To Chair and Members
Committee of the Whole – Community Development

From Paul Moore, General Manager
Community Development

1.0 Type of Report

Consent Item [ ]
Item For Consideration [X ]

2.0 Topic Extension to a Draft Plan of Condominium Approval
29CD-16501 – 6 Beckett Drive (previously 169/173 Mt. Pleasant Street) [Financial Impact - None]

3.0 Recommendation

A. THAT the request to amend a condition of Draft Plan of Condominium Approval, specifically to extend the expiry date for one year for Draft Plan Approval (File No. 29CD-16501), affecting the lands municipally addressed as 6 Beckett Drive (formerly 169-173 Mt. Pleasant Street), BE APPROVED; and,

B. THAT Pursuant to Section 51(47) of the Planning Act, R.S.O. 1990, c.P.13., written notice under Subsection 51(45) shall not be required as the change to the conditions is considered minor.

4.0 Purpose

A request has been received to amend a condition of Draft Plan of Condominium approval (File No. 29CD-16501) to permit an extension to a previously approved vacant land Draft Plan of Condominium for the lands
municipally addressed as 6 Beckett Drive (formerly 169-173 Mt. Pleasant
Street). A copy of the Draft Approved Plan of Condominium is attached as
Appendix A. Approval for the Draft Plan of Condominium will expire on March
28, 2020 and the applicant has requested an extension for one additional year to
March 28, 2021 as outlined in their letter dated February 21, 2020 (see
Appendix B).

5.0 Background

5.1 Site Features and Surrounding Land Use

The subject lands, identified as 6 Beckett Drive (formerly 169-173 Mt. Pleasant
Street), are located in west Brant, southwest of the intersection of Mt. Pleasant
Street and Veteran’s Memorial Parkway (refer to Appendix C). The subject
lands are “flag” shaped and have an area of .55 ha (1.37 ac), with frontage on
Beckett Drive of approximately 15.5 m. This parcel of land was created through
severances from the rear yards of 169 and 173 Mt. Pleasant Street in 2016 and
2017 (Files: B36/16 and B28/17).

Surrounding land uses include single detached dwellings to the south and west.
To the east are the retained dwellings resulting from the 2017 severances, as
well as a newly constructed home with frontage on Mt. Pleasant which was
severed from a portion of the lands municipally known as 169 Mt. Pleasant Street
in 2017 (File: B29/17). To the north is Veteran’s Memorial Parkway, beyond
which is the John Noble Home.

5.2 Background and Detailed Description of the Proposal

History of the Draft Approved Plan of Condominium

In 2017, Council considered applications from Michael Simich to amend Zoning
By-law 160-90 and for Draft Approval of a Plan of Condominium affecting the
subject lands (Files: PZ-05-16 and 29T-16501). The proposed development was
for a vacant land condominium consisting of 10 single detached lots and an
associated visitor parking area. The application was approved by Council on
March 28, 2017 and included a condition (Condition No. 8) which stated that the
Draft Plan approval would expire three (3) years from the date of Council’s
decision. The lapsing date is March 28, 2020.

Following the approval of the Zoning By-law Amendment and the Draft Plan of
Condominium, the lands were purchased by Dixon Homes, who then applied for
approval of the related site plan. In May 2019, the applicant received final Site
Plan Approval (SPC-02-18) for the development. To date four building permits have been issued, and those houses are currently under construction.

Request for Extension

The applicant is not proposing any changes to the draft plan, but is only seeking to amend the condition referred to in this Report. The Notice of Decision and attached conditions were approved on March 28, 2017 (see Appendix D).

The applicant has provided a letter requesting the extension for one additional year (attached as Appendix B). The applicant indicates that the extension is required due to delays in the change of ownership and the health of the new owner.

6.0 Policy Context

6.1 Planning Act, R.S.O. 1990

The Planning Act, R.S.O. 1990 sets the standard to which provincial interests, provincial and local policies and goals are implemented. Section 51(32) of the Planning Act, R.S.O. 1990 states that an approval authority in giving its approval to a draft plan of subdivision or condominium may provide a lapsing date by which the approval will lapse at the expiration of the time period issued by the approval authority. Section 51(33) of the Planning Act, R.S.O. 1990 states that an approval authority may extend the approval for a time specified by the approval authority, but no extension is permissible if the approval lapses. This section of the Act provides the City with an opportunity to extend the approval if deemed acceptable.

