



Council Report

Report Number:	PLAN2024-061
Meeting Date:	October 22, 2024
Title:	Condominium Description Exemption Application for 99 Louisa Street, Fenelon Falls – The Moorings on Cameron Limited
Description:	Application to facilitate development of a 3-storey residential building containing 57 units; Part Lot 15 and Lot 16 e/s Water Street, Part Lots 13 and 17 s/s Louisa Street, Plan 17, Village of Fenelon Falls, City of Kawartha Lakes
Author and Title:	Leah Barrie, MCIP RPP, Director of Development Services

Recommendation(s):

That Report PLAN2024-061, **Condominium Description Exemption Application for 99 Louisa Street, Fenelon Falls – The Moorings on Cameron Limited**, be received for information;

That Condominium Description Exemption Application for 99 Louisa Street, Fenelon Falls – The Moorings on Cameron Limited, be approved by Council on the basis that a Site Plan Agreement has been registered on title; and,

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The site is located at 99 Louisa Street in Fenelon Falls (see Schedules 'A', 'B' and 'C'). The project was granted site plan approval on May 31, 2023, and the site plan agreement was subsequently registered on June 28, 2024. The developer is requesting an exemption from the normal condominium approval process which would include preparation and registration of a condominium agreement, as the City has already processed rezoning and site plan applications, and has entered into a site plan agreement with the developer, through which the City has secured all necessary development obligations, including securities, for development of the site. A condominium agreement therefore is not needed.

Owner:	The Moorings on Cameron Limited (J. Greig, Edza Group)
Applicant:	TD Consulting INC. (Tom DeBoer)
Legal Description:	Part Lot 15 and Lot 16 e/s Water Street, Part Lots 13 and 17 s/s Louisa Street, Plan 17, Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	'Urban Settlement Area' City of Kawartha Lakes Official Plan (2012) 'Residential', Intake Protection Zone, Fenelon Falls Secondary Plan (2023)
Zoning:	'Residential Type Five Exception Five' (R5-5) Zone, Village of Fenelon Falls Zoning By-law 89-25
Area:	1.12 ha (2.93 ac)
Site Servicing:	Municipal water, sewer, stormwater services
Existing Uses:	Residential – under construction
Adjacent Uses:	North – Residential East – Residential South – Residential West – Victoria Rail Trail, Cameron Lake

Rationale:

The developer has applied for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act, Ontario to exempt the description of the

development from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the condominium plan. Following the current exemption process, the developer will pursue the necessary condominium declaration to complete the project.

The Condominium Act provides one of two ways to obtain 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 planning applications such as a Zoning By-law amendment application approval and a site plan application approval.

The request was submitted together with a draft condominium description to be used as a basis for the condominium declaration.

Provincial Planning Statement, 2024 (PPS):

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Under the PPS, municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. Settlement areas shall be the focus of growth and development, where land use patterns should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and support active transportation.

The requested condominium description exemption is consistent with the PPS since all of the primary policy considerations are addressed through the site plan agreement.

Official Plan Conformity:

The subject property is designated an 'Urban Settlement Area' in the City's Official Plan, and 'Residential' in the Fenelon Falls Secondary Plan. The nature of the residential development conforms with the land use and development policies of the Plans.

Zoning By-Law Compliance:

The property is subject to the site-specific zone 'Residential Type Five Exception Five' (R5-5) to facilitate the proposed development. The requested condominium description exemption complies with the relevant provisions of the Zoning By-law.

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 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 request. The decision to approve or refuse the application for description exemption cannot be appealed.

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 the following planning criteria are met:

1. The proposal conforms with the Official Plan and the applicable Zoning By-law;
2. The proposal has previously undergone a public consultation process under the Planning Act, such as a Zoning By-law Amendment;
3. The proposal has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

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.

Conclusion:

The applicant has demonstrated that the plan of condominium 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.

