

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2017-003

Date: January 24, 2017

Time: 2:00 p.m.

Place: Council Chamber

Ward Community Identifier: Ward 10

Subject: A By-law to Deem Lots 1-3 North of Queen, Lots 4-10 East of Lindsay, Registered Plan 12P; Lots 2-4 North of Queen, Lots 4-18 West of Caroline, Lots 4-16 East of Lindsay North of River, Registered Plan 12P; and Lots 10-15 East of Lindsay St North of River, Registered Plan 1, Former Town of Lindsay, being Vacant Land on Lindsay Street North (CITY OF KAWARTHA LAKES)

Author: Ian Walker, Planner II

Signature: 

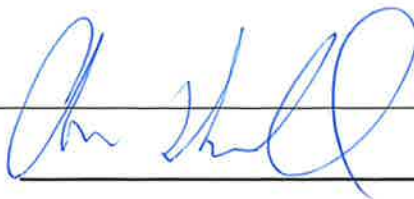
Recommendations:

RESOLVED THAT Report PLAN2017-003, "CITY OF KAWARTHA LAKES – D30-17-003", be received;

THAT a Deeming By-law respecting Lots 1-3 North of Queen, Lots 4-10 East of Lindsay, Registered Plan 12P; Lots 2-4 North of Queen, Lots 4-18 West of Caroline, Lots 4-16 East of Lindsay North of River, Registered Plan 12P; and Lots 10-15 East of Lindsay St North of River, Registered Plan 1, substantially in the form attached as Appendix "D" to Report PLAN2017-003 be approved and adopted by Council; and

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

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:



Background:

Proposal:	To deem Lots 1-3 North of Queen, Lots 4-10 East of Lindsay, Registered Plan 12P; Lots 2-4 North of Queen, Lots 4-18 West of Caroline, Lots 4-16 East of Lindsay North of River, Registered Plan 12P; and Lots 10-15 East of Lindsay St North of River, Registered Plan 1, to not be lots within a registered plan of subdivision. See Appendices “A” and “B” attached.	
Owners:	City of Kawartha Lakes	
Applicant:	Development Services, City of Kawartha Lakes	
Legal Description:	Plan 12P Part of Lot 1-3 N of Queen, Part Lot 4-10 E of Lindsay, 57R-5191 E Lindsay - N Queen; Plan 12P Part Lot 2-4 N of Queen, Part Lot 4-18 W of Caroline, Part Lot 4-16 E of Lindsay N of River, 57R-5191, Part of Part 5; and Plan 1 Part Lots 10-15 E Lindsay St N River, 57R-8136, Part 6	
Designation:	“Central Business District Commercial” on Schedule ‘A’ of the Town of Lindsay Official Plan	
Zone:	“Central Commercial (CC) Zone” and “Central Commercial Special Three (CC-S3) Zone” on Schedule “A”, Town of Lindsay Zoning By-law No. 2000-75	
Lot Area:	1.47 ha. total lot area [3.65 ac. – data from MPAC]	
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply	
Existing Uses:	Vacant Land	
Adjacent Uses:	North:	Rivera Park, Colborne Street East
	East:	Residential, Caroline Street
	South:	Queen Street, Residential
	West:	Lindsay Street North, Residential

Rationale:

Refer to Appendices “A”, “B” and “C”. The applicant, as a representative of the owner, has requested that Council pass a Deeming By-law to effect the consolidation of firstly: Lots 1-3 North of Queen, Lots 4-10 East of Lindsay, Registered Plan 12P; secondly: Lots 2-4 North of Queen, Lots 4-18 West of Caroline, Lots 4-16 East of Lindsay North of River, Registered Plan 12P with Part of Part 5, 57R-5191; and thirdly: Lots 10-15 East of Lindsay St North of River, Registered Plan 1 with Part 6, 57R-8136. All three lots are vacant. The City of Kawartha Lakes intends to construct a new 20,000 sq. ft. two-storey office building with an attached 24 unit, two-storey housing complex and associated parking on the consolidated property. The proposed development required minor variances, which Committee of Adjustment approved (see Appendix “C”). Adoption of this Deeming By-law will fulfill one of the conditions of that approval.

