



DATE: November 27, 2023

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: HAIQING XU, DEPUTY CITY MANAGER, PLANNING AND GROWTH MANAGEMENT

RE: COMMUNICATION – COMMITTEE OF THE WHOLE, NOVEMBER 28, 2023

**ITEM #5, REPORT NO. 48
COPPER KIRBY DEVELOPMENTS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.22.029
DRAFT PLAN OF SUBDIVISION FILE 19T-22V006
11363 HIGHWAY 27
WARD 1 - VICINITY OF HIGHWAY 27 AND KIRBY ROAD**

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT Recommendation #2 of Item #5, Report No. 48 of the November 28, 2023, Committee of the Whole Report be DELETED and replaced with the following:
2. THAT the Holding Symbol “(H)” shown on Attachment 3 shall not be removed from the Subject Lands, or any portion thereof, until the following conditions are satisfied:
 - a) As the Subject Lands are tributary to future water and sanitary service infrastructure improvements, the Owner must demonstrate that an alternate interim sanitary and water servicing strategy can be achieved utilizing a comprehensive study, and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City;
 - b) The Owner shall ensure that the proposed sanitary pump station, designated as the Kirby Sanitary Pumping Station (KSPS), is substantially complete to the satisfaction of the Development Engineering Department in accordance with the approved plans, specifications, and all relevant municipal and regulatory standards;
 - c) The Owner shall ensure that the water services are fully operational and commissioned in accordance with the approved plans, specifications, and all relevant municipal and regulatory standards;

- d) External lands are required to provide service and access to the subject lands, therefore, the following conditions must be satisfied:
- i. The Owner shall enter into a Developers' Group Agreement, or provide acknowledgement from the other land owners within Block 55 West to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services, including land dedication and construction of any future roads and streets deemed required to service the Subject Lands. This Agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands, all to the satisfaction of the Development Engineering Department;
 - ii. The Owner shall submit a letter from the Block Trustee or balance of the other landowners within Block 55 West indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 55 West Landowners Cost Sharing Agreement, to the satisfaction of the Development Engineering Department; and
 - iii. The Owner through the Block 55 Developers' Group shall enter into an Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services for the Block, including but not limited to, roads, water, wastewater, storm and storm water management pond, land conveyances, including the construction of streets and roads south of the Subject Lands or frontend the works and enter into a Development or Subdivision Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the necessary municipal services, including but not limited to, roads, water, wastewater, storm and storm water management pond, land conveyances including the construction of streets and roads south of the Subject Lands. The Agreements shall be registered against the lands to which it applies and to the satisfaction of the Development Engineering Department.
- e) The Owner shall provide an updated functional design prior to the submission of detailed engineering drawings of the Street A & Kirby Road intersection which ensures safe and functional access to the satisfaction of the Development Engineering Department.

Background

Through review of further technical information between the Development Planning and Development Engineering Departments, and subsequent discussions with the Owner, the proposed Holding Symbol "(H)" provisions identified in Recommendation #2 to Item #5, Report No. 48 of the November 28, 2023, Committee of the Whole Report have

been revised as noted above in this Communication to provide more clarity regarding requirements for condition clearance.

Conclusion

This Communication deletes and replaces Recommendation #2 to Item #5, Report No. 48 of the November 28, 2023, Committee of the Whole.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Haiqing Xu". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management