Planning Staff are supportive of the requested extension to the Draft Plan of Condominium for one additional year. The extension does not constrain the future development of any other lands and will allow development of additional residential lots. It is the opinion of Planning Staff that the request to extend the approval for Draft Plan of Condominium is appropriate and has regard to Sections 51(32) and 51(33) of the Planning Act. Although an extension of one year has been requested in the letter provided, the applicant has advised that the units are under construction, and registration is anticipated by the end of April 2020.

Section 51(47) of the Planning Act states that an “approval authority is not required to give written notice under subsection (45) if in the opinion of the
approval authority; the change to the conditions is minor”. In Planning Staff’s opinion, the request to extend the draft plan approval is minor in nature.

No changes are proposed to the draft plan and the request is to provide the applicant with one additional year to fulfill the conditions of draft approval prior to the registration of the condominium. As such, Planning Staff are of the opinion that written notice to the public regarding Council’s decision on the amended conditions is not required pursuant to Subsection 51(45) of the Act.

6.2 Provincial Policy

Planning Staff have reviewed the request to extend the Draft Plan Approval in the context of the Provincial Policy Statement and A Place to Grow – Growth Plan for the Greater Golden Horseshoe, and is of the opinion that the applicant’s request is consistent with the Provincial Policy Statement (PPS) and is in conformity with the Growth Plan. The request proposes the redevelopment of vacant and underutilized lands within the existing settlement area and will assist in meeting the density targets of the Growth Plan.

7.0 Input from Other Sources

7.1 Technical Liaison Response

The request for an extension to the draft approved plan was circulated to internal and external agencies, including Engineering Services and the Building Department. There were no objections or concerns expressed in regard to the request to extend draft plan approval.

8.0 Analysis

8.1 Official Plan Considerations

Existing Designations: “Residential Area – Low Density”

The subject lands are designated “Residential Area – Low Density in the Official Plan which permits the development which is currently under construction. With respect to the request to extend the expiry date for approval of the Draft Plan of Condominium, the Official Plan does not include policies that would prevent the extension of approval. Planning Staff are of the opinion that this request is in conformity with the City of Brantford Official Plan.
8.2 Zoning By-law Considerations

Existing Zoning: “Residential Type 1B – Exception 34 Zone (R1B-34)”

The subject lands are zoned “Residential Type 1B – Exception 34 Zone (R1B-34)” in Zoning By-law 160-90, which permits 10 single detached dwellings and accessory uses, buildings and structures. The development is proceeding in compliance with the existing zoning.

8.3 Development Considerations

As noted previously in this Report, the applicant is not proposing any changes to the Draft Approved Plan for the vacant land condominium, but is requesting an extension for one additional year to fulfill the conditions. If granted, the extension would amend the lapsing date to March 28, 2021. This would provide the Owner with time to fulfill the conditions of draft plan approval (attached as Appendix D). The applicant has indicated that the extension is required due to delays in the change of ownership and the health of the new owner.

This request was circulated for technical review and no objections or concerns were received. An extension of one additional year will not constrain any other development proposals and as outlined in the applicant’s letter they have already begun construction and expect to register the condominium shortly.

Based on the foregoing, Planning Staff support the request to extend approval of the Draft Plan of condominium for one additional year and recommend that Condition No. 8, as found in conditions (see Appendix D) be amended to specify that Draft Plan Approval will expire on March 28, 2021.

9.0 Financial Implications

There are no municipal financial implications associated with this request for an extension to a draft approved plan of condominium.
10.0 Conclusion

Planning Staff are satisfied that the request to extend the expiry date for Draft Plan Approval for condominium File No. 29T-16501 as outlined in this Report is appropriate, as provided for in the Planning Act. The approved draft plan of condominium conforms to the policies of the Official Plan, and has been reviewed through previous planning processes including the applications for a Zoning By-law Amendment and Site Plan Approval. It is Staff’s opinion that the additional year will not likely be required as the units are under construction, and registration is anticipated by the end of April, 2020.

