

Council Report

Report Number: CAO2022-004

Meeting Date: April 19, 2022

Title: **Framework Development Agreements – Flato Lindsay Community Inc. and Bromont Homes Inc./Melody Gardens**

Description: An update to Council on the scope and status of framework development agreements to secure developer commitments and community benefits resulting from Council's support of provincial Minister Zoning Orders.

Author and Title: Ron Taylor, Chief Administrative Officer

Recommendation(s):

That Report CAO2022-004 – **Framework Development Agreements – Flato Lindsay Community Inc. and Bromont Homes Inc./Melody Gardens**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Flato Lindsay Community Inc. (Flato)

At the Committee of the Whole Meeting of September 7, 2021, the following resolution was recommended to the September 21, 2021 Council meeting:

CW2021-201

Moved By Councillor Dunn

Seconded By Councillor Veale

That the presentation by Katarzyna Sliwa and Matthew Cory, and Shakir Rehmatullah, regarding the vision and presentation of the FLATO Development in Lindsay, be received and referred to Staff for a report back at the October Committee of the Whole Meeting on recommended options and conditions for Council's consideration should Council wish to support the request for a Minister's Zoning Order (MZO);

That those conditions include options for public process, consultation and required studies for responsible development and financial impacts; and

That this recommendation be forwarded to Council for consideration at the next Regular Council Meeting.

Carried

Council adopted this recommendation at the September 21, 2021 Council meeting.

Report CAO2021-010 - FLATO Lindsay Community Inc. (FLATO) Request for Support of a Minister's Zoning Order (MZO), was considered by Committee of the Whole on October 5, 2021 and the following resolution was subsequently adopted by Council at its Regular Session held on October 19, 2021:

CR2021-473

Moved By Councillor Dunn

Seconded By Councillor Yeo

That Report CAO2021-010, FLATO Lindsay Community Inc. Request for Support of a Minister's Zoning Order (MZO), be received;

That City Council supports the request from FLATO Lindsay Community Inc. for a Minister's Zoning Order (MZO) on approximately 115 ha of land immediately east of the Lindsay urban settlement area, and as generally outlined in Appendix B, C and H to report CAO2021-010; and

That staff be directed to work with FLATO Lindsay Community Inc. to prepare a draft development agreement acceptable to both parties, and that the draft

agreement be forwarded to Council no later than end of January, 2022 for review and approval.

Carried

At the October 5, 2021 Committee of the Whole meeting, Mr. Rehmatullah confirmed to Council his concurrence with the staff-recommended conditions of MZO support, and the provision of affordable and attainable housing units.

The Minister of Municipal Affairs and Housing issued a Minister's Zoning Order (MZO) for this proposed development on November 15, 2021. Flato Lindsay Community Inc. subsequently requested an amending Order inclusive of additional and adjacent lands. That amended Order was issued by the Minister on March 4, 2022.

Bromont Homes Inc./Melody Gardens (Bromont)

Bromont Homes Inc./Melody Gardens made a presentation to Council at the November 2, 2021 Committee of the Whole meeting:

Request for Support of a Minister's Zoning Order (MZO), Bromont Homes Inc. and Melody Gardens, Inc.

Nicholas Macos, Black Sutherland LLP

Michael Bissett, Bousfields Inc.

Peter Zourntos Valdor Engineering

Saverio Montemareno, Bromont Homes

Nicholas Macos, of Black Sutherland LLP, Michael Bissett, of Bousfields Inc., Peter Zourntos, of Valdor Engineering, and Saverio Montemorano, of Bromont Homes, provided an overview of the request from Bromont Homes and Melody Gardens Inc. for Council Support of a Minister's Zoning Order (MZO) for approximately 130 hectares of land located in south Lindsay, including lands east and west of the Lindsay Golf and Country Club as well as lands west of Lindsay Street to the north of the Lindsay Fair Grounds located on Angeline Street.

Saverio Montemorano confirmed that Bromont Homes and Melody Gardens Inc. are agreeable to the following commitments:

- Commitment to participate in the City's growth and development planning and servicing studies, including but not limited to, MCR through the GMS Project, municipal servicing and transportation master plan updates, and Development Charges Study update, and prior to building permits issued for development on the subject lands;

- Commitment to payment of any and all costs and fees typical of development, and inclusive of Bromont and Melody's proportionate share of infrastructure and servicing costs to support the proposed development (Growth pays for Growth concept);
- Commitment to obtain all necessary Planning Act approvals to implement the proposed development;
- Commitment to review and satisfy typical City conditions of development approval applied to subdivisions and non-residential development;
- Commitment to review and satisfy typical conditions of development approval from appropriate agencies and stakeholders, including but not limited to, Kawartha Region Conservation Authority, OMAFRA and First Nations; and
- Commitment to any "community benefits" offered to the community (for example, Bromont and Melody will similarly commit to building 10% of residential units as purpose-built affordable housing units).

