Date June 11, 2019  Report No. 2019-323

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  Empire Communities Limited – Wyndfield West Phase 6B – Stage 1 Subdivision Agreement [Financial Impact – None]

3.0 Recommendation

A. THAT Report 2019-323, “Empire Communities Limited – Wyndfield West Phase 6B – Stage 1 Subdivision Agreement” BE RECEIVED, and

B. THAT the Clerk BE DIRECTED to place the Wyndfield West Phase 6B – Stage 1 Subdivision Agreement between The Corporation of the City of Brantford, Brantford Power, Empire Communities Limited on a signing by-law for approval of City Council; and

THAT the by-Law attached to Report 2019-323, being a By-Law to declare and dedicate Block 138, Registered Plan 2M-1932, City of Brantford and Block 189, Registered Plan 2M-1942, City of Brantford, as part of the Public Highway, to be known as Longboat Run West, 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 Empire Communities Limited for the development of the Wyndfield West Phase 6B – Stage 1 Subdivision, provided all Municipal concerns have been fulfilled. A location map of the Subdivision is provided in Appendix A. A Draft M-Plan of Wyndfield West Phase 6B – Stage 1 Subdivision is provided in Appendix B. The report also seeks approval to pass a by-law to declare and dedicate Block 138, Registered Plan 2M-1932, City of Brantford and Block 189, Registered Plan 2M-1942, City of Brantford, as part of the Public Highway, to be known as Longboat Run West. These dedications will permit legal access to Wyndfield West Phase 6B – Stage 1 subdivision, at no cost to the City. A draft by-law is provided in Appendix C. Road Dedication Land (Plan 2M-1932 Wyndfield West Phase 6A) and Road Dedication Land (Plan 2M-1942 Wyndfield West Phase 7B) is provided in Appendix D and E, respectively.

5.0 Background

The subject lands received draft approval from Council at its regular meeting held on January 26th, 2016 through report CD2016-007: Neighborhood Plan NP-01-15, Zoning By-law Amendment PZ-13-15 and Draft Plan of Subdivision 29T-15502 – Empire Communities Wyndfield West Phase 6 – North of Blackburn Drive and West of Conklin Road. The following are CD2016-007 recommendations approved by Council:

A. THAT Neighbourhood Plan Application NP-01-15, submitted by Armstrong Planning on behalf of Empire Communities, affecting lands described as Parts 1-4 on Plan 2R-7653, being Part of the Clench, and Block A between the Clench, Kerr and Phelps Tracts, Geographic Township of Brantford, City of Brantford, BE APPROVED, and

B. THAT Zoning By-Law Amendment Application PZ-13-15 submitted by Armstrong Planning, on behalf of Empire Communities, affecting lands described as Parts 1-4 on Plan 2R-7653, being Part of the Clench, and Block A between the Clench, Kerr and Phelps Tracts, Geographic Township of Brantford, City of Brantford, to change the zoning from “Open Space Type 1 Zone – Exception 13 (OS1-13)” and “Holding – Residential Type 1A Zone (H-R1A)” to “Holding – Residential Type 1C – Exception 21 Zone (H-R1C-21)”,”Holding – Residential Type 1D – Exception 6 Zone (H-R1D-6”),”Residential Medium Density Type A Zone – Exception 46 (R4A-46)”,”Open Space Type 1 Zone (OS1)”,”Open Space Type 1 Zone – Exception 19 (OS1-19)”, and “Open Space Restricted – Exception 5 Zone
(OP3-5), BE APPROVED in accordance with the applicable provisions as noted in Section 10.0 and 11.0 of report CD2016-007, and

C. THAT Draft Plan of Subdivision Application 29T-15502 submitted by Armstrong Planning, on behalf of Empire Communities, affecting lands described as Parts 1-4 on Plan 2R-7653, being Part Clench, and Block A between the Clench, Kerr and Phelps Tracts, Geographic Conditions included in Section 11 “Conditions of Draft Approval” of Report CD2016-007, as amended, and attached as Appendix C to Planning Staff memo dated January 26, 2016, and

D. THAT the “Holding (H)” provision on Blocks 50-66 not be removed until a Plan of Subdivision has been registered for adjacent lands to the west and north and the lots are merged, and

E. THAT the By-Law to remove the “Holding (H)” provision from the balance of the lands not be presented to Council for approval until a subdivision agreement for Wyndfield West, Phase 6 has been entered into between the applicant and the City.

