently vacant and consists of approximately 3.84 ha.

The property was previously draft plan approved under file 16T-06505 for 45 single detached dwelling lots, representing 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 for a 70-unit draft plan of subdivision, in accordance with the intent of the Growth Plan.

The applicant has applied 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 B.

The companion zoning by-law amendment proposes the 6 lots for single detached dwellings will change to the Urban Residential Type One Exception Nineteen (R1-S19) Zone; the 18 lots for semi-detached dwellings will change to the Urban Residential Type Two Exception Sixteen (R2-S16) Zone; the 6 blocks for townhouse dwellings will change to the Urban Residential Type Two Exception Seventeen (R2-S17) Zone; and the block for the stormwater management pond will change to the Open Space Exception Three (O1-S3) Zone to correspond with the proposed draft plan of subdivision. Further details of the proposed zone changes are provided in the table under the heading Zoning By-law Compliance below.

To address issues and concerns raised through the public process and by the circulated commenting agencies and City Departments, the following changes and/or additional information have been provided:

Servicing:

- Further design details have been confirmed for the development to ensure that adequate services can be constructed and that adequate water and sewer capacity exist for the proposed development and to provide allocation to service the existing lots on the north side of Bick Street; and,
- Stormwater design has been updated to accommodate existing conditions and external drainage to the site based on LiDAR data (more accurate). Final details will be refined through the detailed design phase (to satisfy conditions of draft plan approval).

Traffic/Parking:

- Additional details for on-street parking and road design will be provided at the detailed design phase (to satisfy conditions of draft plan approval); and
- The proponent previously confirmed that each dwelling unit will have a minimum of two (2) on-site parking spaces, in accordance with the Zoning By-law.

Planning:

- A revised draft Zoning By-law and revised draft plan of subdivision have been submitted, taking into account changes necessary for addressing the above noted issues; and
- Landscape details (regarding street trees, etc.) and headlight mitigation measures will be provided at the detailed design stage (to satisfy conditions of draft plan approval).

The above revised information has been circulated to the appropriate agencies and City Departments for review and comment.

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 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 proposal is subject to Section 2.2.7 – Designated Greenfield Areas, of the City of Kawartha Lakes 2011 Growth Management Strategy (GMS), which requires new development meet a density of not less than 40 residents and jobs per hectare, measured over the entire Greenfield Area. The Planning Justification Report (PJR) prepared by D.M. Wills Associates Limited notes the proposed development will help assist the City in achieving its intensification targets as established under the Growth Plan. With the increase in density and units, the project will achieve an estimated

density of 41.9 people per hectare (pph) compared to 26.9 pph based on the draft plan which lapsed.

On this basis, these applications demonstrate conformity with the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement, 2020 (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. 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; and
- 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. The applicant submitted a Functional Servicing Report and a Stormwater Management Report, both prepared by D.M. Wills Associates Limited. The reports, along with subsequent updates have concluded that the development can be serviced with municipal water and sewer, and an on-site stormwater management pond.

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). The applicant submitted a Species at Risk (SAR) Assessment, which indicates no adverse impacts are anticipated to SAR or to SAR habitat, as long as the recommendations with respect to vegetation removal are followed.

Staff reviewed the PJR prepared in support of the zoning by-law amendment and plan of subdivision and circulated the technical reports to appropriate agencies and City departments. Staff is accepting of creating a low and medium density residential development on this site. This is an opportunity to create housing in the municipality that is an alternative to single detached dwellings, providing alternate housing opportunities or residents depending on their needs. Staff agrees that the proposal promotes efficient development and land use patterns and supports compact urban form. The proposal promotes cost-effective development standards to minimize land consumption, servicing costs to the City and supports an opportunity for intensification. On this basis, these applications are consistent with the policies of the PPS.

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 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 are 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. On this basis, conformity with the policies of the VCOP have been 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) Urban Residential Type One Exception Nineteen (R1-S19) Zone to permit single detached dwellings subject to site-specific development standards;
- b) Urban Residential Type Two Exception Sixteen (R2-S16) Zone to permit semi-detached dwellings subject to site-specific development standards; and
- c) Urban Residential Type Two Exception Seventeen (R2-S17) Zone to permit townhouse dwellings subject to site-specific development standards.

The R1-S19 exception zone provisions permit for site-specific development standards for the single detached dwellings as follows:

Zone Standard:	'R1' Zone:	Proposed 'R1-S19' Zone:
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, Exterior Side and Rear Yards	0.0 metres	1.8 metres

The R2-S16 and R2-S17 exception zone provisions permit for site-specific development standards for the semi-detached and townhouse dwellings respectively as follows:

Zone Standard:	R2 Zone:	Proposed R2-S16 Zone:	Proposed R2-S17 Zone:
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	300 square metres	290 square metres

Zone Standard:	R2 Zone:	Proposed R2-S16 Zone:	Proposed R2-S17 Zone:
	dwelling units, plus 550 square 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, Exterior Side 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 proposed layout and overall design of the development has not changed since the initial submission. The goal is to provide for more intensive housing than permitted under the current R1-S13 standards, which apply to the Phase 1 Arizona Heights development.

