



Planning Advisory Committee Report

Report Number:	PLAN2021-043
Meeting Date:	August 4, 2021
Title:	Lindsay 2017 Developments Inc. Subdivision Agreement for Sugarwood Phase 1, Lindsay
Description:	Subdivision Agreement to facilitate the development of 215 dwelling units – File D05-2018-004, 16T-18501 (Lindsay 2017 Developments Inc.)
Type of Report:	Regular Meeting
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2021-043, **Lindsay 2017 Developments Inc. Subdivision Agreement for Sugarwood, Lindsay**, be received;

That the Subdivision Agreement for Sugarwood, City of Kawartha Lakes, substantially in the form attached as Appendix "C" to Report PLAN2021-043 be approved by Council; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

On December 18, 2019, Council granted draft plan of approval to Plan of Subdivision 16T-18501 to create 394 residential lots for single detached dwellings and 32 blocks for 169 townhouse dwelling units; and a number of other blocks for the following: walkways and emergency vehicle access; stormwater management purposes; road widenings; 0.3 metre reserves; an elementary school; and future potential mixed residential/commercial use blocks.

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 all necessary civil engineering standards and land-use planning requirements.

The City entered into a Pre-Servicing Agreement with the Owner, Lindsay 2017 Developments Inc., on the draft plan approved lands, for the installation of underground municipal water, sanitary, storm and stormwater management servicing infrastructure and associated earthworks, as per the City's corporate policy CP2018-009. Underground site servicing works commenced in early May 2021.

Rationale:

Carmine Nigro, as primary contact for Lindsay 2017 Developments Inc. c/o Craft Development Corporation – Canada, has requested that the City prepare the required Subdivision Agreement for the Sugarwood Phase 1 draft approved plan of subdivision.

There are 100 conditions of draft plan approval. The Applicant, D.G. Biddle & Associates, on behalf of the Owner is currently in the process of obtaining all the necessary clearance letters (indicating the conditions 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 subdivision plan and each of these documents will then be sent to the City solicitor for final review and registration, and residential lots and blocks will be created with the registration of the M-Plans.

Provincial Policies:

Provincial Policy Statement, 2020 (PPS):

As this land is subject to a Minister's Zoning Order (MZO), consistency with the Provincial Policy Statement is not required. Council granted draft plan approval to Plan of Subdivision 16T-18501 in accordance with the policies of the PPS, 2014 which were in effect on December 18, 2019.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):

As this land is subject to the above noted MZO, Schedule 3 amendments to Bill 257 (Supporting Broadband and Infrastructure Expansion Act, 2021) amend the Planning Act and permit the Minister to take other considerations into account when making decisions on zoning orders to support strong communities, a clean and healthy environment and the economic vitality of the Province – overarching objectives in alignment with the Growth Plan.

Official Plan Conformity:

As this land is subject to the above noted MZO, conformity with the Town of Lindsay Official Plan is not required, however, this subdivision plan and implementing Subdivision Agreement conforms to the 'Residential' designation policies in the Town of Lindsay Official Plan, in alignment with the Council approved by-law 2019-175 (Official Plan Amendment 54 to the Town of Lindsay Official Plan), presently under appeal before the Ontario Land Tribunal.

Zoning By-Law Compliance:

The proposed residential uses and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the MZO.

Other Alternatives Considered:

No other alternatives have been considered as this application is in compliance with the MZO.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
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.

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; and
- d) As built design drawings to be submitted and approved by the City.

Although this has been requested by the developer, insufficient information has been provided to substantiate the request at the writing of this report.

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

- 2. The standard Subdivision Agreement requires that all development charges follow the Council approved policy of December, 2019. Staff understands the Owner's intention is to defer payment of these Development Charges to the Occupancy stage.

Servicing Comments:

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, Kawartha Conservation; and the Ministry of Transportation Ontario.

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 proposes to show the street names of St. Joseph Road (an extension of the existing St. Joseph Road); McKay Avenue (Street 'A'); Emerson Street and Emerson Court (Street 'B'); Oneill Street (Street 'E'); Corley Street (Streets 'F', 'G' and 'I'); Keenan Street (Street 'H'); Warner Gate (Street 'J' west of St. Joseph Road) and Sanderson Gate (Street 'J' east of St. Joseph Road), which were selected from the City's Master Names List approved by Council in May, 2018. McKay Avenue will extend into the future proposed development to the north of this development, and St. Joseph Road will connect to the existing development to the northeast.

City staff has completed their review of the draft Plan of Subdivision 16T-18501, Sugarwood Subdivision and endorses Appendices “B” and “C”. We support the recommendations set out in this Report PLAN2021-043. 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 email or call Ian Walker, Planning Officer – Large Developments, iwalker@kawarthalakes.ca or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-043
Appendix A.pdf

Appendix B – Draft M-Plan Phase 1



PLAN2021-043
Appendix B.pdf

Appendix C – Draft Subdivision Agreement



PLAN2021-043
Appendix C.pdf

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Department File: D05-2018-004