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Date November 10, 2020 **Report No.** 2020-407

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 ☒

2.0 Topic **Zoning By-law Amendment PZ-12-20 and Extension to a Draft Approved Plan of Subdivision 29T-16502 – 501 Shellard Lane (Losani Homes) [Financial Impact – None] (2020-407)**

3.0 Recommendation

- A. THAT Zoning By-law Amendment Application PZ-12-20, submitted by MHBC Planning on behalf of Losani Homes, affecting lands at 501 Shellard Lane, City of Brantford, to amend the Holding – Residential Type 1D Zone (H-R1D-10) to modify the interior side yard BE APPROVED, in accordance with the applicable provisions as noted in Section 8.3.1 of Report 2020-407;
- B. THAT the request to amend a condition of Draft Plan of Subdivision, specifically to extend the expiry date for Draft Plan Approval (File No. 29T-16502), submitted by MHBC Planning on behalf of Losani Homes, affecting the lands municipally addressed as 501 Shellard Lane, BE APPROVED, in accordance with Section 8.0 of Report 2020-407;
- C. 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. No further notice to the public is required upon Council's approval; and,

- D. THAT Pursuant to Section 34(18) of the *Planning Act*, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 of Report 2020-407."

4.0 Purpose

This Report addresses an application to amend Zoning By-law 160-90 affecting the lands identified as 501 Shellard Lane and it also addresses a request to amend a condition of Draft Plan of Subdivision approval (File No. 29T-16502) to permit an extension to the previously approved Draft Plan of Subdivision for these lands. The application to amend the Zoning By-law only applies to 63 draft approved lots which are currently zoned "Holding – Residential Type 1D Zone (H-R1D-10)." A location map is attached as **Appendix A** and illustrates both the location of the entire draft plan of subdivision and the location of the lands which are zoned H-R1D-10. To facilitate the development of the lands for single detached dwellings, the applicant is seeking to remove the requirement that specifies that a 0.6 m side yard must be adjacent to a 1.2 m side yard. This is described in more detail in Section 5.2 of this Report.

A request has also been received to amend a condition of Draft Plan of Subdivision approval (File No. 29T-16502) to permit an extension to the previously approved Draft Plan of Subdivision for these lands. A copy of the Draft Approved Plan of Subdivision is attached as **Appendix B**. Approval for the Draft Plan of Subdivision will lapse on December 19, 2020 and the applicant has requested an extension for an additional three (3) years to December 19, 2023 as outlined in their letter dated May 25, 2020 (**Appendix C**).

5.0 Background

5.1 Site Features and Surrounding Land Use

The draft approved plan of subdivision has a total area of 31.2 hectares (77.3 acres) and the lands are located south of Shellard Lane and west of Empire Communities Phases 6 & 7 (29T-15502 & 29T-16501), in the southwest part of the City (refer to **Appendix A**). The portion of the subdivision that is zoned H-R1D-10 has an area of 4.5 hectares.

The surrounding lands include Phases 1 through 7 of Empire Communities - Wyndfield West to the northeast and east and they are presently under development for a mix of single detached and street townhouse dwelling units. The lands immediately adjacent to the northeast (Wyndfield West - Phases 6B & 7B) will contain single detached dwellings, street townhouse dwellings, stormwater management ponds, and a large community park. To the southwest, the lands are vacant (to be developed as Phase 8 of Wyndfield West - Empire Communities). The lands to the northwest (across Shellard Lane) contain some vacant parcels and existing single detached dwellings on larger estate lots. An aerial photo, site photograph and a map of surrounding land uses are attached as **Appendices D, E and F**.

5.2 Description of the Proposal

The applicant is seeking to amend the interior side yard requirement for lands zoned Holding – Residential Type 1D Zone (H-R1D-10) by removing the requirement that specifies that a 0.6 m side yard must be adjacent to a 1.2 m side yard. The proposed amendment would apply to the lands Zoned H-R1D-10 as shown on **Appendix A**. It should be noted that the applicant has indicated that the proposed amendment is actually only required for the lots that are highlighted on **Appendix G**. However, in consultation with Planning Staff, Staff suggested that rather than create another zone, it would be simpler to amend the regulation for the entirety of the R1D-10 Zone.

The applicant is also seeking to amend Condition No. 69 of the Conditions of Draft Plan Approval for File No. 29T-16502 to extend the lapsing date for the Draft Plan of Subdivision for an additional 3 years. The Notice of Decision and approved conditions are attached as **Appendix H**. The applicant has provided a letter outlining the reasons for the extension (attached as **Appendix B**). The applicant indicates that timing constraints are the result of their dependency on the development of the adjacent lands as well as the need to finalize their designs and plans associated with the roundabout at Longboat Run and Blackburn Drive. This is further discussed in Section 8.3.2 of this Report.

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, may provide a lapsing date by which the approval will lapse at the expiration of the time period issued by the approval authority. The Notice of Decision for the Draft Approved Plan was issued on December 19, 2017. Condition 69 of the Draft Approval indicates that the approval shall lapse three (3) years after the date of draft approval (which would be December 19, 2020). Section 51(33) of the *Planning Act, R.S.O. 1990* states that an approval authority may extend the approval of a draft plan of subdivision 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 of the draft plan of subdivision if deemed acceptable by Council.

Planning Staff are supportive of extending the approval of the Draft Plan of Subdivision for 3 years as per the applicant's request. The requested extension would not constrain the future development of any other lands and there are no issues relating to servicing capacity. It is the opinion of Planning Staff that the request to extend the approval for the Draft Plan of Subdivision is appropriate and in conformity with Sections 51(32) and 51(33) of the *Planning Act*.

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 approval is minor in nature. No changes are proposed to the draft plan and the request is to provide the applicant with an additional 3 years to fulfill the conditions of draft approval prior to the registration of the subdivision. As such, Planning Staff are of the opinion that written notice to the public regarding Council's decision on the amended condition is not required pursuant to Subsection 51(45) of the *Planning Act*. However, public notice is still required to be given for the amendment to the Zoning By-law (PZ-12-20) under the *Planning Act*.

6.2 Provincial Policy Statement (2020)

Planning Staff have reviewed the request for the amendment to the H-R1D-10 Zone and to extend the Draft Plan Approval in the context of the Provincial Policy Statement and is of the opinion that the applicant's request is consistent with the Provincial Policy Statement (PPS). The application to amend the Zoning By-law and the request for an extension of Draft Plan Approval will facilitate the development of vacant and underutilized lands within the existing greenfield area. The proposed development will provide additional opportunities for housing on underutilized parcels of land within the City.

6.3 A Place to Grow – Growth Plan for the Greater Golden Horseshoe (amended August 2020)

Planning Staff have reviewed the request for the amendment to the H-R1D-10 Zone and to extend draft plan approval in the context of the 'A Place to Grow – Growth Plan for the Greater Golden Horseshoe'. Planning Staff is of the opinion that the application to amend the Zoning By-law and the request to extend the lapsing date for Draft Plan Approval are in conformity with the Growth Plan as they will facilitate the development of residential housing which will assist in meeting the minimum intensification and density targets in the Growth Plan.

7.0 Input from Other Sources

7.1 Technical Liaison Response

The request for the amendment to the H-R1D-10 Zone and extension to the approved draft plan of subdivision was circulated to internal and external agencies, including Engineering Services, the Building Department, the Fire Department and the Grand River Conservation Authority. There were no objections or concerns received in regard to the request to amend the Zoning By-law and to extend the Draft Plan of Subdivision Approval.

7.2 Public Response

Notice of the Public Meeting in consideration of this application under the *Planning Act* was issued to all property owners within a 120 m radius of the subject lands (31 owners in total) (refer to **Appendix I**). In consultation

with the Ward Councillors, a virtual neighbourhood meeting was held on October 20, 2020. The meeting was streamed on YouTube and is available for viewing for members of the public unable to watch or participate live. Staff made a presentation on the planning application process, and the applicant presented the specific details of the application. Councillor Weaver attended the meeting and asked questions regarding on-street parking and rear yard access. No members of the public participated. The notes from this meeting are attached as **Appendix I1**. At the time of writing this Report, no comments or objections have been received.

