



Staff Report P2024-22

Committee 2024-09-09

Council 2024-09-23

Amendments

Submitted To: Committee of the Whole | Council

Submitted By: Summer Valentine, Director, Planning, Building and Economic Development

Prepared By: Steve Stone, Community Planner

Subject: Draft Plan Approval Extension Request
Regional Commercial District
(Dunn Capital Corporation and 2204604 Ontario Inc.)
20 High Street and 530 Third Street
Town File D12020424

Recommendation

THAT Report P2024-22, “Draft Plan Approval Extension Request – Regional Commercial District”, dated September 9, 2024, be received;

AND THAT Council approve an 18-month extension of Draft Approval for the Plan of Subdivision – Regional Commercial District (D12020424), including amendments to the associated conditions of draft plan approval as appended to this Report, to allow the completion of the Town of Collingwood Master Mobility and Transportation Plan and redesign of the Draft Approved Plan as required.

Amendments

None.

1. Executive Summary

The purpose of this Report is to provide Council with an analysis and recommendations regarding the request to extend draft approval of the Regional Commercial District (i.e. “RCD”) Plan of Subdivision (D12020424) for the lands municipally addressed as 20 High Street and 530 Third Street.

The RCD Draft Plan Approval was scheduled to lapse on June 29, 2024. In this regard, the Town received an extension request from the owner’s agent on June 7, 2024 for the Approval to be extended for an additional three (3) years. The proponent did not abide by the notes to the draft approval, which require an extension application to be submitted not later than 60 days prior to the lapsing date. As such, staff were required to issue three emergency 30-day extensions to the lapsing date on June 24, July 23, and August 23, 2024 respectively under delegated authority to allow the technical review to be completed. The lapsing date is now September 29, 2024.

The previously approved Draft Plan of Subdivision consists of 5 blocks for commercial/industrial uses, 1 block for road widening, 3 blocks to facilitate protection of a natural heritage feature, and a future extension of Cambridge Street, connecting to Third Street.

The appropriateness of extending the Draft Approved Plan is explored in the Analysis section of this Report, which generally examines the proposal against review criteria addressing matters ranging from file history, infrastructure availability, relevant land use planning instruments and other standards, through to progress toward registration and site-specific circumstances. The latter considerations led staff to make a recommendation for the Draft Plan Approval to be extended by 18-months to allow for completion of the Town’s Master Mobility and Transportation Plan (MMTP), which could inform a redesign of the site. This recommendation would be contingent on the addition of a new condition of draft approval that would prohibit any part of the subdivision to be registered prior to the completion of the MMTP and the submission and approval of a related redesign proposal to the satisfaction of the Town, as required. However, staff can also support allowing the file to lapse based on limited progress made since the last

extension and the stated desire of the applicant to pursue a future application for mixed residential and commercial uses on the site in accordance with the adopted, but not yet approved, 2023 Official Plan, noting that the underlying zoning and official plan designations would remain in force and effect.

2. Background

The Town received an extension request for the RCD, being a draft commercial/industrial plan of subdivision originally approved in 2016 for a period of five (5) years. Since the initial approval, the proposal has been extended one (1) time in 2021 for a period of three (3) years. This Report considers the extension request with a greater rigor than may have been the case in the past, reviewing among other things:

- File history and status
- Overall planning and technical merit in the context of the policies, standards, guidelines, and regulations currently in effect
- Servicing and infrastructure requirements
- Input from departmental and agency partners
- Progression toward registration and applicant efforts to advance the proposal
- Other matters of interest to Council and the community, including site-specific circumstances

The application for extension was received on June 7, 2024, 2024 and was circulated for technical review on June 21, 2024. The proponent applied closer to the lapsing date than required in the notes to draft approval (i.e. at least 60 days in advance). Therefore, additional time was needed for the technical review and authoring of the staff report for Council. In response, the Director of Planning, Building and Economic Development issued three 30-day extensions to the lapsing date under the Town's Delegation By-law 2020-059 as amended. In total, the staff delegated actions extended the lapsing date to September 29, 2024.

Property Description

The draft approved RCD Plan of Subdivision is located on lands approximately 21.0 hectares in size on west side of High Street and south and west of properties containing Walmart and Home Depot. The lands are legally described as Part of the South half of Lot 44, concession 10, Part of the North half of Lot 43, Concession 10 (formerly Township of Nottawasaga), and Lots 1,2,10,12,14,16 and 18 to 32 both inclusive and Dundonald Street and Part of Third Street and Part of the Lanes adjacent thereto, Registered Plan 484, Town of Collingwood, County of Simcoe and are comprised of two properties municipally addressed as 20 High Street and 530 Third Street. The site is generally flat and devoid of buildings and substantive vegetation as shown in the following figure.

