



Planning Advisory Committee Report

Report Number:	PLAN2023-048
Meeting Date:	September 13, 2023
Title:	Draft Plan of Subdivision (16T-22503) on CKL Road 36, Township of Ops - Flato Community Lindsay Inc. (D05-2022-003)
Description:	An application to permit a residential plan of subdivision consisting of 20 blocks for 113 townhouse dwelling units; 3 blocks for future development; a parkette, stormwater management facility and 5 municipal roads on the property identified as Vacant Land on CKL Road 36, Ops (Flato Community Lindsay Inc.)
Type of Report:	Regular Meeting
Author and Title:	Richard Holy, Director of Development Services, MCIP, RPP

Recommendations:

That Report PLAN2023-048, **Draft Plan of Subdivision (16T-22503) on CKL Road 36, Township of Ops, Flato Community Lindsay Inc. (D05-2022-003)** be received;

That the Draft Plan of Subdivision (16T-22503), as shown on Appendix 'B' together with the conditions substantially in the form attached as Appendix 'C' and red-line revisions attached as Appendix D to Report PLAN2023-048, be referred to Council for approval and adoption; 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 statutory public meeting for the subject application was held by the Planning Advisory Committee on October 12, 2022 and following resolution was passed:

PAC2022-078

Moved By: Councillor O'Reilly

Seconded By: Councillor Seymour-Fagan

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.

Carried

This report addresses that direction.

Following the initial application in 2022, which requested draft plan approval for an 84-unit townhouse development, the applicant has revised the plan to now propose a total of 113 townhouse units; three blocks for future development; a block for a stormwater management facility; a parkette; and a pedestrian walkway block to the adjacent school property and five new municipal roads. The proposed draft plan is included as Appendix B. The primary reason for the change is to remove the previous subdivision entrance and relocate this to the final location as proposed. The revised plan also provides a shorter overland flow route to the proposed stormwater management pond located in its ultimate location to the east.

Owner: Flato Community Lindsay Inc. c/o Shakir Rehmatullah

Applicant: Malone Given Parsons c/o Matthew Cory

Legal Description: Part of Lot 20, Concession 7, geographic Township of Ops, now City of Kawartha Lakes

Designation: 'Urban Settlement Area' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan

Zoning:	Minister's Zoning Order: Ontario Regulation 771/21, as amended by O. Reg. 163/22, O. Reg. 490/22 and O. Reg. 54/23
Lot Area:	72.21 hectares [178.43 acres] of which only 8.09 hectares [20.00 acres] will be developed in this phase
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').

The applicant is applying on behalf of the owners for a draft plan of subdivision, which has been revised following the initial submission and public meeting to permit a 113-unit freehold townhouse development fronting on four new municipal roads. The current proposed concept consists of twenty (20) blocks of townhomes, ranging from 4 units to 8 units per building; 3 future development blocks; and five (5) new municipal roads. See Appendix 'B'. The property consists of approximately 72.21 hectares and does not contain any buildings or structures. The land area dedicated to the townhouse units is 8.09 hectares, with the majority of the 72.21 hectares being included in a future development block.

Each townhouse would have its own driveway and garage, and consist of a two storey unit. 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 by O. Reg. 163/22, O. Reg. 490/22 and O. Reg. 54/23.

The applicant had submitted the following reports and plans in support of the initial application and proposal, which were 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.

Following the initial submission in 2022, the applicant has submitted the following updated reports and plans as a result of comments from City Departments and agencies:

- Revised Draft Plan 21-2952 dated May 23, 2023
- Revised Functional Servicing Report, prepared by Counterpoint Engineering
- Revised Traffic Impact Study, Prepared by DM Wills
- Revised Comments Matrix Responses including Engineering & KRCA comments

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 has been 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. Through the review and necessary revisions to the technical reports and plans, Planning Staff are satisfied that conformity with the policies of the PPS has been 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 has now been approved by the Tribunal subject to the Minister's approval of the City's repeal of the Town of Lindsay Official Plan. The majority of the lands is designated 'Residential' in the Secondary Plan. The lands are

also subject to a Minister's Zoning Order (MZO), Ontario Regulation 771/21, as amended by O. Reg. 163/22, O. Reg. 490/22 and O. Reg. 54/23. While a small portion of the property where the entrance is located are technically not part of the 'Residential' designation under the Lindsay Secondary Plan, staff would interpret that this proposed addition represents a logical rounding out of the designation and doesn't offend the intent.

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.

Zoning By-Law Compliance:

The lot is subject to a Minister's Zoning Order (MZO): O. Reg. 771/21, as amended as amended by O. Reg. 163/22, O. Reg. 490/22 and O. Reg. 54/23. Townhouses are a permitted use under Section 3(e) of O. Reg. 771/21, as amended by O. Reg. 163/22, O. Reg. 490/22 and O. Reg. 54/23.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the MZO and Planning Staff are satisfied that compliance with the MZO provisions has been 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 requested amendment and/or the Draft Plan Approval request is appealed to the Ontario Land Tribunal (OLT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

Full urban municipal services, including water, sanitary sewer and storm sewer are proposed. The Functional Servicing and Stormwater Management Reports were submitted and reviewed by the City's Engineering Department and the KRCA and found to be satisfactory, subject to conditions of draft plan approval.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 120 metre radius of the properties; and a sign was posted on the property.