7.3 Grand River Notification Area Input

Notice was issued as part of the Grand River Notification Agreement and no comments were received.

8.0 Analysis

8.1 Official Plan Considerations

The subject lands are designated “Neighbourhood Centre”, “Neighbourhood Residential”, “Village Centre”, and “Greenlands System” as depicted on an extract from Schedule 7-2 - West of Conklin Secondary Plan in the City’s Official Plan (**Appendix J**). The “Neighbourhood Residential” designation permits a variety of residential building types including single detached dwellings, semi-detached dwellings, and townhouses. The “Greenlands System” permits parks, open space, natural heritage features, and storm water management facilities. The “Village Centre” designation may include a range of medium and higher density housing types, a Secondary School and/or an Elementary School, a Neighbourhood Park and a range of institutional, retail, personal service and business activity intended to serve the entire West of Conklin Secondary Plan Area.

The application to amend the Zoning By-law is only to address the interior side yard regulation to facilitate the development of the lands for single detached dwellings. The proposed use of the lands and the request to extend the expiry date for the draft plan of subdivision approval are in conformity with the City of Brantford Official Plan.

8.2 Zoning By-law Considerations

Existing Zoning: “Holding – Open Space Type 1 (H-OS1)”;

 “Holding – Institutional School Zone –
Exception 11 (H-I2-11)”;

 “Holding – Residential Type 1C – Exception
21(H-R1C-21)”;

 “Holding – Residential Type 1D – Exception
6 (H-R1D-6)”;

 “Holding – Residential Type 1D – Exception
10 (H-R1D-10)”;

 “Holding – Medium Density Residential –
Exception 61 (H-R4A-61)”;

 “Holding – Medium Density Residential –
Exception 62 (H-R4A-62)”.

Attached as **Appendix K** is a map identifying the zoning in the area of the subject lands. These Zones permit a variety of residential uses, including single detached, semi-detached and townhouse dwelling units, as well as a school use and an open space area. As noted in Section 4.0 of this Report, the application to amend the Zoning By-law is intended to modify the regulation relating to the interior side yard only and will facilitate the development of the lands for single detached dwellings which are permitted under the H-R1D-10 Zone. This is further discussed in Section 8.3.1 of this Report.

8.3 Development Considerations

8.3.1 Amendment to H-R1D-10 Zone

The application to amend the H-R1D-10 Zone seeks to remove the requirement that a 0.6 m side yard must be adjacent to a 1.2 m side yard associated with an adjacent lot. The purpose of this requirement was to maintain a consistent spacing between buildings and ensure that there is adequate width to accommodate access and proper drainage. The applicant has indicated that the engineering design for this development was prepared based in part, on the need to pair driveway locations which

resulted in several lots having 0.6 m side-yards adjacent to one another. Pairing driveways in this fashion maximizes the provision of on-street parking locations. The applicant also states that the removal of the regulation will still allow for suitable rear-lot catch basin service easement widths along the opposite side of the affected lot(s). Utilities are not permitted within the 0.6 m side yard so that access will still be maintained between the dwellings. The amendment is consistent with the regulations established in the H-R1C-21 Zone (Empire Phase 7) that applies to the lands to the east. This Zone requires a minimum side yard of 1.2 m on one side and 0.6 m on the other side, but does not contain the requirement to have the side yards of differing size adjacent to one another.

If approved, this modification would allow for the development of a dwelling on a lot where a 1.2 m side yard would be permitted adjacent to another dwelling, also with a 1.2 m side yard. As well, a 0.6 m side yard could be adjacent to another 0.6 m side yard. The proposal complies with the remaining regulations of the Zone and will allow for the consistent design and development throughout the subdivision and on adjacent lands. All other site-specific zoning provisions will remain the same. Planning Staff are of the opinion that the amendment will facilitate the appropriate development of the lands.

8.3.2 Extension of the Draft Plan of Subdivision Approval

The applicant is requesting an extension to the original approval to allow for an additional three (3) years to fulfill the conditions of Draft Plan of Subdivision File No. 29T-16502. The subdivision will lapse on December 19, 2020 and if the extension is approved, the Draft Plan of Subdivision approval would lapse on December 19, 2023. This would provide the Owner with additional time to fulfill the conditions of draft plan approval (attached as **Appendix H**).

An extension of an additional three years will not constrain any other development proposals and three years should be sufficient time to complete the conditions of draft plan approval. It is not anticipated that a further extension will be required as the applicant is close to fulfilling the draft plan conditions and registration of the plan. Pre-grading and earthworks are occurring and the installation of the infrastructure is currently under way.

Based on the foregoing, Planning Staff support the request to extend approval of the Draft Plan of Subdivision for an additional 3 years and

recommend that Condition No. 69, be amended to specify that Draft Plan of Subdivision approval will expire on December 19, 2023. A copy of the proposed amended condition is attached as **Appendix L**.

9.0 Financial Implications

There are no Municipal financial implications respecting these applications.

10.0 Conclusion

Planning Staff support this application to amend the interior side yard regulation as it applies to lands zoned H-R1D-10. The proposed amendment will facilitate the appropriate development of the lands, maximize the availability of on-street parking and allow for consistent design and development throughout the neighbourhood. The application will facilitate the development of the lands for single detached dwellings with a similar layout to those permitted on the adjacent lands.

Planning Staff are satisfied that the request to extend the expiry date for Draft Plan Approval for Subdivision File No. 29T-16502 is appropriate, as provided for in the *Planning Act*. The approved draft plan of subdivision conforms to the policies of the Official Plan, and has been reviewed through previous planning processes including the applications for Zoning By-law Amendment and Draft Plan of Subdivision 29T-16502, (Report No. CD2017-070). Staff recommends that the request to permit an extension of three years (December 19, 2023) be approved.

The applications are consistent with the Provincial Policy Statement, and in conformity with the Growth Plan and Official Plan. Planning Staff are of the opinion that applications PZ-12-20 and the extension to the draft plan of subdivision (29T-16502) represent good planning and recommend that they be approved.



Sean House
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

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 ☐ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk

☐ yes ☒ no

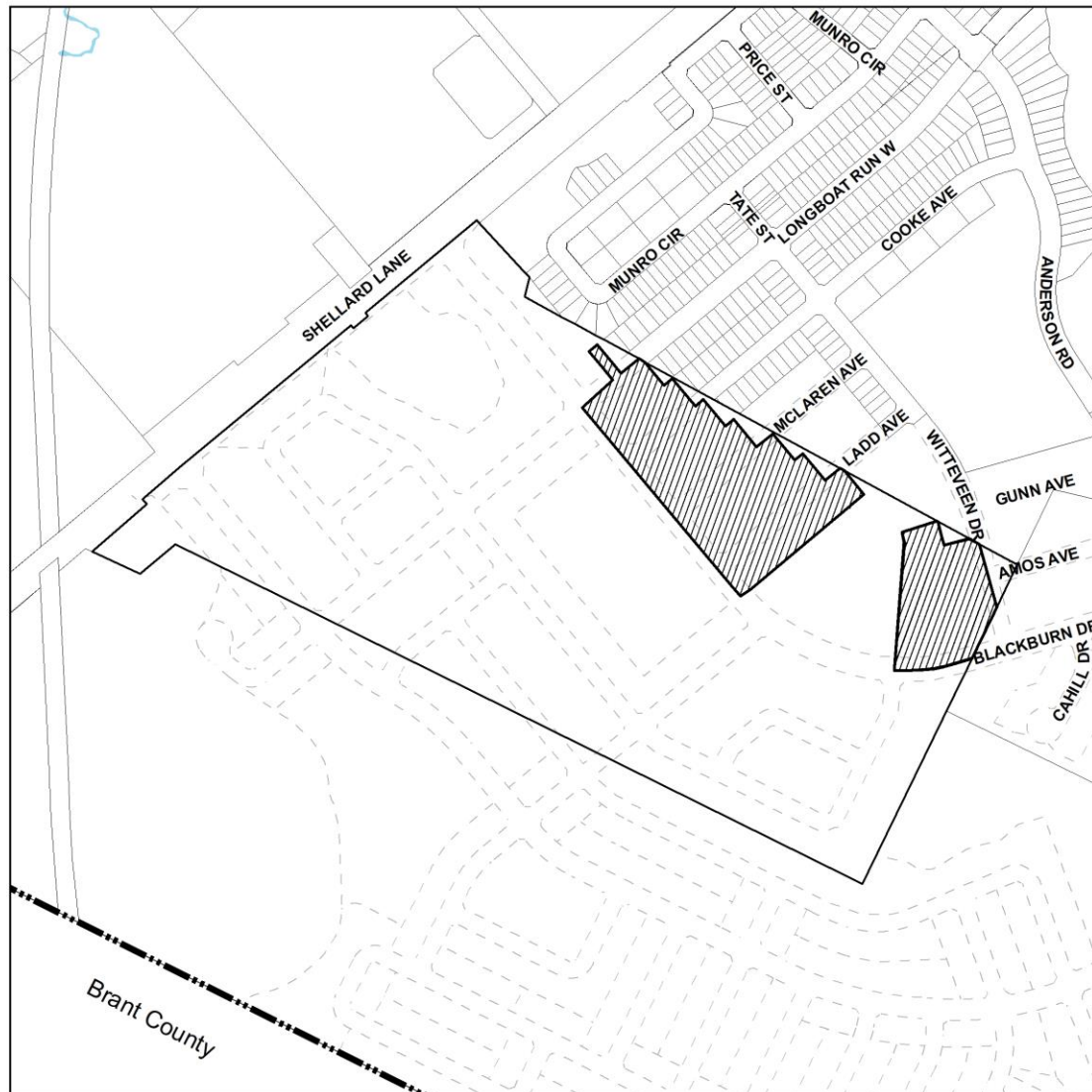
Is the necessary by-law or agreement being sent concurrently to Council?

☒ yes ☐ no



APPENDIX A - Location Map

LOCATION MAP

Application: PZ-12-20
501 Shellard Lane

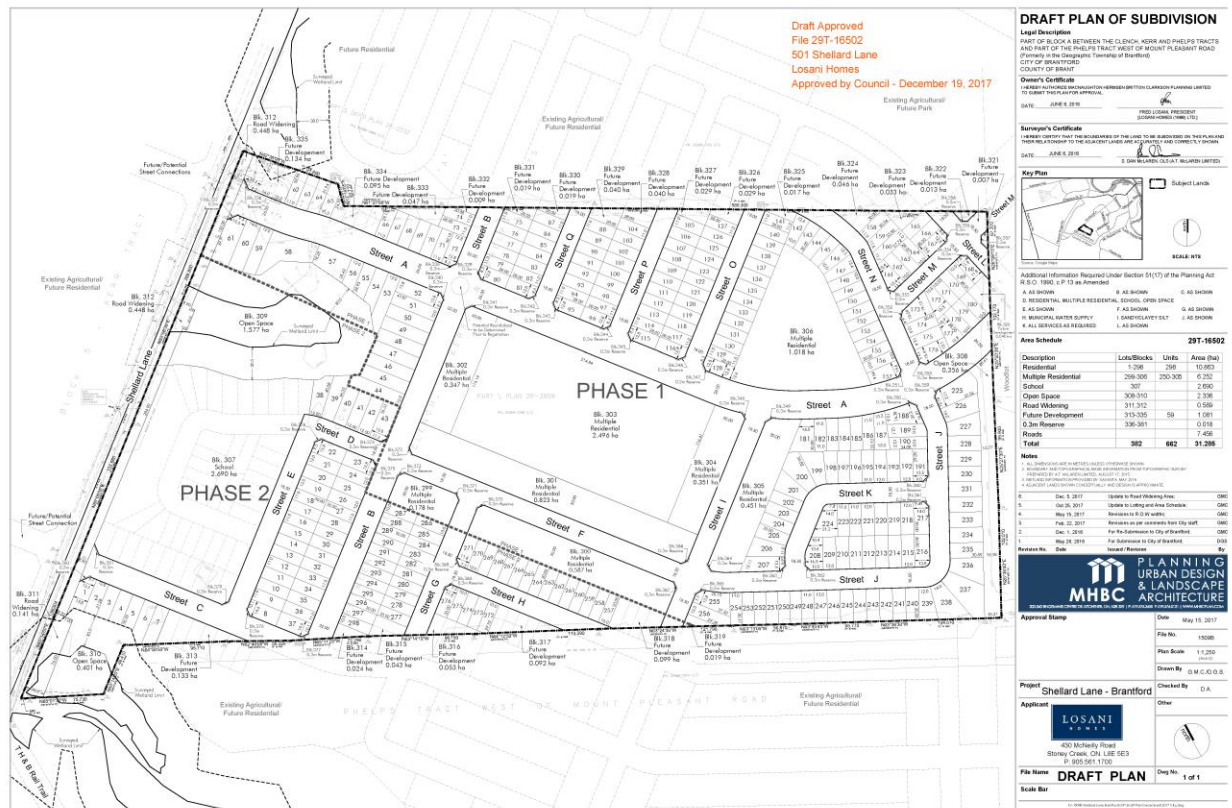


Legend

-  501 Shellard Lane
-  Application PZ-12-20 Subject land areas



APPENDIX B - Draft Approved Plan of Subdivision 29T-16502



APPENDIX C - Applicant Request Letter for Extension



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

May 25, 2020

Mr. Joe Muto
Manager of Current Planning
Planning Department
City of Brantford
100 Wellington Square
Brantford, ON N3T 2M2

[via email]

Dear Mr. Muto:

**RE: Request for Draft Plan Extension and Minor Zoning By-Law Amendment Application - 501
Shellard Lane
OUR FILE 1509B**

We act on behalf of Losani Homes, registered owners of the lands legally described as Part of Block A between the Clench, Kerr and Phelps Tracts and Part of the Phelps Tract west of Mount Pleasant Road (formerly the Geographic Township of Brantford), municipally known as 501 Shellard Lane (the "subject lands").

The subject lands are proposed to be developed as a residential community, with a mix of single detached and townhouse dwellings. The subject lands are located within southwest Brantford, in the West of Conklin Area. The existing land use designation and zoning on the subject lands recognize and permit the development of the subject lands for residential purposes.

On behalf of our client, we are pleased to submit a Minor Zoning By-law Amendment application, and a Request for Draft Plan Approval Extension.

Minor Zoning By-law Amendment

The application is required to amend the zoning provisions related to the interior sideyard setback requirements for a portion of the plan of subdivision (City File No. 29T-16052), for the lands zoned H-R1D-10.

The H-R1D-10 zone requires an interior side yard setback of 1.2 metres on one side and 0.6 metres on the other side and requires the side yards of 1.2 metres on one side and 0.6 metres to be adjacent to one another.

This application requests to remove the requirement for the 1.2 metres on one side and 0.6 metres on the other side to be adjacent to one another. The amended provision would read as follows:

- **Interior Side Yard Setback:** 1.2 metres on one side and 0.6 metres on the other side.

The request to amend the zoning applies to 68 lots, as showed overlaid in orange on the plan enclosed with this application.

The proposed amendment is appropriate and achieves the intent of the zoning by-law provisions of the remainder of the subdivision, which require interior side yards of 1.2 metres on one side and 0.6 metres on the other side. The lands are zoned to permit residential development, and no additional amendments to the zoning by-law are required, and all other provisions are achieved.

The amendment of this provision will allow for the consistent design and development throughout the subdivision, and with the adjacent Empire developments. Further, the engineering design and on street parking plans have been prepared based on the proposed amendment to this provision, therefore there will be no impact to the engineering design or on street parking configuration.

