



## Planning Advisory Committee Report

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**Report Number:** PLAN2025-024  
**Meeting Date:** April 9, 2025  
**Title:** Application to Amend the Town of Lindsay Zoning By-law 2000-75 at 370 Kent Street West, Lindsay - 1193017 Ontario Inc.  
**Description:** Request by Celeste Phillips Planning Inc. on behalf of 1193017 Ontario Inc. to rezone the property developed and known as the 'Whitney Town Centre' for alignment with the Lindsay Secondary Plan  
**Type of Report:** Public Meeting  
**Author and Title:** Leah Barrie, Director of Development Services

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### Recommendations:

**That** Report PLAN2025-024, Application to Amend the Town of Lindsay Zoning By-law 2000-75 at 370 Kent Street West, Lindsay - 1193017 Ontario Inc., be received for information;

**That** the Zoning By-law Amendment respecting application D06-2024-020, substantially in the form attached in Appendix C to Report PLAN2025-024, Application to Amend the Town of Lindsay Zoning By-law 2000-75 at 370 Kent Street West, Lindsay - 1193017 Ontario Inc. be approved and adopted by Council; and,

**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:

**Owner:** 1193017 Ontario Inc. (c/o J. Stollar Construction Limited)

**Applicant:** Celeste Phillips Planning Inc.

**Property Description:** **Legal Description:** Part Lot 21, Concession 4 (being Part 5, RP 57R-7657), former Township of Ops, now City of Kawartha Lakes

**Municipal Address:** 370 Kent Street West, Lindsay

**Official Plan:** 'Urban Settlement Area' (City of Kawartha Lakes Official Plan, 2012); 'General Commercial' (Lindsay Secondary Plan, 2023)

**Zoning By-law:** 'Special Purpose Commercial (SPC) Zone' (Town of Lindsay Zoning By-law 2000-75)

**Lot Area:** Approximately 3.9 hectares (9.31 acres)

**Servicing:** Municipal water, sanitary sewers, storm sewers

**Access:** Site is located on the north side of Kent Street West, west of Angeline Street North (arterial status roads) and east of St. Joseph Road (collector status road). The site can be accessed by Lindsay transit services.

**Existing Uses:** 7 commercial buildings with a total gross building area of approximately 9,951 square metres

**Adjacent Uses:** The property is surrounded on three sides by lands that are designated, zoned and used for commercial purposes. Lands to the north are vacant.

## Rationale:

The application seeks to expand the list of permitted commercial uses and to eliminate the existing caps on certain categories of uses, in order to bring the zoning into alignment with the new Lindsay Secondary Plan. An Official Plan Amendment is not required. No additional buildings are proposed.

## Policy Conformity

### **Provincial Planning Statement 2024 (PPS)**

On August 20, 2024, the Province of Ontario released the updated Provincial Planning Statement 2024. The PPS is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents.

In alignment with the PPS, the rezoning application contributes to achieving a complete community by providing a broader range of commercial uses; promotes economic development and competitiveness to support a modern economy; and, facilitates intensification through the broader range of commercial uses.

The rezoning application is consistent with the PPS.

### **City of Kawartha Lakes Official Plan (2012)**

The Official Plan is the City's policy on how land in the community should be used. Prepared through a public consultation process, it sets strategic direction for land use development, environmental protection, and public infrastructure to attain its vision, goals and objectives.

The Official Plan implements provincial policies, and sets the municipal policy framework for applying the Zoning By-law. The site is within the 'Urban Settlement Area' land use designation, which permits the proposed expanded commercial uses; further policy direction is provided through the Lindsay Secondary Plan.

The rezoning application upholds the intent of the Official Plan.

### **Lindsay Secondary Plan (2023)**

The Lindsay Secondary Plan (LSP) as modified and approved through Ontario Land Tribunal Order replaces the former Lindsay Official Plan, which has since been repealed. The current Lindsay Zoning By-law 2000-75 was developed to implement the former Lindsay Official Plan (2000), and as such is not in complete alignment with the new LSP.

