

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

Report Number PLAN2019-065

Meeting Date: November 6, 2019

Regular Meeting

Title: Request by 2594441 Ontario Inc. to enter into a Subdivision Agreement for Plan of Subdivision 16T-08503, File No. D05-28-013, King's Wharf Estates Subdivision

Description: Part of Lots 21 and 22, Concession 13, geographic Township of Emily, now City of Kawartha Lakes

Ward Number: 6

Author and Title: Richard Holy, Manager of Planning

Recommendations:

That Report PLAN2019-065, **King's Wharf Estates Subdivision Agreement**, be received;

That the Subdivision Agreement for King's Wharf Estates, City of Kawartha Lakes, substantially in the form attached as Appendix "C" to Report PLAN2019-065 be approved by Council;

That the street names of Lakeview Crescent and Jeff Beukeboom Court for the draft plan of subdivision be approved by Council;

That the reduction of securities be considered once completed works have been confirmed by Staff;

That the recommended payment of Development Charges, as outlined in the draft subdivision agreement contained in Appendix "C" to Report PLAN2019-065, be received and approved by Council; and

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

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

Background:

On April 19, 2013, the Ontario Municipal Board granted draft plan of approval to Plan of Subdivision 16T-08503 to create 21 residential lots for single detached dwellings, vacant land and private open space blocks, a block for a stormwater management facility with a drainage easement to Pigeon Lake, 0.3 metre reserves to prohibit access from Pigeon Lake Road and King's Wharf Road, and the extension of Lakeview Crescent to serve this development. Subsequently, the Director of Development Services extended the draft plan approval twice on March 7, 2016 and March 12, 2019 with a final lapsing date of April 19, 2020.

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 current policies and by-laws applicable to the development of land and incorporates civil engineering standards and land-use planning requirements.

In December 2017, the Owner 2594441 Ontario Inc. entered into a pre-servicing agreement with the City for the installation of erosion control features and municipal services on the draft plan approved lands and provided the requisite securities as per corporate policy. Subsequent amendments to the pre-servicing agreements have permitted the Owner to proceed to further construct connecting works on municipal right-of-ways.

Rationale:

TD Consulting, as primary contact for 2594441 Ontario Inc. (Paul Charron), has requested that the City prepare the required Subdivision Agreement for the King's Wharf Estates draft approved plan of subdivision.

There are 64 conditions of draft plan approval and most of these have already been fulfilled and others will be fulfilled in accordance with the requirements and obligations set out in the Subdivision Agreement. The Owner must sign the Subdivision Agreement before the Mayor and City Clerk sign the Subdivision Agreement. 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 2019 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 "Waterfront" in the City of Kawartha Lakes Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designations in both the City of Kawartha Lakes Official Plan.

Zoning By-law Compliance:

The residential land are zoned "Rural Residential Type Three (RR3) Zone", "Rural Residential Type Three Exception Nine (RR3-9) Zone", "Rural Residential Type Three Exception Ten (RR3-10) Zone", "Rural Residential Type Three Exception Eleven (RR3-11) Zone", and "Rural Residential Type Three Exception Eighteen (RR3-18) Zone" in the Township of Emily Zoning By-law 1996-30 to recognize various development constraints. The open lands are zoned "Agricultural Exception Twenty-Six (A1-26) Zone" and "Environmental Protection Exception Two (EP-2) Zone" to permit a private park at the development's entrance and a private park with a gazebo along the lakefront. The stormwater management facility is zoned "Environmental Protection Exception Three (EP-3) Zone". The Holding provisions for common area blocks are removed once the subdivision agreement is registered but the holding provisions for individual lots is removed once the City is satisfied that the groundwater levels are not negatively impacted through additional development. This is determined through data from a groundwater monitoring well that is installed on the property. The proposed residential use and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered as this application conforms to the Provincial Policies, City of Kawartha Lakes Official Plan, and Township of Emily Zoning By-law 1996-30.

