

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2017-002

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**Date:** February 8, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 9 – Lindsay

**Subject:** An application to amend the Local Commercial Special Two (LC-S2) Zone in the Town of Lindsay Zoning By-law 2000-75 (D06-16-033) to include all permitted uses in the Local Commercial (LC) Zone, and amend the development standards on the property identified as 152 Elgin Street, Lindsay (SALEM INTERFIELDS HOLDINGS INC.)

**Author/Title:** Ian Walker, Planner II


**Signature:** 

### Recommendations:

**RESOLVED THAT** Report PLAN2017-002, respecting Plan 1, Block O, Part Lot 8, former Town of Lindsay, "SALEM INTERFIELDS HOLDINGS INC. – Application D06-16-033", be received; and

**THAT** the application respecting Application D06-16-033 be referred back to staff for further review and processing until such time that all comments and concerns have been addressed.

**Department Head:**



**Corporate Services Director / Other:**



**Chief Administrative Officer:**

## Background:

The statutory public meeting was held by the Planning Committee on December 7, 2016 and the following resolution was passed:

***Moved by Councillor Breadner, seconded by Councillor Stauble,***  
**RESOLVED THAT** Report PLAN2016-080, respecting Plan 1, Block O, Part Lot 8, former Town of Lindsay, SALEM INTERFIELDS HOLDINGS – Application D06-16-033, be received; and

**THAT** the application respecting Application D06-16-033 be referred back to staff 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 PC2016-044**

This report addresses that direction.

The original application proposed to add all permitted uses in the “Local Commercial (LC) Zone”, in addition to a medical office use and a financial institution use. Additional information was submitted by the applicant, which determined that a “Medical Office” use will be considered a permitted use under “Office” use, and that the financial institution use is no longer required, as the client it intended to serve is defined as an “Office” use. Additional development standards are required for this site, including reducing the minimum lot frontage to 28 m.; increasing the maximum height of a commercial building to 7.0 m.; and recognizing that the lot contains a maximum of 16 on-site parking spaces. In accordance with the Planning Act, this application has been re-advertised, to include the development standards.

Owner:	Salem Interfields Holdings
Legal Description:	Plan 1, Block O, Part Lot 8, former Town of Lindsay
Designation:	“Local Commercial”, Town of Lindsay Official Plan
Zone:	“Local Commercial Special Two (LC-S2) Zone” on Schedule ‘A’ of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	1,290 sq. m. [13,939.2 sq. ft. – MPAC]
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Office uses
Adjacent Uses:	North: Vacant – Park East: Vacant – 20 Space Parking Lot, Park South: Elgin Street, Motor Vehicle Sales Establishment West: Angeline Street North, Commercial Plaza

## **Rationale:**

The property is located on the northeast corner of Angeline Street North and Elgin Street, Lindsay, and contains a two-storey, 587 sq. m. gross floor area (G.F.A.) office building, with an associated parking lot containing 16 parking spaces. See Appendix 'A' and 'B'. The lot is designated "Local Commercial" in the Town of Lindsay Official Plan; and zoned "Local Commercial Special Two (LC-S2) Zone" in the Town of Lindsay Zoning By-law 2000-75, as amended.

The "Local Commercial" designation allows convenience-type retail and commercial uses serving the daily needs of the surrounding neighbourhood. The LC Zone permits a range of commercial uses, including but not limited to: an automated teller/banking machine, bake shop, book store, convenience store, day care centre, dry cleaning or laundry establishment, restaurant, florist, office, personal service establishment, pharmacy, service station, and video rental establishment. The LC-S2 Zone permits two uses: an office use, and the storage and maintenance of race cars on a hobby basis. The proposed amendment will remove the second use, add the remaining LC Zone uses, and recognize existing development standards which do not comply with the LC Zone requirements.

The applicant has submitted a Planning Justification Report (PJR), dated August 16, 2016, and an addendum letter to the Report, dated December 12, 2016. The report and addendum letter discuss and assess the proposal in the context of the 2014 Provincial Policy Statement, the Growth Plan, the Town of Lindsay Official Plan (Lindsay OP), and the Town of Lindsay Zoning By-law, as amended. Staff has reviewed the PJR and addendum letter in support of this application to amend the Zoning By-law.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2006:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The lot is located within the Lindsay settlement area, and the proposed development will utilize the existing infrastructure. This application facilitates the efficient use of existing building stock within a designated settlement area. Therefore, this application conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (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 direct growth to settlement areas, including redevelopment which utilizes existing or planned infrastructure. Redevelopment shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The subject lot is not within or adjacent to natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS. Therefore, this application is consistent with the PPS.