With all four (4) community secondary plans now in force and effect, a future municipal initiative and Phase 2 of the City's Comprehensive Zoning By-law Review will review the applicable four (4) urban area zoning by-laws for alignment with their respective secondary plans. Proponent-lead rezoning applications are an acceptable and appropriate means by which to proceed in advance of the municipal initiative.

The Planning Justification Report (PJR) prepared in support of the rezoning application provides a comprehensive evaluation of the proposed expanded commercial uses, elimination of caps on certain categories of uses, as well as an analysis of major commercial development policy and exceptions both on-site and in proximity to the site, under the former Lindsay Official Plan. Sites in proximity include the Kawartha Lakes Centre, the Loblaws property and the Canadian Tire property; the Lindsay Square Mall; and, the Shoppers Drug Mart property. As noted in the PJR, the site was subject to a complex set of restrictions both on uses and on the gross leasable floor space that could be devoted to those uses that were permitted. These restrictions were implemented through the Zoning By-law.

The new LSP eliminates the former 'Shopping Centre' and 'Special Purpose' commercial designations, and instead incorporates four (4) commercial land use designations, including 'General Commercial' on the site (and the properties noted above), as well as other smaller commercial properties in the Kent Street West corridor.

The new 'General Commercial' Designation on-site permits a wide range of retail establishments and commercial uses such as convenience retail, retail stores, food stores, offices, personal and professional services, service commercial, automobile service stations, vehicles sales and service, public garages, motels, hotels, eating establishments, home furnishing establishments, financial institutions, building supply centres, and other similar uses. Many previous restrictions have been eliminated from the properties noted above.

In alignment with the Secondary Plan, the PJR asserts that no new buildings are proposed for construction and no drive-throughs are proposed; no large format retail use is proposed, and no single use will exceed 3,000 square metres of gross floor area; no parking deficiency, or zoning deficiencies will be created; the commercial use of the property has existed for over 30 years; and, a traffic impact assessment is not required.

The rezoning application upholds the intent of the Secondary Plan.

### **Town of Lindsay Zoning By-law 2000-75**

The property is currently zoned 'Special Purpose Commercial (SPC) Zone' which permits a variety of commercial uses, including the following: Automated teller/banking machines, Beer store, Eating establishment, General merchandise store, Grocery store, Liquor store, Office, Personal service shop, Retail establishment in addition to those listed above but **excluding department stores, supermarkets, drug stores and stores primarily carrying clothing and/or shoes**, Service or repair shop, Specialty food store, Theatre, and Wine store.

As emphasized in bold text above, the SPC Zone prohibits department stores, supermarkets, drug stores and stores primarily carrying clothing and/or shoes, and financial institutions. The Zoning By-law also restricts permitted gross leasable floor areas.

The existing restrictions in the Zoning By-law for the site were designed to mirror those in the 'Special Purpose Commercial' Designation in the former Lindsay Official Plan. With the approval of the new Lindsay Secondary Plan (and repeal of the former Lindsay Official Plan), the 'Special Purpose Commercial' Designation no longer exists, and the new 'General Commercial' Designation allows a wider and more flexible range of permitted uses.

A draft Zoning By-law has been prepared and is included at Appendix 'C'. Although the Lindsay Zoning By-law already contains a 'General Commercial (GC) Zone', it is based on the former Lindsay Official Plan; as such, staff recommend a site-specific amendment to the existing SPC Zone. The Phase 2 Comprehensive Zoning By-law Review exercise will look at a global update to the GC Zone and other affected properties in alignment with the Lindsay Secondary Plan, and with community-wide consultation.

The rezoning application implements the expanded commercial uses and provisions in the Secondary Plan.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **Alignment to Strategic Priorities:**

The 2024-2027 Kawartha Lakes Strategic Plan identifies the following four strategic priorities:

1. A Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The rezoning application contributes to a vibrant and growing economy and an exceptional quality of life through the proposed expansion of commercial uses.