Adoption and subsequent registration of this Deeming By-law will consolidate the three vacant parcels into one larger lot, which cannot be sold separately. However, the legal

description remains the same – Plan 12P Part of Lot 1-3 N of Queen, Part Lot 4-10 E of Lindsay, 57R-5191 E Lindsay - N Queen; Plan 12P Part Lot 2-4 N of Queen, Part Lot 4-18 W of Caroline, Part Lot 4-16 E of Lindsay N of River, 57R-5191, Part of Part 5; and Plan 1 Part Lots 10-15 E Lindsay St N River, 57R-8136, Part 6.

Other Alternatives Considered:

At this time, there are no other alternatives considered that are appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the applicant's land.

Financial Considerations:

The cost of registering the By-law is typically included in the application fee, however there is no application fee for a City-initiated application. There will be a minor cost to register the By-law through the Land Registry Office, in addition to the in-house cost of staff time and resources for processing this application on behalf of the City.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with all three priorities by expanding the employment base, providing citizen support systems, enhancing accessibility, and implementing "green" development practices.

Conclusions:

The consolidation of the parcels will create one larger lot which will comply with the requirements of the Zoning By-law, and facilitate the construction of the new office building and affordable housing complex. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Additional Requirements:

Pursuant to Sections 50(26) and 50(28) of the Planning Act, a certified copy or duplicate of the Deeming By-law shall be registered by the Clerk in the registry office.

Pursuant to Section 50(29) of the Planning Act, a Notice of Passing is required to be sent within thirty days to the owners. If the owners, within twenty days of the mailing of the notice of passing, give notice to the Clerk that they desire to make representations respecting an amendment to or repeal of the Deeming By-law, Council shall hear each person or agent.

Attachments:

Appendix “A” – Location Map



PLAN2017-003 -
Appendix A

Appendix “B” – Sketch of Plan No. 12P and Plan No. 1 – dated March 17, 1988



PLAN2017-003 -
Appendix B.pdf

Appendix “C” – Minor Variance Notice of Decision – December 1, 2016



PLAN2017-003 -
Appendix C.pdf

Appendix “D” – Draft Deeming By-law



PLAN2017-003 -
Appendix D.pdf

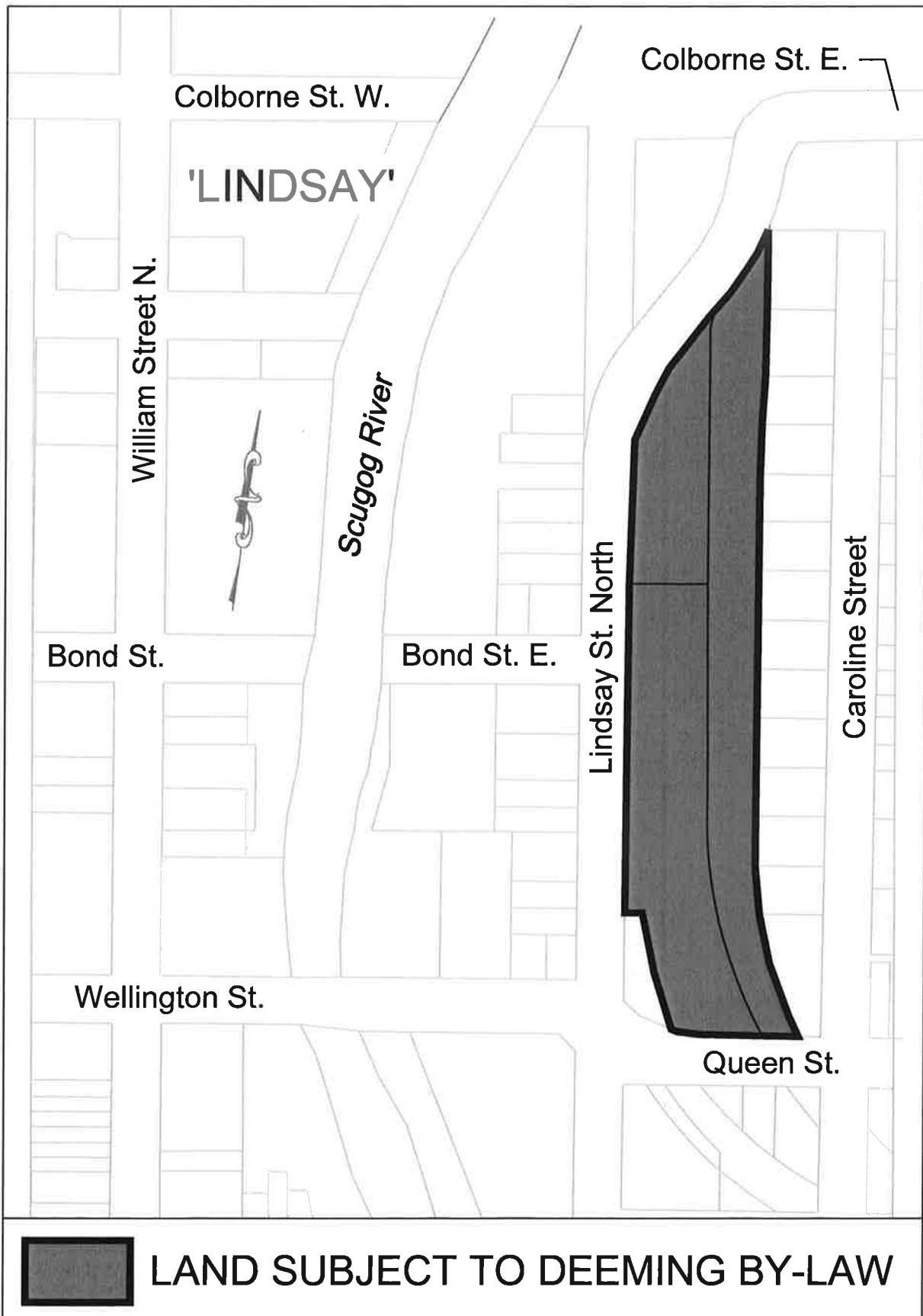
Phone: 705-324-9411 ext. 1368
E-Mail: iwalker@city.kawarthalakes.on.ca
Department Head: Chris Marshall
Department File: D30-17-003

