

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-066

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**Date:** August 14, 2018

**Time:** 2:00 p.m.

**Place:** Victoria Room

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**Ward Community Identifier:** 14

**Subject:** An application to amend the Village of Omemee Zoning By-law 1993-15 to remove the Holding (H) symbol to permit a dwelling on former Part Midland Railway Lands, Part of Block 10, Plan 109, former Village of Omemee, now City of Kawartha Lakes (Westlake)

**Author Name and Title:** Mark LaHay, Planner II

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### Recommendation(s):

**THAT** Report PLAN2018-066, respecting former Part Midland Railway Lands, Part of Block 10, Plan 109, Deane Street, former Village of Omemee, “**Westlake – Application D06-2018-021**”, be received;

**THAT** Zoning By-Law Amendment application D06-2018-021, identified as 46 Deane Steet, City of Kawartha Lakes as generally outlined in Appendix C to Report PLAN2018-066, 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:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The application proposes to remove the Holding (H) symbol from Schedule A of the Village of Omemee Zoning By-law 1993-15, which regulates development and the use of land on former Part of Midland Railway Lands, Part of Block 10, Registered Plan 109, in the former Village of Omemee. The removal of the Holding (H) symbol would permit the construction of a residence and associated driveway access on the subject land referenced as 46 Deane Street (see Appendix A and B attached).

Owner/Applicant:	Austin and Alana Westlake
Legal Description:	Former Part of Midland Railway Lands, Part of Block 10, Registered Plan 109, former Village of Omemee, now City of Kawartha Lakes.
Designation:	Urban in the County of Victoria Official Plan
Zone(s):	Residential Type One Holding (R1 (H)) Zone and Residential Type One (R1) and Community Facility (CF) Zone in the Village of Omemee Zoning By-law 1993-15.
Lot Area:	1.242 ha. (3.070 ac.) - MPAC
Site Servicing:	Private water well and septic system
Existing Uses:	Vacant land
Adjacent Uses:	North: Trans Canada Trail/Rural South: Vacant Residential/Industrial/Walnut Street East: Scott Young Public School West: Vacant Residential/Residential/Sibley Avenue N.

## **Rationale:**

The subject property, oriented in a northwest direction, was once part of the former railway corridor and is located at the north end of Deane Street between Vine and Oak Streets (both unopened) and intersects Sibley Avenue North on the south side of the Trans Canada Trail. The property contains three older buildings. The buildings are now being used for warehouse and office use, along with indoor and outdoor storage together with a towing business. A single detached dwelling with private services is proposed on the residential zoned centre portion of the land that is not subject the Holding symbol. A portion of the associated driveway to access Deane Street and the northwesterly portion of the subject land associated with the proposed residential use is within the residential zoned area containing the Holding symbol, which needs to be removed to permit the proposed future residential use and driveway access for the construction of aforementioned residential dwelling (see Appendix A and B attached). The Manager of Planning has advised that the current buildings and other existing uses on the property will be recognized through appropriate planning applications, which will be identified through the preconsultation process.

In the Village of Omemee Zoning By-law 1993-15, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 1993-15, the removal of the (H) Holding Symbol requires either the provision of adequate municipal roads, electricity, storm drainage services, sewage and water services and other matters as appropriate to a specific area or an agreement is entered into between the owner and the Corporation of the City of Kawartha Lakes to provide the aforementioned services and other matters as appropriate. This requirement is being satisfied as the owner has submitted a Site Grading Plan for building permit identifying drainage, well, septic and building locations including driveway and road access. This plan has also been reviewed/approved by Engineering and it is now appropriate to remove the (H) holding provision.

### **Provincial Policies:**

The application conforms to the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement (PPS).

### **Official Plan Conformity:**

The Urban designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Residential designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Local Planning Appeal Tribunal. The proposed use on the property conforms to the applicable policies of the official plan designation.

### **Zoning By-law Compliance:**

The property is zoned Residential Type One - Holding (R1)(H) Zone, Residential Type One (R1) Zone and Community Facility (CF) Zone in the Village of Omemee Zoning By-law 1993-15. The existing R1 zoned centre portion of the subject land permits the single detached dwelling use and the proposed driveway access and the balance of land associated with the residential use will be permitted once the Holding (H) provision is removed.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

## **Relationship of Recommendation(s) 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 exceptional quality of life goal as it increases the supply of affordable housing to attract new residents.

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

There are no accessibility implications for the City.

## **Servicing Implications:**

The property will be developed on private well and septic system services.

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

Staff supports the application based on the information contained in this report and as such, respectfully recommends that the proposed Zoning By-law application to remove the Holding (H) symbol be approved and adopted by Council.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-066.pdf



Appendix 'B'  
PLAN2018-066.pdf



Appendix 'C'  
PLAN2018-066.pdf

Appendix A – Location Map

Appendix B – Site Grading Plan, dated May 5, 2018

Appendix C – Draft Zoning By-law Amendment

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**Department Head:** Chris Marshall

**Department File:** D06-2018-021