

Staff Report

Report To: City Council
Report From: Sabine Robart, Senior Planner
Meeting Date: May 30, 2022
Report Code: CS-22-076
Subject: Extension Request for Draft Plan of Subdivision 42T-15501
(1905 8th Street East – Redhawk)

Recommendations:

THAT in consideration of Staff Report CS-22-076 respecting a request for extension to the draft plan approval for Draft Plan of Subdivision 42T-15501, known as the Redhawk Subdivision, City Council:

1. Approves the request by Monteith Brown Planning Consultants on behalf of Redhawk Construction Co Ltd., dated April 27, 2022;
2. Grants a three-year extension to the draft plan approval for the first phase, being **June 24, 2025**, unless further extended by the City, in accordance with Section 51 (33) of the *Planning Act*; and
3. Approves that for any subsequent phases, the lapsing date shall be five (5) years after the date of final approval of the preceding phase.

Highlights:

- Monteith Brown Planning Consultants on behalf of Redhawk Construction Co Ltd. for an extension to the approval for Draft Plan of Subdivision 42T-15501, applying to lands municipally known as 1905 8th Street East.
- The subject lands received draft plan approval from City Council on June 24, 2019. The approval is scheduled to lapse on June 24, 2022, unless extended by the City.

- Planning Staff recommend that the request be approved and that a three-year extension to the draft plan approval for the first phase is granted.

Strategic Plan Alignment:

Legislated review process.

Previous Report/Authority:

Recommendation Report ([CS-19-088](#)) – Draft Plan of Subdivision 42T-15501 (June 24, 2019)

Background & Proposal:

Monteith Brown Planning Consultants on behalf of Redhawk Construction Co Ltd. for an extension to the approval for Draft Plan of Subdivision 42T-15501, known as the RCA Subdivision, applying to lands municipally known as 1905 8th Street East.

Property Description

The subject property is located on the south side of 8th Street East between 16th Avenue East and the future extension of 20th Avenue East. The Grey Bruce Health Services Owen Sound Hospital is located directly north of the parcel. The 25 ha (62 acres) property has 605 m of frontage on 8th Street East, which is a County Road. The lands are vacant and include fields, meadows and hedgerows and a wide shallow tributary of Bothwell's Creek. Historic driveway accesses remain, both of which are on the west side of the creek. The Bothwell's Creek tributary divides the property diagonally from approximately the centre of the south boundary to the northeast corner where it passes under 8th Street East through a culvert.

Surrounding land uses include (see Orthophoto in Schedule 'A'):

North:	Grey Bruce Health Services Hospital, proposed Bremont (Telfer Creek) residential subdivision
East:	Vacant, rural
South:	Vacant, rural
West:	Vacant, rural

The parcel does not contain any buildings or structures and has historically been used for agricultural purposes.

The subject property is designated 'Residential-Low Density', 'Residential – Medium Density', 'Residential – High Density' and 'Hazard Lands' in the Owen Sound Official Plan, 2021 (OP). The subject property is zoned Multiple Residential (MR) with Special Provision 14.113, Multiple Residential (M) with Special Provision 14.114, Medium Density Residential (R4) with Special Provision 14.115, Medium Density Residential (R4) with Special Provision 14.116, Single Residential (R1) with Special Provision 14.117, Holding Rural (RUR) with Special Provision 14.118, Open Space (OS) and 'Hazard Land' (ZH) in the City's Zoning By-law (2010-078, as amended).

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

The Proposal

The subject lands received a draft plan of subdivision approval (File No. 42T-15501) from City Council on June 24, 2019 (see Staff Report [CS-19-088](#)). At that time, Council also adopted Official Plan Amendment (OPA) No. 6 and Zoning By-law Amendment (ZBA) No. 18 to By-law 2010-078. The OPA and ZBA redesignated and rezoned the lands to facilitate the draft plan subdivision and recognize the existing hazard lands.

The approved draft plan, attached as Schedule 'D', will provide for approximately 366 residential units including a mix of single-detached dwellings, street fronting and cluster townhouses, and multiple dwellings on full municipal services, the extension of 20th Ave E and 6th St E and a stormwater management block. As well, the draft plan provides for two larger blocks that will contain the hazard land associated with Bothwell's Creek tributary watercourse and its floodplain and the retained lands east of the hazard lands.