Draft Plan of Subdivision Approval Extension

We are hereby requesting an extension to the draft plan of subdivision approval for an additional 3 year period, which will lapse on December 19, 2020. The development of the subject lands has been subject to the development of the adjacent Empire Communities, which has resulted in timing constraints. We have also been working with City staff to finalize the design associated with the roundabout at Longboat Run and Blackburn. The request would allow for the draft plan approval to be extended to December 19, 2023.

In support of these applications please find enclosed the following:

- Application for Minor Zoning By-law Amendment;
- A cheque in the amount of \$5,595.00 for the Minor Zoning By-law Amendment;
- A cheque in the amount of \$1,250.00 for the Draft Plan Extension Request;
- Overlay of the Draft Plan identifying the impacted lots; and
- A letter prepared by Urbantech in support of the proposed application.

We respectfully request confirmation of receipt of these applications and issuance of notification of complete applications. Please let us know if you require anything additional.

Yours truly,

MHBC



David Aston, MSc, MCIP, RPP
Vice President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Planner

cc. Myles Smith, Losani Homes
Jeff Ormonde, Urbantech



APPENDIX D – Aerial Photo

AERIAL PHOTO

Application: PZ-12-20
501 Shellard Lane



Legend

-  501 Shellard Lane
-  Application PZ-12-20 Subject land areas

Aerial Photo from Spring 2017



APPENDIX E – Site Photo

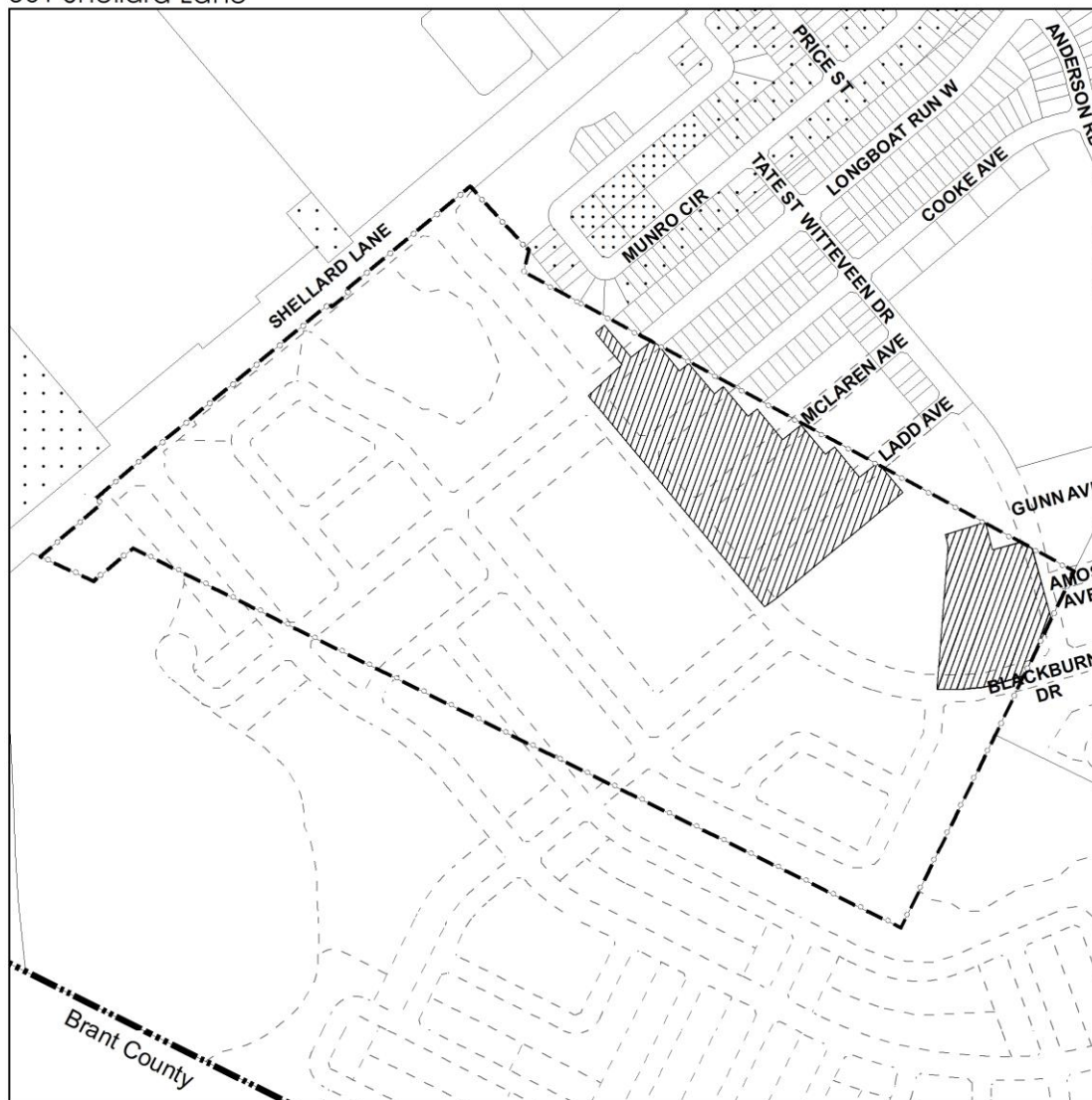


View of the subject lands from the west.

APPENDIX F – Surrounding Land Uses

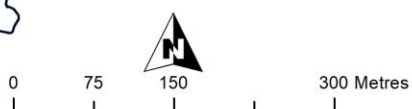
LAND USE

Application: PZ-12-20
501 Shellard Lane



Legend

501 Shellard Lane
Application PZ-12-20
Subject land areas



- Residential - Low Density (1 to 3 units)
- Residential - Medium Density (4 units/3 storey)
- Residential - High Density (4+ storey)
- Institutional
- Commercial
- Industrial
- Park/Open Space
- Vacant Land

[illegible]

APPENDIX H - Notice of Decision - Conditions of Draft Plan Approval – 29T-16502

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

DRAFT PLAN OF SUBDIVISION 29T-16502 Submitted by MHBC Planning on behalf of Losani Homes

TAKE NOTICE that the Council of the Corporation of the City of Brantford has made its decision regarding the above-noted Draft Plan of Subdivision, under Section 51(37) 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 January 11, 2018, 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.

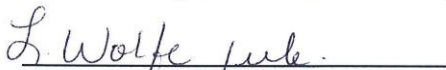
The applicant or any public body may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Ontario Municipal Board by filing a notice of appeal with the City Clerk.

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

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision 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.

Pursuant to Section 51(38) of the *Planning Act*, R.S.O. 1990, regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter.

Dated at the City of Brantford this 22nd day of December, 2017.


LORI WOLFE, CITY CLERK
City of Brantford
100 Wellington Square
P.O. Box 818
Brantford, Ontario, N3T 5R7

CONDITIONS OF DRAFT PLAN APPROVAL – 29T-16502

1. This approval applies to the Draft Plan of Subdivision ("Plan") prepared by MHBC Planning, revised and dated December 5, 2017, for the following:

A total of 662 residential dwelling Lots:

- 298 lots for single detached dwellings (Lots 1-298); and,
- 7 Blocks (Blocks 299-306) to be developed for between 250 to 305 townhouse dwelling units (street, block, and back-to-back); and
- 23 Blocks (Blocks 313-335) that will be available for development for single detached dwellings in conjunction with neighbouring lands (to the south, east and west), once they are brought forward for development.

A total of 6 non-residential Blocks and 17 Streets:

- 1 School Block;
- 3 Blocks for Open Space;
- 2 Blocks for Future Road Widening (Shellard Lane);
- Blocks for 0.3 metre reserves; and,
- Streets A-Q (including one roundabout at the intersection of Street A and B).

as indicated on the Plan attached to Report CD2017-070.