Figure 1 – Subject Property



The surrounding land uses include commercial development to the north (i.e. Home Depot, Metro), industrial development to the south (i.e. Goodall), existing community and recreational land uses to the east (i.e. aquatic centre, ball fields, fire station), and environmental protection and residential designated lands to the west (i.e. Georgian Meadows and the future Red Maple subdivisions).

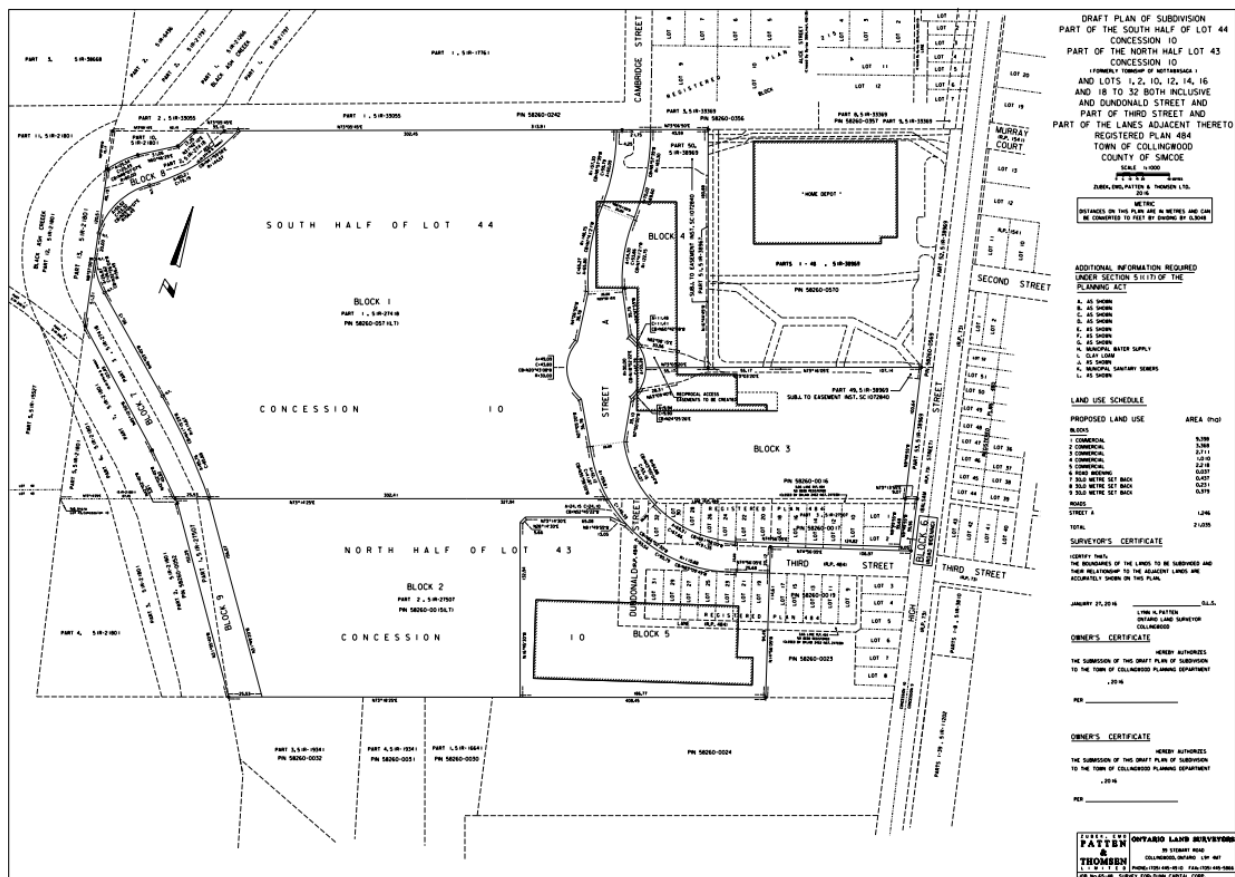
Proposal

The RCD Draft Approved Plan of Subdivision is illustrated in Figure 2 and includes:

- Four (4) commercial blocks (Block 1 and 3-5)
- One (1) industrial block (Block 2)
- One (1) road widening block (Block 6)
- Three (3) environmental protection blocks (Blocks 7-9)
- One (1) future public road (Street “A”)

The updated conditions of draft 2 approval associated with the above-noted Plan are found in Appendix A.

