



REPORT TO COUNCIL

Report Number: CS-010-2016
Department: Community Services
Meeting Date: February 8, 2016
Subject: Draft Plan Extension Delzotto Subdivision in Nottawa

RECOMMENDATION:

Be It Resolved, that Council of Township of Clearview hereby:

- 1) Receives Report CS-010-2016 regarding a request for an extension to the Draft Plan Approval for the Delzotto Subdivision in Nottawa, File No. SD-2006-003; and further,
- 2) Approves of the Draft Plan Approval Extension for a five (5) year period with the lapsing date to be April 4, 2021.

BACKGROUND:

The Delzotto Subdivision lands are located on the west side of County Road 124 at the south end of Nottawa with the 911# 3977 County Road 124. The lands consists of 89.1 hectares and has frontage on County Road 124 and Blackburn Avenue. Approximately 49 hectares of the subject lands are within the Settlement boundary of Nottawa with approximately 40 hectares outside the settlement boundary along the eastern portion. This subdivision is proposed to have a total of 500 residential units and to be on full municipal water and sewer. The plan consists of 192 single residential lots, 3 condo blocks for 278 residential condo units, 2 mixed use blocks for commercial and 30 residential units, 1 block for rural/rural industrial/open space uses; 1 block for open space; 1 block for park, and blocks for walkways/trails, drainage, stormwater management facility, future development, reserves, and roads. The Draft Plan dated March 8, 2011 is attached to this report.

The **Draft Plan of Subdivision was approved on April 4, 2011 for a 5 year period. The lapsing date is April 4, 2016. The Owner is requesting a 5 year extension. This is the 1st request for an extension.**

The subject property is designated in the Clearview Official Plan as Residential, Rural, Greenland – Natural Heritage Areas and is within a Special Policy Area.

The subject property is zoned Development Area (DA), Rural (RU), and Environmental Protection (EP). One of the DPA conditions requires the lands to be appropriately zoned. The lands must be rezoned prior to Final Approval.

COMMENTS AND ANALYSIS:

The development was subject to Official Plan Amendment No. 10 which was approved by the County of Simcoe on June 15, 2011.

The OPA No. 10 policy states that the developers shall be responsible for the design and construction of full municipal serving for the proposal. The design shall also incorporate provision for servicing existing portions of the community and over-sizing the services to accommodate additional servicing to the Village. The municipality will accordingly enter into an agreement for reasonable efforts for fair cost recovery in regard to such over-sizing expenditures.

The development of the lands is subject to: final approval of a plan of subdivision; approval of plans of condominium; site plan approval; and zoning amendments.

The Planning Act under Section 51, Plan of Subdivision approvals, Section 51(33) states *"in giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years..."*

Section 51(32) states *"the approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given."*

The Clearview Township Official Plan Section 8.9, Development Staging, states *"it shall be a general policy of the municipality to approve, ... a draft plan (subdivision/condominium) on the basis that such approval lapses after three years. Extension of up to 18 months may be granted where the applicant demonstrates a clear intention to proceed with final approvals in a reasonable time frame and Council is satisfied that the draft plan still represents good planning."*

It was general practice of the municipality in the past for Draft Plan Approval for a Subdivision to be for a 3 year period and extensions to be for 18 months with a clear commitment from the Developer to proceed with the development. Today given the large scale of the development, the substantial soft costs to obtain draft plan approval, and the infrastructure required, DPA's are now for 5 years. With this development there is major infrastructure needed to complete the approvals ie. municipal water and sewer extended from the Town of Collingwood and/or the Collingwood-New Tecumseth pipeline, thus Draft Plan Approval was given for a 5 year period.

The Owner is requesting the DPA be extended for an addition 5 years. They are interested in pursuing the registration of the plan and require more time to clear the conditions as well as work towards a servicing solution for the site. In a further letter dated January 23, 2016, Kris Menzies on behalf of the Owner, has outlined several reasons why the extension should be for 5 years including: the developer has made a cash contribution for oversizing infrastructure in Collingwood; market has not been ideal; servicing solutions are needed; and this development is not holding up other development proposals. The Owners requests are attached to this report.