2. 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, sometimes referred to by these Conditions as the "City" or "municipality".
3. That the Owner shall enter into, and register on title to the lands of the Draft Plan, a Subdivision Agreement with the City of Brantford, to the satisfaction of the General Manager, Public Works.
4. That the Owner shall agree to provide all easements, and convey all lands, as may be required for utility or drainage purposes to the appropriate authority, to the satisfaction of the General Manager, Public Works.
5. That the Owner shall agree to convey to the City as shown on the Final Plan, Blocks 308-310 for Open Space purposes, and Blocks 311-312 for Road Widening. Said conveyances to be in fee simple and free of encumbrances, and upon conveyance shall not be landlocked which may require the consolidation of adjacent Blocks and shall include provision for access to the Blocks to the satisfaction of the City. The Owner shall further agree that none of these Blocks are to be considered parkland, in accordance with Section 51.1 of the *Planning Act R.S.O. 1990*.

6. That prior to registration, the final plan of subdivision shall include a detailed lotting plan for all residential blocks within the draft plan, providing for a mix of dwelling unit types, at a density not to exceed the maximum density approved by the City for this Plan, to the satisfaction of the General Manager, Community Development.
7. That each phase of the plan of subdivision not be registered until the Owner submits a draft of the registered "M" Plan showing the final lot layout for all lots, and lot-less blocks, to the satisfaction of the General Manager, Public Works and the General Manager, Community Development.
8. That prior to registration, the Owner confirms that a cost sharing agreement has been signed with the adjacent landowner to the east, as it relates to servicing, stormwater management, roads and other infrastructure, to the satisfaction of the General Manager, Public Works.
9. That in the event that this plan of subdivision is registered prior to the adjacent lands to the east, the Owner shall agree to register a reference plan and obtain an easement over the adjacent lands, in order to service the "Plan", to the satisfaction of the General Manager, Public Works.
10. That the Owner agrees to provide a Phasing Plan for the review and approval of the General Manager, Public Works and the Fire Chief. The phasing plan shall provide for a mix of dwelling unit types and shall ensure that no development shall occur on a street exceeding 250 metres in length without the provision of a second municipal access constructed to the satisfaction of the General Manager, Public Works, and the Fire Chief.
11. That in the event that plan registration is to be phased, only those conditions pertaining to the particular phase being registered are required to be satisfied.
 - a. The Owner agrees that prior to registration of the first phase, Stormwater Management Pond B6A (on adjacent lands to the east) shall be constructed; and,
 - b. The Owner agrees that prior to registration of the second phase, the Stormwater Management Pond C3 (on adjacent lands to the west) shall be constructed.
12. That the Owner shall agree that all units shown within the Draft Plan will be connected to full municipal services, to the satisfaction of the General Manager, Public Works.
13. That the Owner shall agree to satisfy all requirements, financial and otherwise, of the City of Brantford and Brantford Power Inc, including those related to the following matters:
 - a. Municipal services.

- 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. Curbs and sidewalks on both sides of municipal roads in accordance with the requirements of the City.
- f. Prepayment in perpetuity toward the future maintenance costs of any required retaining walls on municipal lands.
- g. An electrical design from a consulting engineer to be provided to Brantford Power for review and approval.
- h. A lighting plan showing the proposed street light locations and details regarding the proposed light standards.
- i. Control of dust during construction.
- j. Payment of applicable Development Charges.
- k. Notification of purchasers of the applicable development charges.
- l. The responsibility to decommission any wells or septic systems in accordance with current Provincial guidelines.
- m. The implementation of infiltration practices in the overall Stormwater Management scheme to maintain the existing groundwater regime and to protect groundwater dependent natural features.

Roads

- 14. That the Owner shall agree that all road allowances shown on the Draft Plan will be designed in accordance with the current requirements of the City of Brantford, including the ability to accommodate different modes of transportation, and will be dedicated to the City as public highways and named to the satisfaction of the General Manager, Public Works.
- 15. That the Owner shall agree to construct all roads to the satisfaction of the General Manager, Public Works.
- 16. That the owner shall agree to the following right of way widths as shown on the Draft Plan:
 - Street A (Blackburn Drive, Extension) 26 metres
 - Street B (Longboat Run West), Street C 22 metres
 - Streets D-K, M, N 18.5 metres
 - Streets L, O, P, and Q 18.0 metres

17. That prior to submission of the final Plan, the Owner shall agree to identify all required road widening blocks and dedicate them on the final plan as public highway, and be responsible for constructing and implementing all necessary traffic improvements in accordance with the recommendations of the municipally approved Traffic Impact Study and current requirements of the City of Brantford, to the satisfaction of the General Manager, Public Works.
18. That prior to final approval, the Owner prepares a detailed design for implementation of a roundabout at the intersection of Street 'A' and Street 'B', and that any additional lands required for construction of the roundabout be conveyed to the City, to the satisfaction of the General Manager, Public Works.
19. The Owner agrees that prior to registration the Owner will provide a traffic management plan for the subdivision to the satisfaction of the General Manager, Public Works, and agrees to the following:
 - a. Be responsible for the cost of the installation of regulatory and warning traffic control signs/devices, parking control signs, street name signs and pavement markings;
 - b. Provide and install all temporary regulatory traffic signage by the Owner prior to the commencement of any building or the erection of any structure in accordance with City Specifications or Standards;
 - c. The City shall install all permanent pavement markings that may be required within the Subdivision, or related to the subdivision, in conjunction with the installation of related traffic controls at the cost of the Owner;
 - d. Provide for, install and maintain, at its expense, all temporary pavement markings.
20. That the Owner shall agree and be responsible for submission of the Transportation Design Study, and the construction and implementation of all necessary transportation improvements, including but not limited to those identified in; the West of Conklin Secondary Plan, the Transportation Impact Study prepared by Nexttrans Consulting Engineers Ltd. and dated August 2017 or the most current TIS or TIS addendum, and the Transportation Design Study on record with the timing for said construction to be completed as required, to the satisfaction of the General Manager, Public Works, and agrees to the following:
 - a. That the Owner shall agree and address any revisions to the draft plan which may be required subsequent to the approval of the Transportation Design Study, including but not limited to a roundabout location, road network in proximity to Block 307, and any other changes to road network or road right-of-ways.
21.
 - a. The Owner shall agree to construct, at their expense, all necessary infrastructure and appurtenances for future traffic signal installation at the intersection of Street A (Blackburn Drive) and Shellard Lane, to the satisfaction of the General Manager, Public Works;

- b. The Owner agrees to pay for and install traffic signals at full subdivision build-out, with the timing to the satisfaction of the General Manager, Public Works.
-

22. That prior to Final Approval and in the event development of these lands is delayed beyond 4 years, the Owner shall agree to complete for review and approval of the City of Brantford, a Traffic Impact Study if required at that time, to the satisfaction of the General Manager, Public Works. The Owner shall agree to apply the most current background data available.
23. That the Owner shall agree to construct temporary turning circles or hammerheads, to the satisfaction of the General Manager, Public Works, so as not to create any cul-de-sacs in excess of 250 metres in length without the provision of a second municipal access having a minimum width of 9.0 metres, constructed to the satisfaction of the General Manager, Public Works.
24. That the Owner shall agree not to apply for any Building Permits for residential purposes on streets exceeding 250 metres in length until such time as a second municipal access having a minimum width of 9.0 metres has been constructed to the satisfaction of the General Manager, Public Works and conveyed to the municipality as a public right of way.
25. That prior to submission of the Final Plan, the Owner shall agree to identify all required 0.3m reserves and daylight triangles on the Final Plan, and shall agree to convey these in fee simple, free of encumbrance and at no cost to the municipality to the satisfaction of the General Manager, Public Works. Note: daylight triangles are not conveyed to the City separately, but are shown on the final plan as part of the public right of way.
26. The Owner shall agree that the Draft Plan of Subdivision will show that all 0.3 metres reserves along flankage lots will extend the full length of the property, to the satisfaction of the General Manager, Public Works.
27. That prior to submission of the Final Plan, the Owner shall agree to prepare and submit an On-Street Parking Plan that provides on-street parking at a ratio of one on-street parking space for every two dwelling units to the satisfaction of the General Manager, Public Works.
28. That the Owner shall agree to provide to the City a Letter of Credit providing for the installation of four (4) transit pads and bus shelters, at a cost of \$3,750.00 per shelter & pad, with the locations to be determined at the detailed design stage, to the satisfaction of the General Manager, Public Works.

