

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Lindsay 2017 Developments Inc.**  
Report Number COA2022-094

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**Public Meeting**

**Meeting Date:** December 1, 2022  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 5 – Town of Lindsay**

**Subject:** The purpose and effect is to facilitate the construction of a new large format retail commercial centre. **Relief sought:**

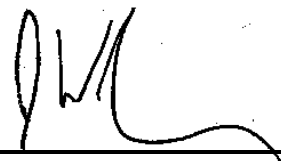
1. Section 16.3.10 j.v. to reduce the required parking ratio for 'Building A' from 1 space per 20 square metres of gross floor area to 1 space per 30 square metres of gross floor area, and to exempt the ancillary garden centre from the requirement for any parking to permit the construction of a new commercial building on 'Parcel A' of the property;
2. Section 16.3.10 j.ii. to reduce the exterior side yard setback for 'Building B' from 9.1 metres to 9.0 metres to permit the construction of a new retail commercial building on 'Parcel B' of the property;
3. Section 16.2 j. to increase the maximum gross leasable floor area of a single retail commercial use for 'Building B' from 3,000 square metres to 3,233 square metres to permit the construction of a new retail commercial building on 'Parcel B' of the property;
4. Section 16.3.10 j.ii. to reduce the exterior side yard setback for 'Restaurant D' from 9.1 metres to 9.0 metres to permit the construction of a new restaurant building on 'Parcel B' of the property; and;
5. Section 16.3.10 j.ii. to reduce the exterior side yard setback for 'Building E' from 9.1 metres to 9.0 metres to permit the construction of a new retail commercial building on 'Parcel C' of the property.

The variance is requested at **Vacant Land at Highway 35 and Colborne Street West** (File D20-2022-085).

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

**Signature:**



## Recommendations

**That** Report COA2022-094 – Lindsay 2017 Developments Inc., be received; and

**That** minor variance application D20-2022-085 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-094, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** the Site Plan Agreement for the subject property be executed and secured within twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon registration of the Site Plan Agreement on title.

This approval pertains to the application as described in report COA2022-094. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To facilitate the construction of a new large format retail commercial centre
Owners:	Lindsay 2017 Developments Inc. c/o Juan Bernal
Applicants:	Parcel 'A' – MHBC Planning, Urban Design & Landscape Architecture c/o David McKay; and  Parcels 'B' and 'C' – D.G. Biddle and Associates Ltd. c/o Michael Fry
Legal Description:	Part of Lot 22, Concession 4 (being Part of Part 3, 57R-6839); geographic Township of Ops, Town of Lindsay
Official Plan <sup>1</sup> :	'Urban Settlement Area' (City of Kawartha Lakes Official Plan, 2012); 'General Commercial' (Town of Lindsay Official Plan, 2000)

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<sup>1</sup> See Schedule 1

Zone <sup>2</sup> :	'General Commercial Special Nine Holding One [GC-S9(H1)] Zone' (Town of Lindsay Zoning By-law 2000-75)
Site Size:	7.34 hectares (18.13 acres – MPAC)
Site Access:	Year-round municipal road (McKay Avenue)
Site Servicing:	Municipal water and sewer, on-site stormwater management
Existing Uses:	Vacant Commercial
Adjacent Uses:	Residential, Community Facility, Vacant Commercial

## Rationale

### **The variances are desirable for the appropriate development or use of the land, building or structure.**

The proposed variances will allow for the highest and best use of the land for this development. The proposed reductions in yard setbacks are approximately 1%, which will not result in any massing impacts. The proposed increase to the Gross Leasable Floor Area (GLFA) represents an increase of approximately 7%. The building is permitted to consist of a Gross Floor Area (GFA) of this size, but the GLFA for any single tenant cannot exceed 3,000 square metres. The 7% increase will result in a negligible impact to neighbouring properties, as it does not affect the overall size of the building or massing of the development. The reduction in parking is not anticipated to result in a parking deficiency, and will reduce the required hardscaping of the property, which also reduces the requirements for stormwater management and increases the efficiency of the use of the property.

### **The variances maintain the general intent and purpose of the Official Plan.**

The property is designated 'Urban Settlement Area' in the City's Official Plan, and subject to the 'General Commercial' land use designation policies of the Lindsay Official Plan. The proposed uses are permitted in this designation, and performance and siting criteria are implemented through the Zoning By-law.