Staff have reviewed the Draft Plan Approval conditions and are of the opinion that all conditions are still applicable and appropriate and no modifications are required. The proposed plan represents good planning as it will create a complete community with mix housing types and densities, employment opportunities with the commercial uses, trails and parks, environmental features, and the potential location for a new community centre.

Staff are **recommending Council approve of the Draft Plan Approval Extension for 5 years with a new lapsing date of April 4, 2021.**

CLEARVIEW STRATEGIC PLAN:

Council's direction with respect to this matter furthers the following Goals of the municipality's strategic plan:

1. Economic development – encouraging employment opportunities and investment in Clearview Township;
2. Growth and development – managing growth that recognizes and supports the character of the community;
3. Municipal services – **developing and managing Clearview Township's service plans** to meet current and future needs; and
4. Service excellence – providing cost effective services that benefit from community participation and partnerships.

COMMUNICATION PLAN:

The Notice of Decision regarding this application will be distributed in accordance with the requirements of the Planning Act.

FINANCIAL IMPACT:

The proposal to extend a DPA Approval has no financial impact on the municipality.

The final approval of this development is subject to a subdivision agreement. The agreement will establish fees and securities which will ensure that the proponent is fully responsible for all local improvement costs as well as the installation of site works which are a matter of public interest (e.g. municipal sewer and water services, road infrastructure, stormwater management facilities, parks, trails,

landscaping). The municipality may be party to a partnership agreement with respect to the servicing of the settlement, this development, and possible other developments in the area in the future.

The development is subject to Development Charges in accordance with the **Township's current** Development Charges By-law. This allows for recovery of the majority of development related costs which are not considered local improvements.

REPORT SCHEDULES:

1. Owner's letters requesting the DPA extension.
2. Draft Plan dated March 8, 2011.

PREPARED BY:

Marie Leroux, MCIP, RPP
Community Planner - Implementation

REVIEWED BY:

Mara Burton, BAA, MCIP, RPP
Director of Community Services



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

December 16, 2015

Rossalyn Workman
Township of Clearview
Planning & Development Department
Box 200, 217 Gideon Street
Stayner, ON L0M 1S0

Dear Ms. Workman,

**RE: Request for Draft Plan of Subdivision Extension Part of Lot 34 and 35, Concession 8, formerly Township of Nottawasaga, now Township of Clearview
Township File: SD-2006-003; OUR FILE: 0772A**

MHBC Planning has been authorized by our Client, Clearview Development Inc. to review the current Draft Plan approval with a mandate to seek renewal. The draft plan is scheduled to lapse on April 8, 2016.

In accordance with Subsection 51(33) of the Planning Act (R.S.O. 1990, c.P.13), we are kindly requesting on behalf of Clearview Development Inc., an extension of five (5) years to the Draft Plan approval in order to finalize fulfillment of the Draft Plan conditions.

We are interested in pursuing registration of the plan and have undertaken some work to do so. We require more time in which to clear the conditions as well as work towards a servicing solution for the site.

No changes are being requested to the Draft Plan of Subdivision.
Enclosed please find the following documents:

1. (1) One copy of the Draft Plan of Subdivision dated March 8, 2011; and
2. (1) One cheque payable to the Township of Clearview in the amount of \$2,000.00.

A Letter of Owner Authorization from Clearview Development Inc. will follow under separate cover.
On behalf of Clearview Development Inc., we thank you for your consideration of this matter.

Yours truly,
MHBC

Kris Menzies, BES, BEd, MCIP, RPP
Partner

Cc: Gian DelZotto

Clearview Development Inc.
4800 Dufferin Street, Suite 200
Toronto, ON M3H 5S9

November 27, 2015

Township of Clearview
217 Gideon Street,
PO Box 200
Stayner, ON
L0M 1S0

**Re: Request for Draft Plan Extension
Clearview Development Inc.
Nottawa**

Clearview Developments Inc., as owners' of the property in Clearview, ON, which is draft plan approved for a residential plan of subdivision known as "Nottawa Subdivision" (file number SD-2006-003), Part of Lot 34 and 35, Concession 8, formerly Township of Nottawasaga, now Township of Clearview we authorize MHBC Planning to act on our behalf in regard to all planning matters.