Servicing, Grading, Geotechnical & Stormwater Management

29. The Owner shall agree to prepare, and submit for the approval of the General Manager, Public Works, an Engineering Site Servicing Plan showing all proposed grading and servicing. In addition, the Owner shall

agree to pay for any servicing improvements off-site necessitated to service the subject lands, including the upgrading of all (if any) undersized conveyance infrastructure.

30. The Owner shall prepare Engineering Plan & Profile drawings to be submitted for review and approval to the satisfaction of the General Manager, Public Works.
31. The Owner shall agree to the City's Consultant undertaking water modeling to determine if there is sufficient capacity and that there will be no negative impact on the City's distribution system to the satisfaction of the General Manager, Public Works. The Owner will be required to pay for all costs of the modeling prior to the modeling being completed.
32. The Owner shall agree to temporarily loop the water system if required, to the satisfaction of the General Manager, Public Works.
33. The Owner shall prepare, and submit for the approval of the General Manager, Public Works, and the Grand River Conservation Authority, a detailed Stormwater Management Report and Plan, in accordance with current provincial guidelines, to address quality and quantity attenuation requirements.
34. The Owner shall agree that prior to municipal approval of any additional stormwater discharge to the existing storm water management facilities (SWM), confirmation is required by the submission of an updated SWM report, with updated modelling, that the said pond and existing infrastructure has been constructed to attenuate quality and quantity runoff from this development based on the proposed land uses for all drainage areas contributing to these SWM facilities, to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority.
35. Prior to the registration of any phase of the draft plan of subdivision, confirmation is required from a qualified professional that the stormwater management facilities on the Wyndfield West Phase 7 lands have been constructed in accordance with the approved plans and are operational as necessary to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority.
36. The Owner shall prepare and submit a geotechnical report and hydrogeological report to the satisfaction of the General Manager, Public Works.
37. The Owner shall prepare and submit detailed lot grading and drainage plans, to the satisfaction of the General Manager, Public Works.
38. The Owner shall agree that no grading, removal of soil, trees or other vegetation, or the construction or placement of any other works, shall take place on any lands in accordance with Site Alteration By-law 28-2011 and without the written approval of the General Manager, Public Works.

39. Prior to any grading or construction on the site and prior to registration of the plan, the Owner shall submit an erosion and sedimentation control plan indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction, to the satisfaction of the General Manager, Public Works. The Erosion and Sediment Control Plan, must be prepared in accordance with the 'Erosion and Sedimentation Control Plan Design Requirements', as contained in Appendix V-C of the City of Brantford Official Plan.
40. Prior to any grading or construction on the site and prior to the registration of the plan, the Owner agrees to submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
 - a. A detailed stormwater management report in accordance with the 2003 Ministry of Environment Report entitled, "Stormwater Management Practices Planning and Design Manual.
 - b. An erosion and siltation control plan in accordance with the Greater Golden Horseshoe Area Conservation Authorities Erosion and Sediment Control Guidelines for Urban Construction dated December 2006.
 - c. Detailed lot grading and drainage plans.
 - d. An application for Permission pursuant to the Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses, Ontario Regulation 150/06 as amended, if required.

Open Space and Landscaping

41. That the Owner agrees to provide the City with Cash-in-Lieu of Parkland in accordance with Section 51.1 and 51.3 of the *Planning Act, R.S.O. 1990*, to the satisfaction of the General Manager, Community Development.
42. That the Owner shall agree to convey to the City as shown on the Final Plan, Blocks 308-310 for Open Space purposes. Said conveyances to be in fee simple and free of encumbrances, and upon conveyance shall not be landlocked which may require the consolidation of adjacent Blocks, and shall include provision for access to the Blocks to the satisfaction of the City. The Owner shall further agree that none of these Blocks are to be considered parkland, in accordance with Section 51.1 of the *Planning Act R.S.O. 1990*.
43. The Owner shall submit a Tree Inventory Study and Vegetation Management / Protection Plan, for the lands within the Open Space and Park Blocks that will be impacted prior to any disturbance or grading of the site and prior to registration of the Final Plan; the above noted study / plan shall identify all existing trees on-site proposed to be removed or impacted as a result of the development of the subject lands and include re-planting / restoration requirements, to the satisfaction of the General

Manager, Community Programs, Parks and Recreation.

44. The Owner shall agree to submit detailed grading and landscape plans prepared by a certified Landscape Architect for the Open Space Blocks and Walkway Blocks as well as 'As Built' grading plans for said Blocks to the satisfaction of the General Manager, Community Programs, Parks and Recreation.
45. The Owner shall agree to maintain, in accordance with current City standards, the Open Space Blocks, (excluding any structures), to the satisfaction of the General Manager, Community Programs, Parks and Recreation, until such time as the City assumes the said Blocks.
46. The Owner shall agree to install fencing to the City's current standard along all residential property lines that abut lands to be conveyed to the City, and in any other locations determined by the City, to the satisfaction and in accordance with the timing schedule agreed to by the General Manager, Community Programs, Parks and Recreation. The Owner further acknowledges that there shall be no gates or informal access points permitted into the Open Space Blocks that will be conveyed to the City.
47. The Owner shall agree that no fencing will be permitted along any street frontages, except for decorative fencing as agreed to by the General Manager, Community Programs, Parks and Recreation.
48. That prior to Final Approval, the Owner shall agree to provide, at the Owner's expense, appropriate pedestrian trails/walkways within the Plan of Subdivision, to the satisfaction of the General Manager, Community Programs, Parks and Recreation. A detailed trail / development plan and proposed trail routes and connections must be submitted for approval by the General Manager, Community Programs, Parks and Recreation and the Grand River Conservation Authority, prior to registration of the Final Plan.
49. The Owner shall agree to construct all trails/walkways in accordance with the timing schedule agreed to by the General Manager, Community Programs, Parks and Recreation, and shall bear responsibility for all costs related to the design and construction of the trails/walkways within the subdivision.
50. The Owner shall agree to provide and install, to the satisfaction of the General Manager, Community Programs, Parks and Recreation and the Grand River Conservation Authority, the following:
 - a. signage explaining the use and function of the Open Space Blocks at all street frontages and walkway entrances once rough grading is completed; and,
 - b. interpretive signage relating to the natural features, including but not limited to significant wetlands, the woodlands and wildlife habitat which exist in the area.

51. That the Owner shall agree to submit a street tree planting plan, prepared by a Landscape Architect, in accordance with current City standards and to provide boulevard trees along the streets as well as replacement plantings within the areas identified as Open Space and Parks to the satisfaction of the General Manager, Community Programs, Parks and Recreation.

Natural Heritage

52. The Owner agrees to carry out and implement the recommendations contained in the Environmental Impact Study (EIS) at the Owner's expense until the City assumes the Open Space Blocks and Park Blocks, to the satisfaction of the General Manager, Community Programs, Parks and Recreation and the Grand River Conservation Authority.
53. The Owner shall agree to provide final drawings reflecting the location of Significant Woodlands and Significant Wetlands as staked and field confirmed with the City and the Grand River Conservation Authority to the satisfaction of the General Manager, Community Programs, Parks and Recreation and the Grand River Conservation Authority.

