



Planning Advisory Committee Report

Report Number:	PLAN2022-064
Meeting Date:	October 12, 2022
Title:	Draft Plan of Subdivision at Vacant Land on Kawartha Lakes Road 36, Ops – Flato Community Lindsay Inc.
Description:	An application to permit a residential plan of subdivision consisting of 15 blocks for 84 townhouse dwelling units; 2 blocks for future development; and 3 municipal roads on the property identified as Vacant Land on Kawartha Lakes Road 36, Ops (Flato Community Lindsay Inc.)
Type of Report:	Public Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2022-064, **Draft Plan of Subdivision at Vacant Land on Kawartha Lakes Road 36, Ops, Flato Community Lindsay Inc. – Application D05-2022-003**, be received; and

That PLAN2022-064 respecting Application D05-2022-003 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted an application for a draft plan of subdivision for the property identified as Vacant Land on Kawartha Lakes Road 36 in Lindsay. The proposal is to permit an 84 unit two storey townhouse development. The draft plan of subdivision will create the blocks, which will divide into townhouse lots by using the Part Lot Control provision of the Planning Act. This allows them to be sold separately without requiring consent applications to create each lot. The applicant filed a Preconsultation application with the City which was considered in June of 2021, and considered premature, as the lands were not within the Urban Settlement Boundary for Lindsay at that time. Subsequent to that time, the owner has obtained a Minister's Zoning Order (MZO), and the Ontario Land Tribunal (the 'Tribunal') passed an Order, which placed the entirety of the property in the Urban Settlement Boundary of Lindsay. The applicant first submitted this application in June of 2022. All items were received and the applications deemed complete on September 8, 2022.

Owner:	Flato Community Lindsay Inc. c/o Shakir Rehmatullah
Applicant:	Malone Given Parsons c/o Matthew Cory
Legal Description:	57R-10414 Parts 1 & 2; Part of Lot 20, Concession 7, geographic Township of Ops
Designation:	'Urban Settlement Area' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	Minister's Zoning Order: Ontario Regulation 771/21, as amended
Lot Area:	3.2 hectares [7.9 acres]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land (Agricultural)
Adjacent Uses:	North: Low Density Residential; Trillium Lakeland District School Board Lindsay Education Centre & I.E. Weldon Secondary School East: Vacant Future Residential (Agricultural) South: Low Density Residential; Vacant Future Residential (Agricultural) West: Kawartha Lakes Road 36; Eastview Road; Low Density Residential

Rationale:

The property is located on the east side of Kawartha Lakes Road 36, opposite Eastview Road, near I.E. Weldon Secondary School, to the immediate east of Lindsay. See Appendix 'A'. The subject property is located in a mixed use area with single detached dwellings on private services along the east side of Kawartha Lakes Road 36; the Trillium Lakeland District School Board's Lindsay Education Centre and I.E. Weldon Secondary School to the north and east; commercial uses to the northwest; and existing agricultural uses to the south and east (future residential lands identified by a Minister's Zoning Order, or 'MZO'). See Appendix 'B'.

The property consists of approximately 3.2 hectares and does not contain any buildings or structures. The applicant is applying on behalf of the owners for a draft plan of subdivision to permit an 84 unit freehold townhouse complex development fronting on three new municipal roads. The current proposed townhouse concept consists of fifteen (15) blocks of townhomes, ranging from 4 units to 8 units per building; 2 future development blocks; and three (3) new municipal roads. See Appendix 'C' and 'D'. Each townhouse would have its own driveway and garage, and consist of a two storey unit. See Appendix 'E'. The proposed use and site specific development standards such as lot area, frontage, setbacks, and lot coverage are subject to a Minister's Zoning Order, Ontario Regulation 771/21, as amended.

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 Opinion Report prepared by Malone Given Parsons Ltd., dated June 2022. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 as amended (Growth Plan); the City of Kawartha Lakes Official Plan; and the Township of Ops Zoning By-law 93-30 and the Amended Minister's Zoning Order.
2. Planning Act Application Requirements Matrix prepared by Malone Given Parsons Ltd., dated July 4, 2022.
3. Functional Servicing Report prepared by CounterPoint Engineering Inc., dated June 2022. The report discusses and assesses the proposal in context of services, including water, sanitary sewer and stormwater management.
4. Phase 1 Environmental Site Assessment Report prepared by Soil Engineers Ltd., dated February 17, 2021, last revised May 21, 2021. The report discusses and assesses the historical uses on and around the property.

5. Phase 2 Environmental Site Assessment Report prepared by Soil Engineers Ltd., dated February 17, 2022. The report discusses and assesses the results of soil samples taken from the property.
6. Geotechnical Investigation Report prepared by Soil Engineers Ltd., dated August 2021. The report examines the existing soil and subsurface conditions of the site.
7. Preliminary Hydrogeological Assessment Report prepared by Azimuth Environmental Consulting, Inc., dated May 2022. The report examines the existing soil and subsurface conditions relating to the potential for the proposed development to impact existing conditions.
8. Traffic Impact Study prepared by D.M. Wills Associates Limited, dated June 2022. The report discusses and assesses the proposal in context of any improvements required to Kawartha Lakes Road 36 and the proposed new entrance.
9. Environmental Impact Study prepared by Beacon Environmental Limited, dated June 2022. The report discusses and assesses the potential to impact on the ecological functions of the natural environment and provide mitigation measures.
10. Stage 1-2 Archaeological Assessment prepared by AMICK Consultants Limited, dated June 27, 2022. The report describes the results of the 2022 Stage 1-2 Archaeological Property Assessment completed in June of 2022, and recommends that no further archaeological assessment of the study area is warranted.
11. Environmental Noise Assessment prepared by Valcoustics Canada Ltd., dated June 2, 2022. The report assesses the impact of noise on the development, and makes recommendations to mitigate traffic noise.
12. Topographic Plan of Survey prepared by Schaeffer Dzaldov Bennett Ltd., dated March 31, 2021.
13. Draft Plan of Subdivision prepared by Malone Given Parsons Ltd., last revised September 12, 2022.
14. Typical Block Elevations prepared by RN Design, dated June 22, 2022.

