



Council Report

Report Number:	PLAN2024-033
Meeting Date:	May 21, 2024
Title:	Condominium Description Exemption Application by TD Consulting Inc. on behalf of 2779722 Ontario Inc./2779723 Ontario Inc.
Description:	Application for Condominium Description Exemption for a total of 27-unit vacant land condominium with common elements N/S Snug Harbour Road; 57R-4924 Part 1 and 2; Part of East Half of Lot 5 and 327 Snug Harbour Road; 57R-4924 Part 3; Part of Lot 5 Concession 8, Geographic Township of Fenelon
Author and Title:	Matt Alexander, Practice Lead, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report **PLAN2024-033, Condominium Description Exemption Application by TD Consulting Inc. on behalf of 2779722 Ontario Inc./2779723 Ontario Inc.**, be received for information;

That Report **PLAN2024-033, Condominium Description Exemption Application by TD Consulting Inc. on behalf of 2779722 Ontario Inc./2779723 Ontario Inc.**, for a total of 27-unit vacant land condominium with comment elements on N/S Snug Harbour Road; 57R-4924 Part 1 and 2; Part of East Half of Lot 5 and 327 Snug Harbour Road; 57R-4924 Part 3; Part of Lot 5 Concession 8, Geographic Township of Fenelon, be approved by Council on the basis that a Site Plan Agreement is registered on title prior to the registration of the vacant land condominium with common elements; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The site is located on N/S Snug Harbour Road; 57R-4924 Part 1 and 2; Part of East Half of Lot 5 and 327 Snug Harbour Road; 57R-4924 Part 3; Part of Lot 5 Concession 8, Geographic Township of Fenelon on the south side of Sturgeon Lake (see Appendix 'A'). The project was granted site plan approval on October 12, 2023. The property owner is requesting an exemption from the normal condominium approval process as the City has already processed a rezoning and site plan application and will be entering into a site plan agreement with the developer for the project, through which the City will secure all necessary development obligations including land transfers for roadways, parkland payments, and securities for site development.

Owner: 2779722 Ontario Inc./2779723 Ontario Inc.

Applicant: TD Consulting Inc., c/o Tom de Boer

Legal Description: N/S Snug Harbour Road; 57R-4924 Part 1 and 2; Part of East Half of Lot 5 and 327 Snug Harbour Road; 57R-4924 Part 3; Part of Lot 5 Concession 8, Geographic Township of Fenelon

Official Plan: Waterfront, Environmental Protection, Schedule A-5 City of Kawartha Lakes Official Plan

Zoning: 'Rural Residential Type One Zone (RR1-23) Zone', 'Rural Residential Type One Exception Twenty-Two Holding [RR1-22 (H)] Zone', 'Rural Residential Type One Exception Twenty-Three (RR1-23) Zone', 'Rural Residential Type One Exception Twenty-Three Holding [RR1-23 (H)] Zone', 'Tourist Exception Six (C3-6) Zone', and 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone', 'Environmental Protection (EP) Zone' - Township of Fenelon Zoning By-law 12-95, as amended

Area: Approximately twenty-seven (27) acres (10.8 hectares)

Site Servicing: Proposed private services: individual private wells, on-site sewage systems, and ditches and swales

Existing Uses: Vacant land; Marina; Four-plex

Adjacent Uses: North – Sturgeon Lake
East – Pasture Road; Agricultural
South – Vacant Agricultural

West – Low Density Shoreline Residential Development

Rationale:

The site is located on N/S Snug Harbour Road; 57R-4924 Part 1 and 2; Part of East Half of Lot 5 and 327 Snug Harbour Road; 57R-4924 Part 3; Part of Lot 5 Concession 8, Geographic Township of Fenelon. It is comprised of two (2) properties, along the north and south sides of Snug Harbour Road. The north side is 3.1 hectares, and the south side is 7.7 hectares for a total of approximately 10.8 hectares (27 acres).

2779722 Ontario Inc./2779723 Ontario Inc. is in the process of developing the southern property and parts of the northern property as a 27-unit vacant land plan of condominium with comment elements (Appendix 'B'). 2779722 Ontario Inc./2779723 Ontario 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 2779722 Ontario Inc./2779723 Ontario Inc. development from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the Condominium Plan.

The Condominium Act provides one of two ways for applications for condominium approval. The first involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying conditions prior to final approval and registration. The second process is where the approval of the condominium application is exempt from the draft or 'conditional' approval stage. The exemption process can be applied when the proposal has undergone a complete evaluation (i.e. zoning and/or Official Plan amendments, site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

The proposed 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 a Zoning By-law amendment application approval.

The request was submitted together with a draft condominium description to be used as a basis for the condominium description (Appendix 'C').

Provincial Policies:

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

As these lands are designated as 'Waterfront' which permits residential development in the City of Kawartha Lakes Official Plan, this condominium description exemption request conforms to the 2019 Growth Plan since all of the primary policy considerations will be addressed through the site plan agreement.