The original submission did not provide a specific zone category for the stormwater pond block. As such, staff recommend creating a site-specific Open Space Exception Three (O1-S3) Zone for the block. This has been the accepted practice for stormwater management facilities in other urban areas of the City. In addition, the applicant has

requested to add the exterior side yard to the list of yards subject to the porch, deck and stairs encroachment.

Through a full zoning compliance review, the additional minor development standards noted above have been identified. Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting, and to determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

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 are 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:

Full urban municipal services, including water and sanitary sewer are proposed. The Functional Servicing Report and Stormwater Management Report were circulated to the Engineering and Corporate Assets Department and to Kawartha Conservation for review and comment. The Engineering and Corporate Assets Department has provided draft plan conditions that will be reviewed and approved prior to registration of the M-Plan on title.

Consultations:

Notice of these applications were 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 Public Meeting was held by the Planning Advisory Committee on December 1, 2021. Including the writing of the original report for the Public Meeting and as of March 29, 2022, we have received the following comments:

Public Comments:

Comments and inquiries were received from residents S. and D. Noll, L. Pickering, L. Britton, J. Tyas, G. and V. Murphy, R. Vickers, G. and D. Eves, and C. Racioppo. 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;
- Applicability of the City's Mandatory Connection By-law;
- Existing drainage issues on Bick Street;
- Traffic issues with increasing the number of vehicles on Bick Street;
- Impact of vehicle headlights on some existing homes;

- Protection of mature street trees along the north side of Bick Street;
- Road setbacks, on-site parking, and on-street 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 and agency comments that were received have been reviewed and are being responded to by the applicant. Further to the issues noted above, Planning provides the following for consideration:

- The Secondary Plan appeal status does not impact this proposal, as the proposal conforms with the existing VCOP policies;
- Updated servicing information related to water and sewer treatment capacity has been submitted and assessed by the Engineering and Corporate Assets Department. The proposed draft plan conditions ensure the proposed development is responsible for these costs;
- The properties on the north side of Bick Street will be subject to the City's Mandatory Connection By-law, and servicing allocation assigned based on the existing development. Should their existing services (well and septic) fail, they will have access to City water and sewer. There will be an annual base charge assessed to each property in accordance with the By-law;
- Existing drainage issues have been assessed by the applicant, along with the City and Kawartha Conservation and can be mitigated through detailed design;
- The tenure of the proposed development has been identified as freehold units;
- All local school boards have been notified of this proposal, and will be required to provide access to schools and/or bussing as necessary;
- The applicant has confirmed that on-site parking will be provided in compliance with the Zoning By-law;
- The implementation of any necessary design measures such as the impact of vehicle headlights on existing homes, the location of on-street parking spaces and landscaping can be addressed through the subsequent subdivision agreement, as a condition of draft plan approval;
- The protection of the mature street trees along the north side of Bick Street will be considered through the detailed design.

Agency Review Comments (most recent response):

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.
March 4, 2022	Kawartha Conservation provided a list of questions to be addressed, relating to their review of the proposal. These questions can be addressed through the proposed draft plan conditions.
March 28, 2022	The Engineering and Corporate Assets Department provided draft plan conditions.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The proposed draft plan conditions have incorporated the necessary provisions to ensure any outstanding issues are addressed through the detailed design phase of the subdivision, including confirmation that all Kawartha Conservation comments have been addressed satisfactorily.

The application conforms to the Growth Plan, and is consistent with the PPS. Conformity with the VCOP policies for residential development has also been demonstrated. The rezoning will permit the single, semi and townhouse dwelling use on the property, and implement the development standards specific to the development

proposal. The detailed design of the townhouse development will be subject to Site Plan Control.

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 Plan of Subdivision (16T-21502) application together with the draft plan conditions be referred to Council for **Approval**.

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 or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2022-021
Appendix A.pdf

Appendix B – Proposed Draft Plan of Subdivision



PLAN2022-021
Appendix B.pdf

Appendix C – Proposed Zoning By-law Amendment



PLAN2022-021
Appendix C.pdf

Appendix D – Proposed Draft Plan of Subdivision Conditions



PLAN2022-021
Appendix D.pdf

Appendix E – Proposed Site Plan, dated July 29, 2021



PLAN2022-021
Appendix E.pdf

Department Head email:

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Department Head:

Richard Holy, Director of Development Services

Department Files:

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