

## Council Report

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<b>Report Number:</b>	<b>PLAN2021-063</b>
<b>Meeting Date:</b>	November 16, 2021
<b>Title:</b>	<b>Removal of Holding Provision, Muskoka D&amp;M Corp.</b>
<b>Description:</b>	An application to amend the Township of Fenelon Zoning By-law to remove the Holding provision on the property from a Holding - Multiple Residential [RM(H)] Zone and a Holding - Environmental Protection Exception Eight [EP-8(H)] to permit an 86 unit townhouse and apartment condominium development on the subject lands at 19 and 67 West Street North
<b>Author and Title:</b>	Richard Holy, Acting Director of Development Services

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### Recommendations:

**That** Report PLAN2021-063, **Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, identified as 19 and 67 West Street North, Muskoka D&M Corp - D06-2021-027**, be received;

**That** the proposed zoning by-law amendment, substantially in the form attached as Appendix 'C' to Report PLAN2021-063, be adopted by Council; and

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

**(Acting) Department Head:** \_\_\_\_\_

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

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

## **Background:**

Proposal:	This application proposes to remove the Holding (H) symbols from from the Holding - Multiple Residential [RM(H)] Zone and the Holding - Environmental Protection Exception Eight [EP-8(H)] Zone. The effect of the amendment is to permit an 86-unit condominium development consisting of 20 townhouse dwellings and two apartment buildings containing 66 dwelling units and establish applicable development standards on the subject lands at 19 and 67 West Street North
Owner:	Muskoka D&M Corp. (c/o Doug Gray)
Applicant:	EcoVue Consulting Services Inc.
Legal Description:	Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, now City of Kawartha Lakes
Official Plan:	Urban Settlement – Fenelon Falls Fringe Area Special Policy 18.10.2 and Environment Protection Special Policy 17.8.2 – City of Kawartha Lakes Official Plan, as amended
Zone:	Holding - Multiple Residential [(RM)(H)] Zone and Holding - Environmental Protection Exception Eight [(EP-8)(H)] Zone in the Township of Fenelon Zoning By-law 12-95, as amended
Site Servicing:	Municipal sanitary sewer, water supply, and stormwater services
Existing Use:	Vacant land and waterfront dwelling with boathouse
Adjacent Uses:	North: Cameron Lake East: West Street North/Residential South: Residential West: Bass Street/Commercial/Residential

## **Rationale:**

The subject property, municipally known as 19 (formerly 39) and 67 West Street North, is located between West Street North and Bass Street, north of CKL Road 8 (Helen Street) and includes waterfront property on Cameron Lake (see Appendix 'A'). The property was zoned Holding - Multiple Residential [RM(H)] Zone and Holding - Environmental Protection Exception Eight [EP-8(H)] Zone by By-law 2020-046. The Holding (H) symbol was placed to ensure that the owner enters into a Site Plan

Agreement with the City to be registered on title and that the owner files a Record of Site Condition to satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements. In addition, the owner is required to apply for and obtain a deeming by-law, if required to consolidate the shoreline lands with the balance of the subject land.

The owner has applied to have the Holding (H) provision removed to allow the construction of the proposed development on the subject land (See Appendix B) in accordance with the Multiple Residential (RM) Zone and the Environmental Protection Exception Eight (EP-8) Zone provisions, as amended.

The applicant has submitted a site plan application, the plans and reports which were circulated for review by commenting departments and agencies. The final site plan submission addressed the comments received to permit the plans and reports to be approved. A site plan agreement along with all the financial matters has been finalized to be executed with construction expected to begin in the near future.

The Ministry of Environment, Conservation and Parks (MECP) is issuing a Certificate of Property Use (CPU), as part of the process for filing a Record of Site Condition. While the City has not yet received the Record of Site Condition (RSC) as required by the Zoning By-law, discussions with the City Solicitor have concluded that the Holding symbol can be removed once the CPU is issued as this is the point in the process where MECP is satisfied with the environmental work completed by the applicant. This will allow the City to issue a Conditional Building Permit, which allows the applicant to commence construction of the foundation. The applicant will still need to provide the City with the final RSC in order to obtain a full Building Permit. The site plan agreement contains this provision as agreed to by the applicant.

A deeming by-law application was approved by Council on September 21, 2021, resulting in Deeming By-law 2021-140, which was registered on October 4, 2021. This allows the site to be consolidated into a single property.

On this basis, it is appropriate for Council to consider removal of the Holding (H) provisions.

### **Applicable Provincial Policies:**

The application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan) and is consistent with the Provincial Policy Statement, 2020 (PPS).

### **Official Plan Conformity:**

The subject land is designated “Urban Settlement” – Fenelon Falls Fringe Area along with a 15 metre shoreline buffer area, designated Environmental Protection within the

City of Kawartha Lakes Official Plan. The proposed development conforms to the applicable policies of these designations.

### **Zoning By-Law Compliance:**

The subject land is zoned 'Holding - Multiple Residential (RM)(H) Zone' and 'Holding - Environmental Protection Exception Eight (EP-8)(H) Zone', which permits the proposed use, subject to site specific development standards. The current site plan submission has demonstrated compliance with the site-specific zoning provisions and a site plan agreement has been finalized to be executed and registered on title. In addition, the Ministry of the Environment, Conservation and Parks (MECP) is issuing a Certificate of Property Use (CPU), as part of the process for filing a Record of Site Condition. Furthermore, a deeming by-law has been adopted by Council and registered to allow for the consolidation of the subject lands. On this basis, the applicant has submitted a rezoning application for removal of the Holding (H) provisions to implement the proposed development.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Alignment to Strategic Priorities:**

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Vibrant and Growing Economy and Exceptional Quality of Life priorities by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes. The application also aligns with the Healthy Environment priority by ensuring protection of municipal drinking water sources, and promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible and an environmental protected re-vegetated shoreline buffer area with enhanced plantings to protect and enhance water quality.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal.

## **Servicing Implications:**

The proposed development on the subject lands will be serviced utilizing existing available municipal sanitary, water and stormwater services on West Street North.

## **Consultations:**

Notice of this application was given in accordance with the Planning Act. At the time of writing this report, no comments were received.

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

Staff support 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) symbols 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 call Richard Holy, Acting Director of Development Services at 705.324.9411 x1246.



Appendix 'A'  
PLAN2021-063.pdf



Appendix 'B'  
PLAN2021-063.pdf



Appendix 'C'  
PLAN2021-063.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Site Plan

Appendix 'C' – Draft Zoning By-law

**(Acting) Department Head email: [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)**

**(Acting) Department Head: Richard Holy**

**Department File: D06-2021-027**