

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-058

Meeting Date: **December 2, 2020**

Title: Request by Three Lakes Developments Inc. to enter into a Subdivision Agreement for Plan of Subdivision 16T-87002, File No. D05-19-006, Former Rokeby Subdivision

Description: Part of Lot 16, Concession 9 and Part of Park Lot 2 Registered Plan No. 70, Former Village of Bobcaygeon, now City of Kawartha Lakes

Ward Number: **Ward 2 – Bobcaygeon**

Author and Title: **Richard Holy, Manager of Planning**

Recommendations:

That Report PLAN2020-058, **Three Lakes Developments Inc. (Former Rokeby) Subdivision Agreement**, be received;

That the Subdivision Agreement for the Three Lakes Developments Inc. (Former Rokeby) Subdivision, City of Kawartha Lakes, substantially in the form attached as Appendix “C” to Report PLAN2020-058 be approved by Council;

That the recommended payment of Development Charges, as outlined in the draft subdivision agreement contained in Appendix “C” to Report PLAN2020-058, 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 1989. On March 3, 1989, the Ministry of Municipal Affairs granted draft plan of approval to Plan of Subdivision 16T-87002 to create 191 residential lots for single detached dwellings, 3 blocks for multiple residential development, 1 block for parkland; 1 block for walkways, 2 blocks for a road dedication purposes, and 4 blocks for 0.3 metre reserves.

Subsequently, the developer revised the draft plan of subdivision to intensify the development and provide better stormwater management and parkland facilities. As a result, on March 22, 2011, Council approved the revised conditions of draft plan approval and revised draft plan of subdivision, 221 single detached dwelling units with 10.5 m, 12.0 m, and 15.0 m lot frontages, two blocks to accommodate 40 townhouse dwelling units, a 2.20 ha park block, two blocks for stormwater management facilities, an environmental protection block, two walkway blocks, two access reserve blocks fronting CKL Road 8, and a block to accommodate a future collector road between Front Street and CKL Road 8. Servicing constraints were identified through the review process and the resulting phasing strategy only allows 100 units to be developed at this time, of which the developer has opted to develop 68 units at this time. The City will be undertaking servicing upgrades in the future to allow the full development to occur.

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:

Best Homes Limited (Abdullah Gulzar), as primary contact for Three Lakes Developments Inc., has requested that the City prepare the required Subdivision Agreement for the former Rokeby draft approved plan of subdivision.

There are 66 conditions of draft plan approval and many 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 County of Victoria 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 County of Victoria Official Plan, this plan and implementing Subdivision Agreement are consistent with the Provincial Policy Statement, 2020.

Official Plan Conformity:

The property is designated “Urban” in the County of Victoria Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designations in the County of Victoria Official Plan.

Zoning By-Law Compliance:

The residential lands are zoned “Urban Residential Type One Exception Fourteen (R1-S14) Zone”, “Urban Residential Type One Exception Sixteen (R1-S16) Zone”, and “Urban Residential Type One Exception Seventeen (R1-S17) Zone” in the Village of Bobcaygeon Zoning By-law 16-78 to recognize various development constraints. The open space lands are zoned “Open Space Exception One (O1-S1) Zone” to permit a walkway and the stormwater management facility. 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, County of Victoria Official Plan, and Village of Bobcaygeon Zoning By-law 16-78.

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.

The owner has formally requested a deferral of Development Charges as per Council Policy CP2019-005.

1. The standard Subdivision Agreement requires that all development charges follow the Council approved policy. Staff understands the Owner's intention is to defer payment of these Development Charges to the occupancy stage.
2. In addition, the Owner has formally requested that the proposed lot grading deposit of \$3,000.00 per vacant lot be reduced to \$1,000.00 per vacant lot. This grading deposit is received only if the Owner requests assumption of the public services prior to all of the lots being built out. Therefore, this deposit is only required for vacant lots that exist at the time of assumption. The City has reviewed this request and the draft subdivision agreement reflects the requested value.

Newer draft plan of subdivision approvals contain the following condition:

55. That subsequent to the execution of the Subdivision Agreement by the Owner and prior to the signing of the final plan by the Director, the City Treasurer shall confirm in writing to the Director that all financial obligations and payments to the City, as set out in the Subdivision Agreement, in accordance with condition 2, have been satisfied including, but not limited to:

- a) all applicable Development Charge payments in accordance with the requirements of all applicable Development Charge By-laws,
- b) all applicable Capital Charge payments in accordance with the requirements of all applicable Capital Charge By-laws,
- c) all applicable Local Improvement payments in accordance with the requirements of all applicable Local Improvement By-laws,
- d) all applicable fees payable in accordance with the requirements of all applicable municipal by-laws, including fee by-laws,
- e) the form and amount of the securities that the Owner is required to have posted to secure its obligations under the Subdivision Agreement, including the identification of any reduction in such securities that has already been incorporated into the Subdivision Agreement,
- f) where there has been such a reduction in such securities, a Statutory Declaration submitted on behalf of the Owner confirming payment of all accounts for material, labour and equipment employed in the installation of the services on whose completion such reduction has been computed and applied, and
- g) any financial obligations with which the Owner's compliance has been deferred or from which the Owner has been exempted pursuant to the terms of the Subdivision Agreement.

In dating back to 2011, this draft plan approval doesn't contain this clause; however, we will be requesting these clearances from the Treasurer to ensure that the financial matters are dealt with comprehensively prior to executing the subdivision agreement with the developer.

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 and Kawartha Conservation. The Finance Department will be consulted prior to the execution of the subdivision agreement.

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 Hillcroft Way and Spruceside Drive, which were approved by Council in 2011. Hillcroft Way will extend into the future proposed development phase to the north.

City staff has completed their review of the draft Plan of Subdivision 16T-87002, former Rokeby Subdivision and endorses Appendices “B” and “C”. We support the recommendations set out in this Report PLAN2020-058. 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 Richard Holy, Manager of Planning, (705) 324-9411 extension 1246.

Appendix “A” – Location Map



PLAN2020-058 -
Appendix A.pdf

Appendix “B” – Draft M-Plan



PLAN2020-058 -
Appendix B.pdf

Appendix “C” – Draft Subdivision Agreement



PLAN2020-058 -
Appendix C.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D05-19-006 and 16T-87002