



Planning Advisory Committee Report

Report Number:	PLAN2024-019
Meeting Date:	April 10, 2024
Title:	Amend the Lindsay Zoning By-law 2000-75 at 158 Colborne Street West - Francoeur
Description:	To rezone a portion of the land in the Town of Lindsay Zoning By-law from the "Residential Two (R2) Zone" to the "Residential Multiple One Special Twenty (RM1-20) Zone" and to the "Residential Two Special Forty-Three (R2-S43) Zone" to permit three townhouses with site specific development standards and facilitate a future severance
Type of Report:	Regular Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2024-019, **Part Lot 22, Concession 4, Former Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur – D06-2022-021**, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2024-019, be adopted by Council;

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on September 14, 2022, which adopted the following recommendation:

PAC2022-072

Moved By Mayor Letham

Seconded By M. Barkwell

That Report PLAN2022-055, **Part Lot 22, Concession 4, Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur – D06-2022-021**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Carried

At the Council Meeting of February 21, 2023, Council adopted the following resolution:

CR2022-333

Moved By Councillor Veale

Seconded By Deputy Mayor Richardson

That the Minutes of the September 14, 2022 Planning Advisory Committee Meeting be received and the recommendations, included in Section 14.3 of the Agenda, save and except for Items 14.3.4 and 14.3.6, be adopted.

Carried

14.3.4 PAC2022-072

Moved By Councillor Elmslie

Seconded By Councillor Seymour-Fagan

That Report PLAN2022-055, **Part Lot 22, Concession 4, Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur - D06-2022-021**, be received; and

That the application be denied.

Motion Failed

CR2022-334

Moved By Councillor Yeo

Seconded By Councillor Veale

That Report PLAN2022-055, **Part Lot 22, Concession 4, Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur – D06-2022-021**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Carried

This report addresses that direction.

In order to address public and staff concerns, the applicant has submitted a revised proposal with lesser density which would rezone the north portion of the land in the Town of Lindsay Zoning By-law from the "Residential Two (R2) Zone" to the "Residential Multiple One Special Twenty (RM1-S20) Exception Zone" to permit three (rather than four) townhouses with site specific development standards and facilitate a future severance. The proposed retained land containing the existing dwelling would now be subject to a minor reduction in rear yard setback to be recognized with a "Residential Two Special Forty-Three (R2-S43) Exception Zone". The effect of the revised amendment will permit three 2-storey stacked townhouses, each containing a primary and an additional residential unit, for six dwelling units (rather than eight) on the north half of the subject land. The proposed townhouses are intended be subdivided in the future into three separate lots. The site-specific development standards in the zoning by-law would include reduced rear yard setback for all units, and reduced minimum lot area per dwelling unit and increased maximum lot coverage and gross floor area as a percentage of lot area only for the interior (middle) dwelling unit.

In consideration of the lower density and other improvements proposed by the revised proposal, Staff considers these proposed changes to the Zoning By-law to be minor, and a Notice for a further public meeting is not required.

Owner:	Michel Francoeur and Jean-Guy Francoeur		
Applicant:	EcoVue Consulting Services Inc. c/o Kent Randall		
Legal Description:	Part Lot 22, Concession 4, Former Town of Lindsay		
Official Plan:	'Residential' (Schedule 'F-1') within the Town of Lindsay Secondary Plan		
Zoning:	'Residential Two (R2)' Zone (Schedule 'A') in the Town of Lindsay Zoning By-law 2000-75, as amended		
Site Size:	0.1335 hectares (0.33 acres – MPAC)		
Site Servicing	Municipal water and sewer system		
Existing Uses:	Residential		
Adjacent Uses:	North:	Residential	
	East:	Walker Street/Residential/Commercial	
	South:	Colborne Street West/Mixed Residential/Commercial	
	West:	Residential	

Rationale:

The property is located west of Angeline Street North on the northwest corner of Colborne Street West and Walker Street (see Appendix 'A'). There are a number of one and two storey residential dwellings and mixed residential, commercial and institutional uses in the area within 250 metres of the subject land. In response to public and staff comments, the applicant on behalf of the owners has revised the proposal to rezone a portion of the land to permit three townhouses accessed from Walker Street and facilitate a future severance (see Appendix 'C'). The proposed development will be on full municipal services. An amendment to the Zoning By-law is necessary to permit the townhouse built form along with site specific development standards to facilitate a severance and to recognize a reduction in rear yard setback on the proposed retained land.

