



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sarah French	Report Date: April 26, 2024
Author's Phone: 519 736-5408 ext. 2145	Date to Council: May 13, 2024
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Brittany's Gate Subdivision Agreement File No. 37-T-23005

1. RECOMMENDATION:

It is recommended that:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 1109152 Ontario Limited for Brittany's Gate Subdivision; and,
2. **By-law 2024-034** being a By-law to authorize the signing of a Subdivision Agreement for Brittany's Gate Subdivision be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

The Town is in receipt of a request from 1109152 Ontario Limited to execute a subdivision agreement for Brittany's Gate Subdivision. During the Plan of Subdivision approval process, the developer undertook the necessary background studies including an Environmental Impact Assessment and Stage 1 and 2 Archaeological Assessment. The subject lands are currently zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52. The developer has designed the lots to meet the R1A zoning requirements and a Zoning By-law Amendment was not required.

The Subdivision Agreement applies to a 3.53 ha (8.72 ac) parcel of land generally located on the north side of Texas Road, east of Front Road N, known municipally at 122 Texas Road. An aerial map has been provided in the attachments. The draft plan of subdivision consists of 18 lots for single detached dwellings in Brittany's Gate Subdivision (County of Essex File No. 37-T-23005) and, one block for stormwater management and two blocks for open space.

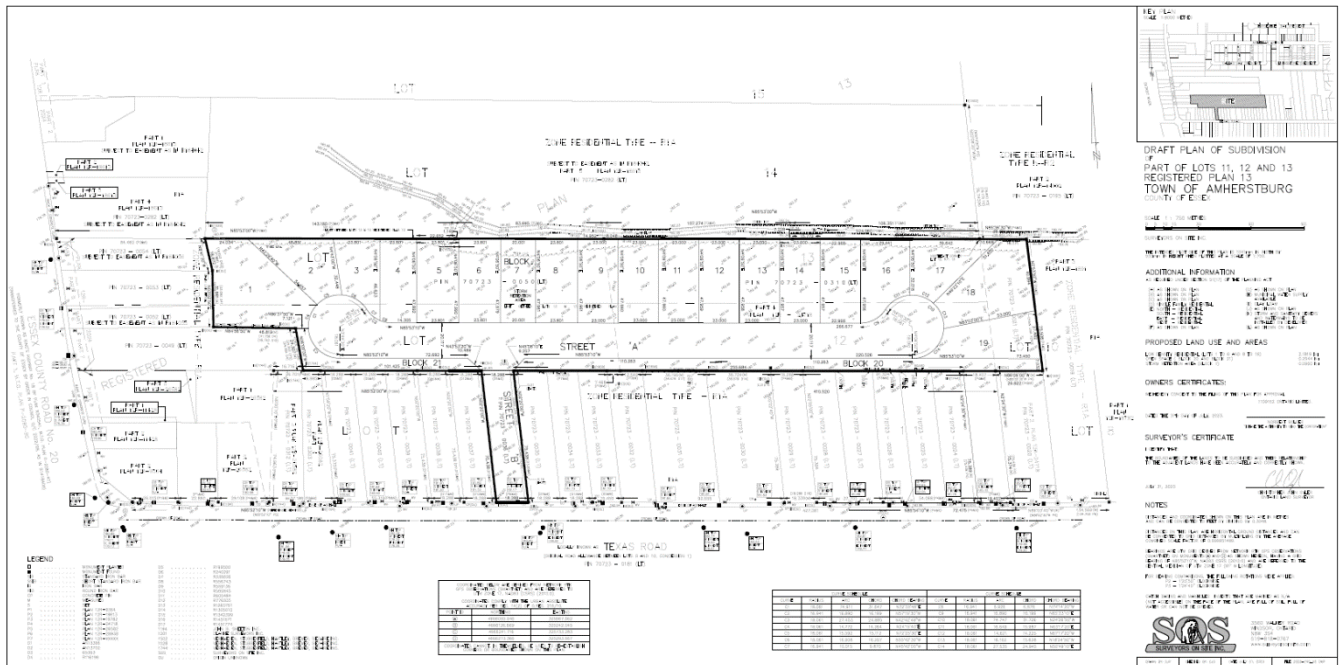


Figure 1: Draft Plan of Subdivision for Brittany's Gate Subdivision

On August 14, 2023, Council resolved that Administration be directed to advise the approval authority (County of Essex) that Council supports draft plan approval, subject to satisfactory conditions for Brittany's Gate Subdivision.

The County of Essex granted draft plan approval September 28, 2023, subject to a number of conditions. The conditions include a provision that the applicant enter into a Subdivision Agreement to satisfy all of the requirements, financial and otherwise, of the Town concerning the installation of roads, services, drainage, the dedication and naming of streets, the granting of easements and parkland and other matters.

On September 25, 2023, Council approved the use of the street name Brittany Crescent for Street A and Stone Street for Street B for the subdivision (the draft plan is attached as Appendix "A" to this report).

