



Planning Advisory Committee Report

Report Number:	PLAN2022-074
Meeting Date:	November 30, 2022
Title:	Amend the Lindsay Zoning By-law 2000-75 at 21 David Drive – Shol Inc.
Description:	Application to rezone the westerly portion of the land in the Town of Lindsay Zoning By-law from the "Residential One (R1) Zone" to the "Future Residential (FR) Zone" in anticipation of future development and facilitate the severance of the land
Type of Report:	Public Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2022-074, **Part of Lot 23, Concession 4, Geographic Township of Ops, Former Town of Lindsay, identified as 21 David Drive, Shol Inc. – D06-2022-030**, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2022-074, be adopted by Council; 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 submitted a rezoning application to change the Residential One (R1) Zone to a Future Residential (FR) Zone on the western half of the property that are intended for future residential development and facilitate the severance of the lands into two additional lots. In this regard, a new lot (Lot 2) for single detached residential use is to be severed to the west of the existing residence, which would become the retained lot (Lot 1) and the balance of the land, being the westerly half of the property would be severed for future residential development (Lot 3) that would be accessed through a future extension from Linwood Road. As the form of residential development is not fully known as it is only illustrated conceptually at this time, the applicant proposes a Future Residential (FR) development zone category on the westerly portion. A future further zoning amendment will be required at a minimum to permit site specific residential uses and zone provisions to accommodate a lot configuration, when known, which is anticipated to be part of a process for a future plan of subdivision. Apart from an existing single detached dwelling on the easterly portion of the property, the balance of the property is currently vacant.

Owner: Shol Inc. (c/o Zack Kennedy)

Applicant: EcoVue Consulting Services Inc., Aditya Srinivas

Legal Description: Part of Lot 23, Concession 4, Geographic Township of Ops, Former Town of Lindsay

Official Plan: "Residential" in the Town of Lindsay Official Plan

Zoning: Residential One (R1) Zone on Schedule 'A' of the Town of Lindsay Zoning By-law No. 2000-75

Site Size: 2.1 ha (5.2 acres - MPAC) of which +/- 1.16 ha subject to rezoning

Site Servicing: Municipal sanitary sewer and water systems

Existing Use: Residential/Vacant Residential

Adjacent Uses: North: David Drive/Residential
East: Residential
South: Residential
West: Vacant/Future Residential

Rationale:

The property is generally located west of Angeline Street North between Colborne Street West and Thunder Bridge Road. The subject land is a large residential lot within

an area which contains low density residential uses. The easterly portion of the property contains a single detached dwelling, while the balance of the land is vacant. The owner seeks to rezone the westerly half of the property to Future Residential (FR) Zone in anticipation of future residential development and to facilitate severance of the lands. The FR zone category if proposed to be implemented to protect the lands from incompatible development and uses and ensure that the lot will not be developed until such time that future development applications are provided to the City. This FR zone category only permits the following uses subject to specific zone provisions:

- a. Agricultural use;
- b. Public utilities; and
- c. Existing legal uses at the date of adoption of this By-Law

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting agencies for review.

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated August 5, 2022. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS), 2019 Growth Plan, the Town of Lindsay Official Plan and the Town of Lindsay Zoning By-law.
2. Draft Zoning By-law Amendment text, prepared by EcoVue Consulting Services Inc., dated August 3, 2022 submitted with the application.
3. David Drive Consent Sketch CS1 dated August 2022, prepared by EcoVue Consulting Services Inc.
4. Draft Reference Plan dated May 2022, prepared by IBW Surveyors.
5. Topographic Base Plan dated November 2021, prepared by IBW Surveyors.
6. Functional Servicing Report dated June 2022, prepared by M.V. Wilson Engineering Inc.
7. Pre-Condition Road Survey Report dated June 2022, prepared by M.V. Wilson Engineering Inc.
8. Entrance Review Confirmation Letter dated June 2022, prepared by M.V. Wilson Engineering Inc.
9. Civil Drawings including Conceptual Lot Layout, Grading Concept, Servicing Schematic and Erosion and Sediment Control Plan and Details (SP1, GP1, GP3, GP4, SS1, ESC1, and ESC2) dated June 2022, prepared by M.V. Wilson Engineering Inc.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Justification Report that was prepared and filed in support of the application and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe (Growth Plan):

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development will provide infill residential development on full municipal services and be located within the Lindsay settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

The application appears to conform to the policies of the Growth Plan.

Provincial Policy Statement (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. Section 1.1.3 of the PPS provides that development and intensification shall be directed to settlement areas. Section 1.1.3.3 recognizes the intensification and redevelopment within settlement areas where municipal services are available.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS.

The application appears to be consistent with the PPS.

Official Plan Conformity:

The "Residential" designation in the Lindsay Official Plan (LOP) applies to this property as the policies in the proposed "Residential" designation in the Lindsay Secondary Plan (SP) are subject to appeal to the Local Planning Appeal Tribunal. The Residential designation anticipates the intensification and redevelopment of lands within settlement areas. This designation permits a variety of dwelling types and other local institutional or community uses, including neighbourhood parks and neighbourhood commercial uses. The appropriate density shall be based on the availability of services, compatibility with surrounding uses and locational factors.