Figure 2 – Draft Approved Plan



Progress

Since the previous extension of draft approval in 2021, the applicant has indicated that they have been “aggressively” pursuing tenants for the subject lands. Progress toward draft approval is noted as follows:

- Working with the Nottawasaga Valley Conservation Authority (NVCA) and the Town on a number of technical matters related to servicing of the lands, including detailed engineering design submissions
- Securing an agreement in principle with the NVCA for an acceptable stormwater management outlet, which will facilitate obtaining an Environmental Compliance Approval (ECA) from the Province
- Minor earth works in accordance with a Fill Permit issued by the Town in 2020 in anticipation of development

The proponent also initiated preliminary conversations with Town staff through the Official Plan Review project in 2023, including written submissions, conceptual redesigns, and meetings with staff. The applicant expressed a keen interest in a residential and commercial mixed-use development on the subject lands. As an initial step, Terms of Reference for an Economic / Retail / Commercial Market Planning Assessment, by Tate Economic Research, were prepared and provided to the Town.

Despite these efforts, staff would characterize the resulting progress toward clearing the Conditions of Draft Approval as limited. By the applicant’s own admission, the engineering work remains incomplete, a firm agreement with the NVCA is outstanding, and coordination with the Town and EPCOR is needed to address matters related to the High Street Pole Re-Alignment Design as well as to obtain monitoring and calibration reporting relating to the High Street storm sewer capacity issues. The applicant indicates delays were related to a challenging and evolving commercial retail market, including a shift towards online stores, and the ongoing municipal water constraints within the Town of Collingwood, leading to a level of uncertainty in terms of timing to secure the necessary servicing allocation to facilitate the proposal. The proponent

continues to state their commitment to the development of the site and pursuit of tenants.

Considerations

Other significant events applicable to the review of this extension request include:

- The Town of Collingwood Council approved the Servicing Capacity Allocation Policy (SCAP) in May 2022 (further amended in January 2023) and lifted the associated Interim Control By-Law (ICBL) in 2023
- A new Official Plan was adopted by Town Council in December 2023
- The tender, cost and timelines for the new Water Treatment Plant were solidified in 2024, with a projected full commissioning date in mid-2029

The SCAP states that in order to ensure that development proceeds expeditiously and does not hold commitment to allocate or allocation without performance, it is the intent of Council to update the Town's Official Plan policies to align approval of draft plans of subdivision and condominium descriptions with the initial three (3) years commitment plus one (1) year maximum for any extension of capacity commitment and/or allocation as per the SCAP, unless extenuating circumstances (e.g. change of ownership, significant amendments to the proposal, unforeseen economic conditions, etc.) are demonstrated. Until such time as the new Official Plan is approved, the SCAP shall serve as Council's direction respecting new approvals or requests to extend existing draft approvals.

Planning Services anticipates that the new Official Plan will receive final approval from the County of Simcoe before the end of this year. This eventuality will likely occur in advance of the applicant's refinements to their proposal, which affords the opportunity to explore further updates to the Draft Approved Plan and Conditions of Draft Approval that are in conformity with Town Council's latest vision for the community.

3. Analysis

Situational Evaluation

Staff find ourselves in a difficult position with respect to this particular application. While municipal servicing is available to the lands, the Draft Plan of Subdivision also contains a transportation link between Cambridge and Third Streets that was the subject of considerable concern and comment through the Official Plan Review project. Further, access to the site, in part, is over lands not owned by the applicant and therefore would be subject to consent from a neighbouring landowner. As a result of the multitude of transportation matters raised through the Official Plan Review, the Town expedited the commencement of the MMTP in early 2024. The MMTP is intended to provide recommendations on road classifications, active transportation, road design, and connectivity, among other matters, and may result in the need to amend the Official Plan as well as for the proponent to redesign the proposed road network shown in the Draft Plan of Subdivision. The MMTP is intended to be completed in the first half of 2025.

Further, limited progress has been demonstrated since the last extension in 2021 and the policy and legislative landscapes are changing significantly. Not only has the Town adopted the SCAP, which is intended to maintain tension in the system by considering extensions for draft approved plans in situations where they are performing, can be made shovel ready in the near-term, and/or have demonstrated extenuating circumstances, but there have also been major shifts at the Provincial level. The recently proclaimed *Bill 185* includes a number of legislative amendments with the intent of underscoring the principle of “use it or lose it”, prioritizing those developments that can deliver housing supply in the near-term. With the lack of progress and transportation challenges impacting this file, registration of the Draft Plan of Subdivision would not be achievable until 2025 at the earliest to ensure alignment with the MMTP results, with full build-out anticipated several years after that point. Lastly, the proponent has also indicated that they intend to avail themselves of new permissions for mixed-use development through the adopted Official Plan and will be significantly

altering the design of the site to accommodate the proposed shift toward the inclusion of higher density residential uses.