### **The variances maintain the general intent and purpose of the Zoning By-law.**

The large format retail commercial centre use, restaurant use and proposed Home Depot store are all permitted uses in the GC-S9 zone. The By-law requires adequate on-site parking for all uses. A Parking Justification Study has been completed by C.F. Crozier & Associates Inc. to assess the peak parking demand for the proposed Home Depot development compared to the proposed parking supply required by the By-law. The By-law requires a minimum of 475 parking spaces, whereas the study concludes that a minimum of 320 parking spaces is sufficient for the proposed Home Depot and associated outdoor garden centre,

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<sup>2</sup> See Schedule 1

based on comparable sites and demographics including Peterborough, Cobourg, Bowmanville and Bradford sites.

The By-law requires a setback of 9.1 metres from Colborne Street West and Emerson Street. The request is to reduce this setback to 9.0 metres for 'Restaurant D', and 'Retail Building B' and 'E': a reduction of 0.1 metres. The site will still maintain a significant setback to the respective road rights-of-way.

Lastly, the By-law permits a maximum of 3,000 square metres of Gross Leasable Floor Area (GLFA) for a single commercial use. The proposed 'Retail Building B' consists of a ground floor area of 3,048 square metres, with a total of 3,233 square metres of Gross Floor Area (GFA) including the mezzanine. The internal floor plans of 'Retail Building B' have not been finalized for the tenant, and as such, this variance would allow for the GLFA to be consistent with the maximum GFA. In reality, it is unlikely the total GLFA could match the GFA, as the GLFA excludes a number of common area items which the GFA consists of, including: common loading areas; public washrooms; garbage, mechanical, electrical and janitorial rooms; and passageways not internal to a unit. This variance is intended to provide flexibility in the event the GLFA exceeds the current permitted 3,000 square metres, to a maximum of an additional 233 square metres.

The proposed reliefs are in keeping with the intent of the By-law.

**The variances are minor in nature.**

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

**Other Alternatives Considered:**

None applicable.

**Consultation Summary**

Notice of this application was circulated in accordance with the requirements of the Planning Act.

**Agency Comments:**

**Kawartha Conservation:** "We will not be providing comments on...D20-2022-085 (Craft Site, Highway 35 and Colborne St, Lindsay). Each of these developments have already had permits issued for them which address all of our natural hazard and natural heritage concerns."

**Ministry of Transportation Ontario:** "Thank you for circulating to the Ministry of Transportation (MTO) the public hearing notice for minor variance application that considers some changes to the Home Depot Site Plan by Craft Development. Please note that MTO has reviewed the minor variances requested and has no concerns with the changes."

This application is a part of the Site Plan application submitted to MTO in support of a Home Depot and other commercial development. Please note that MTO is currently reviewing the Site Plan application by Craft for the Commercial portion of the Craft's Plan of Subdivision and will be providing comments separately."

**Building Division:** "No comments."

**Public Comments:**

No comments received as of the writing of the staff report.

**Attachments**

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevations
- Appendix E – Traffic Study Executive Summary