Provincial Policy Statement, 2020 (PPS):

Similarly, as this land is designated as 'Waterfront' which permits residential development in the City of Kawartha Lakes Official Plan, this condominium description exemption request is consistent with the 2020 Provincial Policy Statement since all of the primary policy considerations will be addressed through the site plan agreement.

Official Plan Conformity:

The subject property is designated 'Waterfront' and 'Environmental Protection' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (Official Plan). The proposed plan of condominium development is located within and corresponds with the 'Waterfront' designation, which permits limited low density residential development and accessory uses. A review of the information submitted in support of the application suggests that the applicant has demonstrated conformity with the policies of the Official Plan. The condominium exemption request conforms to the policies and designations in the City of Kawartha Lakes Official Plan since all of the primary policy considerations have been addressed through the zoning by-law amendment and site plan application processes.

Zoning By-Law Compliance:

The subject property was rezoned through an amendment to the Township of Fenelon Zoning By-law 12-95 in 2023 (File: D06-2022-029) to 'Rural Residential Type One Exception Twenty-Two (RR1-22) Zone', 'Rural Residential Type One Exception Twenty-Two Holding [RR1-22 (H)] Zone', 'Environmental Protection (EP) Zone', 'Rural Residential Type One Exception Twenty-Three (RR1-23) Zone', 'Rural Residential Type One Exception Twenty-Three Holding [RR1-23 (H)] Zone', 'Tourist Exception Six (C3-6) Zone', and 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone' in the Township of Fenelon Zoning By-law 12-95. The proposed condominium description request will comply with the relevant provisions of the Township of Fenelon Zoning By-law 12-95.

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:

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

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

This application aligns with the 'Exceptional Quality of Life' priority by continuing to allow a new development which provides new housing stock; and aligns with the 'Healthy Environment' priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

If approved, this proposal will help the City achieve its target of constructing 6,500 housing units by 2031 as stated in the Housing Pledge adopted by Council on November 21, 2023.

Financial/Operation Impacts:

There are no financial or operational impacts regarding Council's consideration pertaining to the approval or refusal of the 2779722 Ontario Inc./2779723 Ontario Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

Servicing Implications:

Private individual water and sewage services are proposed for the development.

Consultations:

No further consultations were undertaken at this time.

Development Services Planning Division Comments:

Section 9 (3) and (6) of the Condominium Act, allows for Condominium Description Exemption from Sections 51 and 51.1 of the Planning Act provided that the following planning criteria are met:

Conformity with the Official Plan and the applicable Zoning By-law:

The property is designated 'Waterfront' and 'Environmental Protection' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (Official Plan). The proposed plan of condominium development is located within the 'Waterfront' designation, which permits low limited low density residential development and accessory uses. The 'Environmental Protection' designation applies to the small watercourse in the northeast corner of the northern property. There is no development proposed within this section of the subject lands. The development conforms with the City's Official Plan policies.

The property is zoned to 'Rural Residential Type One Exception Twenty-Two (RR1-22) Zone', 'Rural Residential Type One Exception Twenty-Two Holding [RR1-22 (H)] Zone', 'Environmental Protection (EP) Zone', 'Rural Residential Type One Exception Twenty-Three (RR1-23) Zone', 'Rural Residential Type One Exception Twenty-Three (RR1-23) Zone', 'Rural Residential Type One Exception Twenty-Three Holding [RR1-23 (H)] Zone', 'Tourist Exception Six (C3-6) Zone', and 'Tourist Commercial Exception Six Holding [C3-6(H)] Zone'. The zones conform with the City's Official Plan and together works to implement the proposed development.

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

The property was the subject of a previous proposal for a plan of condominium and Zoning By-law amendment from 2013 and 2016, to permit residential vacant land plan of condominium with common elements as well as the marina by a previous owner. Another Zoning By-law amendment, filed by the current owner, was approved in 2022 and subject to the public consultation process under the Planning Act on November 30, 2022. The Council approval was not appealed.

The development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval

An application for Site Plan approval was approved on October 12, 2023. The Site Plan Agreement between the City and 2779722 Ontario Inc./2779723 Ontario Inc. is in progress and has yet to be registered.

The applicant has demonstrated that the above planning criteria have been met and that upon Council's approval of the application, and upon the registration of the Site Plan Agreement and the City is in receipt of the appropriate securities to ensure completion of the required site works, the Certificate of Exemption may be signed by the Director and the Condominium Plan registered.

Conclusions:

The applicant has demonstrated that this vacant land plan of condominium with common elements has been subject of appropriate planning applications, public consultation and municipal review to provide support for the Condominium Description Exemption request. Since a further condominium approval process would bring no additional public benefit, 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 email Matt Alexander at Matt.Alexander@wsp.com.

Appendix 'A' – Location Plan



Appendix A

Appendix 'B' – Development Layout



Appendix B

Appendix 'C' – Draft Reference Plan for Condominium Description



Appendix C

Department Head email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D04-2024-001