Financial/Operation Impacts:

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 and Corporate Assets.

It is Staff's understanding that the owner is requesting two (2) changes to the City's standard procedures:

1. The City requires that 100% of the securities for the works contained in Schedule "D" be posted with the City as part of the execution of the Subdivision Agreement. The owner is seeking a reduction in the securities for works that have already been completed to date through the aforementioned pre-servicing agreements, and the City is in receipt of proposed security reductions. Prior to supporting any reduction, the City requires the following:
 - a) Revised Schedule "D" Cost Estimate itemizing components completed and requested security reduction for each component.
 - b) Submission of engineering certification that all works have been constructed in conformity with the plans and specifications approved by the City.
 - c) Statutory declaration as per the City template that all accounts for material, labour and equipment are paid in full.
 - d) As built design drawings to be submitted and approved by the City.

Engineering staff confirm the Owner and the Engineer are working to provide the supporting documentation for consideration of the reduced security.

2. The standard Subdivision Agreement requires that all development charges follow the Council approved policy of September, 2016. Staff understands the Owner's intention is to defer payment of these Development Charges to the Occupancy stage. Staff has requested written confirmation from the Owner for the request.

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 provides a range of residential development options, namely waterfront development.

Review of Accessibility Implications of Any Development or Policy:

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.

Servicing Comments:

The lots will be serviced through individual well and septic systems. Stormwater management will be handled through roadside ditches that drain to a pair of stormwater management ponds, one wet pond and one dry pond.

Consultations:

Consultations involved staff from the City's Engineering and Corporate Assets Department.

Development Services – Planning Division Comments:

The Subdivision Agreement contains all necessary conditions and warning clauses that were part of the conditions of draft plan approval as well as the conditions imposed through the Ontario Municipal Board process.

During the summer, the residents of the Lakeview Estates subdivision were concerned about the location of the dry stormwater management pond on the private open space block and associated tree removal as well as the culverts that were placed under the extension of Lakeview Crescent. While the tree cutting and stormwater management pond issues were resolved, the developer agreed to relocate the culverts in a position that would flush out the lagoon to the residents' satisfaction to allow them to dock boats in this area again. He also agreed to dredge the lagoon out with the appropriate Trent-Severn Waterway approvals in place. The Letter of Undertaking is attached to this Subdivision Agreement.

The draft M-Plan shows that the street name Lakeview Crescent will be extended throughout the crescent portion of the road network in the development. Extending this road name throughout the development makes sense as this street name cannot be changed mid-block.

There is also a small cul-de-sac that serves one lot and the stormwater management block in the southeastern portion of the development. New street names can be obtained from the City's approved list of street names. The City's street naming policy doesn't permit the use of street names of persons that are living nor does it allow the use of first and surnames together in a street name; however, the list contains names of people that are alive as well as containing multiple persons with the same surname. The only way to keep multiple people with the same surnames on the list and use them for street naming purposes is to use the first name in conjunction with the surname. The owner has chosen to name this street Jeff Beukeboom Court. Staff respectfully request that Council grant an exception to the street naming policy to permit the use of Jeff Beukeboom Court, representing the name of a prominent person who is still living and using the first name in conjunction with the surname. The name of John Beukeboom can therefore remain on the list as a street naming option. The owner will revise the draft M-Plan accordingly.

City staff has completed their review of the draft Plan of Subdivision 16T-08503, King's Wharf Estates Subdivision and endorses Appendices "B" and "C". We support the recommendations set out in this Report PLAN2019-065. It is now appropriate that the matter be considered by Council.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Richard Holy, Manager of Planning at 705.324.9411 x 1246.

Appendix "A" – Location Map



PLAN2019-065
Appendix A.pdf

Appendix "B" – Draft M-Plan



PLAN2019-065
Appendix B.pdf

Appendix "C" – Draft Subdivision Agreement



PLAN2019-065
Appendix C.pdf

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Department Head: Chris Marshall, Director of Development Services

Department File: D05-28-013