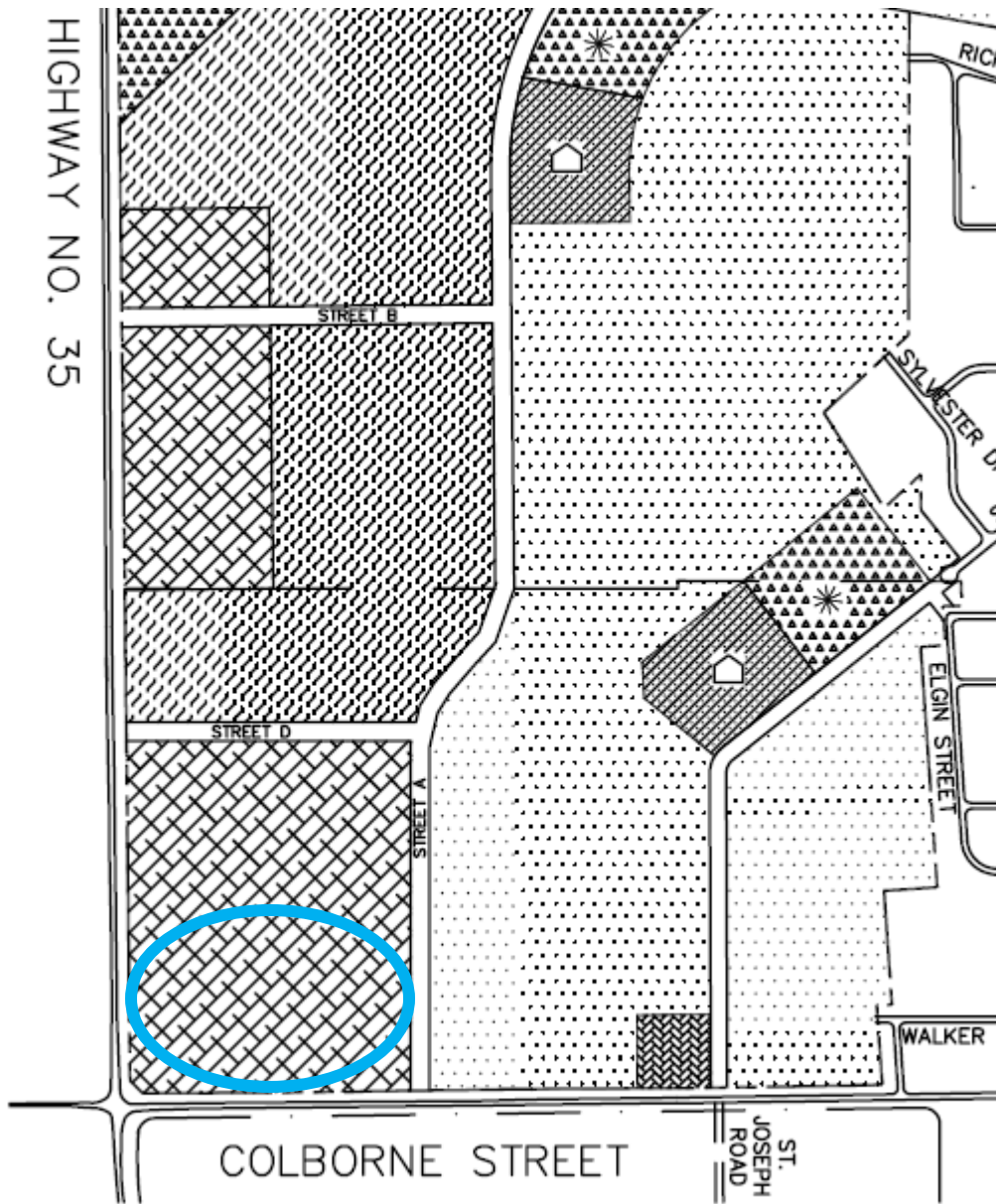
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**E-Mail:** [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Division File:** D20-2022-085