Zoning By-Law Compliance:

The subject property is zoned Residential One (R1) in the Town of Lindsay Zoning By-law 2000-75. The proposed severed lot to the immediate west of the existing dwelling and the proposed retained lands containing this existing dwelling would remain within and comply with the existing Residential One (R1) Zone. This zone permits:

- a. Single detached dwelling
- b. Home occupation in a dwelling
- c. Accessory uses

The applicant has submitted a Zoning By-law Amendment application for consideration in anticipation of the future intensification and redevelopment of a portion of the subject property. The proposed Future Residential (FR) Zone shall remove the existing R1 Zone from the westerly half of the property. An additional zoning by-law amendment application accompanied with the appropriate studies to be determined through further pre-consultation will be required to permit residential uses and establish site-specific development standards. It is appropriate to rezone a portion of the site in anticipation of future residential development as it is surrounded on three sides by existing low density residential development including proposed single detached residential dwellings on lands within the Jennings Creek Community Development Plan owned by Tribute Homes on the west side of the subject land. The Future Residential (FR) Zone category will ensure that further rezoning required to permit residential uses and development does not proceed without the satisfactory completion of any reports, plans, and/or studies required by the City of Kawartha Lakes and/or its respective review agencies. This will establish the appropriate type, scale and form of residential development appropriate on the lands. The required studies, reports, and plans may include but are not limited to a Planning Justification Report, Functional Servicing Report (Water, Sewage, and Storm Water Management), Grading and Drainage Plan,

Sediment and Erosion Control Plan, Stormwater Management Report, Lot Layout/Draft Plan of Subdivision, Traffic Impact Study, etc.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The City's 2020-2023 Kawartha Lakes Strategic Plan identifies the following four main goals:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This project aligns with the exceptional quality of life goal contained in the City's Strategic Plan by facilitating future new housing options to attract new residents in the City of Kawartha Lakes.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal.

Servicing Comments:

The Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. They noted that the property was allocated capacity for a total of 16 units (including the existing house) in the Northwest Truck Sanitary Sewer Capital Charge Study. As per By-Law 2015-151, the City confirms the total sanitary capacity is for 16 units on the 2.1 ha property.

Consultations:

Notice of this application was circulated to the prescribed persons within a 120 metre radius, agencies, and City Departments which may have an interest in the proposed application. To date, we have received the following comments:

Public Comments:

On October 21, 2022, Mardelle Braine, a resident from Bobcaygeon, requested additional details regarding the severance and rezoning proposal and requested to be circulated on both.

On November 9, 2022 and November 14, 2022, J. Yourkevich, a resident of 30 Kirkconnell Road advised of her concerns shared by other neighbours regarding future development of the land and the loss of wildlife and greenspace they have enjoyed looking at. Concerns were also raised regarding the placement of a black construction tarp on the mutual fence line blocking their view and regarding poor drainage resulting from water flowing from the subject property.

There were no further comments received at the time of writing this report.

Agency Review Comments:

The Building and Septic Division Plans Examiner previously advised through the preconsultation process that a demolition permit is required to remove the garage and Development Charges are applicable. Otherwise, there were no other concerns.

On November 4, 2022, Engineering and Corporate Assets advised that the property was allocated capacity for a total of 16 units (including the existing house) in the Northwest Truck Sanitary Sewer Capital Charge Study. As per By-Law 2015-151, the City confirms the total sanitary capacity is for 16 units on the 2.1 ha property. In addition, the lot line proposed for severance between the severed and retained must provide for safe conveyance of drainage from the existing house (currently shown with a zero lot line/through stairs). Finally, an entrance permit is required for review by Public Works, as noted in the Pre-Consultation and a Municipal Service Connection Application will be required at the time of building permit for new service connections, using City approved service connection contractors.

Development Services – Planning Division Comments:

A Future Residential (FR) Zone category is proposed on the westerly half of the property, which essentially restricts the use of the site to existing legal uses at the date of passing of the Zoning By-law Amendment, and agricultural and public uses. No changes to the use of the land or adverse impacts to the neighbourhood are anticipated as a result of the proposed zone change. An additional Zoning By-law Amendment application will be required to permit residential development in this zone, which shall require further Notice and another public meeting. The rezoning of the property in anticipation of future residential development is beneficial as it aligns with provincial and municipal policies and objectives for the intensification of a site within an existing urban settlement area, and facilitates severance of the subject lands. The proposed

severance of the land will proceed through the circulation and evaluation of separate individual Consent applications. The proposed lots have available municipal services, sufficient lot area and frontage on a fully maintained municipal road.

Conclusion:

Staff supports the application based upon the information contained within this report and the comments received at the time of report completion. Staff respectfully recommends that the 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 call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2022-074.pdf



Appendix 'B'
PLAN2022-074.pdf



Appendix 'C'
PLAN2022-074.pdf



Appendix 'D'
PLAN2022-074.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

Appendix 'C' – Proposed Concept Plan/Consent Sketch

Appendix 'D' – Draft Zoning By-law Amendment

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-030