



CLEARVIEW

REPORT TO COUNCIL

Report Number: CS-044-2020
Department: Community Services (Planning & Development)
Meeting Date: October 26, 2020
Subject: Draft Plan Approval Extension – Delzotto - Nottawa
(0000-108 (2006-003-SD) (3977 County Road 124)

RECOMMENDATION:

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

- 1) Receive report CS-044-2020 regarding a request for an extension to a Draft Plan Approval for the Delzotto - Nottawa, File No. 0000-108 (2006-003-SD); and;
- 2) That Council approves of the Draft Plan Extension for a five (5) year period with the lapsing date to be October 26, 2025.

BACKGROUND:

Subject Lands

The Delzotto Subdivision lands are located on the west side of County Road 124 at the south end of Nottawa, municipal address 3977 County Road 124. The lands consist 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.

Background

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 five-year period. The lapsing date of that first approval was April 4, 2016, and the Owner made a request for a five-year extension. That request was approved by Council and the current lapsing date is April 4, 2021. The Owner is now requesting a 2nd request for a draft plan extension. This request would be for another five-year period and would end October 26, 2025.

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 regarding 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 generally 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 additional 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 September 29, 2020, 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; and servicing solutions are needed. 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, and environmental features.

Staff are recommending Council approve of the Draft Plan Approval Extension for 5 years with a new lapsing date of October 26, 2025.

CLEARVIEW STRATEGIC PLAN:

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

- Attract residential developers with a strong emphasis in creating a mixed housing stock, with the focus of attainable housing.

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

This proposal 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. parks, landscaping, municipal

sewer and water services, road infrastructure, stormwater management facilities, sidewalks and trails).

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 (local improvement costs are fully the responsibility of the applicant).

REPORT SCHEDULES:

- A. Key Map
- B. Request for Draft Plan Extension
- C. Draft Plan dated March 8, 2011

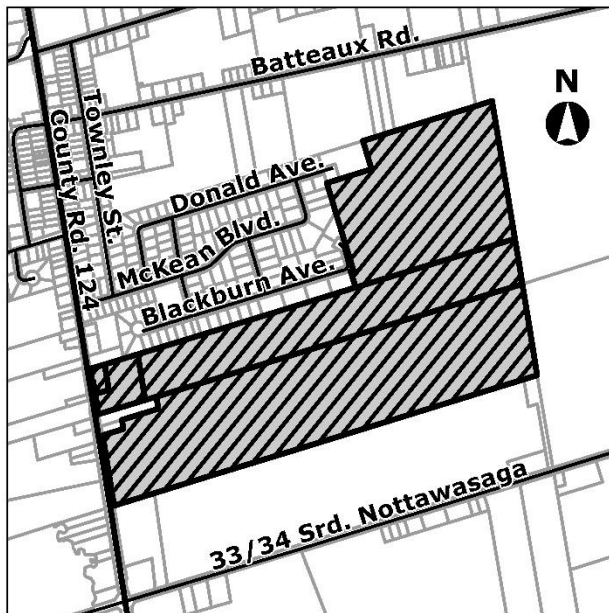
PREPARED BY:

Rossalyn Workman, MURP, MCIP, RPP
Community Planner, Policy and Approvals

REVIEWED BY:

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

- A. Key Map



B. Request for Draft Plan Extension



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

September 29, 2020

Township of Clearview
Attention: Mara Burton, Director Community Services
217 Gideon Street, PO Box 200
Stayner, ON L0M 1S0

Dear Ms. Burton:

**RE: Request for Draft Plan of Subdivision Extension
Part of Lot 34 and 35, Concession 8, 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 4, 2021.

In accordance with Subsection 51(33) of the *Planning Act*, we are kindly requesting an extension of five (5) years to the Draft Plan approval in order to finalize fulfillment of the Draft Plan conditions and work towards a servicing solution for the Site and wider community. No changes are requested to the Draft Plan of Subdivision or associated conditions.

Please accept this letter as additional detail for the request for Draft Plan extension.

The Site requires a comprehensive servicing solution. Through the approval of Official Plan Amendment No. 10, the Owner is responsible for the design and construction of full municipal servicing for the proposal. The comprehensive design is to incorporate servicing provisions for existing areas of the community, and the over-sizing of infrastructure to accommodate additional servicing for the Village of Nottawa.

It is the intention of the Owner to develop the Site, as evidenced by the financial contribution made to the Town of Collingwood for over-sizing of infrastructure as a component of the servicing strategy. The comprehensive servicing strategy is required to be in conjunction with the Township, this work is not sufficiently advanced to allow for registration of the subdivision prior to the lapse date.

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

Enclosed please find the following document:

1. One (1) copy of the Draft Plan of Subdivision, dated March 8, 2011.

The applicable application fee in the amount of \$2,000 was included in a letter sent to the Township from the Owner dated September 8, 2020.

On behalf of Clearview Development Inc., we thank you for your consideration of this matter.

Yours truly,

MHBC

A handwritten signature in blue ink, appearing to read "Kris Menzies".

Kris Menzies, BES, BEd, MCP, RPP
Partner

Cc Gian Delzotto

C. Draft Plan of Proposed Subdivision

