

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2020-004

Meeting Date: June 23, 2020

Title: Request for the Creation of Parking Spaces on Clonsilla Drive – East Beehive Subdivision

Description: Alymer Drive and Clonsilla Drive – East Beehive Subdivision

Ward Number: 2

Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation:

That Report RS2020-004, Request for the Creation of Parking Spaces on Clonsilla Drive – East Beehive Subdivision, be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

This report stems from a long-standing issue between two groups of neighbouring residents with competing interests.

In September 2019, a request from a representative of the residents of the Country Club Heights subdivision (“CCH”) was received by the City: the residents of Country Club Heights wished to construct three parking spaces at the end of Clonsilla Drive, in the East Beehive Estates subdivision (“EB”). CCH residents have access from there to a beach on property owned by Eganridge Resort, Golf Club and Spa. A copy of CCH’s easement is attached as Appendix D. At the same time, Realty Services and Municipal Law Enforcement were fielding numerous calls from the residents of EB expressing concern about parking in this area. Accordingly, the request was discussed by the Land Management Committee at their meeting on October 15, 2019.

The EB expressed concern that people were driving down to Clonsilla Drive and parking their vehicles there in order to access the golf course property to utilize an easement they had been granted by the former owner of the golf course property. This resulted in EB driveways and the narrow roads in the area being blocked. The EB believed these vehicles largely belonged to the CCH. The EB was concerned that the CCH had been cutting down trees, trimming the vegetation and killing the grass in their area. The fence between the Clonsilla Drive area and the golf course had also been damaged in order to facilitate access. There were often far more than three non-EB vehicles parked in the EB area.

Clonsilla Drive and Aylmer Drive are two narrow roads which were constructed within a single road allowance with a total width of approximately 90 feet. As can be seen in the photo attached as Appendix E, each road is approximately wide enough to fit one vehicle. The original Plan of Subdivision for the East Beehive subdivision area indicates that Clonsilla Drive was meant to be located in the subject road allowance, while Aylmer Drive was meant to be constructed in a second road allowance to the north. A copy of the original Plan of Subdivision, Plan 373, is attached as Appendix F. Both roads are unassumed and receive no maintenance from the City.

The Land Management Committee had several concerns with CCH’s request to construct parking spaces at the end of Clonsilla Drive, which are outlined below:

1. Parking in the area may interfere with a private sign, which the Land Management Committee felt could pose a strike hazard.
2. The Land Management Committee had concerns regarding ongoing maintenance obligations. While any agreement to construct parking

spaces would include an obligation for CCH to provide continued maintenance, if maintenance did not occur, the City would become responsible for maintenance to ensure that the area did not become a safety hazard. This has occurred in other unofficial parking areas within the City of Kawartha Lakes.

3. CCH indicated that at times they have upwards of 40 persons accessing the waterfront easement for community events such as barbecues and picnics. The Land Management Committee is concerned that even if CCH is permitted to construct three parking spaces on Clonsilla Drive, the parking area would remain limited for the number of people who may want access to the easement area at any given time, particularly during a scheduled community event. This would mean continued calls to Municipal Law Enforcement to deal with parking violations.

The Land Management Committee consulted with Municipal Law Enforcement and denied the request, suggesting that the CCH should park on the easement lands (a portion of the golf course near the water and just off Clonsilla Drive) or negotiate with the owner of the golf course to park in the existing golf club parking lot.

The applicants subsequently submitted correspondence to Council on March 19, 2020. At that meeting, Council adopted the following resolution:

CR2020-076

Moved By Councillor Seymour-Fagan

Seconded By Councillor Richardson

That the February 13, 2020 correspondence from Ann Davidson and Brian Brethour, of Country Club Heights Association, **regarding a petition to amend by-law 2018-196**, be received and referred to staff for report back at the next Committee of the Whole meeting.

Carried

The matter of parking issues in the East Beehive Estates subdivision has been brought before Council in the past. In 2006, Council adopted the following resolution:

Moved by Councillor Cziraky, seconded by Councillor Lawder,
RESOLVED THAT a license agreement be entered into with the Country Club Heights Association, for the use of a 60' x 25' area located on Block B, Plan 373, Geographic Township of Verulam, for a term of ten (10) years, for nominal consideration, for the purpose of permitting the Country Club Heights Association to construct and maintain a parking lot for the use of its members when enjoying

their deeded access over a common use beachfront property subject to confirmation of access rights with the East Beehive Community Association; and **THAT** the Mayor and Clerk be authorized to execute the license agreement.

