

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-002

Date: February 14, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular Meeting

Ward Community Identifier: Ward 10, Lindsay

Subject: Application for a Condominium Description Exemption for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street and identified as 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes. (Pyjama Factory Inc.)

Author/Title: Sherry L. Rea, Development Planning Supervisor

Recommendations:

RESOLVED THAT Report PLAN2018-002, respecting Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, Application No. D04-17-002, be received;

THAT the Application for Condominium Description Exemption filed by Randy Lebow, Owens Wright, on behalf of Pyjama Factory Inc. for a 19 unit residential apartment building being Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, Ops and Part of King Street, former Town of Lindsay, now City of Kawartha Lakes and identified as 23-25 King Street, be approved and adopted by Council; and

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

Department Head: _____

Corporate Services Director / Other: _____

Chief Administrative Officer: _____

Background:

Randy Lebow, Owens Wright, Barristers and Solicitors on behalf of Pyjama Factory Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9(3) and (6) of the Condominium Act, Ontario for the Pyjama Factory Inc. building located at 23-25 King Street, former Town of Lindsay, now City of Kawartha Lakes. The Pyjama Factory Inc. building is currently being renovated as a 19 unit residential apartment building. The proposal includes 19 residential parking spaces, 3 visitor parking spaces and 1 accessible parking space. See Appendix A and B attached.

Owner: Pyjama Factory Inc.

Applicant: Randy Lebow, Owens Wright, Barristers and Solicitors

Legal

Description: Lots 29 to 32, Plan 81, Part Lot 21, Concession 6, geographic Township of Ops, Part of King Street, Plan 15P, designated as Parts 1 and 2, Plan 57R10260, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Designated Residential on Schedule A of the Town of Lindsay Official Plan

Zone: "Central Commercial Special Seven (CC-S7) Zone" in the Town of Lindsay Zoning By-law No. 2000-75

Total Area: 0.78 ha.

Site Servicing: Full urban services – water, sanitary and storm sewer, streetlights, curb and gutter

Existing Use: Residential building under renovation

Adjacent Uses: North – Municipal Park
South - Scugog River
West - Trent Severn Lands - Lock 34
East - Victoria Rail Trail

Rationale:

The subject land is located at 23-25 King Street, Lindsay with the existing building currently being renovated for 19 residential units. Randy Lebow, Owens Wright, Barristers and Solicitors, on behalf of Pyjama Factory Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act, Ontario to exempt the description of the Pyjama Factory Inc. building from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the Condominium Plan. The applicable Acts allow for exemptions provided that certain planning criteria are met such as conformity with the Official Plan and applicable Zoning By-law, the development has

previously undergone a public consultation process under the Planning Act and the development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

The following was submitted in support of the request:

1. Draft Victoria Standard Condominium Plan for Levels 1, 2 and 3 together with the Extent and Location of the Exclusive Use Portions of the Common Elements on Level 1, prepared by Coe, Fisher, Cameron and dated January 3, 2018. See Appendix C, D, and E attached.
2. Copy of the Site Plan approved by Director Chris Marshall and dated July 19, 2016. See Appendix B attached.

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 proposed development will be serviced by the existing municipal roads, sewage, water and storm water services. Conformity with the GP was demonstrated through a site specific zoning by-law amendment for the proposed development.

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. Consistency with the PPS was demonstrated through a site specific zoning by-law and site plan approval for the proposed development.

Servicing Comments:

The Application for Description Exemption was circulated to Engineering & Corporate Assets and Public Works for review and comment. Both departments have indicated that they have no objection or comment based on the existence of a site plan agreement and engineering review.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code are shown on the construction drawings as part of the application for a building permit for

renovations to the apartment building and had to be approved by the City prior to the issuance of a building permit.

Consultations:

No further consultations were undertaken as this time.

Development Services Planning Division Comments:

Section 9 (3) and (6) of the Condominium Act, Ontario allows for Condominium Description Exemptions from Sections 51 and 51.1 of the Planning Act, Ontario provided that the following Planning criteria are met:

Conformity with the Official Plan and the applicable Zoning By-law:

The subject land is designated Residential in the Town of Lindsay Official Plan and zoned Central Commercial Special Seven (CC-7) in the Town of Lindsay Zoning By-law No. 2000-75. This is the appropriate land use designation and zone category for the development. In 2015, the property was the subject of a minor variance application which received an Ontario Municipal Board decision to reduce the residential parking requirement to 23 parking spaces on site. As per the Board's Order, the owner made a cash-in-lieu payment for parking under the site plan agreement in amount of \$1,500 per space for 7 spaces for a total of \$10,500. The site plan was approved accordingly.

The development has previously undergone a public consultation process under the Planning Act:

The subject land was the subject to a Zoning By-law amendment in 2012 which was applied for and subject to the public consultation process under the Planning Act.

The development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

A Site Plan Agreement between the City and Pyjama Factory Inc. was registered July 27, 2016 and receipted as KL114981. The City is in receipt of the appropriate securities to ensure completion of the site works.

The applicant has demonstrated that the above planning criteria have been met and that upon Council's approval of the application, the Certificate of Exemption may be signed by the Director and the Condominium Plan registered.

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial Considerations:

There are no financial implications regarding Council's considerations respecting the approval or refusal of the Pyjama Factory Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

Relationship of Recommendation(s) To Strategic Priorities:

The City's Strategic Plan outlines Council's Vision for the municipality. The Vision consists of three main Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life and A Healthy Environment. The application for Condominium Description Exemption does not directly impact or align with a specific Strategic Priority.

Conclusions:

The applicant has demonstrated that the 19 residential apartment building has been the subject of appropriate planning applications, public consultation and municipal review that provide support for the request for a Condominium Description Exemption. Staff respectfully recommends that application be APPROVED.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix A – Location Map



Appendix 'A' -
Location Map.pdf

Appendix B – Approved Site Plan



Appendix 'B' -
Approved Site Plan.p

Appendix C – Victoria Standard Condominium Plan Levels 1 and 3



Appendix 'C' - VSCP
Levels 1 and 3.pdf

Appendix D – Victoria Standard Condominium Plan Level 2



Appendix 'D' - VSCP
Level 2.pdf

Appendix E – Victoria Standard Condominium Plan – Extent and Location of Common Elements



Appendix 'E' - VSCP
Common Elements.pdf

Phone: 705-324-9411 ext. 1331

E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department File: D04-17-002