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 April 14, 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., (undated) submitted with the application.
3. Comprehensive Urban Design Analysis, prepared by Imagineers Ltd. and EcoVue Consulting Services Inc., dated April 18, 2022. This document provides details on the urban design, built form and landscape features.
4. Building Elevations/3D Rendering and Floor Plans prepared by Imagineers Ltd., dated March 2022.
5. Topographic Survey Plan prepared by JBF Surveyors, dated November 2021
6. Conceptual Site Plan prepared by EcoVue Consulting Services Inc., dated April 12, 2022.
7. Traffic Brief and Entrance Design memorandum prepared by EcoVue Consulting Services Inc., dated March 7, 2022. The analysis concluded that the entrance structure design and sight line safety requirements have been adequately achieved.
8. Functional Servicing and Stormwater Management Brief prepared by Tatham Engineering Limited, dated July 18, 2022 including related engineering drawings including Existing and Proposed Condition Drainage Plans, Siltation and Erosion Control Plan, Site Grading, Servicing and Stormwater Management Plan and Notes and Details. The report examines municipal water and sanitary servicing as well as stormwater management. The report concludes that this proposed development site can readily be serviced to accommodate the proposed residential lots. The proposed SWM plan attenuates proposed condition peak flow rates at rates equal to or less than existing by means of permeable pavement driveways, an orifice plate and flood storage provided in the on-site storage chambers. In addition, a water balance was completed and confirms annual infiltration is expected to increase in the proposed condition scenario. A phosphorus loading assessment was also completed and confirms an overall decrease in phosphorus loading following development.

9. Response to public comments received in advance of public meeting on September 14, 2022 prepared by EcoVue Consulting Services Inc., dated September 13, 2022 (included in Planning Letter Addendum below).
10. Planning Letter Addendum prepared by EcoVue Consulting Services Inc., dated June 21, 2023 as an update to the Planning Justification Report discussing the benefits of the revised development proposal for 3 townhouses, along with revised concept site plan and building elevations.

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 Rationale 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.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (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.

Sections 2.2.6 of the Growth Plan contains policies related to housing to support the achievement of complete communities. In this regard, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

As the subject land is considered within a settlement area, the Natural Heritage System policies of the Growth Plan do not apply.

Therefore, the application appears to conform to the policies of the Growth Plan.

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.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines in Section 1.1.1 how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation; and
- f) are transit supportive where transit is planned, exists or may be developed.

Section 1.1.3.3 directs Planning authorities to identify locations and promote opportunities to accommodate a significant supply and range of housing options

through intensification and redevelopment in taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development for intensification and redevelopment will utilize existing municipal infrastructure.

The Housing policies of Section 1.4.3 state that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities in areas where it exists or is to be developed;
- f) Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Section 1.6, Infrastructure and Public Service Facilities, promotes intensification and redevelopment within settlement areas utilizing existing municipal sewage services and municipal water services and planning for stormwater management that will minimize increases in contaminant loads and changes in water balance and erosion, not increase risks to human health and safety and property damage, maximize the extent and function of vegetative and pervious surfaces and promote stormwater management best practices.

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.

In consideration of the above, the application appears to be consistent with the PPS.

Official Plan Conformity:

The “Residential” designation in the Lindsay Secondary Plan (SP) applies and is now in full force and effect following the recent repeal of the Lindsay Official Plan (LOP) by the Minister of Municipal Affairs and Housing (MMAH). This designation permits a variety of dwelling types and neighbourhood parks and neighbourhood commercial uses. For residential development, in addition to three types of density, mixed density development may also occur. The appropriate density shall be based on the availability of services, compatibility with surrounding uses and locational factors.

Single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding 2.5 storeys in height, and two (2) dwelling units per property are considered a low density form of development, while medium density residential uses shall include triplex dwellings, fourplex dwellings, row or block townhouse dwellings, stacked townhouse, converted dwellings containing more than two dwelling units, and mid-rise apartment housing not exceeding four storeys in height.

In this case, low density development shall have a minimum density of 15 units per net hectare and not exceed 30 units per net hectare, whereas medium density residential uses shall be developed between a minimum density greater than 25 units per net hectare to a maximum density of 60 dwelling units per net hectare. The subject proposal has characteristics of both low and medium density built form but falls within the lower medium density range and conforms to the density policies in the SP for this residential use of land within the settlement area of Lindsay.

