



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-029

**Meeting Date:** July 6, 2022

**Title:** Amend the Ops Zoning By-law 93-30 at 460 Thunder Bridge Road, Lindsay – Tribute (Lindsay 2) Limited

**Description:** An application to amend the Township of Ops Zoning By-law to permit a 'Home Sales Establishment' with 5 model homes (6 future residential units) and associated site development standards on the property identified as 460 Thunder Bridge Road, Lindsay (Tribute (Lindsay 2) Limited)

**Type of Report:** Public Meeting

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

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### Recommendations:

**That** Report PLAN2022-029, **Amend the Ops Zoning By-law 93-30 at 460 Thunder Bridge Road, Lindsay – Tribute (Lindsay 2) Limited – Application D06-2022-013**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2022-013, be referred to Council for approval and adoption; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

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

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

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

## **Background:**

The applicant has filed three existing applications as follows: draft plan of subdivision 16T-20501 (File D05-2020-001); official plan amendments (File D01-2020-006); and zoning by-law amendments (File D06-2020-024) for the property at 460 Thunder Bridge Road in Lindsay. In addition, the applicant has submitted a new application for a zoning by-law amendment. This proposal subject to the new zoning by-law amendment is to change the zoning from the 'Future Community Development (FCD) Zone' to the 'Future Community Development Exception One (FCD-1) Zone' to permit a 'Home Sales Establishment including 5 model homes (including a total of 6 units), and to amend the site-specific development standards associated with this temporary sales establishment.

Owner/Applicant: Tribute (Lindsay 2) Limited c/o Paul Watson

Legal Description: 57R-9112 Part 1; Part of Lots 24 & 25, Concession 4, Geographic Township of Ops, Former Town of Lindsay

Designation: 'Institutions and Community Facilities', and 'Future Residential' on Schedule 'A' of the Township of Ops Official Plan; and  
  
'Residential', 'Local Commercial', 'Institutions and Community Facilities', and 'Parks and Open Space' on Schedule 'JC2' of the Town of Lindsay Official Plan

Zone: 'Future Community Development (FCD) Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30 and on Schedule 'A' of the Town of Lindsay Zoning By-law Number 2000-75. Portions of the property are subject to the provisions of Section 2.8 and the 'Airport Height Restrictive Areas' identified on Schedule 'B' of By-law 93-30

Lot Area: 126.2 hectares [311.8 acres] of which approximately 0.7 ha. [1.73 ac.] are proposed for this development

Site Servicing: Current – Not serviced  
  
Future – Proposed full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses: Vacant Future Development Land

|                |        |  |
|----------------|--------|--|
| Adjacent Uses: | North: | Thunder Bridge Road; Agricultural  |
|                | East:  | Low Density Residential; Angeline Street North; Low Density Residential (Springdale Gardens Subdivision)         |
|                | South: | Jennings Creek; Low Density Residential (Ravines of Lindsay Subdivision); Agricultural/Vacant Future Development |
|                | West:  | Highway 35; Kawartha Lakes Municipal Airport; Agricultural   |

### Rationale:

The property is located on the east side of Highway 35; the south side of Thunder Bridge Road; the west side of Angeline Street North; and the north side of Jennings Creek, in the Jennings Creek Community Development Plan Area in the northwest quadrant of Lindsay. See Appendix 'A'. The proposed future development of the subject land includes low and medium density residential development; local commercial uses; institutional uses (a school); and open space properties (parks, stormwater management facilities, and natural corridors); serviced by a number of new municipal roads, shown on a conceptual Master Plan.

Currently, the entire property is zoned 'Future Community Development (FCD) Zone' in both the Town of Lindsay Zoning By-law and Township of Ops Zoning By-law, respectively. This zoning by-law amendment proposes to rezone a portion of the land in the Ops Zoning By-law (approximately 0.7 ha.) along the north frontage of the property at the future southwest intersection of Street 'A' and Thunder Bridge Road from the 'Future Community Development (FCD) Zone' to the 'Future Community Development Exception One (FCD-1) Zone'. See Appendix 'B'. This rezoning will permit a Home Sales Establishment along with 5 model homes (containing 6 future residential units) as a temporary use on the property; and to include the use of an exception zone to provide for the relevant development standards for this proposal. See Appendix 'C'. This will allow for the sales establishment centre to be constructed in a timely manner, prior to finalizing the future development plans for the property.