## **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.

## **Consultations:**

The Planning Division received the application submission package on September 18, 2024, which included the following reports and plans in support of the application:

1. Cover Letter for Zoning By-law Amendment Application, prepared by Celeste Phillips Planning Inc., dated September 17, 2024
2. Application for Zoning By-law Amendment, prepared by Celeste Phillips Planning Inc., dated June 27, 2024, signed by the Owner on August 1, 2024, and received by the City on September 18, 2024
3. Draft of Schedule 'A' Map (Zoning By-law 2000-75)
4. Zoning By-law Amendment Sketch Plan, prepared by Celeste Phillips Planning Inc., dated June 28, 2024
5. Planning Justification Report, prepared by Celeste Phillips Planning Inc., dated September 13, 2024

Staff deemed the application 'complete' under the requirements of the Planning Act on October 18, 2024, and initiated Agency consultation on October 18, 2024, with a requested review period of the application submission package by November 1, 2024. All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. The public has been notified of the application through circulation of the Notice of Public Meeting on November 7, 2024, and again on March 19, 2025 (not changes to proposal). Staff have received no public comments to date.

The following comments were provided by City Departments and other review agencies:

**CS-Community Services:** No comments/concern.

**DS-Building & Septic Division (Building):** No comments in regards to the proposed ZBA.

**DS-Building & Septic Division (Septic):** The current development at the property known as 370 Kent Street West is connected to municipal sanitary. As such, the Building and Septic Division has no comments as it relates to private on-site sewage disposal for the proposed zoning amendment, D06-2024-020.

**DS-Economic Development (Officer – Business):** no concerns with this change and reaffirms our previous feedback: it appears to support a more diverse shopping centre, adding to its overall appeal.

**ECA-Development Engineering:** From an engineering perspective, we have no objection to the proposed Zoning By-law Amendment.

**Kawartha Conservation (RMO/Source Protection Technician):** This property is located completely outside of a vulnerable area for a municipal drinking water system where policies apply. As such, I have no comments or concerns with the development proposal.

**Kawartha Conservation (Resources Planner):** The subject property is outside Kawartha Conservation's regulated area for natural hazards. We have no concerns with the approval of ZBA application proposing to rezone the property from a Special Purpose Commercial (SPC) zone to a site-specific Special General Commercial Zone (GC-Sxx) to expand the list of permitted uses and to eliminate the existing caps on certain categories of uses.

**Enbridge:** Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

**Ministry of Transportation:** The subject lands are not within MTO's permit control area therefore, we have no comments to offer this application.

**Nav Canada (Air Navigation Service Provider):** No objection to the project as submitted. However, if you should decide to develop any structures on the re-zoning parcel, there is a requirement to submit a Land Use Application Form along with the required documentation for assessment. To assist us in ensuring that future development projects do not adversely affect Air Navigation and related facilities, we ask that a Land Use Submission Proposal be submitted to Nav Canada for assessment.

## **Conclusion:**

In summary, no new buildings are proposed for the municipally-serviced, accessible and developed site that makes efficient use of existing infrastructure. Rezoning in alignment

with the underlying policy framework represents orderly development by expanding the range of employment opportunities. The existing buildings are well designed, of a high quality, and remain well-maintained, resulting in an attractive and vibrant commercial use. The Whitney Town Centre has existed for over 30 years and is an appropriate location for an expanded list of commercial uses. The applicant acknowledges and staff agrees that a successful commercial business contributes to the financial and economic wellbeing of the municipality.

The proposal represents good land use planning and is in accordance with provincial and municipal direction, policies and regulations.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-020, substantially in the form attached as Appendix 'C' to Report PLAN2025-024, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Wendy Ellis at [wellis@kawarthalakes.ca](mailto:wellis@kawarthalakes.ca).

