

DATE: October 15, 2024

REPORT NO: PD-49-2024

SUBJECT: **Recommendation Report – Extension of Draft Plan Approval for Marz Homes Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Marz Homes - Thrive Subdivision (File No. 2000-90-20)**

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OVERVIEW:

- Marz Homes Inc. is the Owner/Developer of two subdivision developments in Smithville known as Smithville West – Dunloe Subdivision and Thrive Subdivision.
- Smithville West – Dunloe Subdivision (File No. 2000-87-18) is located west of South Grimsby Road 5, south of the Spring Creek Road unopened road allowance and north of the CPKC Rail line. The 5.65 hectare property is approved for 123 residential units with single detached lots, semi-detached lots, townhouse units, stormwater management block, trail, park, and future development blocks. Smithville West – Dunloe Subdivision originally received draft plan approval on December 16, 2019 and subsequently an extension of draft plan approval until December 17, 2024.
- Thrive Subdivision (File No. 2000-90-20) is fronting onto Regional Road 20 and South Grimsby Road 5, and south of the CP Rail line. It is adjacent to the Greek Community Centre and a number of smaller commercial lots to the south, and vacant lots to the east along South Grimsby Road 5. The 10.3 hectare property is approved for 268 residential units, with single detached lots, townhouse units, stormwater management block, trail, parks, and future commercial and residential development blocks. Thrive Subdivision received draft plan approval on November 25, 2021 and is set to expire on November 25, 2024.
- Marz Homes Inc. has requested a two year extension of draft plan approval of both these developments due to outstanding site servicing issues, and ongoing work with the Township and the Region of Niagara for the watermain construction and upgrades to the Streamside Pumping Station.
- There are no changes to the approved draft plans for Smithville West – Dunloe or Thrive Subdivisions and only minor changes to the conditions of approval have been requested and are recommended to be implemented and found in Schedules C and D.
- Administration Staff recommend supporting the extension requests for draft plan approval of the Smithville West – Dunloe Subdivision and Thrive Subdivision by two years.

RECOMMENDATION:

1. That, Recommendation Report PD-49-2024, titled “Extension of Draft Plan Approval for Smithville West – Dunloe Subdivision (File No. 2000-87-18) and Thrive Subdivision (File No. 2000-90-20) (Marz Homes Inc.)”, dated October 15, 2024 be received; and,
2. That, the Draft Plan Approval for Smithville West – Dunloe Subdivision (Lot 7, Plan M98) be extended for a period of two years to expire on December 17, 2026 subject to conditions included in Schedule C to this report; and,
3. That, the Draft Plan Approval for Thrive Subdivision (Lot 9 of Plan M98 & Part 1 of Plan 30R15792) be extended for a period of two years to expire on November 25, 2026 subject to conditions included in Schedule D to this report; and,
4. That, Council deem the changes to the conditions of approval found in Schedules C and D to be minor; and,
5. That, notices of decision be circulated to relevant agencies and departments for both applications.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth** – Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

BACKGROUND:

Smithville West – Dunloe Subdivision (File No. 2000-87-18)

A request for an extension of draft plan approval has been submitted by Jared Marcus of Arcardis on behalf of Marz Homes Inc. for the Smithville West – Dunloe Subdivision located west of South Grimsby Road 5, south of the Spring Creek Road unopened road allowance, north of the CP Rail line, legally described as Lot 7, Plan M98.

On December 16, 2019, Township Council approved the Dunloe Draft Plan of Subdivision with a three-year timeframe to complete the conditions of approval. Council granted a two year extension on December 12, 2022 to allow Marz Homes Inc. who acquired the lands in early 2022 to review and confirm the design and development meets their objectives. The two year lapsing date is set to expire on December 17, 2024.

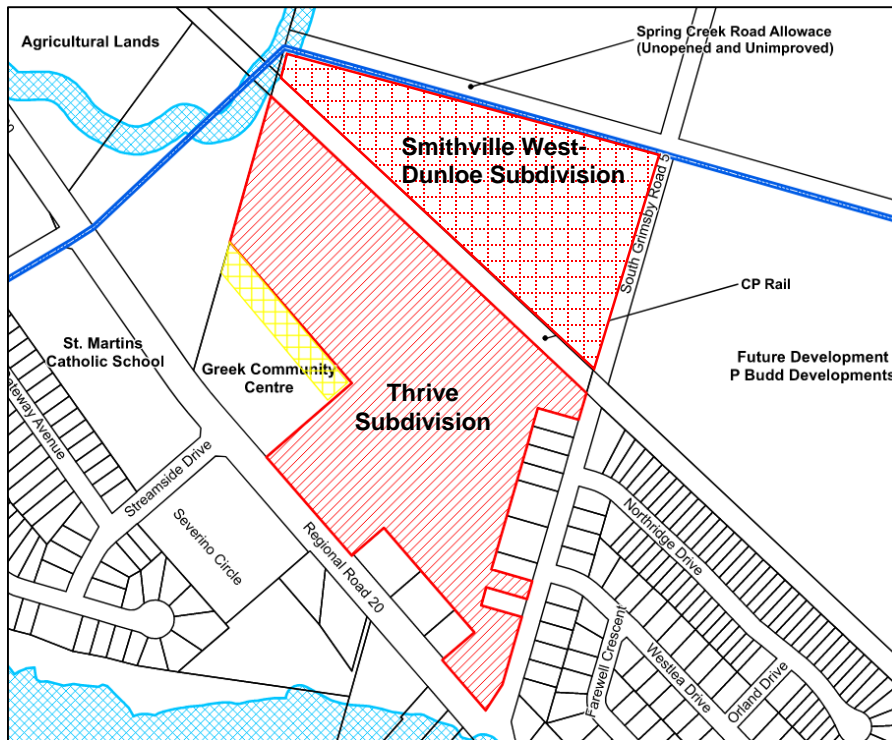
The 5.65 hectare development is draft plan approved for 123 residential units including 29 single detached lots (Lots 1-29), 10 semi-detached lots (20 units; Lots 30-39), 57 townhouse units (Blocks 45 & 47), future condominium townhouse block (Block 41), stormwater management block (Block 42), trail (Block 46), park (Block 40) and future development blocks (Block 43, 44) (refer to Schedule A for the draft plan).

