

The Corporation of the City of Kawartha Lakes
Council Report

Report Number PLAN2020-024

Meeting Date: July 28, 2020

Title: Request by CIC Developments Inc. to enter into a Subdivision Agreement for Plan of Subdivision 16T-88009, File No. D05-2018-002, Ravines of Lindsay Estates Subdivision

Description: Part of Lot 24, Concession 4 (Formerly Ops) – RP 57R7234 Parts 9 to 11 and Parts 12 to 14, Former Town of Lindsay, now City of Kawartha Lakes (CIC Developments Inc.)

Ward Number: Ward 5 – Lindsay

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2020-024, **Ravines of Lindsay Estates Subdivision Agreement**, be received;

That the Subdivision Agreement for Ravines of Lindsay Estates, City of Kawartha Lakes, substantially in the form attached as Appendix “C” to Report PLAN2020-024 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 PLAN2020-024, 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: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The approval for the development dates back to 1994. On April 6, 1994, the Ministry of Municipal Affairs granted draft plan of approval to Plan of Subdivision 16T-88009 to create 124 residential lots for single detached dwellings and 10 blocks – 1 block for residential development with adjacent lands; 1 block for parkland; 2 blocks for walkways and overland flow; 1 block for a stormwater pond; 1 block for a road widening; and 4 blocks for 0.3 metre reserves.

Subsequently, the developer had to revise the draft plan of subdivision to correspond with changes in legislation which now require a larger stormwater management pond for quality and quantity control of stormwater. As a result, on June 19, 2018, Council approved the revised conditions of draft plan approval and revised draft plan of subdivision, which included 146 residential lots for single detached dwellings and 5 blocks – 2 blocks for walkways and emergency vehicle access; 1 block for a stormwater management pond; 1 block for a road widening; and 1 future residential reserve block for a temporary cul-de-sac. Cash-in-lieu of parkland will be collected in place of any new parkland in this development.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). Given the current State of Emergency due to the COVID-19 pandemic, this application is not able to come to a returning Planning Advisory Committee meeting until a later date, and is therefore coming directly to Council. 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 May 2020, the Owner CIC Developments Inc./Bromont Homes Inc. entered into a pre-servicing agreement with the City for the installation of erosion control features and municipal water, sanitary, storm services and road works to base course asphalt, on the draft plan approved lands and provided the requisite securities as per corporate policy.

Rationale:

Valdor Engineering Inc. (Peter S. Zourntos), as primary contact for CIC Developments Inc. c/o Bromont Homes Inc. (Rocco Montemareno), has requested that the City prepare the required Subdivision Agreement for the Ravines of Lindsay Estates draft approved plan of subdivision.

There are 65 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:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (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, 2020 (PPS, 2020):

Similarly, as this land is designated for residential development in the Town of Lindsay Official Plan, this plan and implementing Subdivision Agreement are consistent with the Provincial Policy Statement, 2020.

Official Plan Conformity:

The property is designated “Residential” in the Town of Lindsay Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designations in the Town of Lindsay Official Plan.

Zoning By-Law Compliance:

The residential lands are zoned “Residential One (R1) Zone”, “Residential One Special Six (R1-S6) Zone”, “Residential One Special Nineteen (R1-S19) Zone”, “Residential One – Holding Four [R1(H4)] Zone”, “Residential Two (R2) Zone”, and “Residential Two Special Thirty-Seven (R2-S37) Zone” in the Town of Lindsay Zoning By-law 2000-75 to recognize various development constraints. The open space lands are zoned “Open Space (OS) Zone” and “Open Space Special Two (OS-S2) Zone” to permit a walkway and the stormwater management facility. The Holding provision for the temporary cul-de-sac block will be removed in the future, when the abutting lands to the southwest are developed and Connolly Road is connected. 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, Town of Lindsay 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.

It is Staff's understanding that based on work completed through the Pre-Servicing Agreement, the owner may request a security reduction in advance of registration of the Subdivision Agreement:

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. If the owner is seeking a reduction in the securities for works that have already been completed to date through the aforementioned pre-servicing agreements, 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.

In addition, the owner has formally requested a deferral of Development Charges as per Council Policy CP2019-005.

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.

Relationship of Recommendations to The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with the Vibrant and Growing Economy priority by providing economic opportunities for local contractors; aligns with the Exceptional Quality of Life priority as it provides for new housing availability; 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.

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 Implications:

The lots will be serviced through full urban municipal services, including water, sanitary sewer and storm sewer. Stormwater management will be handled through a wet stormwater management pond.

Consultations:

Consultations involved staff from the City's Engineering and Corporate Assets Department, City Treasurer, and Kawartha Conservation.

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 shows the street names of Connolly Road (opposite Orchard Park Road), Hennessey Crescent, and Hancock Crescent, which were approved by Council in 2018. Orchard Park Road was not possible to use, as the numbering begins at Angeline Street North and progresses to the east. Connolly Road will extend into the future proposed development to the southwest of this development.

City staff has completed their review of the draft Plan of Subdivision 16T-88009, Ravines of Lindsay Estates Subdivision and endorses Appendices "B" and "C". We support the recommendations set out in this Report PLAN2020-024. 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 call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix “A” – Location Map



PLAN2020-024
Appendix A.pdf

Appendix “B” – Draft M-Plan



PLAN2020-024
Appendix B.pdf

Appendix “C” – Draft Subdivision Agreement



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Subdivision Agreeem

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Department Head: Chris Marshall, Director, Development Services
Department File: D05-2018-002 and D05-18-032