All the reports have been circulated to the applicable City Departments and commenting agencies for review and comment. Staff recommend that the application be referred back to staff to allow the public an opportunity to provide comment and until such time as all commenting agencies and City Departments comments and/or concerns have been addressed.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):

These lands are now 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 proposal is subject to Section 2.2.7 – Designated Greenfield Areas of the City of Kawartha Lakes 2011 Growth Management Strategy (GMS). The lands in the Greenfield Area are required to meet a density of not less than 40 residents and jobs per hectare, measured over the entire Greenfield Area.

The applicant has submitted the appropriate technical reports for consideration and review. Through the review and necessary revisions to the technical reports and plans, conformity with the policies of the Growth Plan should be demonstrated.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement (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. 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.

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 has submitted the appropriate technical reports for consideration and review. Subject to confirmation from the relevant City Departments and agencies and through the review and necessary revisions to the technical reports and plans, consistency with the policies of the PPS should be demonstrated.

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, however, the Boundary was the subject of an appeal to the Tribunal, and was resolved in spring of 2022. The Lindsay Secondary Plan was adopted by Council in June 2017, and is currently under appeal to the Tribunal. The entirety of the lands was designated 'Residential' in the Council adopted Secondary Plan. The lands are also subject to a Minister's Zoning Order (MZO), Ontario Regulation 771/21, as amended.

Although conformity with the City's Official Plan is not a requirement of Minister's Zoning Orders issued under Section 47 of the Planning Act, the applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the intent of the City's residential land use policies. Through completing the review and necessary revisions to the technical reports and plans, conformity with the policies of the Official Plan should be achieved.

Zoning By-Law Compliance:

The lot is subject to a Minister's Zoning Order (MZO): O. Reg. 771/21, as amended by O. Reg. 163/22, and O. Reg. 490/22. Townhouses are a permitted use under Section 3. (e) of O. Reg. 771/21, as amended.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the MZO. Through the review and necessary revisions to the technical reports and plans, full compliance with the provisions of the MZO should be achieved.

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 '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 expanding opportunities for housing in the community.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the draft plan of subdivision is appealed to the Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there may be costs, some of which may be recovered from the applicant. Staff would note that third party appeals by the public of a draft plan of subdivision are not permitted under the Planning Act.

Servicing Comments:

The property is currently not serviced. Full urban municipal services, including water, sanitary sewer and storm sewer are proposed.

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 October 3, 2022, we have received the following comments:

Public Comments:

To date, one member of the public (D. Koolhaas) has provided comments and questions related to the application. Questions and concerns are as follows:

- Why the quality of the attached plans for the notice of the public meeting of such poor quality? Some parts are illegible;
- Noted they believe some of the dimensions on the notice are in error, including minimum lot frontage of 6.1 metres; depth of 30 metres and lot area of 183 square metres;
- Noted the applicant has additional adjoining land that could allow larger lots;
- Noted the advertisement says the application was reviewed by the Planning Department, and asked if the public can trust anything on this application;
- Asked where residents will park and put their snow in the winter;
- Noted there is no area for visitors to park; and
- Asked the purpose for blocks 16 and 17.

Planning staff have provided a response to the inquirer, along with higher resolution digital image for review.

Agency Review Comments:

September 20, 2022 WSP provided comments on behalf of Bell Canada, including a list of development conditions to include as part of an approval. They also requested that the developer provide Bell with servicing plans/Comprehensive Utility Plan (CUP) at their earliest convenience.

September 21, 2022 Trillium Lakelands District School Board provided the following comments:

- Consideration needs to be given to future pedestrians / students who may need to walk down CR36 to get to IE Weldon, this first phase of the development is within walking distance for students attending the secondary school;
- The Board is recommending that the City require a pathway, sidewalk or paved shoulder for pedestrians / students on CR36 as part of the development, or alternatively, a pathway

from the development to the IE Weldon property is possible since the properties are abutting;

- Should there be students living in the development who are attending elementary schools in the area, a bus stop will be required on CR36 at the street entering the development. Sightlines, turn lanes and student crossings may need to be considered as a large group of students could potentially be at that location;
- Should the Board determine a bus needs to enter the subdivision for the safety of students, consideration needs to be made to either have streets which flow through the subdivision or have a turnaround which is adequate in size to allow for a full-sized school bus to turn around during winter (taking into consideration snowplow buildup). The draft plan provided with the public notice appears to show a flow through street system.

September 29, 2022 Hydro One advised they have reviewed the documents and have no comments or concerns at this time. Their preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

September 29, 2022 The Economic Development Division advised the designs look very favourable.

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. Staff recommends that the application be referred back to staff until such time as all comments have been received, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Draft Plan of Subdivision application be referred back to staff for further review and processing until such time as all comments and concerns have been received and addressed.

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



PLAN2022-064
Appendix A.pdf

Appendix B – Google Map showing existing neighbourhood uses



PLAN2022-064
Appendix B.pdf

Appendix C – Proposed Draft Plan of Subdivision, dated September 12, 2022



PLAN2022-064
Appendix C.pdf

Appendix D – Excerpt – Proposed Draft Plan of Subdivision, dated September 12, 2022



PLAN2022-064
Appendix D.pdf

Appendix E – Proposed Townhouse Elevations, dated June 7, 2022



PLAN2022-064
Appendix E.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D05-2022-003