

Subject: Execution of Subdivision Agreement – Phase 2 of Saffron Meadows 3 (File no. 26T19-02-18)

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-136 – Execution of Subdivision Agreement – Phase 2 of Saffron Meadows 3 (26T19-02-18);

AND THAT Council direct staff to prepare the By-laws to authorize execution of the Subdivision Agreement for final approval of Phase 2 of the Saffron Meadows 3 Subdivision.

Background:

The Saffron Meadows 3 Subdivision is located on property on the south side of Port Robinson Road, east of Rice Road (Regional Road 54). The subject property is located west of Saffron Meadows Subdivisions 1 and 2 (see Figure 1).



Figure 1: Subdivision Location

On September 16, 2019, Council granted draft approval for the plan of subdivision subject to a number of conditions. The Saffron Meadows 3 Subdivision consists of 135 single detached dwellings, 36 semi-detached dwellings, 110 street townhouses, 126 block townhouse dwellings (condominium), 1.5 hectares of parkland as well as open space and environmental protection lands. The developer has elected to register the subdivision in phases. Phase 1 consists of Blocks 178 and Block 188 as shown on the Draft Plan of Subdivision (Figure 2) and received final approval from Council in August 2020. After receiving site plan approval, Phase 1 is currently under construction for block townhouse dwellings.



Figure 2: Phase 1, Blocks 178 & 188 on Draft Plan of Subdivision

Phase 2 (Figure 3) will consist of 135 lots for single detached dwellings, one block for 41 block townhouse dwellings, 87 street townhouse dwellings, 34 semi-detached dwellings, a block for parkland and two blocks for open space.