APPENDIX " A "

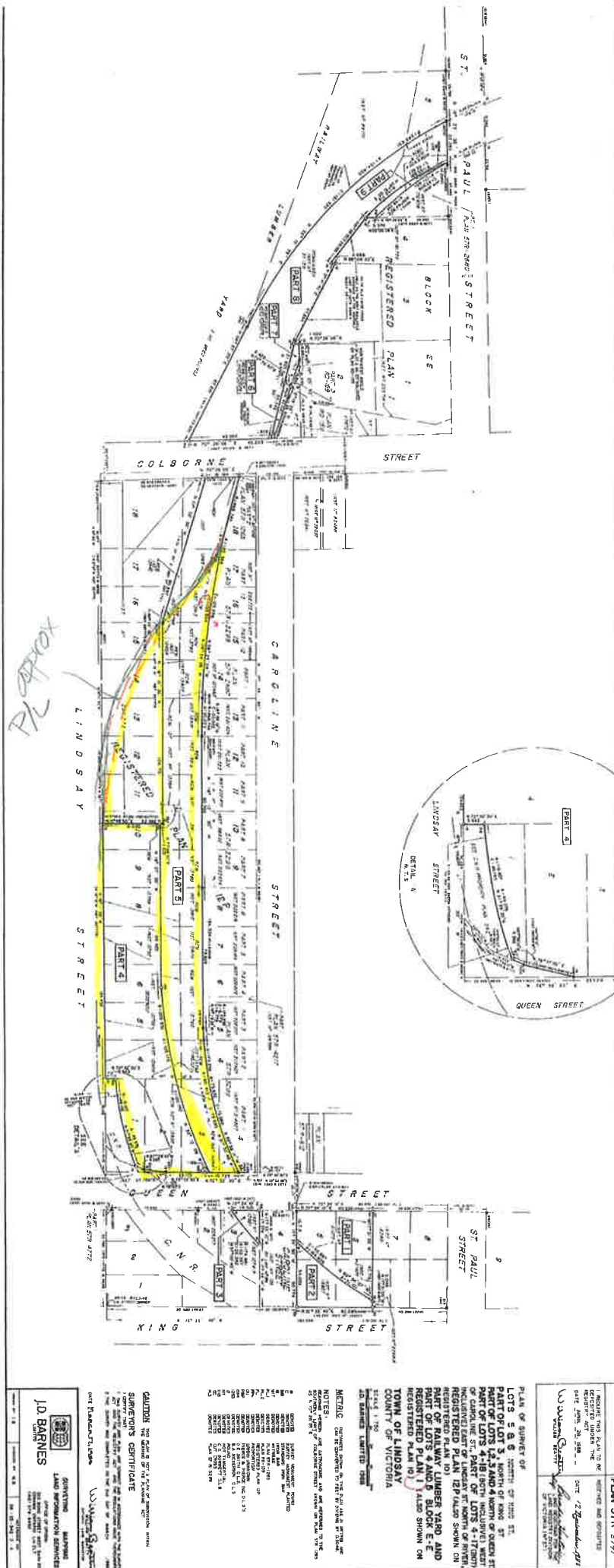
to

REPORT PLAN 2017-003

FILE NO. D30-17-003



APPENDIX " B "
to
REPORT PLAN2017-003
FILE NO. D30-17-003



The Corporation of the
City of Kawartha Lakes
Committee of Adjustment

APPENDIX " C "
to 1/5
REPORT PLAN2017-003
FILE NO. D30-17-003

Notice of Decision

Application File No: D20-16-047
Application by: CITY OF KAWARTHA LAKES – Chris MARSHALL
Address of Applicant: 180 Kent Street W
Lindsay ON K9V 2Y6
Location of Property: Lindsay Street North & Queen Street
Part Lots 10 to 15, Plan 1 E Lindsay St N River / Part
6, 57R-8136; Part Lots 1-3, Plan 12P N Queen St Part
Lots 4-10, Plan 12P E of Lindsay St / 57R-5191 E
Lindsay St-N Queen St; Part Lots 2 to 4 Plan 12P N
Queen St; Part Lots 4-16 E Lindsay St N River / Part 5,
57R-5191
Former Town of Lindsay
now in the City of Kawartha Lakes

Purpose of the Application:

Subject:

D20-16-047 – Lindsay St N & Queen St., Part Lots 10 to 15, Plan 1 E Lindsay St N River / Part 6, 57R-8136; Part Lots 1-3, Plan 12P N Queen St Part Lots 4-10, Plan 12P E of Lindsay St / 57R-5191 E Lindsay St-N Queen St; Part Lots 2 to 4 Plan 12P N Queen St; Part Lots 4-16 E Lindsay St N River / Part 5, 57R-5191, former Town of Lindsay, Ward 10, now in the City of Kawartha Lakes – To consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Town of Lindsay Comprehensive Zoning By-Law 2000-75, as amended. The purpose and effect is to permit the construction of a residential, office, commercial building through requested relief:

- 1. from Section 5.12k)i to the number of required parking spaces from 1.35/dwelling unit (33 spaces) to 0.62 space/dwelling unit (15 spaces);**