Public Review Comments:

The City did receive some public comments to the circulation primarily in advance of the Public Meeting on October 12, 2022:

- 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.

There were no deputations made by the public at the Public Meeting.

Agency Review Comments:

Bell Canada - 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.

Trillium Lakelands District School Board - 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.

As a result of the comments the draft plan has been revised to include a walkway connecting the internal development to the adjacent school. Planning Staff are satisfied that the school board's comments have been addressed.

Hydro One - 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.

CKL Economic Development Division - September 29, 2022:

The Economic Development Division advised the designs look very favourable, and asked the following questions; could an F-150 truck fit in the garage and people open the doors to get out of the vehicle? Secondly, suspect a significant number of future residents will have two vehicles, what is the plan for where the second vehicle will be located?

The subject proposal is for a compact townhouse development with 6.1 metre frontages. Each townhouse will have a private driveway and garage, in compliance with the applicable zoning standards, and consist of a two storey unit.

CKL Development Engineering – August 17, 2023:

The Engineering Department provided the following comments.

1. A 6.0-metre wide Block is required to be conveyed to the City, for the proposed municipal watermain infrastructure and connection from Street B to Verulam Road. The watermain infrastructure will be permanent and will not be decommissioned in the future. Please reflect this on the Draft Plan, as per the attached red-lined drawing. Proposed Engineering Draft Plan Conditions are attached and reflect this requirement.
2. The Traffic Report proposes a reduced sizing for sight triangles within the proposed subdivision. At this time, City Peer Review of the Traffic Study and proposed deviation from City Guidelines has not been completed. Sight triangles as per City of Kawartha Lakes Guidelines (9mx9m at local roads, 9mx12m at local to Collector/Arterial) must be reflected on the Draft Plan, as per the attached red-lined drawing. Proposed Engineering Draft Plan Conditions are attached and reflect this requirement.

Should the Owner wish to pursue a nonconformity to this requirement at the time of First Detailed Engineering Design for Subdivision, Peer Review is required.

Engineering's conditions of draft plan approval are contained in the overall draft plan conditions contained in Appendix C to this report. The red-line revisions are contained in Appendix D to this report.

Kawartha Region Conservation Authority – August 15, 2023.

KRCA provided comments on the second engineering submission, which primarily related to design and calculation updates of the stormwater management facilities.

As a result of further discussion between the engineering consultant and KRCA, it was agreed that these comments could be addressed through detailed design at the implementation stage. KRCA agreed with this suggestion and incorporated these comments as conditions of draft plan approval on August 24, 2023. Their conditions have been included in the conditions of draft plan approval contained in Appendix C.

Development Services - Planning Division Comments:

The applicant has been revised from the initial submission to increase the number of units from 84 to 113 townhouse units. The primary reason for the change is to have the subdivision connect to CKL Road 36 in its final location rather than provide a sub-standard entrance originally proposed between existing homes. These lands will be retained in part for future development purposes with a portion of the land being dedicated to the City for infrastructure purposes.

The revised more southerly location of Street A can now also be used as a stormwater overland flow route to the stormwater management facility located in Block 24, allowing this facility to be constructed and sized in its ultimate location.

The revised plan also includes a walkway block between the subdivision and the I.E. Weldon Secondary School site to allow direct pedestrian access for students to the school. This walkway block will be transferred to the City.

The applicant has proposed a neighbourhood parkette (Block 25) as part of the proposal. Given that a portion of this area will be needed for infrastructure, and given that Community Services isn't interested in acquiring parkettes, the City will opt not to take this block as parkland but instead will opt for cash-in-lieu of parkland instead. The remainder of Block 25 as Future Development lands.

The City will not permit further development outside of this proposal on the FLATO lands. FLATO has agreed to prepare a community design plan for the remainder of the lands to help guide development of the community. This will help to organize the land uses for this new neighbourhood and help to identify residential, commercial and institutional development while protecting environmental features and planning for infrastructure needs of the area. The exercise will also assist the City's infrastructure capital and development planning program for this area.

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. Planning Staff have reviewed the proposal and comments received and are satisfied that the comments have been addressed or will be addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the draft plan of subdivision, as shown on Appendix 'B' together with the conditions substantially in the form attached as Appendix 'C' and red-line revisions attached as Appendix D, 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 Richard Holy, Director of Development Services, (705) 324-9411 ext 1246.

Appendix A – Key Map



PLAN2023-048
Appendix A.pdf

Appendix B – Proposed Draft Plan of Subdivision



PLAN2023-048
Appendix B.pdf

Appendix C – Proposed Conditions of Draft Plan Approval



PLAN2023-048
Appendix C.pdf

Appendix D – Proposed Red-Line Revisions to the Draft Plan of Subdivision



PLAN2023-048
Appendix D.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director, Development Services

Department File: D05-2022-003