## Official Plan Conformity:

The property is designated "Local Commercial" in the Town of Lindsay Official Plan (Lindsay OP). This designation permits commercial uses which serve the daily needs of the surrounding neighbourhood, including offices, convenience retail stores, automated teller/banking machines, video rental establishments, dry cleaning depots, laundromats, automobile service stations, eating establishments, personal service shops, and other similar uses. The PJR indicates there is a difference between a "medical office" and a "medical clinic". The medical office is used by medical professionals to provide examinations, but does not include large equipment rooms normally associated with a medical clinic, such as x-ray rooms or operating rooms. A medical office is therefore permitted as a type of "Office" use. Planning staff accept this analysis.

The Lindsay OP states that "Financial institutions shall not be permitted in the Local Commercial designation". The addendum letter dated December 12, 2016 has withdrawn the request to include a "Financial Institution" use, as the client it was intended to serve is not defined as an "Financial Institution" in the Zoning By-law. Planning staff accept this analysis.

Land within the "Local Commercial" designation is subject to site plan control, however, no on-site works are proposed. If future re-development is contemplated for this lot, the applicant would at that time be required to enter into a Site Plan Agreement with the City for the redevelopment of the lot.

## Zoning By-Law Compliance:

The lot is zoned "Local Commercial Special Two (LC-S2) Zone" in the Town of Lindsay Zoning By-law 2000-75. The applicant has submitted a Zoning By-law Amendment application for consideration, to include all permitted uses in the LC Zone (See Appendix 'C'), and to recognize existing development standards specific to this property as noted in the following table:

	<b>Requirements: LC Zone</b>	<b>Requirements: LC-S2 Zone</b>
Minimum Lot Frontage	30.0 m.	28.0 m.
Maximum building height commercial use only	5.0 m.	7.0 m.
Parking Requirements for Permitted Uses Based on Existing Building Area:	A Maximum of 34 spaces are required for all permitted uses, based on the Planning analysis	There are a maximum of 16 on-site spaces. An additional 20 spaces are leased on the abutting City-owned property.

The change to the development standards were not included in the original public notice, therefore the applicant has amended their application, and this application has been re-advertised for a new Public Meeting, to include the development standards. Planning staff support the reduced lot frontage and increased height

requirements, however, due to the required on-site parking requirements for the existing and proposed commercial uses, require further analysis and consultation with the applicant to ensure the parking requirements can be satisfied.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Considerations:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments are appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it provides to expand the employment base.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

### **Servicing Comments:**

The lot is connected to full municipal services within the Lindsay municipal service area.

### **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:

#### Agency Review & Public Comments:

November 18, 2016 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

December 5, 2016 – David Ciastko, Lindbrook Developments Limited advised he wishes to be notified of the decision in this matter.

December 5, 2016 – Marty Stollar, J. Stollar Construction Limited advised he wishes to be notified of the decision in this matter.

January 13, 2017 – The Building Division advised it has no concerns.

January 18, 2017 – Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.

January 23, 2017 – Hiawatha First Nation advised they have no concerns.

### **Development Services – Planning Division Comments:**

The appropriate background studies have been submitted to support this application to amend the Zoning By-law. These studies have been circulated to the appropriate plan-review agencies and City departments for review and comment. At this time, there remains outstanding issues regarding the parking provisions for this site. Staff recommend that the application be referred back to staff until such time as the parking issue can be resolved.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as all concerns have been addressed.

### **Attachments:**

Appendix 'A' – Location Map



PLAN2017-002  
Appendix A.pdf

Appendix 'B' – Site Plan – dated August 10, 2016



PLAN2017-002  
Appendix B.pdf

Appendix 'C' – Local Commercial (LC) Zone, By-law 2000-75, as amended



PLAN2017-002  
Appendix C.pdf

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<b>Phone:</b>	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
<b>E-Mail:</b>	<a href="mailto:iwalker@city.kawarthalakes.on.ca">iwalker@city.kawarthalakes.on.ca</a>
<b>Department Head:</b>	Chris Marshall, Director, Development Services
<b>Department File:</b>	D06-16-033

FILE NO. D06-16-033

**'LINDSAY'**

(unopened)

**Subject Land**



**Elgin St.**

(unopened)

**Regent St.**

**Angeline St. North**

**Birch**

**Court**

**Elgin St.**

**Elm Court**

**Walker St.**



APPENDIX " B "