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 Brief prepared by The Biglieri Group Ltd., dated April 5, 2022. The Brief discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan); the

- Township of Ops Official Plan; the Council adopted and appealed Lindsay Secondary Plan; and the Township of Ops Zoning By-law 93-30.
2. A Draft By-law prepared by The Biglieri Group Ltd., dated March 29, 2022.
  3. Stormwater Management Memorandum – Temporary Sales Office prepared by Candevcon East Limited, dated April 13, 2022. The Memorandum discusses the lot grading and drainage for the site as it relates to the temporary use.
  4. Driveway Access and Parking Considerations Memo prepared by Paradigm Transportation Solutions Limited, dated April 11, 2022. The Memo discusses the sight line considerations for the access and parking requirements for the temporary use.
  5. Temporary Sales Office Site Plan prepared by Cassidy + Company, dated February 2022, last revised April 11, 2022.
  6. Temporary Sales Pavilion Plan and Elevations prepared by Cassidy + Company, dated February 24, 2022.
  7. Temporary Sales Office Site Grading Plan prepared by Candevcon East Limited, dated March 30, 2022.
  8. Site Lighting Photometric Plan prepared by D.G. Biddle & Associates Limited, dated April 2022, last revised April 20, 2022.
  9. Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated March 25, 2020.
  10. Plan Illustrating Topography prepared by Coe Fisher Cameron Land Surveyors, dated March 25, 2020.
  11. Response Letter to MTO Comments prepared by Candevcon East Limited, dated June 2, 2022. The letter addresses MTO's comments relating to clarification on the impacts of the stormwater management design on the MTO Highway.

All the reports have been circulated to the applicable City Departments and commenting agencies 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):**

The land is 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 Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. This application will serve to permit the efficient future development of the land.

The applicant has submitted the appropriate technical reports for consideration and review. On this basis, the application conforms to 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.

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). There are no natural heritage or hydrologic features on the portion of the site subject to this proposal.

The applicant has submitted the appropriate technical reports for consideration and review. On this basis, the application is 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 Lindsay. The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Ontario Land Tribunal (the 'Tribunal'). Due to the appeals, the subject land remains under the jurisdiction of the Township of Ops Official Plan (Ops Official Plan) and the Town of Lindsay Official Plan (Lindsay Official Plan). The portion of the lot subject to this application is designated

'Institutions and Community Facilities' on Schedule 'A' of the Ops Official Plan. Development of the entire property is subject to the policies of Sections 7.2.6 and 7.6.5 in the Township of Ops Official Plan (Ops Official Plan), and the Jennings Creek Community Development Plan (JCCDP) in the Town of Lindsay Official Plan (Lindsay Official Plan).

In accordance with Section 7.6.5.1 of the Ops Official Plan, the 'Institutions and Community Facilities' designation on this property permits a golf course and related ancillary uses. In the event that all or part of the lands designated as 'Institutions and Community Facilities' are not developed for a golf course use, such land shall assume the 'Future Residential' designation. The Planning Brief notes that the applications currently in progress (File numbers D01-2020-006, D06-2020-024 and D05-2020-001) propose residential uses on the subject property over the long term. In accordance with policy 7.2.6.2 of the Ops Official Plan, the use of 'Future Residential' lands shall be for a variety of low and medium density residential uses when it has been determined that additional lands are required in the municipality to accommodate future growth and development.

The City of Kawartha Lakes Official Plan (2012) Schedule 'A5' has now been approved by the Tribunal, and the property is within the Urban Settlement Area boundary. As such, the lands are required to accommodate future growth and development. The Planning Brief states 'that it is now appropriate for the lands to accommodate a variety of low and medium density residential uses' and the current planning applications noted above are intended to facilitate the same. The Planning Brief concludes that the 'Homes Sales Establishment and Model Homes' are an accessory interim use of the land, intended to facilitate the future development of residential uses on the site. Planning staff are accepting of this rationale.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Ops Official Plan. On this basis, conformity with the policies of the Ops Official Plan have been demonstrated.

