

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2018-058

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**Date:** September 25, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** Ward 12, Lindsay

**Title:** Application for Condominium Description Exemption for a 38 unit apartment building on property identified as 58 Glenelg Street West, Lindsay (Wilson Developments (Lindsay) Inc.)

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

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### Recommendations:

**That** Report PLAN2018-058, respecting Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, Application No. D04-2018-001, be received;

**That** the Application for Condominium Description Exemption filed by Jack Keat of Coe Fisher Cameron, Land Surveyors, on behalf of Wilson Developments (Lindsay) Inc. for a 38 unit apartment building being Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, 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.

### Background:

Jack Keat of Coe Fisher Cameron on behalf of Wilson Developments (Lindsay) 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 Wilson Developments (Lindsay) Inc. building located at 58 Glenelg Street West,

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**Department Head:** \_\_\_\_\_

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

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

Lindsay. The Wilson Developments (Lindsay) Inc. building is nearing construction completion of a 38 unit apartment building. The proposal includes 48 underground parking spaces together with 3 small storage units and 37 storage lockers. There are 6 visitor and 2 accessible surface parking spaces located at the rear of the building. See Appendix A and B attached.

Owner: Wilson Developments (Lindsay) Inc.

Applicant: Jack Keat, Coe Fisher Cameron

#### Legal

Description: Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, 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 Eight Holding (CC-S8)(H) Zone" in the Town of Lindsay Zoning By-law No. 2000-75

Total Area: 0.24 ha.

Site Servicing: Full urban services

Existing Use: Residential building under construction

Adjacent Uses:

North – Commercial Lot

South - Glenelg Street West

West - Residential

East - Victoria Avenue South

#### **Rationale:**

The subject land is located at 58 Glenelg Street West, Lindsay with the building nearing construction completion for a 38 unit apartment building. Jack Keat of Coe Fisher Cameron, on behalf of Wilson Developments (Lindsay) 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 Wilson Developments (Lindsay) 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 Plans for Levels A, 1, 2, 3, 4 and 5 together with the Extent and Location of the Exclusive Use Portions of the Common Elements on Levels A, 1 and 5 prepared by Coe Fisher Cameron and dated June 22, 2018 and August 20, 2018. See Appendix C, D, and E attached.
2. Copy of the Site Plan approved by Director Chris Marshall and dated October 14, 2016. See Appendix B attached.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan 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 Growth Plan 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 for review and comment. Engineering & Corporate Assets has 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 and had to be approved by the City's Building Division 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 Eight Holding (CC-8)(H) in the Town of Lindsay Zoning By-law No. 2000-75. This is an appropriate land use designation and zone category for the development.

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

The subject land was the subject of a Zoning By-law amendment in 2009 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 Wilson Developments (Lindsay) Inc. was registered September 19, 2016 and receipted as KL118752. 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 Wilson Developments (Lindsay) 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. Given the previous development approvals on the subject property, the application for Condominium Description Exemption does not directly impact or align with a specific Strategic Priority.

## **Conclusions:**

The applicant has demonstrated a 38 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.pdf

### Appendix C – Victoria Standard Condominium Plan Level 1



Appendix 'C' -  
Victoria Standard Co

## Appendix D – Victoria Standard Condominium Plan Levels A and 2 through 5



Appendix 'D' -  
Victoria Standard Cor

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



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**Department Head:** Chris Marshall

**Department File:** D04-18-001