Should you have any questions or concerns about this, please do not hesitate to contact the undersigned.

Yours truly,
Clearview Development Inc.



Gian DelZotto

Cc: Steve Sage, CAO



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

January 23, 2016

Marie Leroux, MCIP RPP

Township of Clearview
217 Gideon Street
Box 200
Stayner, Ontario
L0M 1S0

Dear Ms. Leroux:

**RE: DelZotto Draft Plan Extension
Nottawa**

Please accept this letter as further detail for the request for draft plan extension:

1. The Owner intends to have this subdivision developed which is evident by the cash contribution made to the Town of Collingwood for over sizing of infrastructure as part of a potential servicing solution for this site; it is understood that this infrastructure is now in place.
2. The market has not been ideal to pursue the development over the last number of years based on a combination of the economy and the availability of servicing capacity in other locations within the Township absorbing pent up demand.
3. The plan is extensive which requires time to develop.
4. The site requires a comprehensive servicing solution. The servicing solution offered at the time of approval, and the subsequent Municipal approved Environmental Assessment for the village of Nottawa, requires a servicing solution which becomes more feasible with multiple partners at the table. This could potentially include various levels of government and private partners, including the Owners of this land and, potentially, the developers of the Airport Employment lands.
5. It is submitted that "sunset clauses" were introduced into the Planning Act, in part, to ensure that old plans of subdivisions, which were not consistent with updated planning policy, were not "kept on the books" and that no one developer was upholding consideration of other development applications, primarily due to servicing capacity issues. This is not the case on the subject property. The development is not utilizing limited servicing or population capacity and has been approved based on up to date planning principles.

It is submitted that for these reasons, it is reasonable to consider extension of this draft plan for five (5) additional years.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read "Kris Menzies". The signature is stylized with a large initial "K" and "M".

Kris Menzies, BES BEd MCIP RPP

cc. Gian DelZotto

DRAFT PLAN OF PROPOSED SUBDIVISION

PART OF LOT 34 AND 35, CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF NOTTAWASAGA)
TOWNSHIP OF CLEARVIEW
COUNTY OF SIMCOE

OWNERS CERTIFICATE

I HEREBY AUTHORIZE MAQUANIGTON HENSHEN BRITTON CLARKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

DATE: June 18/11

CLEARVIEW DEVELOPMENTS INC.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN HAVE BEEN SURVEYED AND FOUND TO BE ACCURATE AND CORRECTLY SHOWN.