Staff recommends that the request to amend Condition 8 of the Draft Plan of Condominium Approval (File No. 29T-16501) to permit an extension of a previously approved Draft Plan of Condominium (File No. 29CD-16501) be approved for one year to allow the applicant to satisfy all the conditions by March 28, 2021.

Karen (K.C.) Pongracz, MCIP, RPP
Senior Development Planner
Community Development

Joe Muto, MCIP, RPP
Manager of Development Planning
Community Development

Lucy Hives, MCIP, RPP
Director of Planning
Community Development

Paul Moore, MCIP, RPP
General Manager
Community Development

Attachments

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

By-law required
[ ] yes [X] no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk
[ ] yes [X] no

Is the necessary by-law or agreement being sent concurrently to Council?
[ ] yes [X] no
Appendix A
Approved Vacant Land Draft Plan of Condominium (29CD-16501)
Appendix B
Applicant’s Letter for Extension

February 21, 2020

BY EMAIL: JMedeiros@brantford.ca
BY EMAIL: kpongraz@brantford.ca

City of Brantford
100 Wellington Square
BRANTFORD, ON N3T 2M3

Attention: Jeff Medeiros,
Attention: K.C. Pongraz, Senior Planner

Dear Jeff and K.C.:

RE: 6 Beckett Drive, Brantford, Ontario
Draft Plan of Condominium - Expiry of Approval
Our File No. 527406-117388

We are the solicitors for DND (Dixon) Inc. which is the owner of the above noted property having received Draft Plan of Condominium Approval on or about April 5, 2017.

We are hereby requesting an extension of the Draft Plan of Condominium Approval for a further period of one (1) year.

The project was delayed due to the ill health of Mr. Kent Dixon which delayed the site plan process which the applicants wanted to have completed before proceeding with the registration of the Plan of Condominium. The site plan process has been completed and the applicant hopes to be registered within the three (3) year time frame which expires in April 2020; however, as there may be delays at the Land Registry Office our client wished to be certain that the approval did not expire.

As you are aware, construction of a number of units has commenced on this Vacant Land Condominium.

Our client will provide the requisite fee for this request.

Yours truly,

WATEROUS HOLDEN AMEY HITCHON LLP

Per: [signature]

James A. Hitchon
JAH/idw
Email: jhitchon@waterousholden.com
Direc: (519) 751-6410

*Professional Corporation
Appendix C
Location Map

LOCATION MAP
Application: 29CD-16501
169/173 Mount Pleasant Street
Appendix D
Notice of Decision - Conditions of Draft Plan Approval – 29CD-16501

NOTICE OF DECISION
IN THE MATTER OF PLANNING ACT,
R.S.O. 1990 (AS AMENDED)

DRAFT PLAN OF CONDOMINIUM 29CD-16501
Submitted by
J.H. Cohoon Engineering Ltd. on behalf of Michael Simich

TAKE NOTICE that the Council of the Corporation of the City of Brantford has made its
decision regarding the above-noted Draft Plan of Condominium, under Section 51 of the
Planning Act 1990 (as amended). Enclosed is a copy of that decision.

AND TAKE NOTICE that any person or public body may appeal this decision to the
Ontario Municipal Board by filing with the City Clerk of the City of Brantford, no later than
April 25, 2017, a notice of appeal setting out the reasons for the appeal. Any appeal
must be accompanied by the fee for filing an appeal, as prescribed by the Ontario
Municipal Board. The fee is currently set at $300.00. Cheques are to be made payable to
the Minister of Finance.

The applicant or any public body may, at any time before the approval of the final plan of
condominium, appeal any of the conditions imposed by the approval authority to the
Ontario Municipal Board by filing a notice of appeal with the City Clerk.

You will be entitled to receive notice of any further changes to the conditions of approval of
the proposed plan of condominium if you have made a written request to be notified of
changes to the conditions of approval of the proposed plan of condominium.

Only individuals, corporations or public bodies may appeal decisions in respect of a
proposed plan of condominium to the Ontario Municipal Board. A notice of appeal may not
be filed by an unincorporated association or group. However, a notice of appeal may be
filed in the name of an individual who is a member of the association or group on its behalf.

These lands are also the subject of an application for a zoning amendment (Related File
No. PZ-05-16).

