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55 Eagle Street

Information Report to Council

Report Number: INFO-2021-23

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In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

To update Council on the 55 Eagle Street, Ontario Land Tribunal (OLT) appeal.

Background

In April 2011, the applicant (Millford Development Ltd.), submitted Official Plan Amendment and Zoning By-law Amendment applications for a residential development on lands municipally known as 55 Eagle Street, located on the north side of Eagle Street, east of Yonge Street. The lands are currently vacant, and are approximately 5.09 ha (12.58 ac) in size.

The northern portion of the subject property is traversed by Western Creek, a tributary of the Holland River and contains valley lands, a top of bank and floodplain associated with the creek. A woodlot feature encompasses a large portion of the property.

The natural heritage features are integral to the development of this site with respect to the determination and agreement on the limits of development. This remained unresolved and the applicant appealed the applications to the Ontario Land Tribunal (OLT), formerly Local Planning Appeal Tribunal (LPAT) in 2020, and as such, these applications are currently before the OLT.

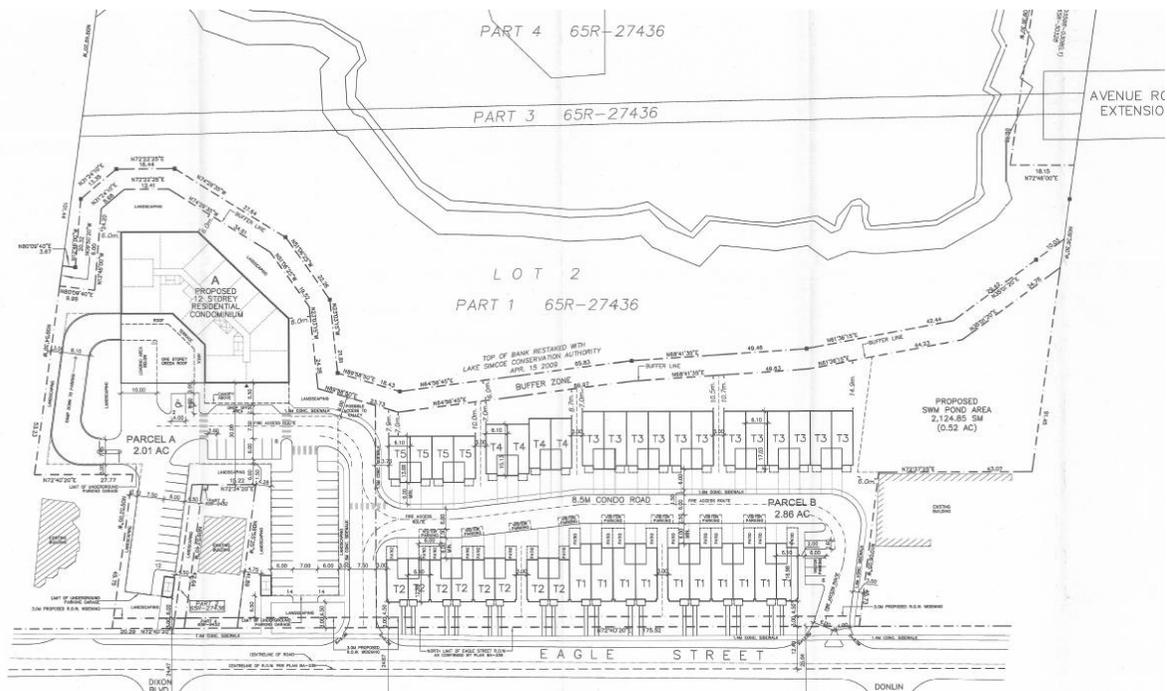
The site is also the subject of an outstanding appeal of the Town's Official Plan with respect to the existing Natural Heritage System designation above the defined top of bank. The appeal was adjourned in 2009 to allow the applicant and the Town to attempt to reach a settlement. The applicant's site specific Official Plan Amendment and Re-zoning applications submitted in 2011 were an attempt to resolve the outstanding appeal.

Discussion

April 2011 Submission

The original submission proposed 154 apartment units within a twelve story apartment building in the western portion of the site, and 38 townhouse units, for a total of 192 units. On November 21, 2011, planning staff brought forward report 2011-46 to the Committee of the Whole, providing preliminary comments on the proposal and recommending the applications go to a public meeting. The public meeting was held on February 27, 2012. Given outstanding questions largely related to re-designation of the Natural Heritage System, storm water management, traffic and requirement for an Environmental Site Assessment, staff were unable to bring forward a recommendation report to Council.