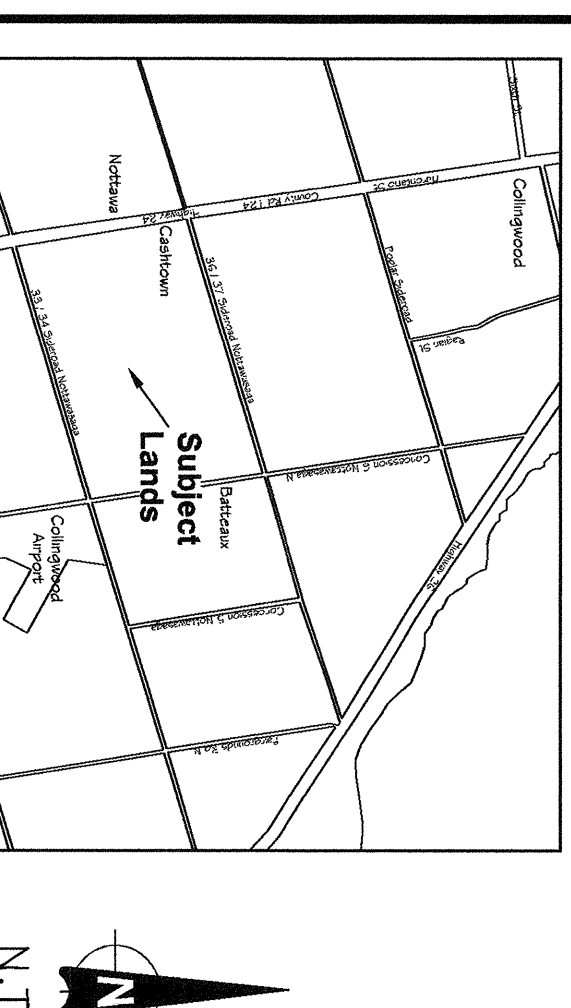
DATE: March 17th 2011

P. HORVANN
LM PASTUSIAK LIMITED

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT R.S.O. 1990, c. P.13, AS AMENDED

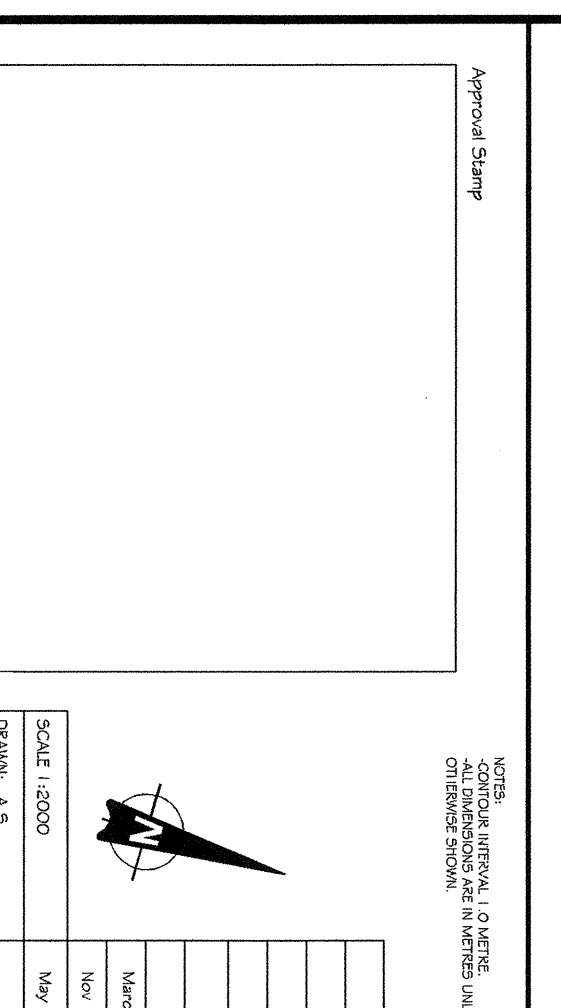
A. AS SHOWN B. AS SHOWN C. AS SHOWN
D. AS SHOWN E. AS SHOWN F. AS SHOWN
G. AS SHOWN H. MUNICIPAL WATER SUPPLY L. AS SHOWN
J. AS SHOWN K. ALL SERVICES AS REQUIRED L. AS SHOWN

KEY PLAN



AREA SCHEDULE

DESCRIPTION	LOTVY	AREA	UNIT
	BLKS	(sq.)	COUNT
RESIDENTIAL LOTS	1-1-192	12,541	192
CONDOMINIUM RESIDENTIAL BLOCKS	193-195	13,541	276
RESIDENTIAL CONDOMINIUM UNITS	196-199	5,604	30
RESIDENTIAL CONDOMINIUM UNITS	200	19,840	
RECREATIONAL - INDIVIDUAL OPEN SPACE	201	2,609	
OPEN SPACE	202	17,241	
PARK	203-207	17,241	
WALKWAYS	208-211	1,021	
DRAINAGE	212-216	6,336	
STORMWATER MANAGEMENT FACILITY	217	0.011	
FUTURE DEVELOPMENT	219	0.001	
ROADS	A, E	7,603	
TOTAL	219	69,109	500



PLANNING
URBAN DESIGN
& LANDSCAPE
MHBC ARCHITECTURE

Scale 1:500
DATE

Scale 1:500
DATE

