

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-064

Date: December 6, 2017

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier:

Subject: An application to amend the Town of Lindsay Zoning By-law to change the zone category to allow for a five (5) storey Independent Senior's Apartment Building on the eastern portion of the property identified as 84 Adelaide Street South, Lindsay (Lindsay Retirement Home GP Ltd.)

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendation(s):

RESOLVED THAT Report PLAN2017-064, **Plan 8P, Part of Park Lot K, 57R-7336, Part of Part 1, Former Town of Lindsay, "Lindsay Retirement Home GP Ltd. – Application D06-17-025**, be received;

THAT the zoning by-law amendment respecting application D06-17-025, substantially in the form attached as Appendix 'C' to Report PLAN2017-064, be approved and adopted by Council;

THAT in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements 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 13, 2017 and following resolution was passed:

PC2017-039

Moved By Councillor Veale

Seconded By M. Barkwell

RECOMMEND THAT Report PLAN2017-053, **Plan 8P, Part of Park Lot K, 57R-7336, Part of Part 1, Former Town of Lindsay, Lindsay Retirement Home GP Limited – Application D06-17-025**, be received; and

THAT Report PLAN2017-053 respecting Application D06-17-025 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.

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Future Residential (FR) Zone” to the “Residential High Rise One Special Nine (RH1-S9) Zone” on the eastern portion of this property. The intent of the change is to facilitate the construction of a 90 unit five (5) storey independent senior’s residential apartment building on the portion of the property subject to this application. The “RH1-S9” zone is specific to the western portion of this property, and permits only a Senior Citizens’ Home and an accessory convenience retail and/or personal service establishment. This portion of the site is developed with a 125 unit four (4) storey Senior Citizens’ Home which was constructed circa 2010.

Owner:	Lindsay Retirement Home GP Limited
Applicant:	Lindsay Retirement Home GP Limited – Andy Bicanic
Legal Description:	Plan 8P, Part of Park Lot K, 57R-7336, Part of Part 1, former Town of Lindsay
Designation:	“Residential” on Schedule ‘A’ of the Town of Lindsay Official Plan
Zone:	“Future Residential (FR) Zone” on Schedule ‘A’ of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	2.45 ha. [6.04 ac. – MPAC], of which approximately 1.25 ha is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply

Existing Uses: Adelaide Place Retirement Community, Vacant Land
Adjacent Uses: North: Clancy’s Service Centre, Low Density Residential
East: Albert St. S., Hamilton Park, Vacant Residential
South: Unopened George St. Road Allowance, Trinity Auto Sales & Service, Low Density Residential
West: Adelaide St. S., Vacant Residential

Rationale:

The property is located between Adelaide Street South and Albert Street South, to the south of Bay Street, in Lindsay. See Appendix ‘A’. It contains an existing Senior Citizens’ Home on the western portion of the property, with associated parking on the south side of the building. The proposed development is an independent seniors’ apartment building located on the eastern portion of the site, with associated parking to the north of the proposed building. The second storey of the proposed building will link to the first storey of the existing building via a one storey structure. See Appendix ‘B’.

The original application seeks to add the “RH1-S9” zone to the remainder of the lot, and amend the provisions to facilitate the new development. As this is a new site-specific development with different standards from the original building, the site will function better with a new exception zone for the eastern portion of the lot, with each exception zone tailored to the specific developments on each portion of the lot. The two exception zones will complement each other, and will function as one complete site.

Staff has reviewed the Planning Justification Report (PJR) and accompanying documents filed in support of the proposed zoning by-law amendment. The Engineering and Corporate Assets Department have reviewed the Functional Servicing Report & Stormwater Management Report (FSR & SWM) and the Traffic Impact Study (TIS) filed in support of this application.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The development will be serviced by the existing municipal roads, sewage, water and stormwater services. The GP envisions increasing intensification of the existing built-up area. 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 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. The proposed development is not within or adjacent to any 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 policies of the PPS.

Trent Source Protection Plan (TSPP):

The property is located within the Kawartha-Haliburton source protection area. Part of the property is located within a surface water intake protection zone for the municipal drinking water system for Lindsay, within the Intake Protection Zone 2 (IPZ-2) for the Lindsay municipal surface water system. Therefore, the applicant was required to obtain a Section 59.(2) Notice under the Clean Water Act (2006), prior to submission of this application.

Official Plan Conformity:

The lot is designated “Residential” on Schedule ‘A’ of the Town of Lindsay Official Plan (OP). This designation permits all types of residential uses and densities. High density residential uses include apartment buildings and other residential buildings in excess of four storeys in height. The density shall not exceed 125 units per gross hectare (units/GH). The proposed density of this development is 88 units/GH for the entire site. In this designation, a small commercial facility may be located on the ground floor of a high density residential building, to serve the residents of the building and complex.