Other

54. The Owner shall provide an updated Noise Impact Study for the lots abutting Shellard Lane, taking into account the final design of Shellard Lane to the satisfaction of the General Manager, Public Works.
55. The Owner agrees that any retaining walls including their granular base foundation support, drainage pipes and fencing must be located completely within private property and be constructed to the satisfaction of the General Manager, Public Works. The Owner further agrees that property owners will own the walls and have full responsibility for the required maintenance, repair or replacement of the retaining walls.
56. That prior to Final Approval, the Owner shall agree to provide certification by an Ontario Land Surveyor confirming that the proposed lots are in conformity with the provisions and requirements of the City of Brantford Zoning By-law #160-90, as amended, or its successor.
57. That prior to Final Approval of this Plan, the General Manager, Community Development is to confirm that the appropriate zoning is in force and effect to reflect the intended uses of the land within the Draft Plan.
58. That the Owner shall provide a clearance letter from the Ministry of Tourism, Culture, and Sport verifying that their requirements have been satisfied as an Archaeological Study was conducted, and that all recommendations of that study were carried out.
59. That the Owner agrees to include in all Offers of Purchase, Sale or Lease related to property within the Plan of Subdivision clauses informing future purchasers and tenants of the following:

- a. No alteration of the drainage plan for the property or surrounding properties is permitted without the express written approval of the City of Brantford;
 - b. That on-street parking shall be limited in terms of location and duration;
 - c. That all future maintenance and repair of retaining walls on individual lots shall be the responsibility of the purchaser;
 - d. There shall not be any gates or informal access points to fences backing onto the Open Space Blocks;
 - e. That bussing may be required to transport children from within this subdivision to elementary and secondary schools;
 - f. For Lots 1, 2, 60, and 61, each 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 noise criteria of the Ministry of the Environment and Climate Change; and,
 - g. If required, purchasers / tenants are advised that due to the proximity of Shellard Lane, sound levels from time to time may be audible.
60. That the Owner shall agree to provide Union Gas Limited with all necessary easements and/or agreements required by Union Gas Limited for the provision of gas services.
61. That 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 is currently available within 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 extension 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 infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative 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 Subdivision 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 telecommunications facilities are located to the street line.
-
62. That the Owner shall agree to the satisfaction of Canada Post the following:
- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - ii. that the Owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. Work with Canada Post to determine and provide 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 subdivision; and,
 - c. Determine the location of all centralized mail receiving facilities in cooperation with the City of Brantford and 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.
63. Prior to final approval, the City must be advised, in writing, by the Grand River Conservation Authority how Conditions 33, 34, 35, 40, 48, 50, 52, and 53 have been satisfied.
64. Prior to final approval, the City must be advised in writing, by the Ministry of Tourism, Culture, and Sport, how Condition 58 has been satisfied.
65. Prior to final approval, the City must be advised, in writing, by Union Gas Limited, how Condition 60 has been satisfied.
66. Prior to final approval, the City must be advised, in writing, by Bell Canada, how Condition 61 has been satisfied.
67. Prior to final approval, the City must be advised, in writing, by Canada Post, how Condition 62 has been satisfied.
68. That prior to the issuance of building permits, the Owner agrees to provide the City with a certification letter from a licensed and qualified professional Architect for each lot confirming that the proposed building elevations and mix of unit types are consistent with the Urban Design Guidelines prepared by MHBC Planning, dated July 2016, to the satisfaction of the General Manager, Community Development.

69. Pursuant to Section 51(32) of the *Planning Act, R.S.O. 1990*, Draft Plan Approval, together with all conditions, shall lapse in three (3) years from the date of the granting of Draft Plan Approval, unless extended.
70. Prior to final approval the City must be advised in writing, by the Owner, how Conditions 1 to 69 inclusive have been satisfied.

APPENDIX I – Area of Owner Notification

AREA OF PUBLIC NOTIFICATION

Application: PZ-12-20
501 Shellard Lane



Legend

- 501 Shellard Lane
- Application PZ-12-20 Subject land areas
- Notified Properties
- 120 m Buffer from 501 Shellard Lane



APPENDIX I1 – Neighbourhood Meeting Notes

NEIGHBOURHOOD MEETING NOTES

ZONING BY-LAW AMENDMENT (PZ-12-2020) AFFECTING 501 SHELLARD LANE

Agent/Applicant: MHBC Planning
(c/o Dave Aston)

Owner: Losani Homes (1998) Ltd.

Meeting Date: October 20, 2020 @ 6:00 p.m.

Present:

Councillor Weaver

Sean House, Planner
Jeff Medeiros, Intermediate Planner

Agent/Applicant:
Dave Aston, MHBC Planning
Stephanie Mirtitsch, MHBC Planning

No residents registered for the meeting

Sean House, Planner on the file for the City of Brantford, provided an overview of how the meeting will be structured. He stated that the meeting is also being streamed live on YouTube and will be available to view afterwards.

S. House started off the meeting introducing Councillor Weaver, Planning Staff, and the Agent.

S. House then explained the planning process required under the *Planning Act* and indicated that this meeting is being held because the City has received an application for a Zoning By-law Amendment for the lands located at 501 Shellard Lane. The purpose of the application is to amend the interior side yard requirements for the Holding – Residential Type 1D Zone (H-R1D-10). The H-R1D-10 Zone requires that a 0.6 m side yard must be adjacent to a 1.2 m side yard. The applicant is requesting to remove this requirement. S. House then explained that this is the first public meeting, and a statutory meeting is scheduled for November 10, 2020 in front of the Committee of the Whole.

S. House concluded that there are different ways to provide input on the application including participating in the public meeting and/or by providing written submissions. He

also noted that a copy of the notes will be available to anyone who requests a copy. S. House then introduced Dave Aston, Agent for the application.

D. Aston presented a Powerpoint presentation and outlined the proposed development in more detail. D. Aston explained the history of the plan of subdivision, which was draft approved by the City in December 2017. D. Aston then explained the issues they were having with accommodating the approved zoning. An illustration of how the lots will be configured was provided. D. Aston indicated that the proposed zoning amendment is consistent with the approved zoning for Empire Communities Phase 8 subdivision and assists with the required on-street parking. D. Aston concluded that the application is technical in nature, and will not impact any of the work completed to date with respect to engineering and planning for the subdivision.

S. House thanked the agent and turned over the meeting to Councillor Weaver for questions. Councillor Weaver asked S. House to explain how public notice was provided for this meeting. S. House explained that a physical mail out was sent out to all property owners within 120 m of the subject lands. A notice was also advertised on the Council and Community calendars on the City website.

Councillor Weaver then proceeded to ask if the proposed amendment will impact the number of on-street parking spaces. D. Aston indicated that the number of on-street parking spaces following the amendment will meet the City's requirement. Councillor Weaver then asked if this change will increase or decrease the total number of on-street spaces, D. Aston indicated that he will have this information for the Councillor at the meeting on November 10th.

Councillor Weaver then asked if the proposed amendment will change the number of units. D. Aston indicated that it will not change the number of units as approved by City Council previously. As a follow-up question, Councillor Weaver asked what the plan is for yard maintenance with the proposed reduced setback. D. Aston indicated that it will most likely be grass; however some builders use river stone. D. Aston will follow up with the home builder and will confirm at the meeting on November 10th.

One final question was asked by Councillor Weaver pertaining to fencing and the location of air conditioning units. Specifically, the Councillor asked about the location of gates to enter the side and rear yard. D. Aston indicated that they envision gates will be located on the larger setback side. Councillor Weaver asked if air conditioners will be included in the purchase of the new homes. D. Aston indicated that it will normally be part of the sale, but that he will confirm this with the builder. The Councillor clarified that residents should be notified that air conditioners are not permitted in the reduced side yard.