## **Attachments:**

**Appendix 'A'** – Location Map – see following pages

**Appendix 'B'** – Aerial Map – see following pages

**Appendix 'C'** – Draft Zoning By-law Amendment



Appendix C ZBA  
PLAN2025-024.docx

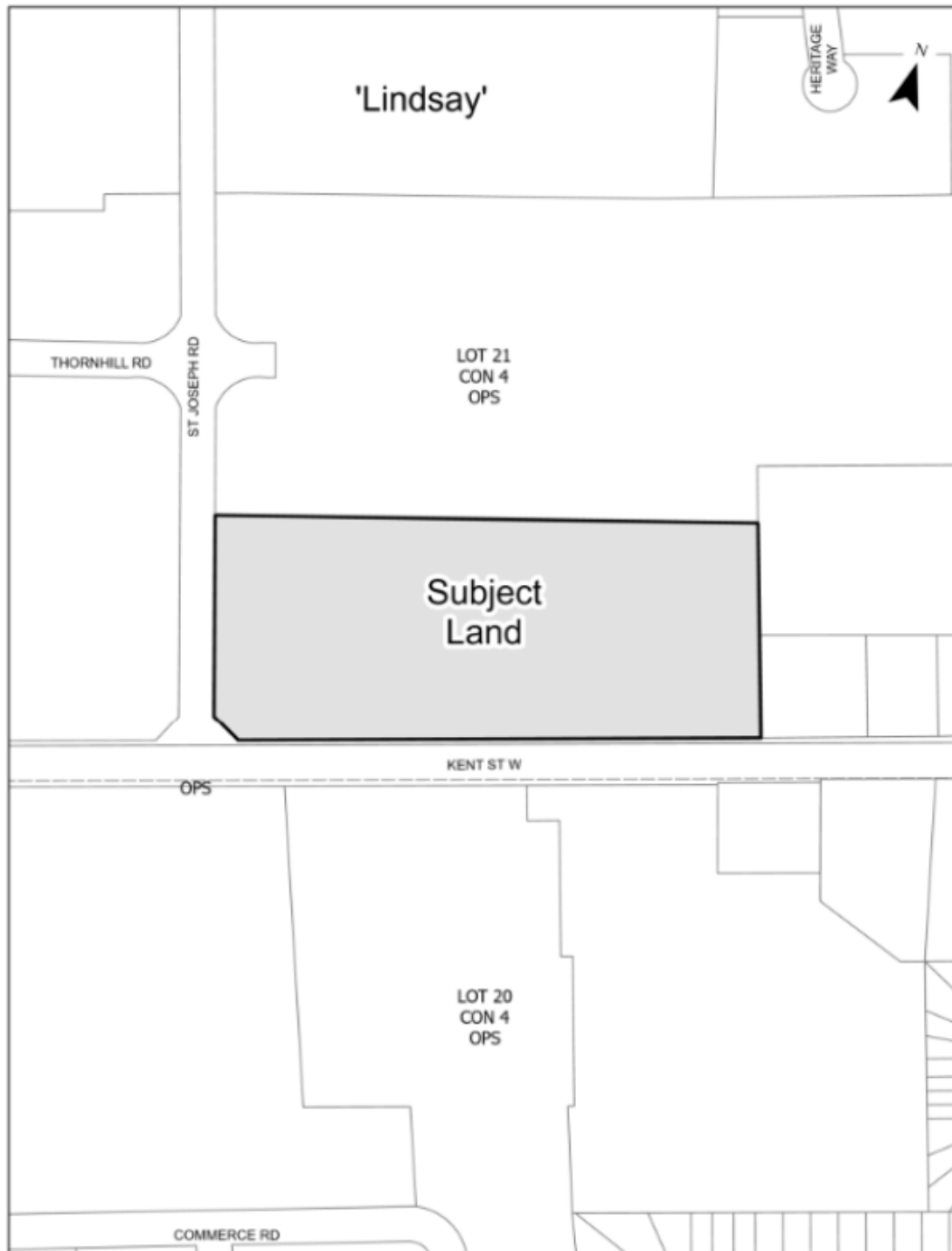
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**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D06-2024-020



**Appendix 'A'** – Location Map



**Appendix 'B'** – Aerial Map