Senior citizen’s homes are permitted in residential areas in accordance with the medium density provisions of the OP. The PJR notes that this building is characterized by the high density provisions of the OP, and given that the use is for an apartment building tailored to seniors, it should be considered in the context of an apartment building. Planning staff accept this rationale.

High density residential development is subject to site plan control. The applicant has concurrently submitted an application for site plan control, which is under review. A number of criteria must be met, including, but not limited to:

- Height and massing of the buildings at the edge of the development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
- The development shall have direct access to a collector road where possible;
- A report on the adequacy of the road network to accommodate the expected traffic flows, and adequacy of water and sewer services shall be prepared by the applicant and approved by the City Engineer; and
- The water mains and sanitary sewers shall be capable of accommodating the development, or the developer commits to extend services at no expense to the municipality.

As part of the rezoning, a holding provision will be applied until such time as sewage capacity is available for occupancy of the building. As noted above, a Functional Servicing Report (FSR) and Traffic Impact Study (TIS) have been submitted and circulated for review. The reports indicate the existing municipal infrastructure can accommodate the proposed 90 unit development.

On this basis, this application conforms to the policies of the OP.

Zoning By-Law Compliance:

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The developed portion of the lot is zoned “Residential High Rise One Special Nine (RH1-S9) Zone”, and the vacant portion of the lot is currently zoned “Future Residential (FR) Zone” in the Town of Lindsay Zoning By-law 2000-75. The amended application will apply a new exception zone to the eastern portion of the lot, to recognize the site-specific development standards which will apply to the new development. The proposed change will implement a site-specific “Residential High Rise One Special Thirteen (RH1-S13) Zone” for the new development, and amend the “RH1-S9” zone provisions to incorporate the link between the two developments.

The site specific development standards for the new “RH1-S13” zone as follows:

Development Standard	Requirements: “RH1” zone	Requirements: “RH1-S13” zone
Definition of “Independent Seniors’ Apartment Building”	None	“Means A building in which ten or more apartments are provided for rent on a monthly or yearly basis, where apartment suites have full kitchens, and where common amenity space and areas are provided for seniors who reside therein”.

Development Standard	Requirements: “RH1” zone	Requirements: “RH1-S13” zone
Minimum lot frontage	45.0 m.	96.24 m. – exceeds minimum – no provision included (default to “RH1” zone)
Minimum front yard setback	12.0 m.	23.0 m. – exceeds minimum – provided 20.0 m. provision
Minimum exterior side yard setback (south)	3.0 m. for each storey (15.0 m. total)	8.0 m. – provided provision
Minimum interior side yard setback (north)	2.5 m. for each storey (12.5 m. total)	39.7 m. – exceeds minimum – provided 38.0 m. provision
Minimum rear yard setback	12.0 m.	12.0 m. for main building – exceeds minimum
		0.0 m. – for 1 storey link – provided provision
Maximum building height	18.0 m.	18.0 m. for main building – provided 18.5 m. provision
		20.5 m. for mechanical room
Maximum lot coverage	25%	31% - exceeds minimum – provided provision
Maximum gross floor area as % of lot area	150%	100% – does not exceed maximum
Minimum lot area	No minimum listed	12,800.0 sq. m. applied, similar to “RH1-S9” zone
Maximum density	125 dwelling units per gross hectare	88 dwelling units per gross hectare for entire site – provided provision for “RH1-S13” zone – 90 dwelling units
Minimum landscaped open space	40%	45.5% for entire site – exceeds minimum
Minimum distance between two apartment buildings or an apartment building and a multiple attached dwelling unit on the same or adjacent lot shall be equal to the average height of the two adjacent buildings	17.0 m. (average between 14.0 m. Senior Citizens’ Home and 20.0 m. Independent Seniors’ Apartment Building)	36.4 m. – exceeds minimum; A provision is included that this requirement does not apply to 1 storey link between buildings.

Development Standard	Requirements: “RH1” zone	Requirements: “RH1-S13” zone
Minimum distance between an apartment building and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the apartment building	20.0 m.	> 28.0 m. – exceeds minimum; Provision changes “apartment building” to “Independent Seniors’ Apartment Building”.
Lot Line, Front	Shortest lot line, which is Adelaide Street South	Albert Street South

As noted above, the “RH1-S9” provisions must be amended to incorporate the link between the two developments.

