

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2017-040

Date: July 5, 2017
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: Lindsay Ward 9

Subject: Request by Angeline Street Investments Inc. to enter into a Subdivision Agreement for Plan of Subdivision 16T-12502, File No. D05-18-106, Orchard Meadows on Jennings Creek being Part Lot 24, Concession 5, geographic Township of Ops, former Town of Lindsay, now City of Kawartha Lakes.

Authors and Title: Sherry L. Rea, Planning Development Supervisor
Christina Sisson, Supervisor, Development Engineering

Recommendation(s):

RESOLVED THAT Report PLAN2016-040, respecting Part Lot 24, Concession 5, geographic Township of Ops, former Town of Lindsay, Application D05-18-106, Angeline Street Investments Inc. – 16T-12502, be received;

THAT Schedule “D” Summary of Estimated Costs, in Appendix “C” to Report PLAN2017-040 shall list 100% of the cost of all works to the satisfaction of the Director of Development Services and the Director of Engineering and Corporate Assets;

THAT the Subdivision Agreement for File No. D05-18-106 substantially in the form attached as Appendix “C” to Report PLAN2017-040, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and subsequent Agreement(s) required by the approval of this Agreement.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

On March 3, 2015, Council granted Draft Plan approval to a 64 lot, low density residential plan of subdivision, being 16T-12502.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). The purpose of this report is to present the staff endorsed draft Subdivision Agreement, attached as Appendix "C" respecting the Draft Plan attached as Appendix "B". This Agreement complies with Council's policies and by-laws applicable to the development of land and incorporates civil engineering standards and land-use planning requirements.

Rationale:

Angeline Street Investments Inc. has requested that the City prepare the required Subdivision Agreement for a draft approved plan of subdivision. There are 71 conditions of draft plan approval and some of these have already been fulfilled and others will be fulfilled in accordance with the requirements and obligations set out in the Subdivision Agreement. Angeline Street Investments Inc. must sign the Subdivision Agreement before the Mayor and City Clerk. The Director of Development Services will subsequently sign the final plan and each of these documents will then be sent to the City solicitor for final review and registration and residential lots will be created with the registration of the M-Plan.

Provincial Policies:

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

As this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement conforms to the Growth Plan.

Provincial Policy Statement (PPS):

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement are consistent with the 2014 Provincial Policy Statement.

Official Plan Conformity:

The property is designated "Urban Settlement Area" in the City of Kawartha Lakes Official Plan and subject to the Lindsay Secondary Plan currently under appeal to the Ontario Municipal Board. This plan and implementing Subdivision Agreement conforms to the policies and designations in both the City of Kawartha Lakes Official Plan and the Lindsay Secondary Plan.

Zoning By-law Compliance:

The land is zoned Residential Two Special Sixteen (R2-16), Residential Two Special Thirty-Three (R2-S33), Residential Two Special Thirty-four (R2-S34) and Parks and Open Space (OS) in the Town of Lindsay Zoning By-law 2000-75. The proposed residential use and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the Zoning By-law. This development was subject to payment under the North West Municipal Act Capital Charge and the Council acknowledged receipt of the appropriate payment through the consideration of By-law 2016-156 which removed the Holding (H) provision on the zone categories.

Servicing Comments:

In September, 2016, Angeline Street Investments Inc. entered into a Pre-Servicing Agreement with the City for earthworks and provided 50% of the cost of the earthworks. In November, 2016, Angeline Street Investments entered into a Pre-Servicing Agreement with the City for underground servicing and provided 50% of the servicing costs. The developer entered into these agreements prior to the latest City update to the Pre-Servicing Policy. The Subdivision Agreement serves to ensure accountability of the developer in the construction of the servicing infrastructure to be completed on the subject land. All public services under the subdivision agreement will be required to be verified prior to any acceptance, security reduction, and ultimately assumption.

To date, watermain, sanitary sewer and storm sewer infrastructure has been installed on ASI lands through Pre-Servicing and certification, supporting documentation and inspection is required prior to acceptance. Once the subdivision agreement is executed, and all supporting documentation is received, the City will approve the connection to municipal services.

The storm and sanitary sewer servicing for Orchard Meadows is supported through the adjacent Woods of Jennings Creek Development, Dunster Investments Inc. The City has entered into a subdivision agreement with Dunster Investments Inc. and the road right of way and stormwater management lands have been conveyed to the City. The two developments are working to install all required underground servicing infrastructure.

Accessibility Implications:

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Consultations:

Consultations involved staff from the City's Engineering & Corporate Assets and Community Services Departments and the KRCA.

Development Services – Planning Division Comments:

City staff has completed their review of draft Plan 16T-12502, Orchard Meadows on Jennings Creek and endorses Appendix "B" and "C". We support the recommendations set out in this Report PLAN2017-040. It is now appropriate that the matter be considered by Council.

Other Alternatives Considered:

No other alternatives have been considered as this application conforms to the Provincial Policies and the City of Kawartha Lakes Official Plan.

Financial Considerations:

The draft Subdivision Agreement requires the owner to pay all of the City's reasonable legal costs incurred in the preparation and registration of the Agreement, together with the City Engineering Fee. The owner is also required to provide a Letter of Credit for 100% of the Estimated Cost of Works to the satisfaction of the Director of Development Services and the Director of Engineering & Corporate Assets.

It is Staff's understanding that the owner is requesting only one change to the City's standard procedures:

1. The standard Subdivision Agreement requires that all development charges follow the Council approved policy of September, 2016. It is Staff's understanding that the owner will be requesting that payment of these Development Charges be deferred to the issuance of the Building Permit stage.

The Director of Community Services advises that the City should accept cash in lieu of parkland as set out in Planning Act and being 5% of the appraised property. An appraisal report was prepared by Antec Appraisal Group with an Estimated Retrospective Market Value as of March 12, 2015, being one day prior to Draft Plan Approval to be \$830,000.00. The calculated 5% cash in lieu parkland would be \$41,500.00 payable prior to the signing of the final plan by the Director of Development Services.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the Exceptional Quality of Life goal as it permits residential development with access to municipal parks and cycling and walking paths.

Attachments:

The following attached documents may include scanned images of Appendices, maps, and photographs. If you require an alternative format, please contact Sherry Rea, Development Planning Supervisor 705.324.9411 ext. 1331.

Appendix “A” – Location Map



Appendix 'A' -
Location Map.pdf

Appendix “B” – Draft M-Plan



Appendix 'B' - Draft
Plan of Subdivision.pdf

Appendix “C” – Draft Subdivision Agreement



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16T-12502 Orchard M

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department File: D05-17-001 and D06-17-019