



Planning Advisory Committee Report

Report Number:	PLAN2022-053
Meeting Date:	September 14, 2022
Title:	Town of Lindsay Official Plan Amendment and Zoning By-law Amendment for 69-71 Lindsay Street South, Lindsay
Description:	To amend the Town of Lindsay Official Plan and Comprehensive Zoning By-law 2000-75 to permit a commercial redevelopment on the subject.
Type of Report:	Regular Meeting
Author and Title:	Jonathan Derworiz, Planning Officer – Large Developments & Urban Design

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 an Official Plan Amendment respecting application D01-2022-001, substantially in the form attached as Appendix D to Report PLAN2022-053, be approved and adopted by Council;

That a Zoning By-law Amendment respecting application D06-2021-029, substantially in the form attached as Appendix E to Report PLAN2022-053, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting for these applications was held by the Planning Advisory Committee on March 9, 2022. The following resolution was passed:

PAC2022-014

Moved By Mayor Letham

Seconded By Councillor O'Reilly

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; and

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.

Carried

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 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 were initially proposed following demolishing of the existing commercial building and manual car wash with drive thru. Following the public meeting and discussions with staff, the applicant has removed the drive-thru ancillary to the restaurant (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.
- 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, amended August 2022), 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 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 which demonstrates significant economic development. The proposed amendments are necessary to facilitate the proposal.

Staff feel that the proposed amendments demonstrate conformity with the PPS.

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.

Staff feel that the proposed redevelopment of the site demonstrates conformity with the Growth Plan.

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 258 square metres, 77 square metres, and 112.5 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, low-profile design, and proposed land uses, the proposed amendments achieve conformity with the Official Plan.

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 the car wash. The LC-S7 Zone would be deleted and replaced with an LC-S8 Zone that permits the proposed motor vehicle washing establishment as a second building.

Staff feel that the proposed uses and redevelopment are appropriate within the Local Commercial Zone.

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:

Prior to the Statutory Public Meeting, 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.

March 2022 (Shannon Minaker, Carrie Morton and Shane Doyle): submitted a letter detailing concerns with the potential increase in traffic, traffic operational issues, and pedestrian safety.

March 2022 (Baig, Mirza R.): submitted a letter expressing opposition to the proposed as he is an owner of a similar business currently operating.

March 2022 (Shaw, Tejas): submitted a petition with 91 valid signatures in opposition to the proposed amendments with the following description:

“Bay Car Wash located on Lindsay Street, should be developed for low income housing. According to the City of Kawartha Lakes Website a person can expect to wait 5-7 years for affordable housing. Developing this area for another Car Wash or another gas station would be a drain on the water supply. The noise another Car Wash would create would be an inconvenience to the residents around that area. The drive-thru would cause back ups of traffic on Lindsay Street more than it is now. Another Gas/Station/Car Wash is not what Lindsay needs.”

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. During the public meeting, residents expressed concerns with the two proposed drive-thrus and the potential effects of regularly having drive-thru traffic adjacent to their homes. Noise and odour from the stacking lanes was of significant concern to the neighbours. Following further review and discussion with the applicant, the restaurant drive-thru was removed. Staff are of the opinion that this will reduce concerns as they pertain to traffic, odour, noise and internal site operations. With a single drive-thru for the car-wash proposed, staff support the amendments.

Staff note that a petition with 91 signatures was received from Tejas Shaw in March 2022. While staff appreciate Shaw's concern for affordable housing, staff reiterate that this is not what is proposed by the applicant. The City has sufficient lands to accommodate affordable housing options should the development community choose to construct this elsewhere. With regards to water supply and traffic issues, these applications have been circulated and reviewed by appropriate departments and agencies for confirmation that the proposed uses can occur without improvements to infrastructure or servicing.

Staff also note the comments received from owners of similar businesses and respectfully conclude that competition among businesses at this level is not something that amendment applications contemplate.

The Holding (H) symbol will be placed on the zoning in order that the property goes through site plan approval to ensure that all necessary property design is fulfilled. The also allows the City to obtain the road widening and site triangle.

Conclusion:

In consideration of the comments and analysis contained in this report, Staff respectfully recommends that the proposed Official Plan and zoning by-law amendments to permit a convenience store with restaurant, gas bar and car wash at 69-71 Lindsay Street South be forwarded to Council for **Approval**.

Attachments:

Appendix 'A' – Location Plan



Appendix A.pdf

Appendix 'B' – Aerial Photo



Appendix B.pdf

Appendix 'C' – Revised Site Plan



Appendix C.pdf

Appendix 'D' – Proposed Official Plan Amendment



Appendix D.pdf

Appendix 'E' – Proposed Zoning By-law Amendment



Appendix E.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

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