Given the above considerations, staff were reticent to invest significant time in updating the conditions of draft approval, with the knowledge that the site would be subject to redesign post-MMTP and/or after the approval of the new Official Plan to support a residential-commercial proposal. In this context, staff strongly encouraged the applicant to pursue the most expeditious path to ensure good planning for the parcel - to allow the draft approval to lapse, participate in the MMTP process, prepare the necessary studies to support a redesign of the site and a mixed-use neighbourhood over the next one to two years, and then reapply. As previously noted, under this scenario, the underlying Official Plan designations and zoning would remain on the subject lands despite the lapsing of the Draft Approved Plan. Further safeguards are available in accordance with the *Planning Act*, which allows municipal councils to effectively “reinstate” lapsed draft approved plans within five (5) years of lapsing, provided that the property is not subject to an agreement of purchase and sale.

Citing significant financial investment and effort in the file to date, the proponent did not wish to proceed as outlined above. Instead, they submitted an extension request for a three (3) year period. In accordance with the Clergy Principle, the policy context underpinning this request for extension has not changed since the previous extension in 2021. Though revisions are forthcoming, the 2020 Provincial Policy Statement, 2020 Growth Plan for the Greater Golden Horseshoe, 2016 County of Simcoe Official Plan, 2004 Town of Collingwood Official Plan, and 2010 Town of Collingwood Zoning By-law currently remain in force and effect and the development proposal would continue to be consistent with or conform to those instruments as per Report P2021-15 [P2021-15 RCD Draft Approval Extension](#). Further, until the MMTP is completed, the newly adopted 2023 Town Official Plan maintains the permissions for the road connection between Cambridge and Third Streets and denotes the classification of Third Street as a Collector.

Therefore, it is staff's primary recommendation to extend approval of the RCD Draft Plan of Subdivision for 18-months to allow for the MMTP to be completed and endorsed by Council and any required official plan amendments and/or site redesign to occur, likely including mixed commercial and residential uses. Further extension and amendments to the Draft Plan of Subdivision and associated conditions to reflect the redesigned site and to bring the conditions up to current standards could be considered after the 18-month period. Staff's support for this recommendation is contingent on the inclusion of a new condition of draft approval that would prohibit registration of any part of the Plan prior to the MMTP being finalized and a redesign of the site being submitted and approved to the satisfaction of the Town, as required. Such a condition has been included in the updated Conditions of Draft Approval attached as Appendix A.

Per the rationale provided to the applicant and outlined earlier in this Report, staff could also support allowing the file to lapse. Lapsing would result in the need for the proponent to reapply to the Town with a new application for a Plan of Subdivision should they wish to further develop these lands for urban land uses in the future. This course of action would allow Council to revisit the development concept through the lens of the newly adopted 2023 Official Plan and other policy or legislative updates that may occur in the coming months or years. The number, density and distribution of blocks or units, location and orientation of streets, mix of uses, and conservation of natural resources could be more comprehensively examined at the time of submission of the future application(s). However, staff have identified some risks associated with a decision to permit the file to lapse as follows:

- The proponent may attempt to appeal the decision of the Town to the Ontario Land Tribunal (OLT). Legal advice would be required on the potential for success of such an appeal, but regardless, if an appeal is lodged, considerable staff time investment and legal costs would result. Section 51(43) of the *Planning Act* also allows applicants to appeal the Conditions of Draft Approval at any time up to the point of registration. Therefore, there would be a risk that the

proponent may appeal one or more of the conditions in the few days that remain prior to lapsing

- The applicant will likely cite financial hardship, challenges with institutional financing, and loss of investment to date in the proposed development should the approval be allowed to lapse. Though not a land use planning consideration, these circumstances may influence Council's position.

In light of the above recommendation and supportable second option, staff have not included a detailed planning analysis, nor have the Conditions of Draft Approval been updated to align with current legislation, regulations, policies, and technical standards, except for the lapsing date and prohibition of registration before completion of the MMTP and subsequent site redesign.

