

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Muskoka D & M Corporation
Report Number COA2024-024

Public Meeting

Meeting Date: March 28, 2024

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to facilitate the construction of an 8 storey 110-unit apartment building.

Relief sought:

1. Section 14.3.12 2. i) of the By-law permits a maximum lot coverage of 55%; the proposed lot coverage is 63%; and,
2. Section 14.3.12 2. q) of the By-law requires a minimum aisle width of 6.7 metres; the proposed aisle width is 6 metres.

The variance is requested at **77 - 83 William Street North** (File D20-2024-014).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2024-024 – Muskoka D & M Corporation, be received;

That minor variance application D20-2024-014 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 COA2024-024, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of thirty-six (36) 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 completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-024. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an 8 storey 110-unit apartment building
Owners:	Muskoka D & M Corporation c/o Thomas Binczyk
Applicant:	EcoVue Consulting Inc. c/o Aditya Srinivas and Kent Randall
Legal Description:	Part Lot 6 North of Wellington Street and South of Bond Street, Town Plan
Official Plan ¹ :	Residential (Lindsay Secondary Plan, 2017)
Zone ² :	Central Commercial Special Eleven Holding (CC-S11(H)) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	2,402 sq. m. (25,854.9 sq. ft.) (before road widening/sight triangle conveyance to City); 2,097 sq. m. (22,571.92 sq. ft.) (after road widening/sight triangle conveyance to City)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Commercial
Adjacent Uses:	Commercial and residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is within an established neighbourhood located in the centre of the former Town of Lindsay at the intersection of Wellington Street and William Street North. The property is rectangular in shape and currently contains two commercial buildings which are vacant.

¹ See Schedule 1

² See Schedule 1

The purpose of the application is to facilitate the construction of an 8 storey 110-unit apartment building. Muskoka D & M Corporation submitted an application to the City's Affordable Housing Targets Program in 2022 seeking incentives to support the creation of affordable housing units within their proposed apartment building. In 2023 City of Kawartha Lakes Council approved such incentives. By late spring 2024 relevant agreements will be signed to support the incentives to the developer and to establish the rent supplement program for a portion of the units in the building.

Council approved a site-specific Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) on June 20, 2023 that are in force and effect. The current proposal is the same as what was approved through the OPA/ZBA process. Through the current site plan application process, the approximate dimensions of the road widening and site triangle applied during the OPA/ZBA process were finalized, resulting in an approximately 305 square metre reduction in lot area which effectively increased the lot coverage. Additionally, 6.7-metre-wide aisles in the parking area are required, and 6-metre-wide aisles are proposed. In developments of this nature, design refinements can be expected with approvals that are conditionally granted subject to final agency review and detailed design at the final site plan stage.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

At the time of the OPA/ZBA, the Town of Lindsay Official Plan was in effect. An OPA was granted to increase the permitted residential density from 100 units per gross hectare to 113 units per gross hectare. However, the Town of Lindsay Official Plan has recently been repealed by the Minister of Municipal Affairs and Housing and the Lindsay Secondary Plan is now in effect.

The property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of density. The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered high density residential, which includes medium-rise and high-rise residential apartment buildings and other residential buildings in excess of four storeys in height, generally between 5 and 8 storeys in height, with a maximum density of 125 dwelling units per hectare of land.

High density residential uses will generally be located close to, or within, existing and future activity nodes, along arterial roads, along existing or planned transit corridors, or on brownfield sites, where the intensity of residential development supports commerce and transit ridership, and generates pedestrian traffic to enliven neighbourhood streets. The property is within close proximity to downtown Lindsay and is located along an arterial road, being William Street North. There are several bus routes adjacent to the property. The proposal will result in increased pedestrian traffic in this area.

The subject property is identified as being within an Environmental Constraint Area, being within 120 metres of the Scugog River. An Environmental Impact Study (EIS) or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. As per the City of Kawartha Lakes Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS. As part of the OPA/ZBA, the following reviews were completed: a Phase One and Phase Two Environmental Site Assessment; a Species at Risk screening; a Functional Servicing Report; a preliminary Stormwater Management Report; a Hydrogeological Investigation; and a Geotechnical Investigation.

The property is outside of the Kawartha Region Conservation Authority regulated area. Based on the location of the proposed development and the limited natural features on and adjacent to the site, staff feel it is reasonable to not require an EIS and that the proposal is in keeping with the general intent and purpose of the Secondary Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Central Commercial Special Eleven Holding (CC-S11(H)) Zone under the Town of Lindsay Zoning By-law 2000-75. An apartment building is a permitted use within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the maximum lot coverage and minimum aisle width.

As per Section 14.3.12 2. i) of the By-law, a maximum lot coverage of 55% is permitted. The proposed lot coverage is 63% as a result of land conveyance to the municipality. The intent of establishing maximum lot coverage is to manage massing, ensure a sufficient degree of landscaped open space is maintained, and to control more technical aspects of development such as drainage. The built form that was approved through the OPA/ZBA process is to remain the same, and the proposal is to comply with the minimum required landscaped open space. The increased lot coverage is not anticipated to impact drainage.