The Housing policies of Section 31.2.2.1 of the SP for affordable housing are in accordance with the relevant policies of Sections 5 and 18 of the Official Plan, which promotes a mix and range of residential housing forms, costs and tenures to satisfy the needs of the Town’s residents with regard to proximity of transit routes, schools, recreation facilities, open space and commercial areas and the availability of municipal services. In addition, secondary suites are permitted within single, semi-detached, and townhouse dwelling units where residential dwellings are permitted as a use, as appropriate to encourage intensification.

The City’s Affordable Housing Program Coordinator has provided comments encouraging an affordable housing component in this development elsewhere in this report. The type of housing proposed in the form of townhouses also provides more density, which is supported by the housing policies in the PPS.

The application would be in conformity with the Official Plan.

Zoning By-Law Compliance:

The subject land is zoned “Residential Two (R2) Zone” in the Town of Lindsay Zoning By-law 2000-75 (TLZB). The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone the northern half of the subject land to a Residential Multiple One Special Twenty (RM1-S20) Zone” to permit three townhouses with site specific development standards and facilitate a future severance on the subject lands. The site specific development standards identified by the applicant relate to minimum lot area per dwelling unit (185 sq. m. to 146.38 sq. m. – inner lot only), minimum rear yard setback (7.5 m to 5.8 m - all lots), maximum lot coverage (35% to 45% - inner lot only) and maximum gross floor area as a percentage of lot area (55% to 74% - inner lot only). It should be noted that the reduction in parking spaces per dwelling unit (2 to 1) being applied for is not needed as the parking reduction relates to typical requirements for a townhouse unit. This is because By-law 2020-160 relating to ARUs only requires the minimum number of parking spaces for the primary dwelling unit (being 2 spaces) be satisfied and more than 6 parking spaces have been provided. Furthermore, it should also be noted that By-law 2020-160, which amended the TLZB, permits an additional residential unit (ARU) within each proposed townhouse dwelling as of right, notwithstanding the permitted uses, maximum densities, minimum gross floor areas, and maximum gross floor area as a percentage of lot area listed elsewhere in the By-law, subject to specific provisions. In addition, the proposed retained land will seek a reduction in rear yard setback (7.5m to 5.56 m) and define Colborne Street West as the front lot line to be established by a Residential Two Special Forty-Three (R2-S43) Zone.

The site specific zoning by-law provisions applicable to the proposed development are considered appropriate.

Other Alternatives Considered:

No alternatives have been considered at this time other than the original proposal for four townhomes, each with an accessory dwelling unit for a total of 8 dwelling units.

Alignment to Strategic Priorities:

The City’s 2024-2027 Kawartha Lakes Strategic Plan approved by Council on March 19, 2024 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 offering more housing options to increase affordable housing to attract new residents in the City of Kawartha Lakes.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report confirms that the subject lands are serviceable with sufficient capacity within the existing municipal infrastructure.

Consultations:

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

Public Comments (Original Proposal):

At the time of the public meeting, comments were received from B. Fountain, K. McCallum and E. Redshaw, D. and B. Lutes, M. and C. Puffer (and their agent, Kevin Duguay), D. and V. Obress, S. Toombs, R. Warren, B. Cooper, T. Shah, P. Jolicoeur, J. Di Bello, and R. Stewart

The issues raised with respect to the initial proposal are summarized as follows:

- Non-conforming compatibility with the single-detached home neighbourhood;
- Traffic Safety, including increased noise and congestion,
- Lack of parking, including for visitors;

- Lack of a cross-walk to cross Colborne St. W. to nearby school;
- Privacy, including fencing and balconies;
- Loss of mature trees, with little new landscaping;
- Street aesthetic, and change to neighbourhood character;
- Lack of snow storage areas;
- Lot coverage and setbacks;
- Drainage, swales, and lack of impervious surfaces;
- Potential for reduced property values;
- Loss of sunlight, and views; and
- Lack of yard and amenity space

Agency Review Comments (Original Proposal):

On August 15, 2022, the City's Affordable Housing Program Coordinator advised:

- In accordance with the Kawartha Lakes 2020-2029 Housing and Homelessness Plan, and Council Policy CP2019-004 Affordable Housing Incentives, approved November 19, 2019, there is an expectation to assist the City in achieving rental and ownership affordable housing targets within each new residential development.
- Although the Housing Affordability section refers to Section 30 of the City's Official Plan, more recently Council has placed a priority on the creation of affordable housing including setting targets, adopting policy and creating an annual Affordable Housing Target Program. There is a significant shortage of affordable housing in CKL, clearly illustrated by the targets that were established by looking at 24 data points, both current and future, identifying and resulting in Council setting the target of 1,280 additional rental units over the next ten years. The lack of purpose built rental is clearly evident as we struggle with a 1.4% vacancy rate.
- The City is encouraging the operator to consider options, which would allow a portion of the residential units to be either rented or sold at an affordability level that would assist the City in meeting its affordable housing targets. Units can be offered at an affordable rate through incentives as offered through the Affordable Housing Target Program. These incentives could offset some development fees. The operator should submit an expression of interest through the Affordable Housing Target Program, expressing its preferred program option in order to seek affordable units within the project. Even if the project won't be

occupied for another couple of years, the submission of interest in the Affordable Housing Target Program will allow Council to plan and budget for future program approvals.

On August 17, 2022, NAV Canada advised it has evaluated the captioned proposal and has no objection to the project as submitted. Their assessment does not constitute an approval and/or permit from other agencies.

On August 17, 2022, Building and Septic Division Plans Examiner advised that Development Charges are applicable and otherwise there are no other comments.

On August 23, 2022, Engineering and Corporate Assets advised that from an engineering perspective, they have no objection to the proposed Zoning By-law Amendment and offered specific comments and requirements in anticipation of a Site Plan submission, which include but are not limited to drawing, servicing and road occupancy requirements, a Reference Plan for sight triangle/widening, cost estimate, and requirements relating to water, sanitary, storm and grading.

On August 24, 2022, Enbridge Gas Inc. advised that it does not object to the proposed application however, they reserve the right to amend their development conditions.

Agency Review Comments (Revised Proposal):

On December 5, 2023, Engineering and Corporate Assets advised that from an engineering perspective, they have no objection to the proposed Zoning By-law Amendment with the understanding that detailed Engineering review and comments will be provided at the time of Site Plan Approval.

On December 11, 2023, Emergency Services (Fire) noted there are no concerns.

On January 18, 2024, Building and Septic Division Plans Examiner advised that there are no comments.

On March 11, 2024, following discussion with respect to detailed Engineering review requirements in the absence of a requirement for Site Plan approval, Development Engineering advised they have no objection to the proposed zoning by-law amendment as matters such as road widening, sight triangle, service connections, lot grading/drainage/stormwater management, etc. can be accommodated at the time of severance through the requirement of a Consent agreement.

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.

A Residential Multiple One Special Twenty (RM1-S20) Exception Zone is proposed to permit townhouse dwellings on the subject land along with any necessary site-specific zoning provisions to permit their future severance. In order to provide increased amenity space for the proposed townhouses, the proposed retained land containing the existing dwelling facing Colborne Street West would also seek to define that as the front lot line and a reduction in rear yard setback abutting the proposed townhouses as a result to be accomplished with a Residential Two Special Forty-Three (R2-S43) Exception Zone.

In response to the public concerns, the applicant has submitted a revised proposal with reduced density, which now includes a total of three 2-storey townhomes each containing a primary and an additional residential unit, on the north half of the subject land, which will be subject to site specific development standards and facilitate a future severance. Other changes include a shift in building location to improve the rear yard setback and amenity space along with design enhancements which include change in roof type (from flat roof to gable roof), change in façade, building materials, colour, balcony design, landscaping and driveway design and location to better accommodate vehicles and snow storage. Members of the public who were previously involved as listed in the public comments above, have been given notice of this returning report to the Planning Advisory Committee.

Staff have evaluated this revised proposal and considers the proposed use appropriate with site specific provisions. This includes a reduction in the rear yard setback for all 3 townhouses on the proposed severed lots, a reduction in the rear yard setback for the existing dwelling on the proposed retained lot, as well as a reduction in the minimum lot area and an increase in maximum coverage only for the middle townhouse.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with site specific provisions will appropriately facilitate the proposed use for 3 townhomes, each with an additional residential unit permitted as-of-right.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment 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' – Location Map



Appendix 'A'

Appendix 'B' – Aerial Map



Appendix 'B'

Appendix 'C' – Proposed Concept Plan



Appendix 'C'

Appendix 'D' – Proposed Zoning By-law Amendment



Appendix 'D'

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2022-021