- 2. from Section 5.12k)ii to the number of required parking spaces from 1/25 sq.m. g.f.a (75 spaces) to 1/31 sq.m. g.f.a. (60 spaces); and**
- 3. from Section 14.1 Residential b. for dwelling units to be above a commercial use to dwelling units to be adjacent to a commercial use.**

In making of this decision, the Committee has considered all written and oral submissions made to the Committee, and has adopted the following decision.

DECISION

Date of Decision: December 1, 2016

Moved By: S. Richardson

Seconded By: B. Archer

THAT minor variance application D20-16-047 from Section 5.12k)i to the number of required parking spaces from 1.35/dwelling unit (33 spaces) to 0.62 space/dwelling unit (15 spaces) and from Section 14.1 Residential b. for dwelling units to be above a commercial use to dwelling units to be adjacent to a commercial use be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) THAT the construction of the proposed development shall proceed generally in accordance with the concept drawings/plans in Appendix "C" attached to and forming a part of the Committee's decision.**
- 2) THAT prior to the submission of a Building Permit application, the City apply to have the lands subject to this approval in the former Town of Lindsay be the subject of a Deeming By-law in accordance with Subsection 50(4) of the Planning Act.**
- 3) THAT prior to issuance of a Building Permit, that it be demonstrated that the proposed development will not impinge on existing easements over the property.**
- 4) THAT the building construction related to this Minor Variance shall be completed within a period of twenty-four (24) 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 COA2016-068. Fulfillment of the condition is required for this Minor Variance to be considered final and binding.