Dated at the City of Brantford this 5th day of April, 2017.

LORI WOLFE, CITY CLERK
City of Brantford
100 Wellington Square
P.O. Box 818
Brantford, Ontario, N3T 5R7
THE CORPORATION OF THE CITY OF BRANTFORD'S CONDITIONS OF FINAL PLAN APPROVAL FOR REGISTRATION OF THIS CONDOMINIUM FILE NO. 29CD-16501 ARE AS FOLLOWS:

<table>
<thead>
<tr>
<th>NO.</th>
<th>CONDITIONS:</th>
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<tbody>
<tr>
<td>1.</td>
<td>This approval applies to the Draft Plan of Condominium (Vacant Land) (referred to as the 'Plan') prepared by J.H. Cohoon Engineering, dated December 19, 2016, showing 10 lots for single detached dwellings and common elements which include the private street, parking area and landscaped areas. For the purpose of these Conditions, the City of Brantford is sometimes referred to by these Conditions as the 'City' or 'municipality', and the owner of the lands which are subject to the Draft Plan Approval is referred to as the 'Owner'.</td>
</tr>
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<td>2.</td>
<td>Prior to final approval of the Plan, the Owner shall enter into, and register on title to the lands of the Draft Plan, a Site Plan Agreement with the City of Brantford, providing a Letter of Credit to guarantee satisfactory completion of the development.</td>
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<td>3.</td>
<td>Subsequent to final approval of the Plan, but prior to the sale of any POTLs, the Owner or Condominium Corporation or both as required by the City, shall enter into a condominium agreement with the City of Brantford and shall register same on title to the lands to the satisfaction of the City.</td>
</tr>
<tr>
<td>4.</td>
<td>Unless otherwise stated, all conditions listed below shall be addressed to the satisfaction of the City and at no cost to the City of Brantford.</td>
</tr>
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<td>5.</td>
<td>Prior to final approval of the Plan, the Owner shall provide to the satisfaction of the Director of Planning, a Reserve Fund Study in accordance with the Condominium Act, together with a legal undertaking warranting that a reserve fund consistent with the recommendations of the Reserve Fund Study will be established by the Owner prior to the sale of any condominium units.</td>
</tr>
<tr>
<td>6.</td>
<td>Prior to final approval of the Plan, the Owner shall provide payment of cash-in-lieu of parkland in accordance with Section 42 of the Planning Act, R.S.O. 1990 and City of Brantford By-law 117-2006.</td>
</tr>
<tr>
<td>7.</td>
<td>Prior to final approval of the Plan, the Owner shall provide securities and pay all related fees and obtain all necessary permits to the satisfaction of the General Manager, Public Works.</td>
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8. Draft Plan Approval of this Plan of Condominium, together with all Conditions, shall lapse within three (3) years after the date of Draft Approval, unless it has been extended by the City.

Development Engineering

9. The Owner shall agree that all lots shown within the Draft Plan will be connected to full municipal services.

10. Prior to final approval of the Plan, the Owner shall satisfy all requirements, financial and otherwise, of the City of Brantford, including those related to the following matters:

   a) Municipal and site servicing, including water modeling
   b) Lot grading
   c) Drainage
   d) Stormwater management in accordance with current Provincial guidelines and low impact Stormwater management development practices including stringent control of storm discharge from the development including spill containment.
   e) Sidewalks
   f) Control of dust during construction
   g) Payment of applicable Development Charges
   h) Notification of purchasers of the applicable development charges
   i) The responsibility to decommission any wells or septic systems in accordance with current Provincial guidelines
   j) Provide all easements, and convey all lands, as may be required for utility or drainage purposes to the appropriate authority.

11. Prior to final approval of the Plan, the Owner shall submit, for approval, an Engineering Report prepared by a consulting engineer, confirming that the internal roads, parking areas and underground servicing have been constructed to a standard that will ensure future purchasers of a reasonable and adequate maintenance free period for those common elements. Said report to be to the satisfaction of the General Manager, Public Works. Should the said works not be completed by the time that final plan registration occurs, the City will retain the Letter of Credit to guarantee satisfactory completion of the said works.
12. The Owner agrees that in the event that the Engineering Report as stated above indicates that the internal services are inadequate and do not meet the City's Standards, the Owner will carry out the necessary work as deemed by the General Manager, Public Works, in order to bring that particular service or services up to the City's standard.