Thrive Subdivision (File No. 2000-90-20)

Similarly, an extension of draft plan approval has been submitted by Arcardis on behalf of Marz Homes Inc. for the Thrive Subdivision which is located south of the Smithville West – Dunloe Subdivision and south of the CP Rail line. The development has frontage on Regional Road 20, and is adjacent to the Greek Community Centre to the west and south, adjacent to a number of smaller commercial lots to the south, and vacant lots to the east along South Grimsby Road 5. The lands are legally described as Lot 9 of Plan M98 & Part 1 of Plan 30R15792.

The amended Draft Plan of Subdivision containing 265 residential units and a commercial block was approved on November 25, 2021 by Council as it generally aligned with the applicable planning policy and intended policies of the Northwest Quadrant Secondary Plan. The three year approval timeframe to clear conditions is set to expire on November 25, 2024. (Refer to Schedule B for the draft plan).

Figure 1: Location of Smithville West – Dunloe and Thrive Subdivisions



CURRENT SITUATION:

The Northwest Quadrant was added to the settlement area in 2015 and the Northwest Quadrant Secondary Plan was completed in 2017. The need for significant regional infrastructure improvements became apparent as part of the subdivision applications submitted by Marz Homes Inc. and other landowners. The servicing constraints continue to limit the ability to increase housing starts coupled with some of the ongoing

servicing study work that is to support the expansion lands.

Marz Homes Inc. has been working to clear the draft plan conditions for both Smithville West – Dunloe Subdivision and Thrive Subdivision. For both Smithville West – Dunloe Subdivision, and for the Thrive Subdivision, the majority of the conditions will be cleared once the Subdivision Agreement is signed and registered and securities are posted. Both of these developments rely on the completion of a new regional 400 mm watermain and upgrades to the Streamside Pumping Station and Marz has been working with the Niagara Region on front ending agreements and design. Costs for the necessary infrastructure are greater than expected and have resulted in a delay of entering the front ending agreements.

The Planning Act permits in Section 51(32) that the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period. Additionally, Section 51(33) also permits that approval authorities may extend the approval for a time period specified by the approval authority.

As noted, the Smithville West – Dunloe Subdivision Draft Plan Approval is set to expire on December 17, 2024 and the Thrive Subdivision Draft Plan of Approval is set to expire on November 25, 2024.

If agencies and departments do not object to an extension, an extension of a period of no greater than two years is typically recommended. This is to ensure that staff and Council can re-assess the conditions and approval of the draft plan in relation to changing provincial and local planning objectives.

Administration have reviewed both extension requests and note that there are no changes are proposed to the draft plans. Additionally, these subdivisions still meet the intent of the Northwest Quadrant Secondary Plan Area and the provincial, regional and local planning policies.

Administration applied minor updates to the conditions (e.g., formatting, agency contact updates) and recommends a minor amendment to be added to both subdivisions by adding a condition where the Owner agrees in writing and the Subdivision Agreement contain a clause stating that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

The request for extension was circulated to agencies and departments for their review and comments.

The NPCA offers no objections to the approval of this extension request. A works permit was historically issued for a SWM outfall into a regulated features.

The Region of Niagara offered no objection for the requested extension of two years for these developments subject to the archaeological warning clause be amended for both developments.

The Township Public Works Department offered no objections to the requested extension of draft plan approval for Smithville West – Dunloe subject to Conditions 10 and 21 be amended and remove Conditions 22 and 23. Additionally, no objections to the requested extension of draft plan approval for Thrive Subdivision subject to Condition 21 be amended.

Refer to Schedule E for the agency comments.

CONCLUSION:

Administration Staff recommend supporting the two year extension of Draft Plan Approval for Smithville West – Dunloe Subdivision until December 17, 2026 and Thrive Subdivision until November 25, 2026 requested by the Owner/Developer Marz Homes Inc. with the amending condition of approval for each draft plan found in Schedules C and D.

SCHEDULES:

- Schedule A – Smithville West – Dunloe Draft Plan of Subdivision
- Schedule B – Thrive Draft Plan of Subdivision
- Schedule C – Amended Conditions of Approval for Smithville West – Dunloe Subdivision
- Schedule D – Amended Conditions of Approval for Thrive Subdivision
- Schedule E – Agency Comments

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