THAT minor variance application D20-16-047 from Section 5.12k)ii to the number of required parking spaces from 1/25 sq.m. g.f.a (75 spaces) to 1/31 sq.m. g.f.a. (60 spaces) be DENIED as the application does not meet the general intent and purpose of the Zoning By-law set out in Section 45(1) of the Planning Act.

Carried

Members Concurring In the Decision

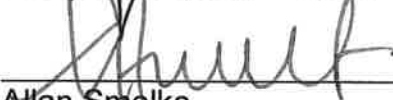

Betty Archer

Dave Marsh


Sandra Richardson


Lloyd Robertson


Kathleen Seymour-Fagan


Allan Smelko

Steve Strathdee

Members Dissenting In the Decision

Betty Archer


Dave Marsh

Sandra Richardson

Lloyd Robertson

Kathleen Seymour-Fagan

Allan Smelko

Steve Strathdee

APPEAL – If you wish to appeal the decision you must set out written reasons in support of the appeal using Appellant “A1” Form (available from the OMB website at www.omb.gov.on.ca or from the Secretary-Treasurer at the address provided below), together with payment of \$300.00 in the form of a certified cheque or money order, made payable to the **Minister of Finance**, must be filed with the “Secretary-Treasurer, City of Kawartha Lakes Committee of Adjustment, 180 Kent St. W., Lindsay, Ontario K9V 2Y6.”

The office may also be contacted at Tel: (705) 324-9411 Ext. 1239 Fax (705) 324-4027 or by e-mail: cmarshall@city.kawarthalakes.on.ca. All appeals with the appropriate fee must be received at the address shown above on or before, **December 20, 2016.**

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Our records, at this time, indicate that the land which is subject of this Application is also subject to an application under the Planning Act for:

- | | | | |
|--------------------------|---------------------|----------|---------|
| <input type="checkbox"/> | Plan of Subdivision | File No. | Status: |
| <input type="checkbox"/> | Consent | File No. | Status: |

CERTIFICATION

I Mark LaHay certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 1st day of December, 2016.