The County of Essex is the approval authority for Plans of Subdivisions. As part of the conditions of approval the developer is required to enter into the necessary agreement(s) with the Town registered against the said lands.

3. DISCUSSION:

Planning Act (R.S.O. 1990)

The proposal is consistent with Part I Section 2 of the Planning Act which requires that Council have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;

- the appropriate location of growth and development;
- the promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and
 - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The development is located within the primary settlement area and can be considered infill development. It is providing for intensification of under-utilized land within the existing serviced area.

Provincial Policy Statement (PPS)

The application is consistent with the PPS, specifically Section 1.1.3 Settlement Areas, in that the development promotes the efficient use of existing designated land and promotes cost-effective development patterns and standards to minimize land consumption and servicing costs.

County Official Plan (COP)

The application conforms to the policies of the County Official Plan. The proposed plan of subdivision is located within the Primary Settlement Area as designated in the County’s Official Plan.

Town of Amherstburg Official Plan (OP)

The subject lands are designated Low Density Residential in the OP which allows for residential development. Therefore, the proposal conforms to the basic land use policies of the OP. The developer’s biologist has been in contact with the Ministry of Environment, Conservation and Parks (MECP) and the Essex Region Conservation Authority (ERCA) and through correspondence has determined that the development was not likely to contravene the *Endangered Species Act*.

Zoning By-law

The subject lands are zoned Residential Type 1A (R1A) zone. The zoning permits single detached dwellings and associated accessory uses. The proposed lots conform to the minimum lot size and frontage as required by the R1A zone.

The subject development conforms to Zoning By-law 1999-52, as amended.

Plan of Subdivision

A Plan of Subdivision is a legal survey (M-Plan) that divides a parcel of land into smaller lots or blocks and secures the developer’s obligations through a Subdivision Agreement with the Town.

The developer/owner is required to sign a Subdivision Agreement with the Town prior to registration of the plan. Also, prior to registration of the plan, the owner must also fulfill all conditions provided in the County’s Notice of Decision.

The recommended Subdivision Agreement under By-law 2024-034 (attached as Appendix “B”) contains the standard provisions utilized by the Town to address servicing, collection of development charges and community benefit charges, timing for the issuance of building permits, as well as special requirements unique to the Brittany’s Gate

development. The attached Subdivision Agreement clearly states the developer's obligations to the Municipality including:

- Provision of appropriate securities to guarantee the developer's obligations under the Subdivision Agreement;
- Provision of a security to ensure the planting of trees by the developer to enhance the streetscape;
- Provision of public liability and property insurance during the period of construction;
- Installation of all stormwater management measures to the satisfaction the Town and the Essex Region Conservation Authority;
- Compliance with the Town's current Development Manual for the construction of roads, sewers, watermains, stormwater, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement for the conveyance of easements as may be necessary for drainage and utilities;
- Developers responsibilities regarding damages;
- Provision for grass and weed maintenance until the transfer of the lots; and,
- Provision for the dedication of land or cash-in-lieu for parkland.

4. RISK ANALYSIS:

Approval of the Subdivision Agreement will form one component of the completion of requirements for final approval of the subdivision approval process under the *Planning Act*. The Subdivision Agreement must be registered against the lands to which it applies prior to the final registration of the Plan of Subdivision.

5. FINANCIAL MATTERS:

The Subdivision Agreement outlines responsibilities and obligations of the parties, including financial obligations of the Developer to design, construct and install services, etc. at its own expense, to provide securities, and all pay fees and charges related to the development.

The costs associated with the applications and planning processes are the responsibility of the developer. Once developed, residential taxes will be levied by the Town for each residential dwelling unit built in the subdivision.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering and Operations
Sydnee Botham, Development Engineering Coordinator
Angelo Avolio, Manager of Building Services

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input type="checkbox"/> Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town's future and identity. <input type="checkbox"/> Promote and plan for green and "climate change ready" development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town's historic sites and heritage. <input checked="" type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Administration is recommending approval of the Subdivision Agreement with 1109152 Ontario Limited for Brittany's Gate Subdivision. The proposed Subdivision Agreement complies with the Town's planning documents, incorporates the conditions of draft plan approval and addresses site servicing details and other issues in accordance with the requirements of the Planning Act.

A handwritten signature in cursive script that reads "S. French". The signature is written in black ink and is positioned above a horizontal line.

Sarah French
Planner

Report Approval Details

Document Title:	Brittany's Gate Subdivision Agreement File No. 37-T-23005.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Brittany's Gate Signed Draft Plan - Aug 2 2023-RM.pdf- Appendix B - Brittany's Gate Subdivision Agreement DRAFT-RM.pdf- Appendix C - Brittany's Gate Aerials-RM.pdf- Appendix D - Decision and Conditions 37-T-23005 Brittanys Gate-RM.pdf- Appendix E - Draft Approval Letter 37-T-23005 Brittanys Gate-RM (1).pdf
Final Approval Date:	Apr 29, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then curves back under the name.

Kevin Fox