



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Jeff Markowiak, Manager of Development Review

**DATE:** June 18, 2019

**REPORT NO.:** PLS-2019-0051

**RE:** Request for a 3 year extension to Draft Plan Approval for the Subdivision application for 125 McDonald Boulevard (Acton)

### RECOMMENDATION:

THAT Report No. PLS-2019-0051, dated June 18, 2019, regarding a “Request for a 3 year extension to Draft Plan Approval for the Subdivision application for 125 McDonald Boulevard (Acton)” be received;

AND FURTHER THAT Draft Plan Approval of Subdivision file D12SUB12.001 for 125 McDonald Boulevard in Acton be extended by Council for a period of 3 years to October 8, 2022, subject to the conditions as generally set out in SCHEDULE 4 – CONDITIONS OF DRAFT PLAN OF SUBDIVISION.

### PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with a recommendation regarding the Applicant’s (Frank Heller and Co. Ltd.) request for a three (3) year extension to the Draft Plan approval for Subdivision file D12SUB12.001 – 125 McDonald Boulevard (Acton). The 3 year extension would result in a new draft plan approval lapsing date of October 8, 2022.

### BACKGROUND:

In September 2014 Council authorized Town staff to grant Draft Approval of Plan of Subdivision application D12SUB12.001 to permit the development of 109 townhouse units on the property municipally known as 125 McDonald Boulevard in Acton; see **SCHEDULE 1 – LOCATION MAP**. As per the Planning Act, the approval issued by the Town identified that the draft approval would lapse three (3) years after the date that the decision became final (ie. October 8, 2017).

The 2014 draft approval document identified 122 conditions that needed to be satisfied before the subdivision could be registered. Through the process of clearing the 122 draft plan conditions the following events occurred:

- technical constraints led the applicant to refine the draft plan to reduce the number of townhouse units from 109 to 108; see **SCHEDULE 2 – DRAFT PLAN**; and
- following demolition of the industrial building that was located on the site, previously unidentified contaminants were found that required additional soil remediation measures. The additional remediation measures have caused significant delays in obtaining a Ministry of Environment and Climate Change (MOECC) (now Ministry of Environment, Conservation and Parks (MOECP)) approved Record of Site Condition (RSC). An RSC is required before the subdivision can be registered and the lands can be developed for residential use.

In response to these events, and at the request of the Applicant, staff has already granted two previous one (1) year draft plan approval extensions (in 2017 and in 2018). As a result, the current lapsing date for the Draft Plan approval is September 8, 2019.

The Applicant has recently learned that the additional soil remediation work requested by the MOECP will require a further testing period of approximately 18 months, following which they will have a better understanding whether the remediation work has been successful. This means that registration of the subdivision cannot occur until 2020 at the earliest, but could potentially be delayed until 2022 under a worst case scenario. Therefore, the Applicant has submitted a formal request for a three (3) year extension of the draft subdivision approval; see **SCHEDULE 3 – EXTENSION REQUEST LETTER**. Any request for an extension beyond a period of one (1) year requires Council approval.

## **COMMENTS:**

Over the past few years the Applicant has provided Town and Regional staff with regular updates regarding the additional soil remediation work being undertaken to satisfy the MOECP requirements. The unforeseen circumstances dictate that registration of the subdivision is unlikely to occur within the next year, and under a worst case scenario may take close to three years.

Prior to the emergence of the contamination issue the Applicant had made significant progress in resolving the draft plan conditions. Staff is satisfied that once the contamination issue has been addressed to the MOECP's satisfaction the remaining outstanding conditions can be resolved shortly thereafter.

Planning staff have circulated the extension request to the appropriate commenting departments and agencies. None of the departments or agencies objected to the extension; only the Halton Catholic District School Board requested a change to the

previously approved 2014 conditions, which was accepted by the Applicant. These changes increased the total number of conditions to 126.

Given the above, staff is of the opinion that a three (3) year extension period seems reasonable. Therefore, Town staff recommends that Council extend draft approval to the requested date of October 8, 2022, subject to the updated conditions as generally set out in **SCHEDULE 4 – CONDITIONS OF DRAFT PLAN OF SUBDIVISION**.

For Council's information, once the subdivision is registered Site Plan approval is still required before construction of the townhouse units can occur. A Site Plan application has not yet been submitted.

### **RELATIONSHIP TO STRATEGIC PLAN:**

The proposed development is most closely aligned with Strategic Direction G – Achieve Sustainable Growth, the goal of which is:

*To ensure that growth is managed so as to ensure a balanced, sustainable, well planned community that meets the needs of its residents and businesses.*

The Strategic Direction is to be achieved as it relates to this application in part through Strategic Objectives:

**G1.** *To provide for a moderate scale of growth that is in keeping with the Town's urban structure and protects its' rural character.*

**G10.** *To promote intensification and affordable housing in appropriate locations within the Town.*

### **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

### **CONSULTATION:**

Planning staff have consulted with appropriate Town Departments, the Region of Halton, CVC and the School Boards in preparation of this report.

### **PUBLIC ENGAGEMENT:**

Public consultation is not required prior to the extension of Draft Plan approval.

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendations outlined in this report are not applicable to the Strategy's implementation.

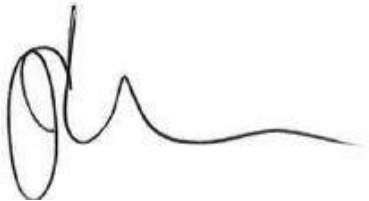
**COMMUNICATIONS:**

A copy of this report and Council's decision will be forwarded to the Applicant and the appropriate external agencies.

**CONCLUSION:**

In response to the Applicant's June 3, 2019, request for a three (3) year extension to Draft Plan of Subdivision Approval for file D12SUB12.001 – 125 McDonald Boulevard, Planning staff recommends that Town Council extend the draft approval to October 8, 2022, subject to the conditions as generally set out in **SCHEDULE 4 – CONDITIONS OF DRAFT PLAN OF SUBDIVISION**.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'John Linhardt', with a stylized, flowing script.

**John Linhardt, Commissioner of Planning and Sustainability**

A handwritten signature in black ink, appearing to be 'Brent Marshall', with a stylized, flowing script.

**Brent Marshall, Chief Administrative Officer**