The amended development standards for the “RH1-S9” zone as follows:

Development Standard	Current Standards: “RH1-S9” zone	Amended Standards: “RH1-S9” zone
Minimum lot frontage	45.0 m. – same as “RH1” zone	94.2 m. – exceeds minimum – removed standard from “RH1-S9”, defaults to “RH1” zone
Minimum front yard setback	9.5 m.	9.5 m. – keep standard
Minimum exterior side yard setback (south)	20.0 m.	20.0 m. – keep standard
Minimum interior side yard setback (north)	8.0 m.	8.0 m. – keep standard
Minimum rear yard setback	12.0 m.	12.0 m. for main building – keep standard 0.0 m. – for 1 storey link – provided new provision
Maximum building height	4 storeys	14.0 m. – amended provision to recognize existing 13.65 m. constructed structure
Maximum lot coverage	24%	25% – meets minimum, allows for connecting link – provided provision
Maximum gross floor area as % of lot area	150%	150% – keep standard
Minimum lot area	11,600 sq. m.	11,600.0 sq. m. – keep standard
Maximum density	125 dwelling units per	88 dwelling units per

Development Standard	Current Standards: “RH1-S9” zone	Amended Standards: “RH1-S9” zone
	gross hectare	gross hectare for entire site – provided provision for “RH1-S9” zone – 125 senior citizen home units (1 unit treated as 0.5 dwelling units)
Parking Spaces	One (1) parking space shall be required for every two rooms of lodging	One (1) parking space shall be required for every two rooms of lodging – keep standard
Minimum distance between two apartment buildings or an apartment building and a multiple attached dwelling unit on the same or adjacent lot shall be equal to the average height of the two adjacent buildings	Minimum distance between a Senior Citizens’ Home and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the building	Minimum distance between a Senior Citizens’ Home and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the building – keep provision
Lot Line, Front	Shortest lot line, which is Adelaide Street South	Adelaide Street South

The proposed concept of the new development has not changed since the application was submitted. Through a full zoning compliance review, additional minor development standards have been identified which require relief in the proposed respective zone categories. Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

The “RH1-S9” and “RH1-S13” exception zones would recognize site-specific development standards for each development on the lot, and all other provisions of the “RH1” zone will apply.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendments is 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 Recommendation(s) To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the exceptional quality of life strategic goal as it enhances access to community health services.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The following recommendation was adopted by Council:

- 10.3.24 **RESOLVED THAT** Report WWW2014-007, **Lindsay Capacity Study Action Plan Summary**, be received;
THAT Council endorses the finding of the Capacity Report and direct staff to implement the recommendations of the assessment through future capital initiatives;
THAT the scope of WW1341 - Lindsay Wastewater Collection / SPS Capacity be expanded to include an Environmental Assessment to address capacity constraints at the Colborne Street Sanitary Pumping Station; and
THAT Council recognize the capacity constraints on the Colborne Street Sanitary Pumping Station and direct staff to limit development within the Colborne Street Sewer Shed area to pre-approved development allocation until the capacity restriction can be properly addressed.

CARRIED

This property is located in the Colborne Street Sanitary Pumping Station, and as such, sewer capacity on this lot is subject to Council Resolution 2014-777 above. This lot will be serviced by full municipal water and sanitary services, however based on the above resolution, staff are directed to limit development or re-development of this property to pre-approved development allocation, until the

capacity restriction is addressed. To satisfy this concern, a holding (H) provision has been placed on the zoning, until the capacity issue has been addressed.

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. As of November 24, 2017, we have received the following comments:

Agency Review & Public Comments:

- | | |
|-------------------|---|
| August 21, 2017 | The Building Division has no concerns with this application. |
| August 25, 2017 | Al Ruggero, Director of Land Development for Rexton Developments Ltd. advised by email that they wish to be notified of the decision on this application. |
| August 31, 2017 | Cam Findley advised by phone that he has no objection to this application, and requested a larger copy of the site plan for viewing. |
| November 15, 2017 | The Community Services Department has no concerns or comments. |
| November 22, 2017 | The Engineering and Corporate Assets Department advised they have no objection to the rezoning. All requirements and/or comments will be addressed through the concurrent site plan submission. |

Development Services – Planning Division Comments:

The appropriate background information which has been submitted in support of this application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2017 Growth Plan and is consistent with the 2014 Provincial Policy Statement. Conformity with the City's Official Plan has also been demonstrated. The rezoning will facilitate the development of a ninety (90) unit five (5) storey Independent Seniors' Apartment Building with a one (1) storey link to the existing Senior Citizen's Home on the same lot. All other zoning provisions within the "RH1" zone will be maintained.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-064
Appendix A.pdf

Appendix 'B' – Overall and Enlarged Site Plans – Drawings SP101 and SP102



PLAN2017-064
Appendix B.pdf

Appendix 'C' – Draft Zoning By-law Amendment



PLAN2017-064
Appendix C.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-025