As per Section 14.3.12 2. q) of the By-law, a minimum aisle width of 6.7 metres is required. The proposed aisle width is 6 metres. The intent of a minimum aisle width is to ensure there is adequate space for vehicles to negotiate the parking area. As part of the OPA/ZBA submission, a traffic impact brief was prepared by Tatham Engineering. It was determined that a 6-metre-wide aisle is sufficient for the circulation of traffic on the site and for the manoeuvring of typical vehicles.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is 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:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Building and Septic Division (Building): “No comments.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection/no comment.”

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

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Division File: D20-2024-014

Schedule 1 Relevant Planning Policies and Provisions

Lindsay Secondary Plan



31.2.3. Land Use Policies

31.2.3.1. Residential

31.2.3.1.1. Permitted Uses

31.2.3.1.2. Residential Densities

31.2.3.1.2.3. High Density Residential Development



31.2.2.6. Environment and Natural Heritage

Town of Lindsay Zoning By-law 2000-75



14.3.12 CC-S11(H) Zone Central Commercial Special Eleven Holding (CC-511(H)) Zone

1. Permitted Uses

- (a) Apartment Building
- (b) All other permitted uses in the CC Zone

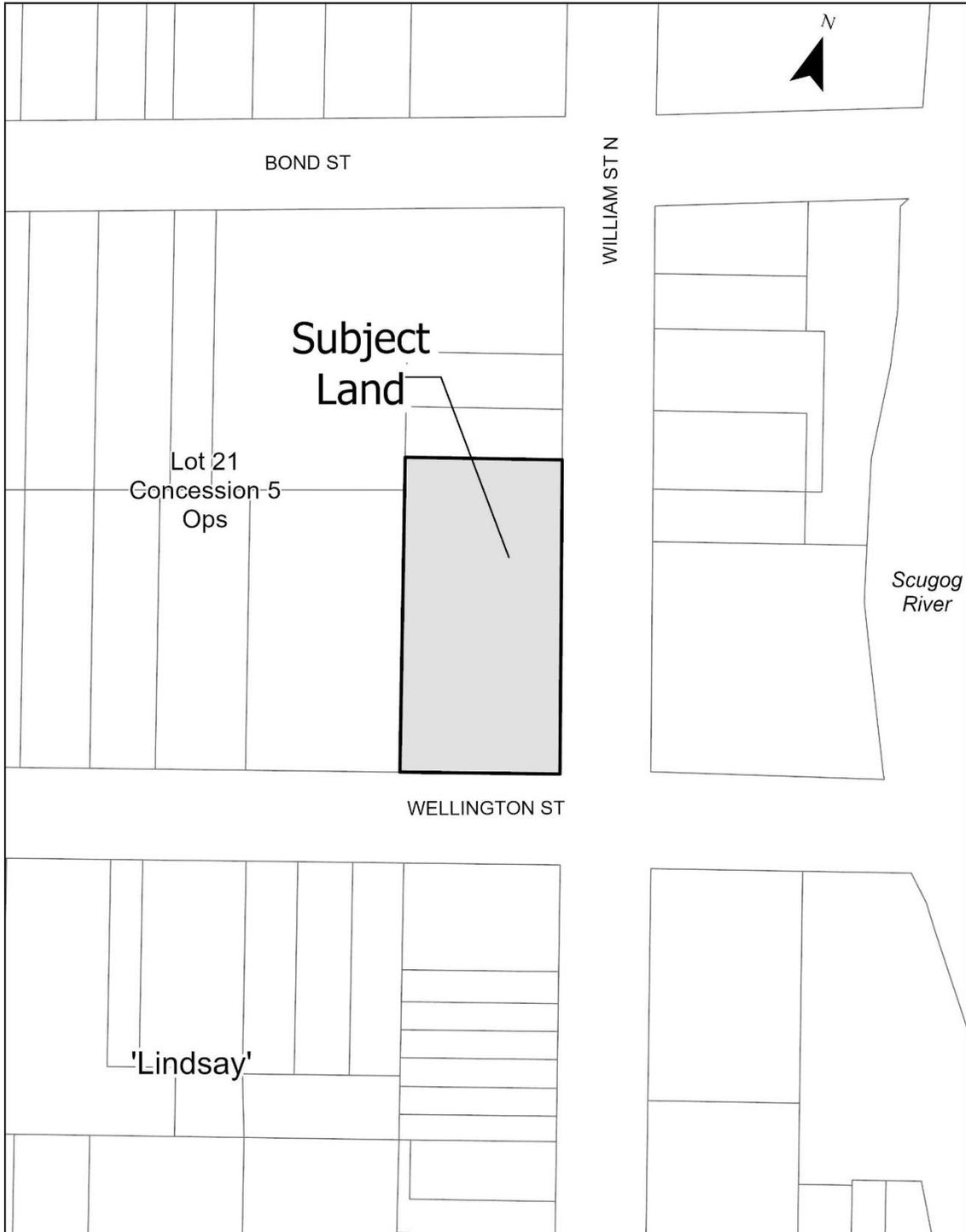
2. Zone requirements for apartments

- i) Maximum lot coverage 55%
- q) Minimum aisle width 6.7 m

to

LOCATION MAP

D20-2024-014



to

REPORT COA2024-024

FILE NO: D20-2024-014

AERIAL PHOTO