Alternative Options (not recommended)

Two additional alternative options are available to Council as it considers the merits of the extension request pertaining to the RCD Draft Plan of Subdivision. These options are not recommended by staff but are as follows:

- A. Council could consider granting the extension request as submitted by the proponent for a period of three (3) years, a similar timeframe that is in keeping with the SCAP (i.e. 1 year up to 3 years), or a longer period. Should Council conclude that extenuating circumstances exist and wish to entertain the extension request for three (3) years or more, a referral of the matter back to staff is suggested. Staff would then continue to issue further emergency 30-day extensions to allow the technical review to conclude and this Report as well as the Conditions of Draft Approval to be revised.
- B. Council may choose to modify the Draft Plan and/or the related Conditions of Approval. Modifications to a draft approved plan can be either minor or major in nature. As previously noted, only two amendments have been initiated by staff

and supported by the proponent through the extension process. Updating the Draft Plan and/or Conditions of Approval is not recommended until the MMTP is finished. It should be noted that the applicant can appeal changes to conditions of approval and staff would therefore advise that any additional revisions desired by Council be circulated for technical review and staff be afforded the opportunity to comment on the land use planning merits of Council's request.

Financial Impacts

The RCD Draft Plan of Subdivision is intended to deliver an adequate, appropriate and orderly supply of commercial uses in anticipation of the Town's future development and servicing conditions. It would provide a long-term foundation for stable community growth and results in the generation of growth-related revenue associated with building permit fees, development charges, taxes, and other related fees. Should an appeal to the OLT be lodged with respect to the extension request, additional costs would be incurred by the Town, primarily related to legal fees.

Conclusion

The unique circumstances and site-specific context for this extension request leave staff challenged to recommend that an extension to the Draft Approved Plan be granted for the three (3) years, as requested by the applicant. Staff are prepared to support a shorter 18-month extension to allow the MMTP and any subsequent site redesign to be completed, with a re-evaluation and full update of the Conditions of Draft Approval and Draft Approved Plan occurring after those processes have unfolded, contingent on the addition of a condition to ensure that the proposal cannot be final approved or registered until those steps are completed. Staff can also support the draft approval being allowed to lapse, with a future application for a new draft plan of subdivision to address the transportation and site design matters. If the results of the MMTP and/or submitted studies do not merit any site layout or land use updates, the option would also exist for Council to "reinstate" the original draft plan approval.

3. Input from Other Sources

The following documents were submitted by the proponent’s agent in support of the extension request and made available to internal and external agencies:

1. Application Form.
2. Draft Plan Extension Letter 2024 Final.

The RCD Draft Plan of Subdivision extension request was circulated to Town departments and external agencies for review and comment. Should Council determine it is appropriate for an extension of three (3) years or more to be considered, staff would suggest a referral of the application to allow this Report to be amended, along with the conditions of draft approval, to respond to the input received.

In accordance with the *Planning Act*, the Town was not required to hold a Statutory Public Meeting regarding the extension request.

This Report was forwarded to Department Heads on September 3, 2024 and the content responds to the feedback received.

4. Applicable Policy or Legislation

- *Planning Act* (1990, as amended)
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)
- Simcoe County Official Plan (2016)
- Town of Collingwood Official Plan (2004)
- Town of Collingwood Adopted Official Plan (2023)
- Town of Collingwood Zoning By-law 2010-040

5. Considerations

- | | |
|---|----------------------|
| <input checked="" type="checkbox"/> Community Based Strategic Plan: | Consistent with CBSP |
| <input type="checkbox"/> Services adjusted if any | N/A |

- Climate Change / Sustainability: Positive impact on climate change/sustainability (decreases GHG emissions)

The proposal furthers the buildout and intensification of serviced land within the Town's built boundary contributing to a complete community.

- Communication / Engagement: The RCD Draft Plan of Subdivision extension request was circulated to internal and external agencies in accordance with the *Planning Act*.

Accessibility / Equity, Diversity, Inclusion: Not Applicable

- Registered Lobbyist(s) relating to content: Development proponents may be registered lobbyists

Next steps and future action required following endorsement:

- Agent advised of Council's Decision pertaining the extension request
- Notice of Decision prepared, if required

6. Appendices and Other Resources

Appendix A: Draft Plan and Revised Conditions of Draft Plan Approval

7. Approval

Prepared By: Steve Stone, Community Planner

Reviewed By: Lindsay Ayers, MCIP, RPP, Manager, Planning

Reviewed By: Summer Valentine, MCIP, RPP, Director, Planning, Building and Economic Development

CAO Comments:

Endorsed, Sonya Skinner, Chief Administrative Officer, September 4, 2024