## Schedule 1 Relevant Planning Policies and Provisions

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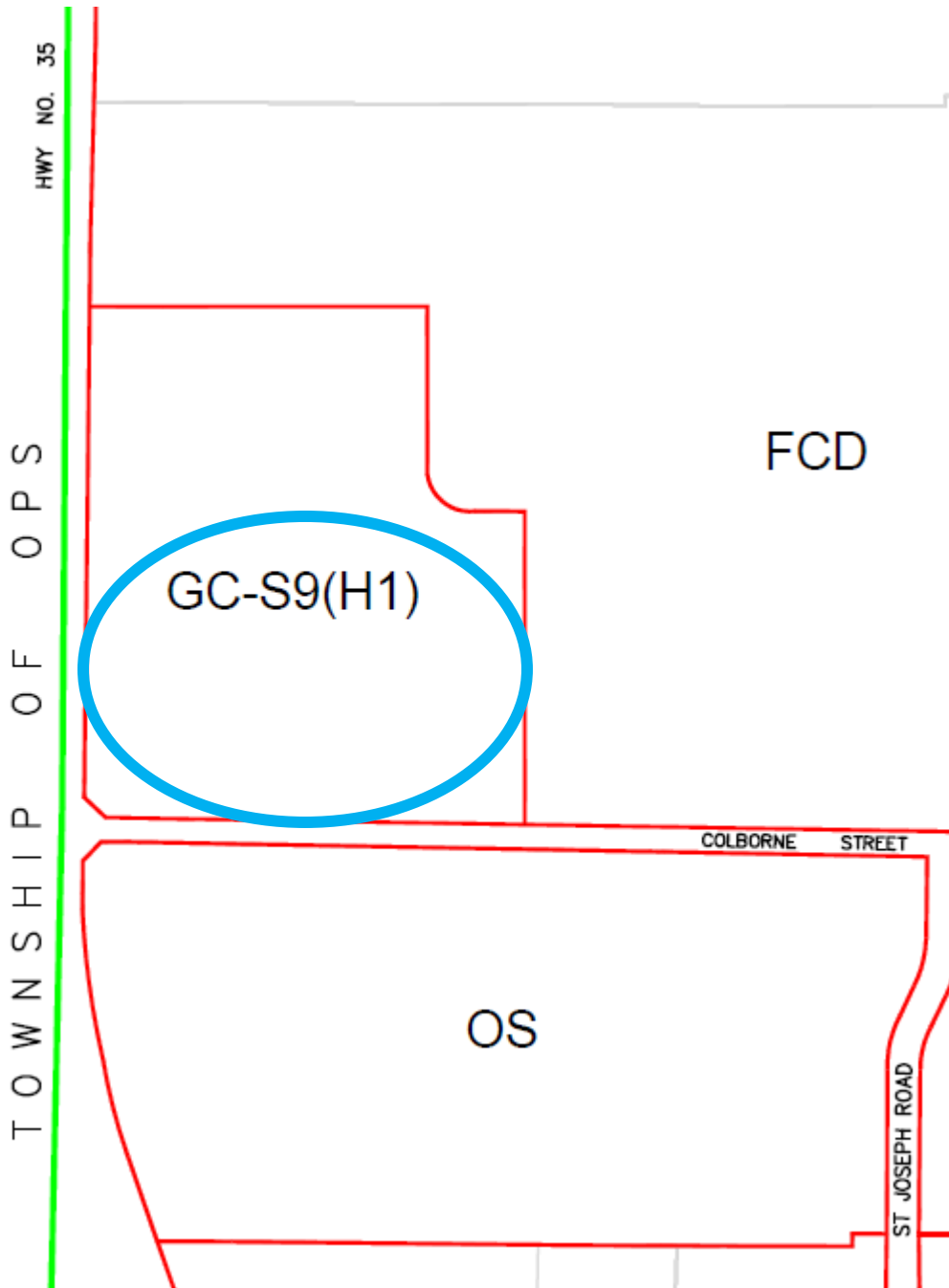
### Town of Lindsay Official Plan



