

Council Report

Report Number: PLAN2023-014

Meeting Date: March 21, 2023

Title: Lindsay 2017 Developments Inc. Phase 1 - Block Development - Exemption from Part Lot Control Provisions of the Planning Act, Corley and Keenan Streets, Lindsay – Kingsmen Group Inc.

Description: Part Lot Control exemption request to permit 135 townhouse units in Sugarwood Subdivision Phase 1 - Block Development by exempting Blocks 76 to 95 inclusive and Blocks 97 to 101 inclusive, Plan 57M-812 from the Part Lot Control Provisions of the Planning Act in the geographic Township of Ops on properties identified as vacant land on Corley and Keenan Streets, Lindsay (Kingsmen Group Inc.)

Author and Title: Richard Holy, Director of Development Services

Recommendations:

That Report PLAN2023-014, **Kingsmen Group Inc. – Part Lot Control Exemption Request, Application D05-2023-002**, be received;

That the Part Lot Control by-law, substantially in the form attached in Appendix D to Report PLAN2023-014, be approved and adopted by Council; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Plan of Subdivision known as Sugarwoods Development – Phase 1 was approved by Council and registered as Plan 57M-812. The proposed lots in Plan 57M-812 were for a combination of single detached and townhouse dwellings. Included in Plan 57M-812 were Blocks 76 to 101 inclusive, which are intended for townhouse development but not individually lotted until they are created through the lifting of Part Lot Control.

The applicant has applied to exempt Blocks 76 to 95 inclusive and Blocks 97 to 101 inclusive, Plan 57M-812, being 25 Blocks which results in the creation of 135 townhouse units on individual lots fronting on Corley and Keenan Streets (see Appendices A and B). Block 96 is currently occupied by the sales office and will be applied for at such time as the sales office is removed.

The owner has entered into a Subdivision and Site Plan Agreements with the City to facilitate construction of the roadways and municipal services.

Owner:	Lindsay 2017 Developments Inc.
Applicant:	Kingsmen Group Inc. c/o Bruno Nazzicone
Legal Description:	Blocks 76 to 95 inclusive and Blocks 97 to 101 inclusive, Plan 57M-812, former Town of Lindsay, now City of Kawartha Lakes
Designation:	'Residential' and 'Local Commercial' on Schedule A of the Town of Lindsay Official Plan
Zone:	Site zoning is subject to Minster's Zoning Order O. Reg. 355/20 as amended by O. Reg. 168/21 and O. Reg. 457/22
Site Servicing:	Full municipal water, sanitary sewer and storm sewer services
Existing Uses:	Townhouse dwellings are in various stages of completion
Adjacent Uses:	North: Residential development East: Residential development South: Colborne Street and Wilson Fields West: Residential development

Rationale:

The owner has applied for an exemption from Blocks 76 to 95 inclusive and Blocks 97 to 101 inclusive, Plan 57M-812. All registered Reference Plans are attached as Appendix C.

The land has been serviced in accordance with the Subdivision Agreement and the units are in various stages of completion. The purpose of an exemption from Part Lot Control is to permit the further division of the subject Blocks into transferable lots. The owner will then transfer ownership of each lot and apply for building permits to construct single detached dwellings. The proposed exemption will permit these transfers to occur. Part Lot Control is provided as an alternative process to Consent under the Planning Act and is used where the subject lands are included in a Plan of Subdivision and described either as a Lot or a Block:

- where the subject land is covered by a zoning by-law (MZO in this case) that clearly establishes the minimum lot frontage and the minimum lot area for the proposed use; and
- where the subject land is covered by a subdivision agreement registered on title that will be in effect during the time of the Part Lot Control By-law is in effect and which provides for the passing of a Part Lot Control By-law under Section 50(7) of the Planning Act.

The subject land complies with all of the above criteria. The proposed By-law exempting these Blocks from Part Lot Control is attached as Appendix D.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

These lands are 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 development is providing for additional low impact development measures.

On this basis, the application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS, 2020):

The Provincial Policy Statement (PPS, 2020) 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). 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. This development is outside of natural heritage and hydrologic features, and outside of natural hazards.

On this basis, the application is consistent with the policies of the PPS, 2020.

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 as recommended by the City's 2011 Growth Management Study (GMS).

The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Ontario Lands Tribunal (OLT). Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'Residential' and 'Local Commercial' on Schedule A of the Official Plan. The owner has received Council approval to replace the 'Local Commercial' land use designation with a 'Residential' land use designation; however, this approval was appealed by a third party and remains unresolved at the OLT. As a result, the developer applied for and received this MZO, which is exempt from needing to conform to the Town of Lindsay Official Plan. Notwithstanding, the MZO does take into consideration Council's direction on land use policy for the lands in question. The predominant use of lands shall be for townhouse dwellings.

On this basis, the proposal conforms to the intent of Council's direction for land use policies of the Lindsay Official Plan.

Zoning By-law Compliance:

Zoning for the residential portion of the property is subject to Minster's Zoning Order O. Reg. 355/20 as amended by O. Reg. 168/21 and O. Reg. 457/22. The MZO does reference certain Town of Lindsay Zoning By-law provisions. The proposed development complies with MZO provisions for use, lot frontage and lot area.

On this basis, the proposal complies with the Zoning By-law.

Other Alternatives Considered:

While the owner could apply to the Committee of Adjustment for Consents, staff considers Part Lot Control Exemption a more appropriate and efficient process to create these lots. 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

These applications align 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 increasing the availability of housing stock.

Financial/Operation Impacts:

There are no financial considerations as Council's approval or refusal to grant the Part Lot Control Exemption cannot be appealed to the Ontario Land Tribunal.

Servicing Implications:

All of the lots have been serviced with full municipal water, sanitary sewer and storm sewer services, which has been approved and secured through the Subdivision Agreement registered on title to the property.

Consultations:

There are no notice requirements under the Planning Act; however, the City's Engineering Division along with KRCA reviewed the engineering submissions and contributed to the Development Agreement.

Development Services – Planning Division Comments:

The application conforms to the 2020 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the Minister's Zoning Order as amended, the intent of the Town of Lindsay Official Plan and Zoning By-law has been confirmed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed By-law be **Approved**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Director of Development Services, rholy@kawarthalakes.ca or 705.324.9411 x 1246.

Appendix A – Location Map



Appendix A to
PLAN20223-014.pdf

Appendix B – Subdivision Plan 57M-812



Appendix B to
PLAN20223-014.pdf

Appendix C – Draft Reference Plans



Appendix C to
PLAN20223-014.pdf

Appendix D – Part Lot Control By-law



Appendix D to
PLAN20223-014.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D05-2021-003