2011 Concept Plan



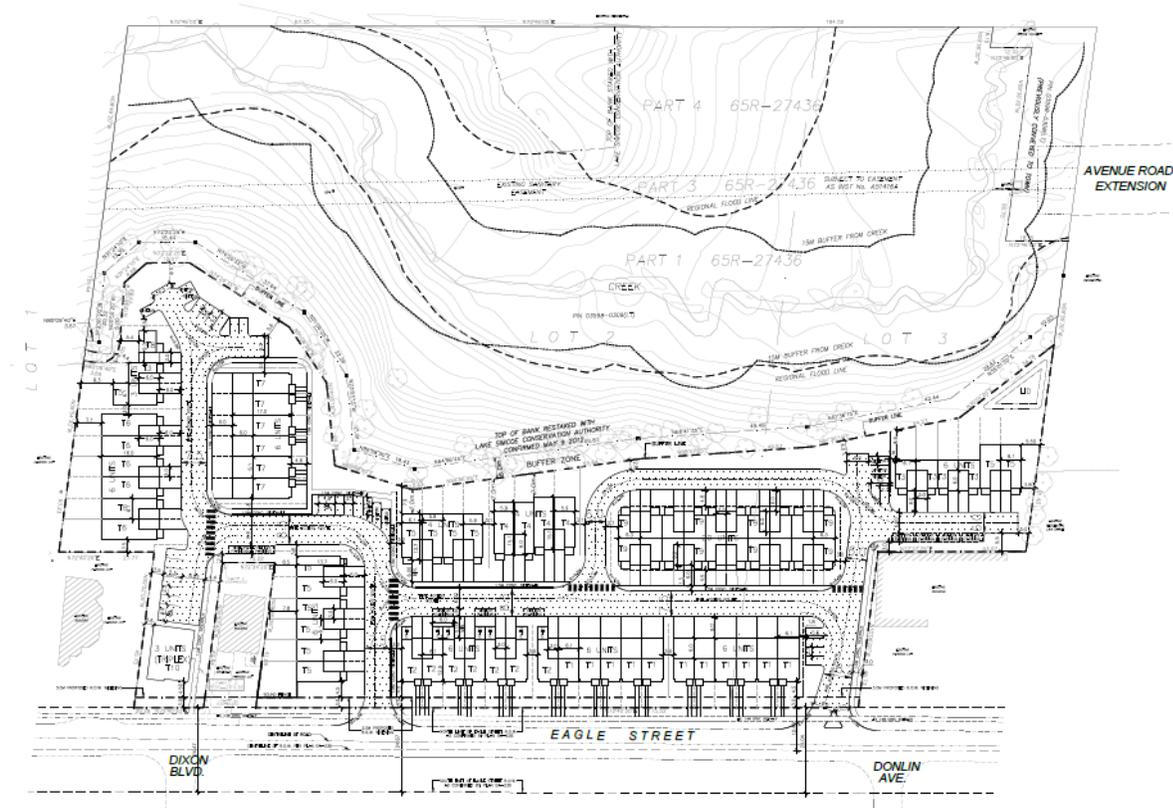
April 2021 Resubmission

The applicant appealed their applications to the OLT on March 5, 2020. Given Covid-19 and the number of matters before the OLT, it took almost a year for the appeal to move forward. The OLT held a virtual Case Management Conference (CMC) on April 8, 2021. The applicant, Town and Regional staff and a number of residents were in attendance. The applicant submitted a revised proposal prior to the CMC which was presented at the CMC, and the revised material has been circulated to internal departments and external agencies for their review and comment. The new submission material consists of revised plans and a number of technical studies. The OLT made an order at the CMC consolidating the applicant's appeal of its applications and its appeal of the Town's Official Plan.

The applicant's revised plan eliminates the proposed apartment building and now proposes a condominium development consisting of 53 standard townhomes and, 20 back-to-back townhomes, for a total of 73 townhomes and 1 triplex building. The total number of proposed units has been reduced from 192 to 76. An internal street network is proposed with two accesses onto Eagle Street, incorporating a full movements access east of Dixon Boulevard and a right-in/right-out secondary access west of Donlin Avenue. It is proposed that the internal street network will be private roads maintained by the proposed condominium corporation.

The top of bank was staked by the Lake Simcoe Region Conservation Authority (LSRCA) in 2009 and the woodlot boundary was staked by LSRCA on June 21, 2021.

2021 Concept Plan



Next Steps

On July 13, 2021 from 7:00pm to 8:00pm the applicant is holding a virtual developer-led Public Information Centre (PIC) to inform the public of the proposed changes to their application. This will provide the members of the public who did not attend the first CMC an opportunity to see the revised submission and allow members of the public to ask questions of the applicant. Since this is a developer-led PIC, the Town will not be playing an active role, but will monitor the meeting.

The next virtual CMC is scheduled for Monday July 26, 2021 at 10:00am. It is anticipated that the Participants and Parties will be finalized at that time and a Hearing date may be scheduled by the OLT.

Staff will be providing comments to the applicant and will also be preparing a draft Issues List for the hearing which will be submitted to the OLT, as part of the appeal process.

High Level Discussion Items

Staff and agency review of the revised material has identified items that require further discussion with the applicant. The key areas include, but are not limited to:

- Natural Heritage System and conformity with the Provincial Policy Statement (PPS) - A large portion of the site, currently proposed for development, contains a woodlot feature. The boundary of the woodlot was staked by the LSRCA on June 21, 2021. Staff are waiting to receive the surveyed line of the woodlot superimposed over the proposed development, from the applicant, in order to determine whether the proposed development encroaches on the woodlot boundary or development setback
- Technical Requirements—Further discussion is required with the applicant’s technical team on stormwater management and grading
- Future ownership of the valleylands – Further discussion is required regarding future ownership the northern portion of the site, containing the lands within the floodplain and below the top of bank of the Western Creek
- Site Design – Staff would like to have further discussions with the applicant regarding site design, including street pattern, densities and land uses
- Traffic and parking – Further discussion is required on parking rates used and potential traffic impacts to the surrounding area/mitigation measures

The Town has a [webpage](#) for this site, containing the 2011 and 2021 submission material and OLT information. Staff will continue to update the webpage and provide any new material and information received from the applicant and the OLT.

Conclusion

Staff will continue to review the resubmission provided by the applicant, attend the July 26th CMC and continue to keep Council informed as this appeal continues through the OLT.

Business Plan and Strategic Plan Linkages

Providing for the efficient management of litigation involving the Town.

Consultation

Senior staff from Planning and Legal Services were consulted in the drafting of this report.

Human Resource Considerations

None

Budget Impact

The fees for external legal counsel are being processed through the Legal Services department.

Attachments

None

Contact

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Approval

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services