In 2017, Wyndfield West Phase 6A Agreement and M-Plan were registered as instrument BC311322 and BC310895 respectively. Wyndfield West Phase 6A involved the construction of municipal services for Longboat Run West, Butcher Crescent, Cole Crescent, Sinden Road (Partial) and Powell Road (Partial).

Empire Communities Ltd., the developer of the proposed Wyndfield West Phase 6B – Stage 1 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.

Wyndfield West Phase 6B – Stage 1 consists of: 149 lots for single-detached residential uses, 5 Blocks for medium density town homes, and 1 Block for a community park. The phase will add approximately 1,650m of municipal infrastructure that is associated with the development including sewers, watermain, and roadways.

The subject lands are situated as Longboat Run West, Cooke Avenue, McLaren Avenue, Ladd Avenue, Tate Street, Witteveen Drive and Anderson Road, West of Wyndfield West Phase 6A and South of Wyndfield West Phase 7B.

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 Neighbourhood Plan, 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 City staff and external review agencies. All draft plan conditions have been satisfied through the detailed review process.

In preparation of the road dedication By-Law, consultation was undertaken with City staff from Community Development, Engineering Services and Legal and Real Estate. Through staff consultation, no issues were identified.

With the Subdivision Agreement Approval through Report 2019-323, Planning staff will be able to bring forward a by-law to Council for approval to remove the “Holding (H)” provision approved in Report CD2016-007.

7.2 Public Response

Public consultation was completed January 2016 for Wyndfield West Phase 6 as part of the Planning Act requirements for Draft Plan Approval. Notification was given to all residents within a 120 metre radius of the subject lands, as well as to the local Neighborhood Association as per their request. Public Notification signs were also posted on the subject property prior to Draft Plan Approval.

8.0 Analysis

Empire Communities Limited received draft plan approval from Council at its regular meeting held on January 26th, 2016 through report CD2016-007. Since
this time, Empire Communities Limited 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.

Once the Final Plan and Subdivision Agreement for Wyndfield West Phase 6B – Stage 1 has been registered on the title of the lands, and all municipal infrastructure has been constructed to the satisfaction of the City of Brantford, building permits can be issued.

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.

9.0 Financial Implications

There are no financial implications at this time; however there are future financial implications. Waste collection, winter control and city owned park and open space maintenance occur after City staff has completed inspections and determined that it is appropriate and safe to commence operations. The City will not incur full operating costs until final assumption.

Work is underway to quantify operating expenses and projected revenues from development. This is 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 adjusting 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 Wyndfield West Phase 6B – Stage 1, the following municipal infrastructure will be installed:

- 1,650 metres of road
- 3,400 metres of curb
- 3,800 metres of sidewalk
- 1,600 metres of watermain
- 1,790 metres of sanitary sewer (Local and Trunk)
- 1,620 metres of storm sewer
10.0 Conclusion

Empire Communities Limited, the developer of Wyndfield West Phase 6B – Stage 1 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, Empire Communities Limited and the Mortgagee.

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)

- Appendix A – Location Map
- Appendix B – Draft M-Plan for Wyndfield West Phase 6B – Stage 1
- Appendix C – Draft Road Dedication By-Law
- Appendix D – Road Dedication Land (2M-1932 Wyndfield West Phase 6A)
- Appendix E – Road Dedication Land (2M-1942 Wyndfield West Phase 7B)

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? [ ] yes [x] no
Appendix A – Location Map

LOCATION MAP
PZ-01-19 & 29T-19501
North of Blackburn Drive