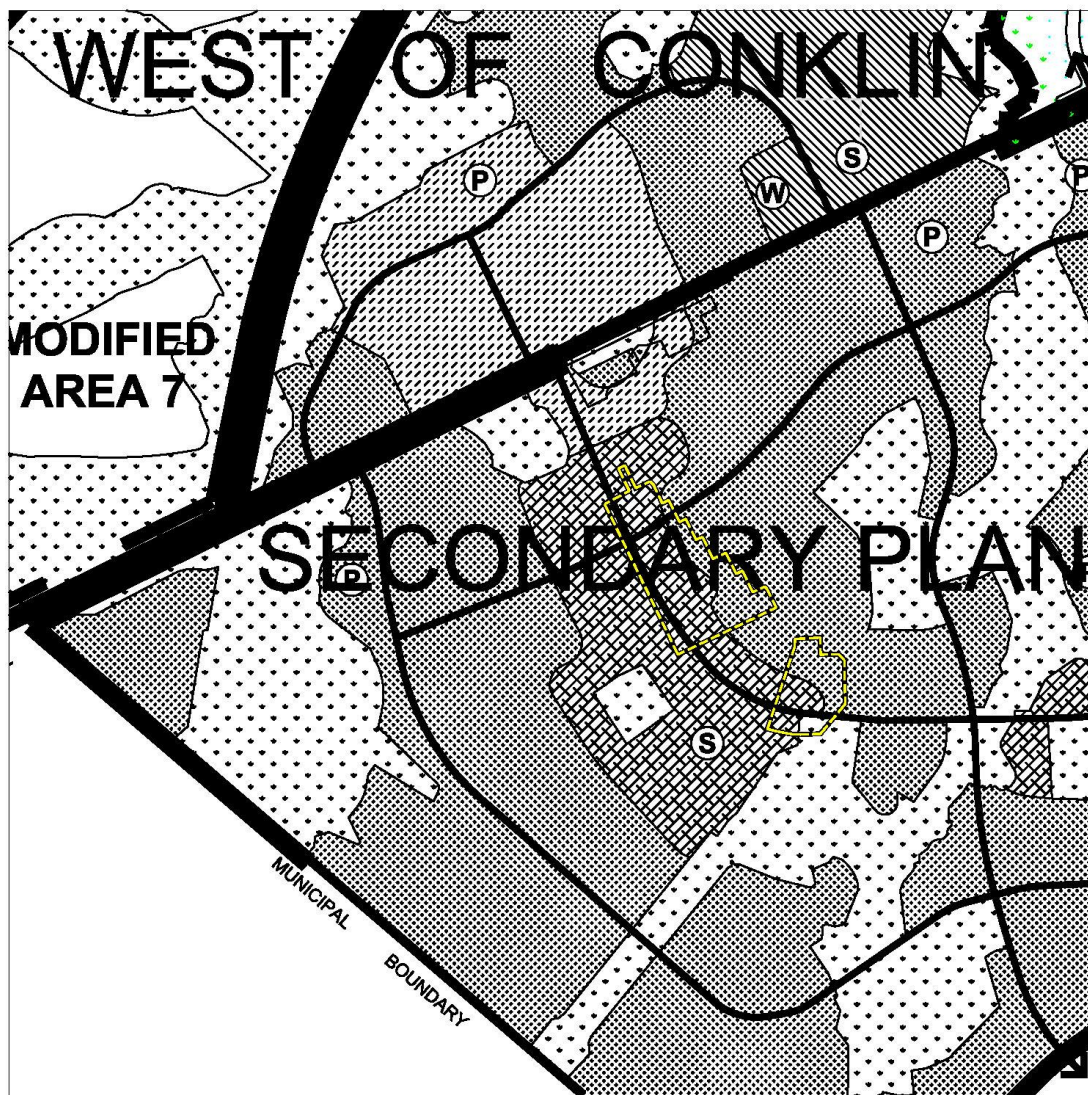
S. House thanked everyone for attending and viewing, and adjourned the meeting.

The Meeting concluded at 6:18 PM.

APPENDIX J – West of Conklin Secondary Plan Excerpt

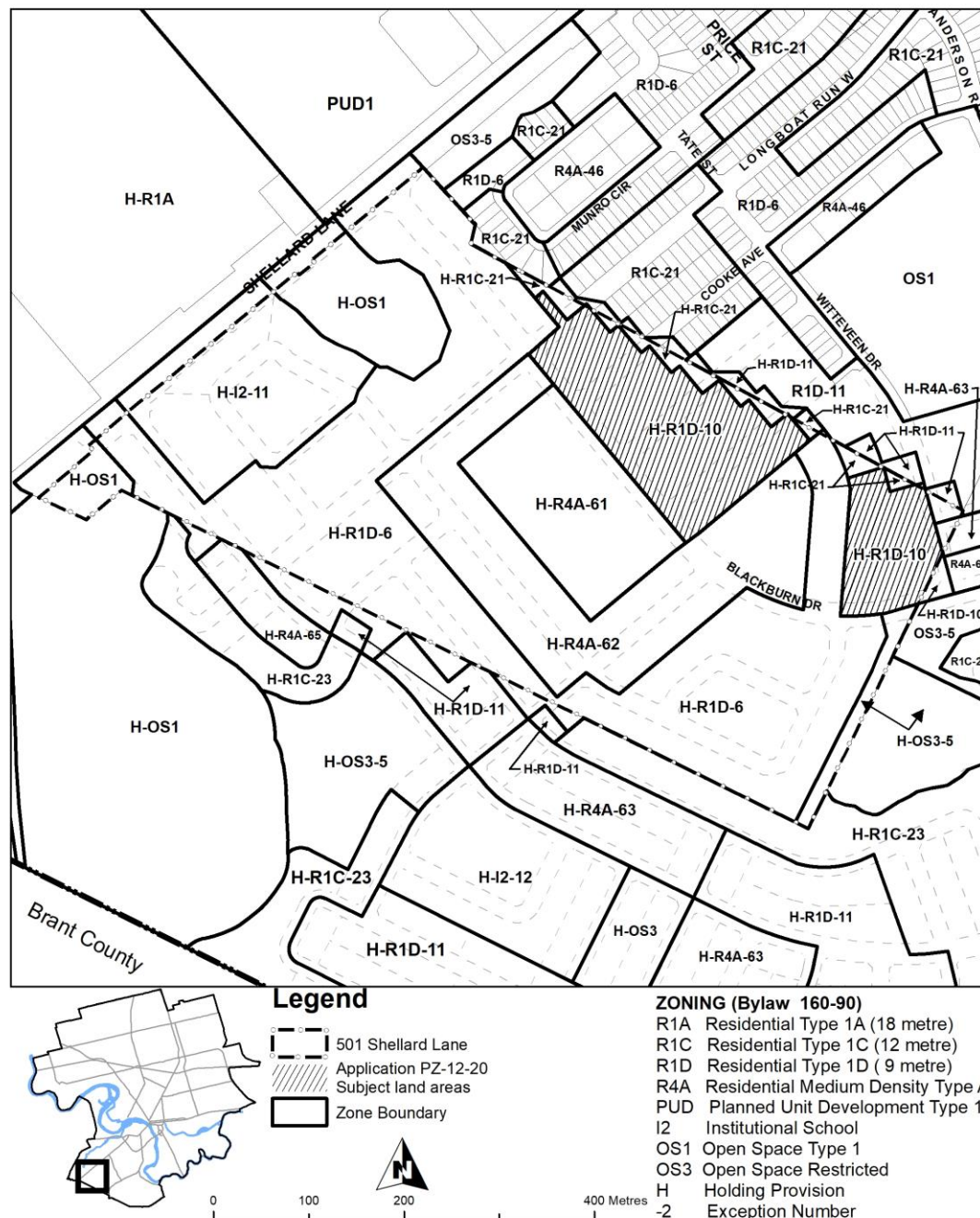
OFFICIAL PLAN - SCH.7-2 EXCERPT

Application: PZ-12-20
501 Shellard Lane



LEGEND

- | | |
|---|--------------------------------------|
| SUBJECT LAND | SHELLARD LANE |
| GREENLANDS SYSTEM | COLLECTOR ROAD |
| MODIFIED POLICY AREA 7 | STORM WATER MANAGEMENT POND LOCATION |
| NEIGHBOURHOOD RESIDENTIAL | SCHOOL SITE |
| NEIGHBOURHOOD CENTRE | PLACE OF WORSHIP SITE |
| VILLAGE CENTRE | SECONDARY PLAN AREA BOUNDARY |
| COMMUNITY INSTITUTIONAL / RECREATION CENTRE | |



APPENDIX L - Amended Condition

Amended Condition to Draft Plan of Subdivision 29T-04508 (Redline)

69. That pursuant to Section 51(32) of the Planning Act, R.S.O. 1990, Draft Plan Approval, together with all the conditions, shall lapse in three (3) years from the date of granting of Draft Plan Approval (expires December 19, 2023).