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

The lot is zoned 'Future Community Development (FCD) Zone' in the Township of Ops Zoning By-law 93-30 (the 'Zoning By-law') as well as the Town of Lindsay Zoning By-law 2000-75 (the 'Lindsay Zoning By-law'). The applicant has requested to change the zone category on a portion of the lot to permit a temporary Home Sales Establishment along with 5 model homes (containing 6 future residential units). The portion of the lot is

currently subject to the 'FCD' zone in the Zoning By-law, which only permits 'existing legal uses', 'agricultural uses', and 'public utilities'.

### **Exception Zone:**

The new 'Future Community Development Exception One (FCD-1) Zone' will continue to permit this limited list of uses, and add the Home Sales Establishment and model home use for a specific portion of the lot. The 'FCD-1' zone will also provide the development standards, including setbacks, parking, etc. based on the existing similar standards in the Zoning By-law, as follows:

| <b>Zone Standard:</b>   | <b>Existing 'FCD' Zone:</b> | <b>Proposed 'FCD-1' Zone:</b>  |
|-------------------------|-----------------------------|--|
| Permitted Uses          | As listed above             | <ul style="list-style-type: none"><li>As listed above; and</li><li><b>A Home Sales Establishment with 5 model homes (containing 6 units)</b></li></ul> |
| Parking (Minimum)       | Currently N/A               | <b>20 parking spaces including a minimum of 1 accessible parking space</b>   |
| Loading Space           | Currently N/A               | <b>1 loading space</b>   |
| Maximum Building Height | 10.5 metres                 | <b>11 metres</b>   |

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. On this basis, full compliance with the provisions of the Zoning By-law have been demonstrated.

### **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

This application aligns with the Vibrant and Growing Economy priority by allowing for the sales centre and model homes to be constructed on a portion of the property that will form one of the later phases of the future development.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment 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 future development of the property will be serviced by full urban municipal services, including water, sanitary sewer and storm sewer. The temporary use will be serviced by a Class 5 Holding Tank.

### **Consultations:**

Notice of this application was circulated to agencies and City Departments which may have an interest in the application; to persons within a 120 metre radius of the property; and a sign was posted on the property. As of June 21, 2022, we have received the following comments:

#### **Public Comments:**

To date, no formal public comments about the sales centre proposal have been received. One member of the public requested clarification on accessing the public meeting.

#### **Agency Review Comments:**

|              |   |
|--------------|---|
| May 12, 2022 | The Building and Septic Division has no concerns, save and except any comments from the Part 8 Sewage Systems Program.  |
| May 17, 2022 | The Building and Septic Division – Part 8 Sewage Systems has no concerns with the application, subject to the following comments: A Class 5 Holding Tank can be permitted for installation on an interim basis to service a proposal until municipal sewers can be provided to the property. An application for a sewage system permit will be required for the installation of any private sewage disposal system. In addition, the owner will |

need to obtain a sewage haulage agreement for the maintenance and disposal of the sanitary waste for the duration of the temporary approval.

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|---------------|--|
| May 18, 2022  | Enbridge Gas Inc. advised they do not object to the proposed application, however reserve the right to amend their development conditions.   |
| May 19, 2022  | Alderville First Nation advised that Lindsay is in the Treaty 20 territory, and Alderville First Nation is not a signatory to this treaty.   |
| May 25, 2022  | The Ministry of Transportation Ontario (MTO) advised they have no concerns with the proposed entrance; requested clarification and/or confirmation on whether flows from stormwater would impact the Highway 35 culvert crossing; and advised an MTO sign permit is required for any signs visible from the highway. |
| May 31, 2022  | The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law Amendment. All supporting documentation was reviewed to a preliminary standard, and a detailed Engineering review and comments will be provided at the time of Site Plan Approval.                      |
| June 16, 2022 | MTO advised they acknowledge that as the drainage changes proposed to support the sales centre are minor and accept the reasoning provided by the consultant, with the understanding that the proponent all the risk, should there be any unanticipated drainage impacts to the highway because of these changes.    |

### **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 application conforms to the Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the Township of Ops Official Plan has also been demonstrated.

The rezoning will permit the Home Sales Establishment and 5 model homes on a portion of the property. The Home Sales Establishment use 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 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](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

### Appendix A – Location Map



PLAN2022-029  
Appendix A.pdf

### Appendix B – Location Survey, dated March 25, 2020



PLAN2022-029  
Appendix B.pdf

### Appendix C – Proposed Site Plan, dated April 11, 2022



PLAN2022-029  
Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



PLAN2022-029  
Appendix D.pdf

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Department File:** D06-2022-013