Grassed Area

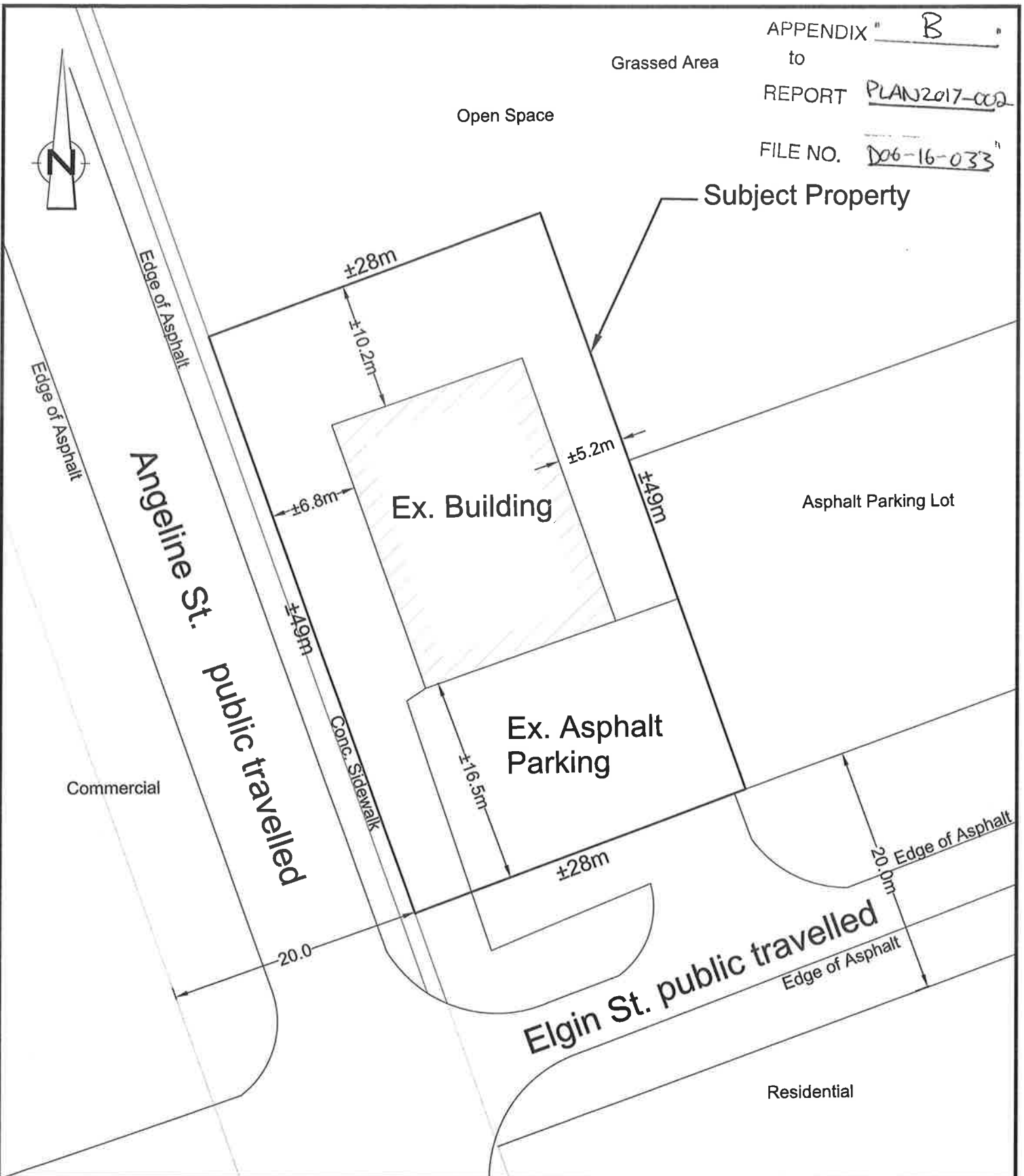
to

REPORT PLAN2017-002

FILE NO. D06-16-033

Open Space

Subject Property



www.ecovueconsulting.com

PROJECT NO: 16-1602

DATE: August 10 2016

HORIZ. SCALE: 1:400

## Zoning Sketch

Elgin Street Zoning By-law Amendment

Part Lot 22, Concession 5 - Town of Lindsay  
152 Elgin St.



## SECTION 15: LOCAL COMMERCIAL (LC) ZONE

### 15.1 LC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Local Commercial (LC) zone, except for the following uses:

#### Commercial

- a. Automated teller/banking machine
- b. Bake Shop
- c. Book store
- d. Convenience retail establishment with or without a gas bar
- e. Day Nursery or Day Care Centre
- f. Dry cleaning establishment
- g. Eating establishment
- h. Florist
- i. Laundry establishment
- j. Office
- k. Personal service establishment
- l. Pharmacy
- m. Service station
- n. Video rental establishment

#### Residential

- a. Dwelling units above a permitted commercial use, but not above a service station
- b. Home occupation

### 15.2 LC ZONE REQUIREMENTS

In a Local Commercial (LC) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 750 m<sup>2</sup>
- b. Minimum lot frontage 30.0 m
- c. Minimum front yard setback 7.5 m
- d. Minimum exterior side yard setback 6.0 m
- e. Minimum interior side yard setback 4.5 m
- f. Minimum rear yard setback 7.5 m
- g. Maximum building height
  - commercial use only 5.0 m
  - commercial with residential above 9.0 m
- h. Maximum lot coverage 40%
- i. Maximum gross floor area as % of lot area 50%
- j. Maximum gross leasable floor area