CW2021-279

Moved By Councillor Dunn

Seconded By Deputy Mayor O'Reilly

That the presentation, and associated correspondence, by Nicholas Macos, of Black Sutherland LLP, Michael Bissett, of Bousfields Inc., Peter Zourntos, of Valdor Engineering and Saverio Montemareno, of Bromont Homes, **regarding a Request for Support of a Minister's Zoning Order (MZO) from Bromont Homes and Melody Gardens Inc.**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

CW2021-280

Moved By Councillor Dunn

Seconded By Councillor Veale

That City Council supports the request from Bromont Homes Inc, and Melody Gardens Inc, for a Minister's Zoning Order on approximately 130 hectares of land as provided in the presentation and correspondence dated October 12th, 2021 inclusive of attachments A – D;

That Staff be directed to work with Bromont Homes Inc. and Melody Gardens Inc. to prepare a draft development agreement acceptable to both parties, and that the draft agreement be forwarded to Council no later than end of January, 2022 for review and approval; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

Council approved the above-noted recommendations on November 16, 2021.

The Minister of Municipal Affairs and Housing subsequently issued a Minister's Zoning Order (MZO) for this proposed development on January 28, 2022.

The City Solicitor provided updates to Council on the progress/status of framework development agreements:

February 22, 2022 Council Meeting

The City Solicitor presented information to Council for its consideration pertaining to the agreement(s) to be entered into between the City and Flato in satisfaction of Council Resolution CR2021-473.

The City Solicitor presented information to Council for its consideration pertaining to the agreement to be entered into between the City and Bromont Homes Inc. in satisfaction of Council Resolution CR2021-527.

March 22, 2022 Council Meeting

The City Solicitor presented an update to Council on the status of negotiations of the framework development agreement to be entered into between the City and Flato and associated with a Ministerial Zoning Order issued for property owned by Flato in Lindsay.

The City Solicitor presented an update to Council on the status of negotiations of the framework development agreement to be entered into between the City and Flato and associated with a Ministerial Zoning Order issued for property owned by Bromont Homes Inc. in Lindsay.

Discussions continue. If the parties are able to reach an agreement in principle in the near term, then it is anticipated that Framework Development Agreements can be finalized and executed between parties in the coming months.

The purpose of this report is to inform the public of progress with respect to the status of the Framework Development Agreements. Staff continue to work with the City's legal counsel to secure the developer commitments and community benefits that are required in exchange for Council's support of provincial Minister Zoning Orders.

Rationale:

Discussions and negotiations with Flato and Bromont remain active and ongoing. All parties remain committed to formalizing the following:

General Commitments

- Participating in the City's Growth Management Study (GMS) and subsequent policy studies and municipal master plan updates (servicing and transportation plans) that will underpin the City's new Official Plan.
- Participating in the City's Development Charges Study update.
- Submitting Planning Act applications, with all necessary and required supporting studies and assessments.
- Obtaining all necessary municipal approvals and permits for proposed development, and through active consultation requirements with the public, agency/stakeholders and indigenous communities.

Community Benefits

- The provision of a minimum of 10% of all units to be constructed on the MZO lands as affordable housing units through the provision of purpose-built affordable housing units and/or cash and/or land equivalent in lieu of.
- In addition, the provision of a minimum of 20% of "attainable" ownership or rental housing units, defined generally as entry-level, higher density dwelling units including, but not limited to, basement apartments, garden suites, multi-unit apartments, multi-plexes and townhomes.

These community benefits will assist the City in achieving our affordable housing targets, and addressing the need and demand for increased supply of attainable, entry-level housing units locally.

The resultant framework agreements will be registered on title to ensure that commitments apply to the respective lands and MZO approvals, in lieu of up front financial securities. Financial securities will be obtained through future development approvals, and applicable subdivision and site plan agreements.

Other Alternatives Considered:

None. This is a status update only.

Alignment to Strategic Priorities

This report aligns with the City's strategic priority of Good Government.

Financial/Operation Impacts:

None. This is an update report only.

Consultations:

Director, Development Services
Manager, Planning
City Solicitor

Attachments:

N/A

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Department Head: Ron Taylor