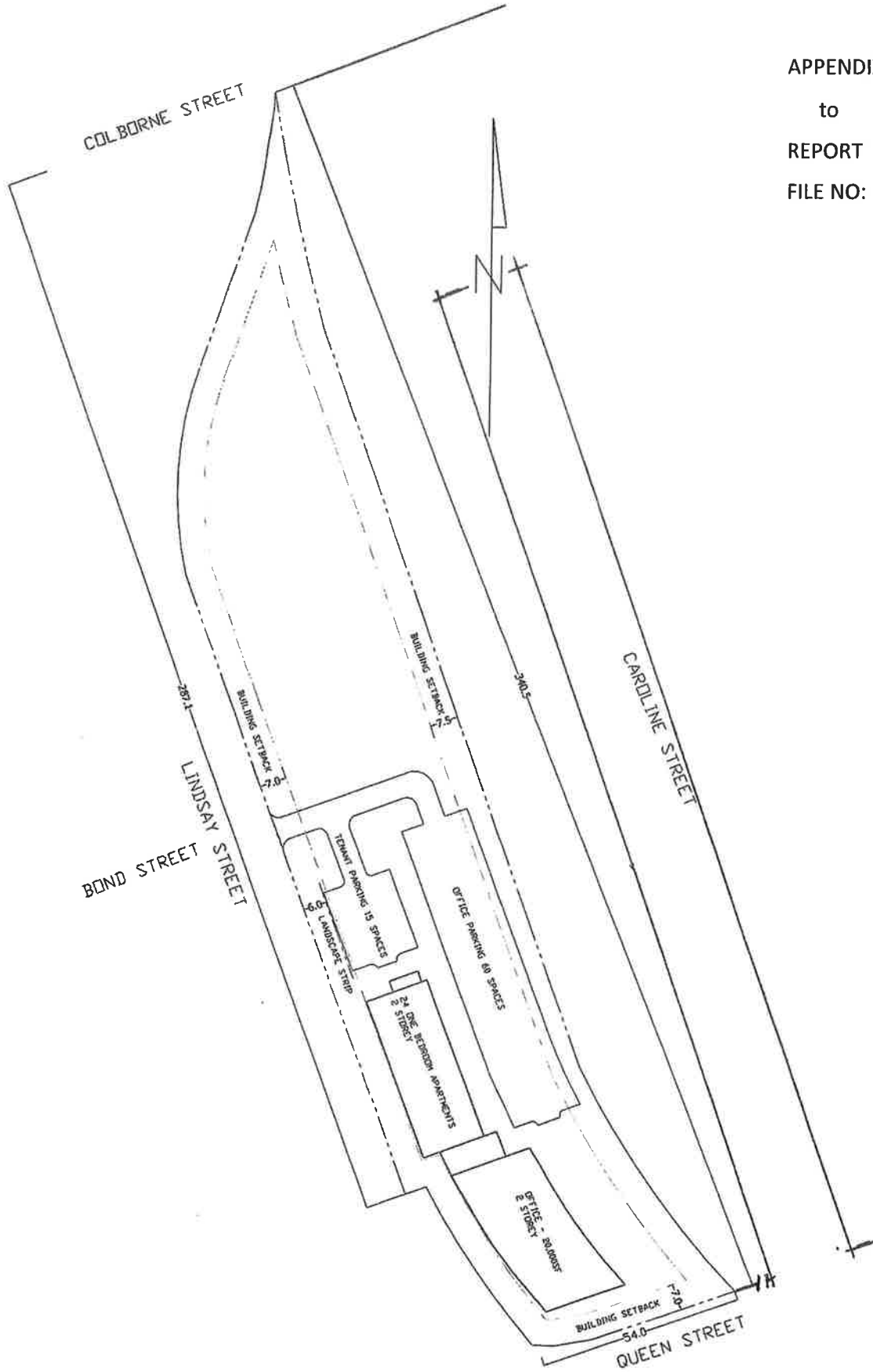

Acting Secretary-Treasurer

APPENDIX " C "

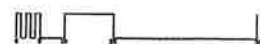
to

REPORT COA2016-068

FILE NO: D20-16-047



68 LINDSAY STREET PROPERTY



THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2017 -

APPENDIX " D "
to
REPORT PLAN2017-003
FILE NO. D30-17-003

A BY-LAW TO DEEM PART OF A PLAN OF SUBDIVISION, PREVIOUSLY REGISTERED FOR LANDS WITHIN KAWARTHA LAKES, NOT TO BE A REGISTERED PLAN OF SUBDIVISION IN ACCORDANCE WITH THE PLANNING ACT PIN # 63216-0127(LT), DESCRIBED AS LOTS 1-3 NORTH OF QUEEN, LOTS 4-10 EAST OF LINDSAY, REGISTERED PLAN 12P; LOTS 2-4 NORTH OF QUEEN, LOTS 4-18 WEST OF CAROLINE, LOTS 4-16 EAST OF LINDSAY NORTH OF RIVER, REGISTERED PLAN 12P; AND LOTS 10-15 EAST OF LINDSAY ST NORTH OF RIVER, REGISTERED PLAN 1, NOW CITY OF KAWARTHA LAKES

File D30-17-003, Report PLAN2017-003, respecting Vacant Land on Lindsay Street North – CITY OF KAWARTHA LAKES.

Recitals:

1. Section 50(4) of the *Planning Act* authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the *Planning Act*, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owners of the land described in Article 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the *Planning Act*.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Article 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-__.

Article 1:00 Details

- 1.01 **Property Affected:** PIN # 63216-0127(LT). The Properties affected by this By-law are described as Lots 1-3 North of Queen, Lots 4-10 East of Lindsay, Registered Plan 12P; Lots 2-4 North of Queen, Lots 4-18 West of Caroline, Lots 4-16 East of Lindsay North of River, Registered Plan 12P; and Lots 10-15 East of Lindsay St North of River, Registered Plan 1, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Properties are deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the *Planning Act*.

Article 2:00 General Terms

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the *Planning Act*, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2017.

Andy Letham, Mayor

Judy Currins, Clerk