



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-041

**Meeting Date:** July 6, 2022

**Title:** PLAN2022-041 2074161 Ontario Limited  
Subdivision Agreement for Morningside Phase 2

**Description:** Subdivision Agreement to facilitate the development of  
98 residential units File D05-2015-001, 16T-15501  
(2074161 Ontario Limited)

**Author and Title:** Sherry L. Rea, Development Planning Supervisor

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### Recommendations:

**That** Report PLAN2022-041, **2074161 Ontario Limited Subdivision Agreement for Morningside – Phase 2**, be received;

**That** the Subdivision Agreement for 2074161 Ontario Limited, substantially in the form attached as Appendix 'C' to Report PLAN2022-041, 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.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

On May 30, 2017, Council granted draft plan approval to a Plan of Subdivision 16T-15501 to create 71 single family lots, 12 semi-detached lots and blocks for 3 future single family lots, a block for a road widening and a block for a 0.3 m. reserve. On April 28, 2020, the Director of Development Services extended draft plan approval until May 30, 2023.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Advisory 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.

Owner/Appliant: 2074161 Ontario Limited (Ray Abraham)

Legal Description: All of Park Lots A1, J1, K1, T1, U1, C2, D2 and Part of Deane Street, Registered Plan 8P, former Town of Lindsay, now City of Kawartha Lakes

Designation: Residential on Schedule A of the Town of Lindsay Official Plan with Special Provision (4.1.7) that a Southeast Community Development Plan shall not apply

Zone: Residential One Holding [R1(H)] Zone, Residential One Special Eighteen Holding [R1-S18(H)] Zone, Residential Two Special Eighteen Holding [R2-S18(H)] Zone, Residential Two Special Thirty Six Holding [R2-S36(H)] Zone, Residential Three Special Eleven Holding [R3-S11(H)] Zone on Schedule A of the Town of Lindsay Zoning By-law Number 2000-75

Lot Area: 5.7 ha. (14.2 ac.)

Site Servicing: Proposed full urban services: municipal water, sanitary sewer and storm sewer

Existing Uses: Vacant Land

Adjacent Uses:     North:    Low Density Residential  
                         East:     Undeveloped land  
                         South:    Undeveloped Land  
                         West:     Low Density Residential (Morningside Acres – Phase 1)

## **Rationale:**

Ray Abraham as owner of 2074161 Ontario Limited has requested that the City prepare the required Subdivision Agreement for the Morningside Subdivision – Phase 2 draft approved plan of subdivision. Staff is aware that the subject lands have been sold to Maple Brook Homes Ltd. with a closing date later in the year. Depending on the timing of the clearing of the draft plan conditions, the City will enter into the subdivision agreement with the registered owner of the property and secure the appropriate securities.

There are 62 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 M-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 including Amendment 1, 2020 (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 City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the entire subject property within the Urban Settlement Boundary of Lindsay as recommended by the City's 2011 Growth Management Study (GMS).

The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Local Planning Appeal Tribunal (LPAT). Due to the appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan. The property is designated Residential in the Town of Lindsay Official Plan. The land was subject of an official plan amendment to Town of Lindsay Official Plan which applied a Special Provision (4.1.7) that a Southeast Community Development Plan shall not apply prior to any development taking place. 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 lands are zoned Residential One Holding [R1(H)] Zone, Residential One Special Eighteen Holding [R1-S18(H)] Zone, Residential Two Special Eighteen Holding [R2-S18(H)] Zone, Residential Two Special Thirty Six Holding [R2-S36(H)] Zone, Residential Three Special Eleven Holding [R3-S11(H)] Zone in the Town of Lindsay Zoning By-law Number 2000-75. The numerous zone categories implement site specific development standards that are consistent with other residential developments in Lindsay. The removal of the Holding (H) provision will be at such time that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha. The owner will make application, pay the applicable fee and request that the Holding (H) provision be removed.

The proposed residential use and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

On this basis, the proposal complies with the Zoning By-law.

## **Other Alternatives Considered:**

No other alternatives have been considered.

## **Financial/Operation Impacts:**

The 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's 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.

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

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.

## **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 Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality and the Exceptional Quality of Life priority by increasing the availability and type of housing stock.

## **Servicing Implications:**

The developer will install water, sanitary sewer and storm sewer services for the development.

## **Development Services – Planning Division Comments:**

The subdivision plan and implementing subdivision agreement conform to the 2019 Growth Plan and Amendment 1, 2020 and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes and the Town of Lindsay Official Plans have also been demonstrated.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the Subdivision Agreement be **Approved**.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Sherry L. Rea, [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca) or 705.324.9411 ext 1331.

### **Appendix A – Location Map**



PLAN2022-041  
Appendix A - Location Map

### **Appendix B –Draft M-Plan**



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Appendix B - Draft M-Plan

### **Appendix C – Draft Subdivision Agreement**



PLAN2022-041  
Appendix C - Draft Subdivision Agreement

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department File:** D05-2015-001