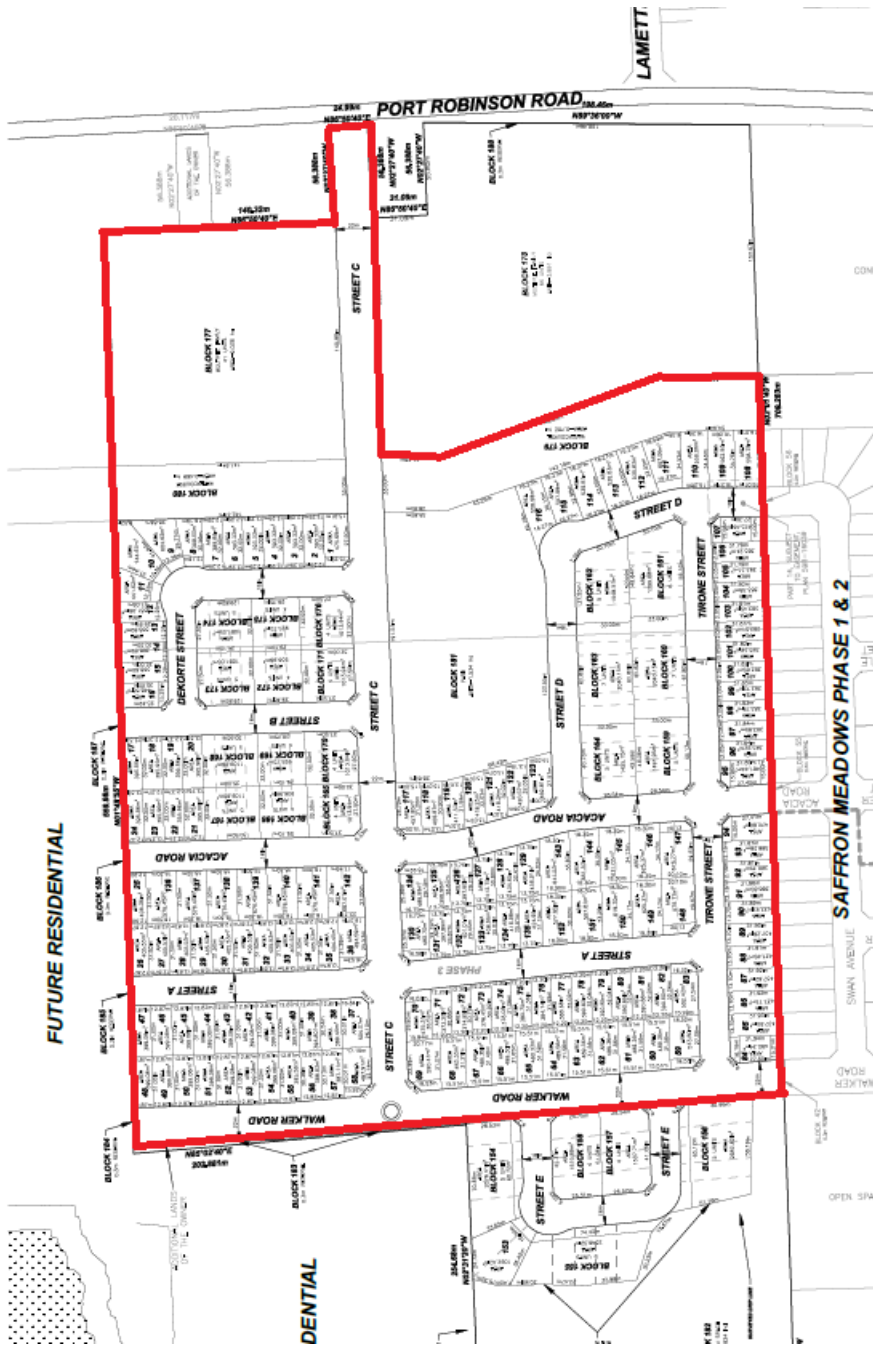


Figure 3: Phase 2 of Saffron Meadows 3 Subdivision

Block 177 will be developed for block townhouse dwellings subject to future planning applications that will require approvals including Site Plan approval and Condominium approval. Detailed engineering designs, site plans and elevations will be provided as part of those processes.

Blocks 178 and 179, being the water course and multi-use trail, will be conveyed to the Town to satisfy a condition of draft plan approval. Block 180 has already been conveyed to the Town for a neighbourhood park.

That portion of the draft plan that is south of Walker Road that consists of 25 street townhouse units will be Phase 3 of the Saffron Meadows 3 Subdivision and will be finalized and registered at a later date.

Analysis:

Planning Act

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 51 (26) of the *Planning Act* indicates that a municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of it against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Section 51 (43) of the Act states at any time before the approval of the final plan of subdivision, under subsection (58), there may be the appeal of any of the conditions to the Local Planning Appeals Tribunal (LPAT) – now Ontario Land Tribunal (OLT).

Section 51 (58) of the Act outlines that the approval authority may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and, once approved, the final plan of subdivision may be tendered for registration.

Section 51 (59) of the Act provides if a final plan of subdivision is approved under subsection (58), but is not registered within 30 days of the date of approval, the

approval authority may withdraw its approval. All other conditions of draft plan approval pertaining to Phase 2 of the subdivision have been, or will be, fulfilled and are appropriately addressed in the subdivision agreement.

The conditions remaining to be fulfilled that pertain to this Phase are: the execution of the subdivision agreement, the registration of the subdivision agreement on title, the registration of the 59M (subdivision) and 59R (easement) plans and the dedication of lands (outlined in Schedule 'B' of the subdivision agreement) to the Town. If Council approves the execution of the subdivision agreement these outstanding conditions will be fulfilled as they are requirements of the subdivision agreement and can only occur after Council provides final approval. The remaining conditions which pertain to the next phase of the subdivision will be fulfilled prior to final approval of the next phase of the subdivision. There are no appeals of any of the draft approval conditions to the Local Planning Appeals Tribunal.

It is Planning staff's opinion that the plan is in conformity with the approved draft plan, that the conditions of draft plan approval have been appropriately addressed and complied with, and therefore, staff recommend that Council approve the plan of subdivision and authorize the entry into a subdivision agreement for Phase 2 of Saffron Meadows 3 Subdivision with Hert Inc.

Financial Considerations:

The legal costs for registration of the agreement are paid for by the developer through the application fees and the developer is responsible for all development related costs including the installation of services, utilities and roadways within the subdivision.

Alternatives Reviewed:

Council could decide to not approve the execution of the subdivision agreement, however this alternative would result in appeals by the developer to the Local Planning Appeal Tribunal and will result in additional costs to the developer as well as for the Town to defend that decision.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The final approval of Phase 2 of the Saffron Meadows 3 Subdivision will assist in creating a complete community in East Fonthill and contribute to a mix of available housing types. This Phase also includes a park block that will become an asset of the Town and serve this community.

Consultation:

Clearance letters have been issued by the Region, Niagara Peninsula Conservation Authority, Town Departments and utilities as it relates to the design and servicing requirements for this Phase of the subdivision. As a result, all conditions of draft plan approval relating to this Phase of the subdivision have been satisfied and it is appropriate to grant final approval for Phase 2 of Saffron Meadows 3 Subdivision in order to allow the development to proceed, it is anticipated that construction will commence immediately upon receipt of the securities and execution of the subdivision agreement. The Town's external legal counsel will register the subdivision agreement and plans following Council approval.

Other Pertinent Reports/Attachments:

Report recommending draft plan approval of Saffron Meadows 3 Subdivision was approved by Council on September 3, 2019

Report recommending execution of the subdivision agreement for Phase 1 of Saffron Meadows 3 Subdivision was approved by Council on August 24, 2020

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