



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 11, 2018

FROM: Development Engineering Department

DATE: April 17, 2018

SUBJECT: Subdivision Agreement - Mattamy Petgor Phase 2 (404072 Ontario Limited) 24T-12011

LOCATION: North of Dundas Street, East of Sixth line

WARD: 5

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RECOMMENDATION:

1. That a subdivision agreement between the Town and 404072 Ontario Limited be finalized in accordance with the standard agreement format;
2. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement; and
3. That the agreement with 404072 Ontario Limited be executed in accordance with By-law 2013-057.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The subdivision agreement sets out the financial obligations of 404072 Ontario Limited (Owner) with respect to construction maintenance and assumption of the public infrastructure (roads, storm sewers, stormwater management facilities, open space, etc.) associated with the development.

BACKGROUND:

This subdivision agreement will be the 20th subdivision agreement for lands within North Oakville. Appendix A sets out the location of the subject lands within the context of North Oakville. Appendix A further depicts the status of all lands within North Oakville as at the date of this report.

The Draft Plan of Subdivision and conditions of draft approval for the subject lands were approved by the Ontario Municipal Board on July 25, 2016. Appendix A illustrates the limits of the Draft Plan. One of the conditions of draft approval requires the Owner to enter into a subdivision agreement with the Town.

COMMENT/OPTIONS:

The subdivision agreement has been prepared in the Town's standard form. All works are to be constructed and funded by the developer.

This subdivision provides the stormwater management plan and other infrastructure required to support the construction of other subdivisions to the north of the subject property including employment lands to be provided through the Star Oak subdivision. However, full development of the Petgor subdivision is not permitted under the Town's phasing policies under the North East Secondary Plan are met. Since the pond is required to accommodate the development of employment lands which are in turn required to satisfy the phasing policies a strategy for sequencing the development of the various subdivisions was developed. This strategy is further described in the report from the Planning Services Department to the Planning and Development Council Meeting of November 28, 2016 recommending approval of the Petgor subdivision and related zoning by-law.

The approval of the subdivision agreement will allow for the registration of the development and transfer into public ownership of infrastructure required to support the development of subdivisions in the area. A Holding Provision continues to apply to the entirety of the subject lands, requiring the phasing policies of the NOESP to be met to the satisfaction of Town prior to issuance of building permits. This holding provision will effectively prevent the construction of dwelling units until the phasing policies are fully addressed.

The holding provision described above will prevent full development of this subdivision prior to satisfaction of the phasing policies while still allowing registration to occur. Restrictions are also being imposed preventing the transfer of individual lots prior to the Holding Provision being lifted.

Through the application of the holding provision described above and proposed sequencing of development, staff are of the opinion that the phasing strategy of the secondary plan will continue to be met, while at the same time, facilitating the provision of the necessary servicing, associated approvals and agreements in a manner that corresponds to Town and Regional standards.

CONSIDERATIONS:

- (A) **PUBLIC**
Not Applicable

(B) FINANCIAL

The subdivision agreement provides for the terms and conditions which set out the financial obligations and other requirements of the Owner. In particular, the agreement will provide for NHS trail works to be done on behalf of the town and funded 90% from development charges (DC) and 10% from reserve in accordance with the approved capital projects noted in Schedule K of the agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Parks and Open Space, Legal Services, Planning, Finance and Engineering and Construction) have been circulated. Comments received have been addressed in the Comment/Options section of this report and will be incorporated into the subdivision agreement where required.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The proposed subdivision agreement will assist in ensuring the development achieves the objectives set out in the approved draft conditions by financially securing for these obligations.

APPENDICES:

- Appendix A – Legal Plan
- Appendix B - Subdivision Agreement

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