The draft plan conditions are attached as Schedule 'E'. In accordance with draft plan condition E.1 (c), draft plan approval of the subdivision lapses as follows:

- a. For the first phase, three (3) years after the date of Draft Approval (**being June 24, 2022**), unless extended by the City; and,

- b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

The owner Redhawk Construction Co Ltd. has submitted a request, through their agent, Monteith Brown Planning Consultants, to extend the draft plan approval relating to the first phase. The formal written request is attached as Schedule 'F'. As noted within the request, the development of the adjacent lands to the north and west has impacted road and drainage channel alignment on the subject property which has caused a delay in the completion of the detailed design of the subdivision, ultimately preventing final approval and plan registration. The alignment of 20th Ave E at 8th St E has been established at this time and the confirmation of the alignment of the drainage channel on adjacent lands is in the final stages. It is anticipated that the final design of the subdivision can begin imminently.

The purpose of this report is to consider the implications and appropriateness of the requested extension to the lapsing date of the Redhawk subdivision draft approval from June 24, 2022, to June 24, 2025.

Analysis:

A review of the draft plan of subdivision and the related Official Plan Amendment (No. 06) and Zoning By-law Amendment (ZBA No. 18) was undertaken in consideration of the *Planning Act*, Provincial Policy Statement (PPS), County Official Plan, and City Official Plan at the time of consideration by City Council through Staff report [CS-19-088](#). In summary, the proposed development was found to have regard for the matters of provincial interest under the *Planning Act*, be consistent with the PPS, and conform to the County and City Official Plan.

The owner of the subject lands has submitted a request to the City to extend the lapsing date of the draft plan approval to proceed with the build-out of the subdivision in accordance with the existing approval. There are no modifications proposed to the draft plan, the conditions of approval, or the current zoning at this time. Should modifications be proposed in the future, they will be subject to the legislated review process as outlined in the *Planning Act*, which includes review by commenting staff and agencies, a public meeting, and final approval by City Council.

Section 51 (33) of the *Planning Act* permits Council, as the approval authority, to extend the lapsing date for the draft plan of subdivision. The

length of the extension is at the discretion of the approval authority. Section 51 (44) of the Act further allows Council to withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before final approval of the plan of subdivision is achieved. Where approval is withdrawn or conditions are modified, notice must be provided in accordance with Section 51 (45) of the Act and Ontario Regulation 544/06, unless, in the opinion of Council, the change to the draft plan conditions is minor (Section 51(47)).

In accordance with Section 51 (33) of the *Planning Act*, Planning Staff is recommending that a three-year extension to the draft plan approval be granted for the completion of the first phase, being June 24, 2025, unless further extended by the City. For any subsequent phases, the lapsing date shall remain five (5) years after the date of Final Approval of the preceding phase in accordance with draft approval condition E.1. c.

Section 5.2.3.3 of the City's Official Plan states that where conditions of draft plan approval are not fulfilled within a reasonable time period, the City may not support the extension of development approval and assign the servicing allocation to other developments or areas of the City or hold the capacity in reserve. Comments received from Engineering Services note that there are no negative implications for service allocations that would impact the granting of an extension to draft plan approval for the subject lands.

Planning Staff have reviewed the conditions of draft plan approval and find that no modifications are necessary at this time. The conditions remain relevant for addressing the needs of the City and other commenting agencies including the County and the Grey Sauble Conservation Authority.

City Staff & Agency Comments

The request for a draft plan extension was circulated to commenting staff and agencies on May 16, 2022. In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review and can be found attached hereto as Schedule 'G'.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the Engineering Services Division with no objection to the request. The existing conditions of draft plan approval are sufficient for addressing the needs of Engineering Services.

City of Owen Sound Fire Prevention Division

Comment has been received from the City's Fire Prevention Division with no objection to the request. The provision of fire hydrants and fire routes in accordance with the Ontario Building Code and Fire Route By-law will be clarified through the detailed design of the subdivision prior to final approval and/or through subsequent Site Plan Approval applications.

Enbridge Gas

Comment has been received from Enbridge Gas with no objection to the request provided that, as a condition of approval, the owner/developer provides to Union/Enbridge Gas the necessary easements and/or agreements required for the provision of gas services for the project. The provision of utility easements to the appropriate authority is a requirement of condition J.7 of draft plan approval.

Financial Implications:

None to the City.

Communication Strategy:

Where an extension to draft plan approval is being granted and the conditions of draft approval remain unchanged, the *Planning Act* does not require that notice be provided. Planning Staff will notify the applicant of Council's decision via email.

Consultation:

The request for a draft plan extension was circulated to commenting staff and agencies on May 16, 2022.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Information
- Schedule 'D': Approved Draft Plan of Subdivision
- Schedule 'E': Draft Plan Conditions

Schedule 'F': Extension Request dated April 27, 2022, from Monteith
Brown Planning Consultants.

Schedule 'G': Staff & Agency Comments

Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Senior Planner

Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Senior Planner at srobart@owensound.ca or 519 376 4440 x. 1236.