Supplementary Schedules:

The following documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Wendy Ellis at wellis@kawarthalakes.ca

Schedule 'A' – Location Map

Schedule 'B' – Site Plan

Schedule 'C' – Survey for Condominium Description

Department Head email: lbarrie@kawarthalakes.ca

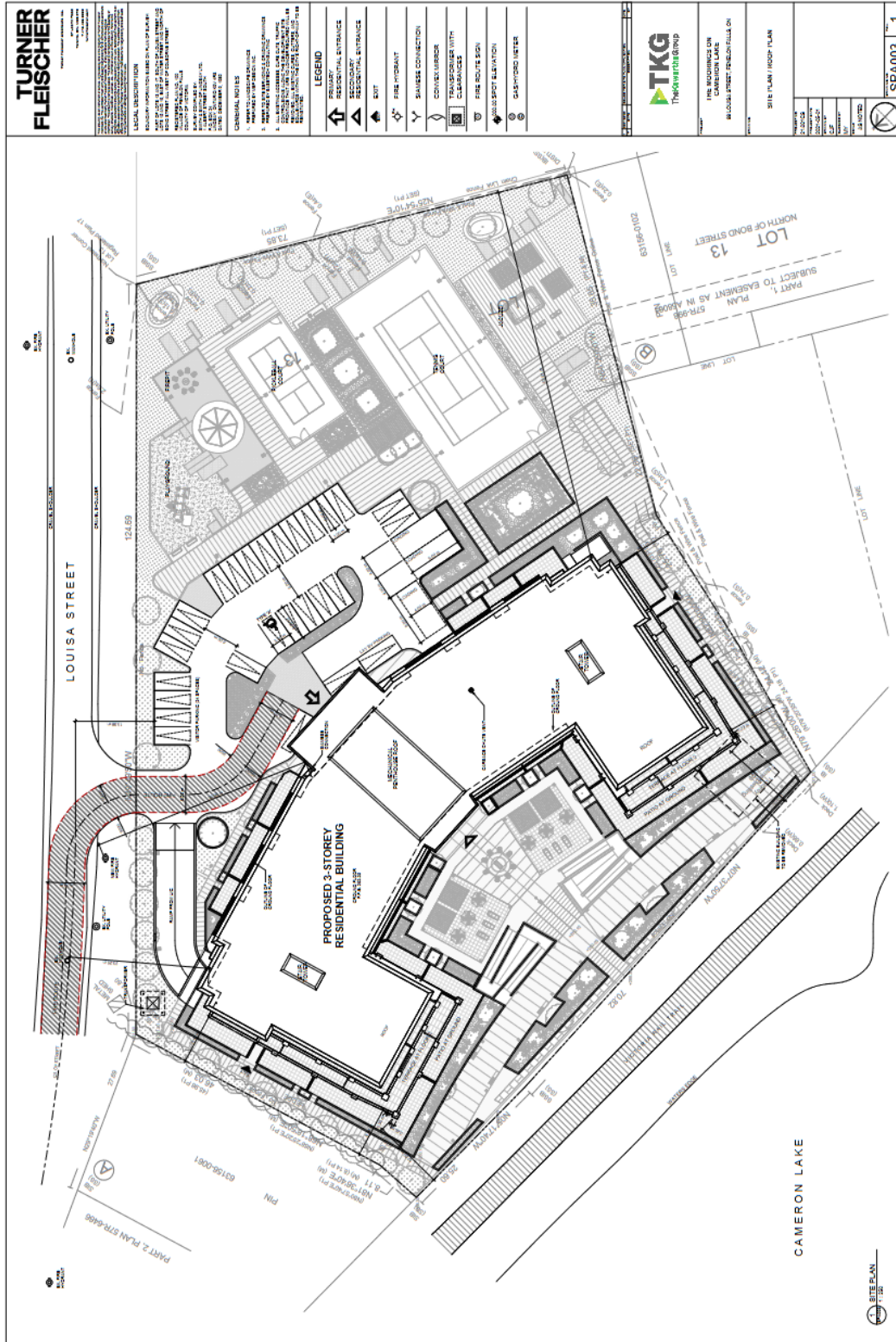
Department Head: Leah Barrie, Director of Development Services

Department File: D19-2021-015

Schedule 'A' – Location Map



Schedule 'B' – Site Plan



Schedule 'C' – Survey for Condominium Description