CARRIED CR2006-887

Ultimately, this License Agreement was never finalized, due to issues with obtaining the required consents from the East Beehive Community Association.

The parking issues were further outlined, generally, as part of Report MLE2018-004, which was presented to Council on August 14, 2018. Due to the number of parking complaints in the area, MLE2018-004 proposed that Clonsilla Drive and Aylmer Drive be added as “No Parking Zones”. On September 25, 2018, Council passed By-Law 2018-196, a By-Law to Amend By-Law 2012-173, being a By-Law to Regulate Parking. By-Law 2018-196 included the addition of Clonsilla Drive and Aylmer Drive as “No Parking Zones”. A copy of By-Law 2018-196 is attached as Appendix G.

Appendix A is a general location map, Appendix B is an aerial photo of the subject lands, Appendix C is a map showing the two subdivisions and the subject roads, Appendix D is a copy of the CCH easement (Registered Instrument R184731), Appendix E is a photo showing the narrow roads, Appendix F is a copy of Plan 373, Appendix G is a copy of By-Law 2018-196, and Appendix H is a sketch showing the proposed location of three parking spaces.

The purpose of this report is to advise Council that the Land Management Committee does not recommend that the City proceed with allowing the applicants to construct three permanent parking spaces on the subject lands.

Rationale:

The Land Management Committee has concluded that the City has no interest in this transaction and that proceeding in this manner would not be acceptable to the residents of the East Beehive Estates subdivision. Moreover, the three lots proposed have largely been created in the past without City consent, and have resulted in only parking complaints.

The City is not normally in the business of granting access to facilitate easements granted by other parties across their property.

It was the opinion of Municipal Law Enforcement that it is unlikely that three parking spaces will alleviate the problem as it is the Land Management Committee’s understanding that often more than three vehicles park in this area on any given day to access the water, therefore the calls to the City to police the parking will continue. A simpler and more cost effective solution would be to

continue to deny parking altogether and recommend that they either walk down to the area or drive to the golf course property to utilize the easement.

Other Alternatives Considered:

Alternative 1

The residents and EB and CCH can petition the City for a local improvement, namely, to upgrade the road to the rural engineering standard for new construction with asphalt surface, a turnaround at the end and street side parking. This could allow for sufficient parking for CCH and improved road conditions for EB. The residents of EB would also likely want to ask the municipality to assume the road for maintenance purposes, if it is improved. The road improvement would be at the residents' expense, but the City would assume the maintenance costs. East Beehive Road connects to this road, and is a rural, asphalt, assumed and fully maintained road.

Alternative 2

Council may decide to proceed with granting permission for the creation of three parking spaces, with costs associated with the transactions to be borne by the applicants. That would be inconsistent with the City's recent decision to respond to this matter by enacting a parking by-law in this area and is not recommended in this circumstance.

If Council decides to proceed with allowing the creation of three parking spaces, this may be achieved by adding the following recommendations above:

That permission be granted for three permanent parking spaces to be created on the most westerly portion of the road allowance legally described as Clonsilla Drive on Plan 373, in the Geographic Township of Verulam, City of Kawartha Lakes, being PIN: 63126-0485 (LT) in the East Beehive Estates subdivision;

That staff be directed to commence the process of allowing the creation of three parking spaces on the land described above, with all related costs, including those of maintenance and insurance, payable by the applicants;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision; and

That the necessary By-laws be forwarded to Council for adoption.

Financial/Operation Impacts:

Proceeding in the recommended manner would save the City's resources to be applied to actions that align with the goals in the Strategic Plan. The actions suggested by the applicant do not align with the goals in the Strategic Plan.

Relationship of Recommendations To The 2020-2023 Strategic Plan:

The recommendations set out in this Report would conserve City resources for actions that would support any of the four priorities in the Strategic Plan, being:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

Consultations:

Land Management Committee
Manager, Municipal Law Enforcement and Licensing

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Photo



Appendix B - Aerial
Map.pdf

Appendix C – Location Map



Appendix C -
Location Map.pdf

Appendix D – CCH Easement (Registered Instrument R184731)



Appendix D - CCH
Easement (R184731).

Appendix E – Photo of Clonsilla Drive



Appendix E - Photo
of Clonsilla Drive.pdf

Appendix F – Plan 373



Appendix F - Plan
373.pdf

Appendix G – By-Law 2018-196



Appendix G -
By-Law 2018-196.pdf

Appendix H – Sketch of Proposed Parking Area



Appendix H -
Sketch of Proposed

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Department Head: Robyn Carlson