Volume I 4.3.5      General Commercial

Volume II 2.7.3      General Commercial

### Town of Lindsay Zoning By-law 2000-75



#### Section 16 General Commercial (GC) Zone

16.2 GC Zone Requirements

16.3.10 GC-S9(H1) Zone

**Location Map**

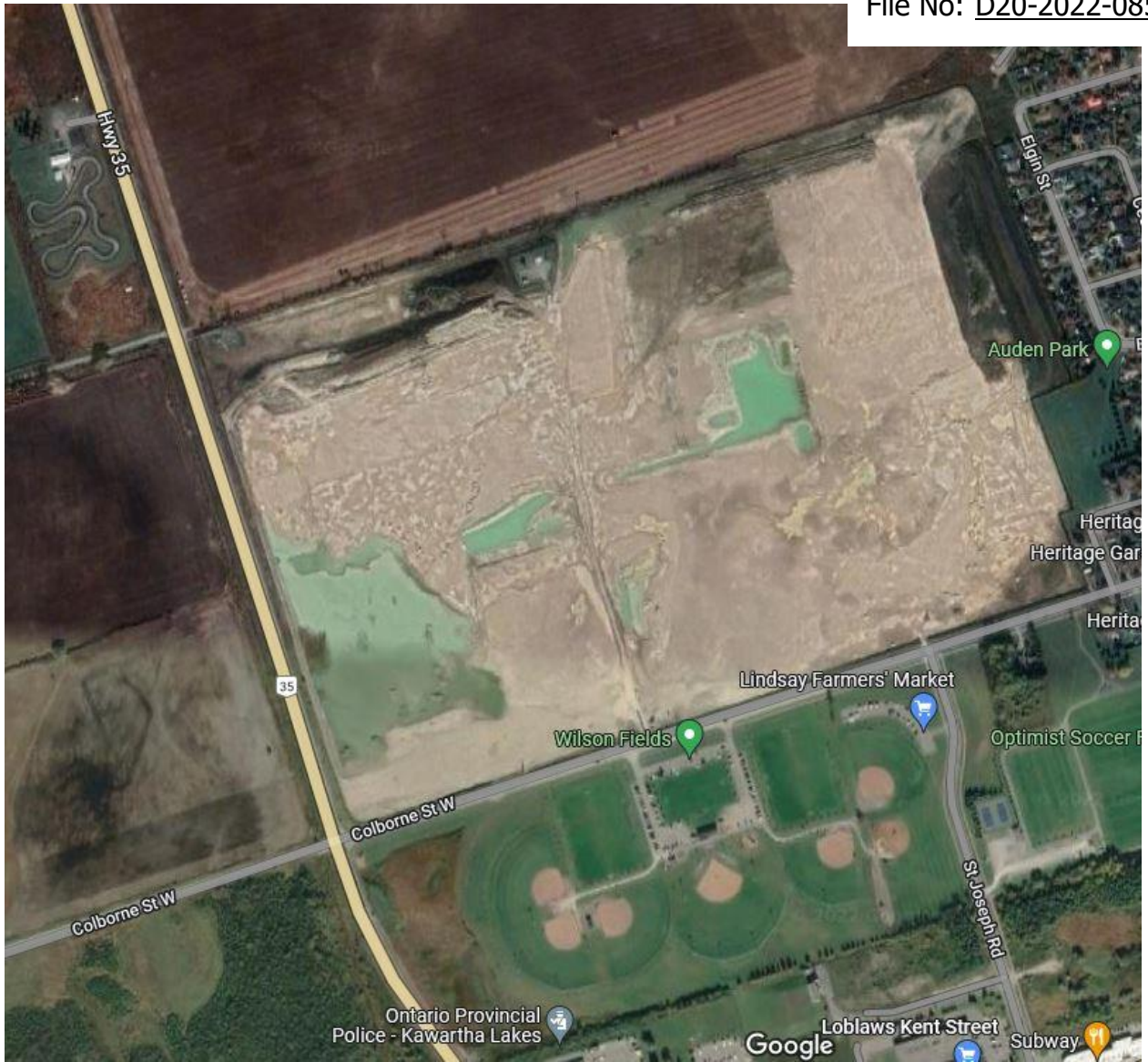
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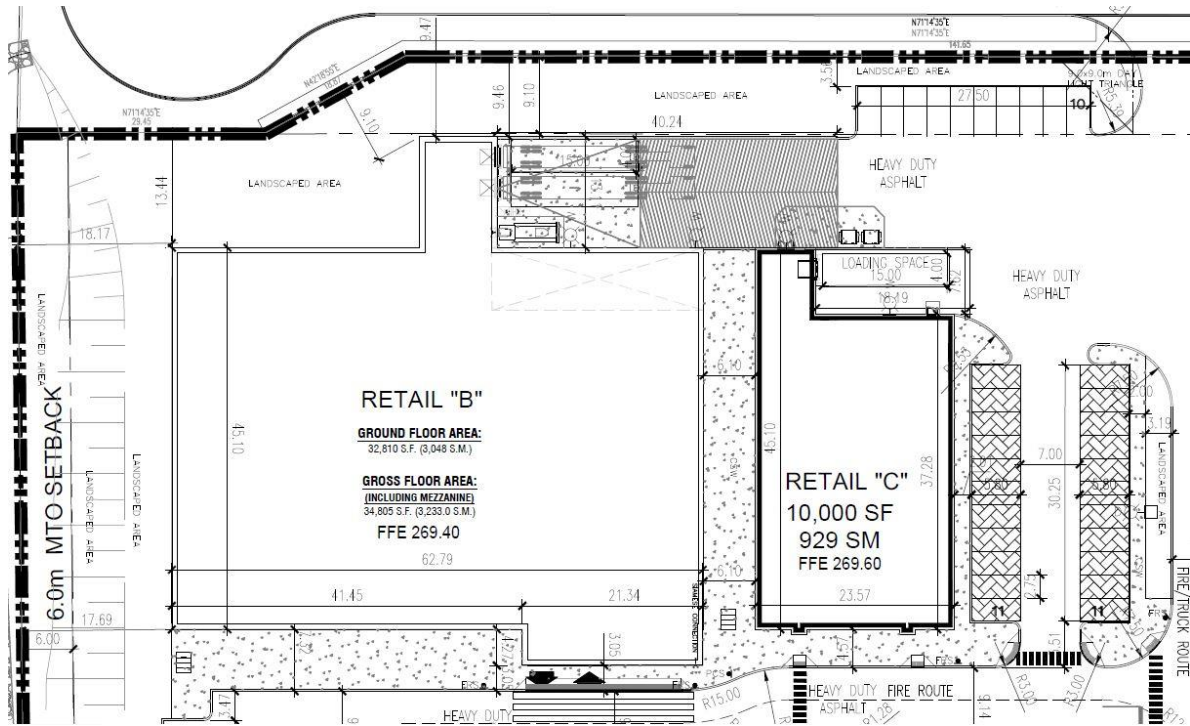
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**Aerial Photo**

