Date       June 11, 2019
To         Chair and Members
           Committee of the Whole – Operations and Administration
From       E. (Beth) Goodger, General Manager
           Public Works Commission

1.0 Type of Report
Consent Item [ ]
Item For Consideration [ X]

2.0 Topic    LIV Developments Ltd. - Brantview Heights Phase 2 Subdivision Agreement [Financial Impact – None]

3.0 Recommendation
A. THAT Report 2019-324, “LIV Developments Ltd. – Brantview Heights Phase 2 Subdivision Agreement” BE RECEIVED; and
B. THAT the Clerk BE DIRECTED to place the Subdivision Agreement between The Corporation of the City of Brantford, Brantford Power, LIV Developments Ltd. and Meridian Credit Union on a signing by-law for approval of City Council; and
C. THAT the by-law attached to Report 2019-324, being a by-law to Dedicate Block 21 (0.3m Reserve) on Registered Plan 1823 as part of the Public Highway to be known as part of Thomas Avenue, Brantford, Ontario, BE PRESENTED to City Council for adoption.

4.0 Purpose and Overview
To pass a by-law to Authorize the Mayor and Clerk to sign a Subdivision Agreement with LIV Developments Ltd. for the development of the Brantview
Heights Phase 2 Subdivision, provided all Municipal concerns have been fulfilled. The report also seeks approval to pass a by-law to Dedicate Block 21 (0.3m Reserve) on Registered Plan 1823 as part of the Public Highway to be known as part of Thomas Avenue. This dedication will permit legal access to Brantview Heights Phase 2 Subdivision, at no cost to the City.

5.0 Background

The subject lands received draft plan approval from Council at its regular meeting held on October 24th, 2017 through Report CD2017-138: Official Plan Amendment OP-02-17; Zoning By-law Amendment PZ-04-17, and Draft Plan of Subdivision 29T-17502 – LIV Communities - 105 Garden Avenue. The following are the first four recommendations from that report approved by Council:

A. THAT Official Plan Amendment Application OP-02-17, submitted by IBI Group, on behalf of LIV Communities, affecting lands at 105 Garden Avenue, City of Brantford, to re-designate a portion of the lands from “Residential Area – Low Density” to “Residential Area – Medium Density” and “Major Open Space” BE APPROVED; and

B. THAT Zoning By-law Amendment Application PZ-04-17, submitted by IBI Group, on behalf of LIV Communities, affecting lands at 105 Garden Avenue, City of Brantford, to change the zoning from “Holding - Residential Type 1B – Exception 13 Zone (H-R1B-13)”, “Holding – Residential Medium Density Type A Zone – Exception 14 (H-R4A-14)”, and “Holding - Open Space Restricted Zone – Exception 3 (H-OS3-3)” to “Holding - Residential Type 1D - Exception Zone (H-R1D-XX)”, two (2) “Holding – Residential Medium Density Type 4A – Exception Zone (H-R4A-XX)”, and “Open Space Restricted Zone – Exception 4 (OS3-4)”, BE APPROVED in accordance with the applicable provisions as noted in Section 8.2 and 8.3 of Report CD2017-138; and

C. THAT Draft Plan of Subdivision Application 29T-17502 submitted by IBI Group, on behalf of LIV Communities, affecting lands at 105 Garden Avenue, City of Brantford, BE APPROVED, subject to the conditions included in Section 9.0 “Conditions of Draft Plan Approval” of Report CD2017-138; and

D. THAT the By-law to remove the “Holding (H)” provision from the lands not be presented to Council for approval until a subdivision agreement has been entered into between the applicant and the City and sufficient securities have been provided;
As noted in the recommendation from that report, LIV Developments Ltd., the developer of Brantview Heights Subdivision Development, is required to enter into a Subdivision Agreement with the City of Brantford. This Agreement will identify the conditions of draft plan approval, as well as all Municipal concerns regarding services, drainage, etc.

The subject lands are located in the east part of the City on the east side of Garden Avenue, between Pace Avenue and Elgin Street as shown in the location map in Appendix A. The Draft Registered Plan of Subdivision is attached as Appendix B of this report. Phase 2 is the second phase of the Draft Plan of Subdivision 29T-17502 approved by City Council on October 24, 2017. LIV Developments Ltd. has entered into a Subdivision Agreement for Phase 1 of this Plan and the proposed development of Phase 2 will build-out the remaining land covered in this Plan of Subdivision.

In 1996, the Corporation of the City of Brantford entered into a subdivision agreement with Luigi & Martha Pace for the development of the first phase of Golf View Estates. Through this subdivision agreement, a 0.3 metre reserve (Block 21, Registered Plan 1823, as shown in Appendix C) was held to prevent any legal access to the lands to the north (LIV Developments Ltd.’s land). The 0.3 metre reserve now needs to be dedicated as public right of way to allow legal access to Phase 2 of Brantview Heights. The Draft By-law for dedicating this land can be viewed in Appendix D.