13. In the event that the Engineering Report as stated above indicates that the internal services are satisfactory but that the expected life of some or all of the said services is considered to be limited, then, in order that prospective purchasers may be made aware of this condition, the Owner shall undertake to supply each and every prospective purchaser with a copy of the Consulting Engineer's conclusions in a form approved by the General Manager, Public Works.

14. The Engineering Report referred to in Condition 10 above must include the submissions of as-constructed drawings in both hard copy and on disc, video inspection report of the storm and sanitary sewers, compression test results for concrete curb and sidewalk, confirmation that the depths of granular road base and asphalt comply with current subdivision standards, as well as sieve analysis and compaction test results for both granular road base materials and asphalt, and testing of the asphalt of A.C. content, confirmation that the fire hydrants are accessible and are set at finished grade and confirmation that the landscaping has been planted in accordance with the approved plans and specifications.

15. Prior to final approval of the Plan, if applicable, the Owner shall confirm, by certification from a consulting engineer, that all water servicing conditions have been addressed, to the satisfaction of the General Manager, Public Works.

16. The Owner agrees that upon the condominium corporation indicating its preference to the City, for either centralized bin or driveway garbage and recyclable pick-up, the City shall review and advise the Owner of the viability of this service. If determined to be acceptable to the City, the condominium corporation shall enter into the City's standard servicing agreement, to address the condominium corporation's requirements for garbage and recycling collection and storm sewer and hydrant maintenance.

17. The Owner agrees that prior to the issuance of a building permit, all street lighting shall be installed and energized, to the satisfaction of the General Manager, Public Works.
Other

18. The Owner shall agree that the development on the subject property shall be completed in accordance with the Plans and conditions of a Site Plan Agreement as per Condition No. 2, to be entered into with the City by the Owner and registered on title of the lands, to the satisfaction of the General Manager, Community Development.

19. The Owner shall agree that all buildings within the Draft Plan will be equipped with forced air heating and central air conditioning units.

20. That the Owner agrees to include in all Offers of Purchase, Sale or Lease related to property within the Plan of Condominium the following clauses:

   i) “No alteration of the drainage plan for the property or surrounding properties is permitted without the express written approval of the City of Brantford”;

   ii) “This dwelling unit has been fitted with a forced air heating system and central air conditioning unit which will allow windows and exterior doors to remain closed, ensuring that the indoor sound levels are within the Ministry of the Environment’s noise criteria”.

21. The Owner shall agree to provide Union Gas Limited the necessary easements and/or agreements required by Union Gas for the provision of gas services for the development, in a form satisfactory to Union Gas.

22. The Owner shall agree to the satisfaction of Bell Canada the following:

   a) The Developer is hereby advised that prior to commencing any work within the Plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure in currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the Developer may be required to pay for the connection to and/or expansion of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services.
b) The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

c) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

23. The Owner shall agree to the satisfaction of Canada Post the following:

a) work with Canada Post to determine and provide a temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium;

b) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes;

c) identify the pad above on the engineering servicing drawings; said pad is to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.

d) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; maps are to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

e) Canada Post’s multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

24. Prior to final approval of the Plan, the Owner shall have the proposed lots certified by an Ontario Land Surveyor to ensure conformity with the provisions and requirements to the City of Brantford Zoning By-law 160-90, as amended, or its successor.
25. The Owner agrees that prior to final occupancy, all works and matters that have been constructed must meet the requirements of the Ontario Building Code and any outstanding Orders to Comply must be resolved, to the satisfaction of the Chief Building Official.

26. Prior to final approval of the Plan, the City must be advised, in writing, by Union Gas Limited, how Condition 20 has been satisfied.

27. Prior to final approval of the Plan, the City must be advised, in writing, by Bell Canada, how Condition 21 has been satisfied.

28. Prior to final approval of the Plan, the City must be advised, in writing, by Canada Post, how Condition 22 has been satisfied.

29. Prior to final approval of the Plan, the City must be advised, in writing, by the Owner, how Conditions 1 through 27 have been satisfied.