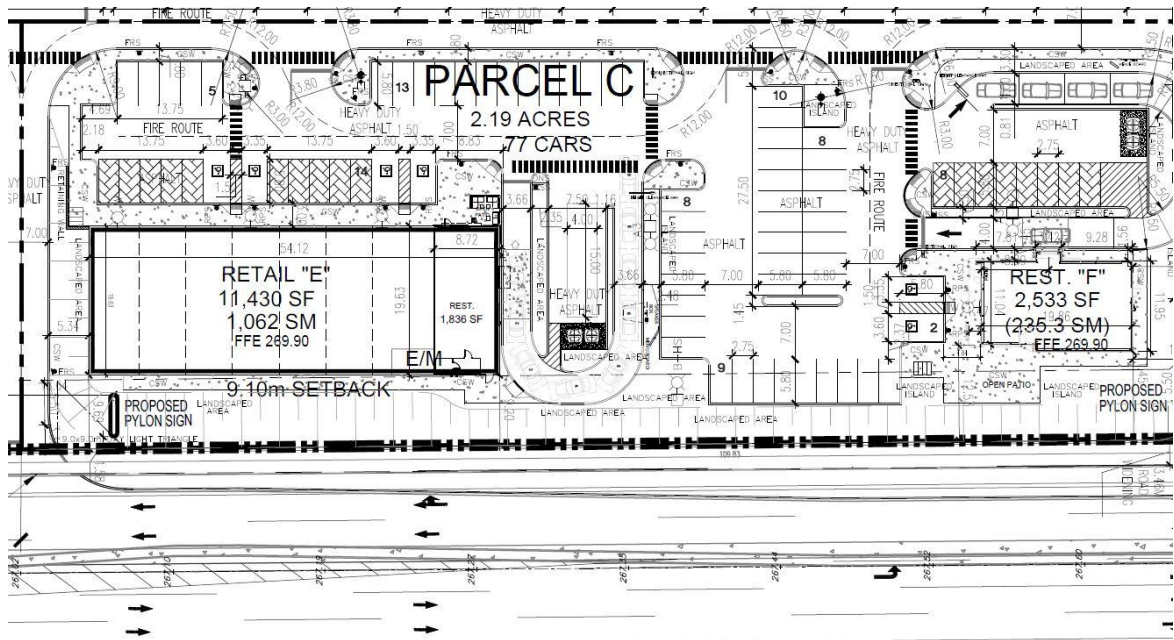




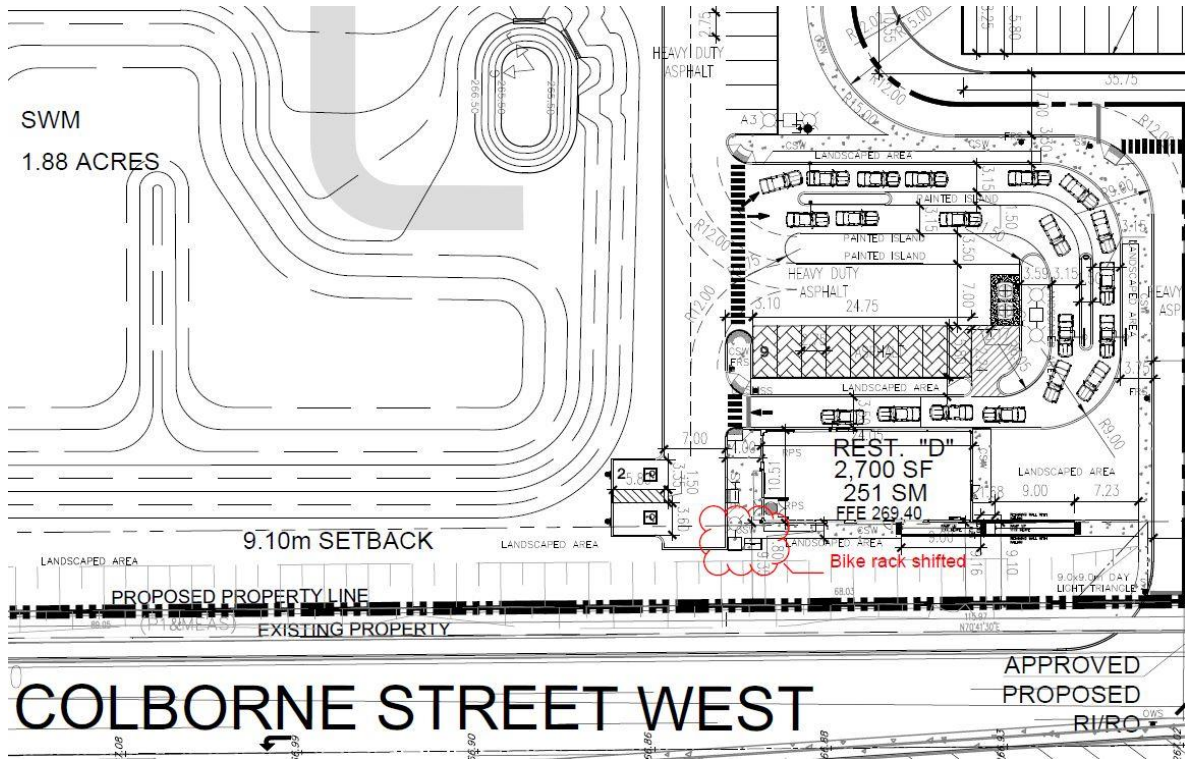
**Retail B:**



**Retail E:**



Restaurant D:









## Traffic Study Executive Summary

The Home Depot  
Hwy 35 and Colborne Street W, City of Kawartha Lakes

Parking Justification Study  
October 2022

### Executive Summary

C.F. Crozier & Associates Inc. (Crozier) was retained by The Home Depot to undertake a Parking Justification Study in support of the proposed commercial development situated to the northeast of the intersection of Highway 35 and Colborne Street West, in the City of Kawartha Lakes.

The purpose of this study is to estimate the peak parking demand of the proposed commercial development and compare it to the proposed parking supply to determine if the proposed parking supply is sufficient to meet the expected demand at the site.

The site is located in a commercial block of a larger residential subdivision. The proposed development envisions the construction of a home improvement superstore (Home Depot) with a gross floor area (GFA) of 9,500 sq.m and a total of 320 parking spaces.

The existing City of Kawartha's Zoning By-Law requires a total of 475 parking spaces for the proposed home improvement superstore, resulting in the development being deficient of 155 parking spaces per the City's By-Law.

However, it is noted that the City's in-effect Zoning By-Law requirements are expected to be an overconservative estimate of parking demand expected at the proposed Home Depot development; a more accurate estimate of parking demand at the proposed site was derived using surrogate site traffic data collected from four Home Depot sites with similar rural characteristics.

Based on the surrogate site parking data, the proposed parking rate of 3.37 spaces per 100 sq.m. would provide a surplus compared to the highest peak parking demand observed at all of the surrogate sites (2.91 spaces per 100 sq.m.). Furthermore, the utilization of all the sites does not exceed 70% during both the peak weekday and weekend hours, further confirming the proposed site would be expected to meet parking demand.

Therefore, the proposed parking supply of 320 parking spaces is expected to be sufficient to meet the parking needs of the development, despite being deficient 155 spaces compared to the existing By-Law requirements in the Town of Lindsay, City of Kawartha Lakes.