6.0 Corporate Policy Context

6.1 Shaping our Future: Brantford’s Community Strategic Plan (2014-2018)

The application was reviewed within the context of the Municipal Strategic Plan 2014-2018 during the Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision, and was consistent with the long-term desired outcomes set out under Goal 3, Managed Growth and Environmental Leadership. In particular:

“Brantford will be known as a city that manages growth wisely, makes optimum use of its infrastructure and is a leader in infill and brownfields redevelopment.”

These applications assist in achieving the objectives toward managing growth wisely and making optimum use of existing infrastructure through the extension of the existing road network and municipal services.
7.0 Input From Other Sources

7.1 Technical Liaison Response

The detailed design of the proposed subdivision has been circulated to internal and external review agencies and through this review process all draft plan conditions and internal and external review agency concerns have been cleared.

In preparing the road dedication by-law, staff consulted with staff from City’s Planning Department of the Community Development Commission, Legal and Real Estate Department of the Corporate Services Commission and Survey Services Division of the Engineering Services Department. Based on these consultations, no issues were raised that would prevent the dedication of this block as part of public highway.

With the Subdivision Agreement Approval through Report 2019-324, Planning staff will be able to bring forward a by-law for Council approval to remove the “Holding (H)” provision approved in Report CD2017-138.

7.2 Public Response

Extensive consultation was undertaken with residents in the area to the south of the proposed development with properties fronting onto Pace Avenue and backing onto this development. The consultation was in regards to an existing drainage ditch that is conveying stormwater flows that drain from their lots as well as developed areas within the City.

The result of the consultation is that LIV Developments Ltd. will be conveying a 2 metre strip of land along the City’s existing block of land on the south boundary of the subdivision to the City. This will allow adequate space for this ditch to be filled and replaced with a large storm sewer. An asphalt path pedestrian connection from Garden Avenue to Thomas Avenue, and associated landscaping is proposed to be constructed on these City lands containing this sewer.

8.0 Analysis

LIV Developments Ltd. received draft plan approval from Council in October 2017 (Report CD2017-138). Since this time, LIV Developments Ltd. has worked with City staff and external agencies to satisfy all of their conditions of draft approval. It is now the appropriate time to enter into a subdivision agreement. The parties to the Subdivision Agreement are The Corporation of the City of
Brantford, Brantford Power, LIV Developments Ltd. and Meridian Credit Union.

Once the Final Plan and Subdivision Agreement have been registered on the title of the lands, and all municipal infrastructures have been constructed to the satisfaction of the City of Brantford, building permits can be issued. The developer has advised that the necessary work will be completed and building permits will be requested in the summer of 2019.

The assumption process of the subdivision will commence once the homes are fully built out, and the infrastructure is constructed to City of Brantford Standards.

The Brantview Heights Phase 2 Subdivision will consist of a total of 121 residential dwelling lots including 81 single detached dwelling units and 40 townhome dwelling units. There will be two property blocks conveyed to the City of Brantford for the large storm sewer on the south boundary of the development. There is also one 0.3 metre reserve block to allow legal access to Phase 2 of Brantview Heights, which will be dedicated through the by-law. A Draft of this by-law has been attached in Appendix D.

9.0 Financial Implications

There are no financial implications at this time; however there are future financial implications. The City begins to incur costs once there is occupancy in the subdivision. Waste collection, winter control, and grass cutting all begin with first occupancy. The City will not incur full operating costs until final assumption.

Work is underway to quantify operating expenses and projected revenues from development. This will be a requirement of the Asset Management Planning for Municipal Infrastructure (Ontario Regulation 588/17).

Currently the City’s operating and capital budgets for services and infrastructure are not correspondingly adjusted when infrastructure and services are added. As a result there is a growing gap in budgets and associated resources to provide service and replace infrastructure.

As part of this development, the following municipal infrastructure will be installed:
- 520 metres of road
- 1118 metres of curb
- 1041 metres of sidewalk
• 569 metres of watermain
• 485 metres of sanitary sewer
• 704 metres of storm sewer

10.0 Conclusion

LIV Developments Ltd., the developer of Brantview Heights Phase 2 Subdivision Development, is required to enter into a Subdivision Agreement with the City of Brantford. This is to satisfy the conditions of draft plan approval, as well as all Municipal concerns regarding services, drainage, etc. These conditions have been satisfied and Council approval is being requested to execute the Subdivision Agreement between The Corporation of the City of Brantford, Brantford Power, LIV Developments Ltd. and Meridian Credit Union.

E. (Beth) Goodger  
General Manager  
Public Works Commission

Russ Loukes, P.Eng., PTOE  
Director  
Engineering Services

Gary Peever, P.Eng.  
Manager of Development Engineering  
Engineering Services

Attachments (if applicable)
Appendix A – Location Map
Appendix B – Draft M-Plan for Brantview Heights Phase 2
Appendix C – Road Dedication Land (Registered Plan 1823)
Appendix D – Draft Road Dedication By-law

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required [x] yes [ ] no
Agreement(s) or other documents to be signed by Mayor and/or City Clerk [x] yes [ ] no
Is the necessary by-law or agreement being sent concurrently to Council? [x] yes [ ] no