

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-073

Meeting Date: December 4, 2019

Regular Meeting

Title: Request by 405 St. David Street Investments Inc. to enter into a Subdivision Agreement for Plan of Subdivision 16T-13501, File No. D05-18-111.

Description: Part of Lot 24, Concession 6, geographic Township of Ops, former Town of Lindsay, now City of Kawartha Lakes

Ward Number: 5

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

Recommendations:

That Report PLAN2019-073, **405 St. David Street Investments Inc. (Riverview Estates - Phase 2), Subdivision Agreement**, be received;

That the Subdivision Agreement for 405 St. David Street Investments Inc., City of Kawartha Lakes, substantially in the form attached as Appendix C to Report PLAN2019-073 be approved by Council;

That the recommended payment of Development Charges, as outlined in the draft subdivision agreement contained in Appendix C to Report PLAN2019-073, be received and approved by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

On October 14, 2014, Council granted draft plan of approval to Plan of Subdivision 16T-13501 to create 15 residential lots for single detached dwellings, 1 block to accommodate 56 residential units in a cluster villa type development and 1 block for open space. Subsequently, the Director of Development Services extended the draft plan approval three times on July 20, 2017, July 16, 2018 and July 15, 2019 with a final lapsing date of July 20, 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.

Rationale:

EcoVue Consulting, applicant for owner, 405 St. David Street Investments Inc. (Morteza Alabaf), has requested that the City prepare the required Subdivision Agreement for the proposed development originally known as Riverview Estates – Phase 2 (Scugog River Developments Inc.) draft approved plan of subdivision.

There are 63 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 Town of Lindsay 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 City of Kawartha Lakes Official Plan was adopted by Council on September 21, 2010 and approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, the subject land is within the Urban Settlement Boundary for Lindsay and may be considered for development under the Growth Management policies contained in the City of Kawartha Lakes Official Plan. The Lindsay Secondary Plan was adopted by Council in June 2017 and is currently under appeal to the LPAT. The governing policy document is the Town of Lindsay Official Plan (LOP).

Zoning By-law Compliance:

The subject land is zoned Residential Two (R2), Residential Multiple Two Special Nineteen (RM2-S19 and Parks and Open Space Holding One (OS (H1)). The R2 Zone permits the single detached dwellings, the RM2-S19 permits the cluster Villas (stacked townhouses) while the OS(H1) Zone limits development on the property until such time that an Environmental Impact Study (EIS) has been completed 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. The City is in receipt of a site plan application for the Cluster Villas with construction anticipated late spring 2020.

Other Alternatives Considered:

No other alternatives have been considered as this application conforms to the Provincial Policies, City of Kawartha Lakes Official Plan and Town of Lindsay Zoning By-law 2000-75.

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.

Staff understands that the owner is requesting one (1) 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. Staff understands the Owner's intention is to defer payment of these Development Charges to the Building Permit stage.

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 by municipal systems for water and sewer and stormwater management has been reviewed and approved by the City and KRCA.

Consultations:

Consultations involved Planning staff and 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. The draft M-Plan illustrates 2 unique situations as noted below:

1. The draft M-Plan illustrates the extension of Barron Boulevard outside of the Plan. The parcel of land, being Part 1, Plan 57R-9960 is owned by the City and will be the subject of a Dedication By-law whereby the land will be named and dedicated as a public street. The City solicitor together with applicant's solicitor will assist with the required process prior to the signing of the final Plan. The draft M-Plan also shows an extension of Simpson Road, which is proposed to be dedicated on the M-Plan as a public street.
2. The draft M-Plan also illustrates lands exterior to the Plan, being Part 2 on Plan 57R-9413 and Part 2 on Plan 57R-9960. The Subdivision Agreement will contain clauses and an easement that allows the City to provide road maintenance until such time that development extends north. There are

track changes in the Subdivision Agreement that identifies where changes might be made to the Agreement to accommodate this issue.

City staff has completed their review of the draft Plan of Subdivision 16T-13501, St. David Street Investments Inc. Subdivision and endorses Appendix B and C. We support the recommendations set out in this Report PLAN2019-073. 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 Sherry L. Rea, Development Planning Supervisor at 705.324.9411 x 1331.

Appendix A – Location Map



Appendix A -
Location Map.pdf

Appendix B – Draft M-Plan



Appendix B - Draft
M-Plan.pdf

Appendix C – Draft Subdivision Agreement



Appendix C - Draft
Subdivision Agreement

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Department Head: Chris Marshall, Director of Development Services

Department File: D05-18-111