



Council Report

Report Number: PLAN2022-048
Meeting Date: August 23, 2022
Title: **Condominium Description Exemption Application by Port 32 Inc. (c/o Marshall Homes)**
Description: Application for Condominium Description Exemption for a 48 unit townhouse development at 27 Lakewood Crescent, former Village of Bobcaygeon
Author and Title: Mark LaHay, Planner II, MCIP, RPP.

Recommendations:

That Report PLAN2022-048, **Condominium Description Exemption Request by Port 32 Inc.**, Application D04-17-001, be received;

That the Application for Condominium Description Exemption filed by Marshall Homes on behalf of Port 32 Inc. for a 48 unit townhouse development, respecting Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon, be approved by Council; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The property is located on the south side of Lakewood Crescent, south of a single-detached residential subdivision, and is on the west side of Austin Boulevard and the north side of River Park Drive (see Appendix 'A'). The owner is developing a residential plan of condominium consisting of 48 townhouse dwelling units in 8 bungalow townhouse blocks on a private condominium road accessed from Lakewood Crescent.

Owner:	Port 32 Inc.
Applicant:	Samantha Bateman – Marshall Homes
Legal Description:	Part Lots 12 & 13, Concession 19, Part Lot 40, RCP 564, 57R-7890, Parts 2 to 5, former Village of Bobcaygeon
Designation:	"Urban" on Schedule A-2 of Victoria County Official Plan
Zone:	"Urban Residential Type Four Exception Eleven (R4-S11) Zone" on Schedule 'A' of the Village of Bobcaygeon Zoning By-law No. 16-78, as amended
Lot Area:	1.692 ha. [4.18 ac. – MPAC]
Site Servicing:	Municipal water and sanitary sewer, drainage swales and storm sewers
Existing Uses:	48 unit condominium townhouse development under construction
Adjacent Uses:	North: Lakewood Crescent/Low Density Residential East: Austin Boulevard/Apartment/Condo/Residential South: River Park Drive/Open Space/Bobcaygeon River West: Industrial/Commercial/Public Use (Forbert Memorial Pool)

Rationale:

The subject land is located at 27 Lakewood Crescent (formerly 7-27 Lakewood Cres.), Bobcaygeon with a 48-unit townhouse development under construction. Samantha Bateman of Marshall Homes, on behalf of Port 32 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 Port 32 Inc. development 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 documentation supports the request:

1. Copy of the Site Plan signed and approved by Richard Holy, Director of Development Services and dated June 1, 2022 (Appendix 'B')
2. Draft Plan of Standard Condominium dated November 10, 2020, prepared by Coe Fisher Cameron, Ontario Land Surveyors (Appendix 'C')

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

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 Bobcaygeon. 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 development.

Provincial Policy Statement, 2020 (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 development.

Other Alternatives Considered:

The applicant could proceed through the draft plan of condominium approval process. Given that the project has been reviewed by the public and various agencies, a further process would not be recommended. No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The City's 2020-2023 Kawartha Lakes Strategic Plan identifies the following priorities:

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

This development aligns with the Vibrant and Growing Economy priority by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes and aligns with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible.

Financial/Operation Impacts:

There are no financial implications regarding Council's consideration respecting the approval or refusal of the Port 32 Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

Servicing Implications:

The development is serviced through municipal water and sanitary sewer systems. The development has had the benefit of an executed site plan agreement and amending site plan agreement and detailed engineering review. This application has no impact on these services.

Consultations:

No further consultations were undertaken at 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 property is located within the "Urban" land use designation in the County of Victoria Official Plan, which permits the 48-unit townhouse condominium. The development conforms with the City's Official Plan policies.

The property is zoned "Urban Residential Type Four Exception Eleven (R4-S11) Zone" (By-law 2021-021 passed by Council on February 23, 2021) in the Village of Bobcaygeon Zoning By-law 16-78. The zone conforms with the City's Official Plan and together works to implement the condominium development on the property.

The development has previously undergone a public consultation process under the Planning Act.

The property was the subject of Zoning By-law Amendment and Draft Plan of Condominium applications in 2017, which was applied for and subject to the public meeting on August 12, 2020 under the Planning Act. Council approved the development on February 23, 2021.

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 Port 32 Inc. was registered on May 27, 2021 and receipted as KL177739. An amending Site Plan Agreement between the City and Port 32 Inc. that embodies all of the conditions of draft plan of condominium approval was subsequently registered on July 21, 2022 and receipted as KL194973. 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.

Conclusions:

The applicant has demonstrated that this 48 unit condominium townhouse development has been the subject of appropriate planning applications, public consultation, and municipal review that provide support for the Condominium Description Exemption request. Staff respectfully recommends that the 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 Mark LaHay, Planner II at 705-324-9411, ext. 1324.

Appendix 'A' – Location Map



Appendix 'A'
PLAN2022-048.pdf

Appendix 'B' – Approved Site Plan



Appendix 'B'
PLAN2022-048.pdf

Appendix 'C' – Draft Plan of Standard Condominium



Appendix 'C'
PLAN2022-048.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D04-17-001