

Staff Report to Council

Title: Amending Development Agreement – Bradstones Developments Inc.

Report Number: Development Services-2025-09

Director: Infrastructure & Development

Manager: Development Services

Meeting Date:
Wednesday, May 14, 2025

Date to be considered by Council:
Wednesday, May 14, 2025

Recommendation:

That the Council of the Municipality of Kincardine pass a by-law to enter into an Amending Agreement with Bradstones Development Inc.; and

Further that the Mayor and Clerk be authorized to execute any documents and agreements on behalf of the Municipality.

Executive Summary:

Bradstones Development Inc. entered into site plan and development agreements in 2023 to permit the development of 36 units. The development is comprised of 10 (ten) multi-unit townhouse blocks located at 8 Golf Links Road. The Developer has been actively completing the requirements of both agreements, however a change to the water servicing has been proposed which varies from the original approved plans. Upon staff review with BM Ross, the Municipality finds the proposed servicing changes acceptable and will not require the watermain to loop through the development at 8 Golf Links and connect to Gringas Street. Therefore, the servicing easement required as part of the development agreement is no longer required and the watermain will remain the responsibility of the private landowner. Amendments for both the Site Plan and Development Agreements have been prepared.

Strategic Priorities:

B.5-Evaluate and proactively plan for infrastructure to meet population growth and long-term sustainability

Financial Considerations:

Costs associated with preparing the amending agreement and registering the amending agreement on title will be paid by the Developer. All other financial responsibilities of the Developer in the original agreement remain in place.

Policy:

DEV.02 Plans of Subdivision/Development Policy

Context and Background Information:

The parcel of land legally described as Part of Lot 18, Concession A, Kincardine, designated as Part 1 on Plan 3R-10519 together with an Easement over Part of Lot 18, Concession A, Kincardine designated as Part 2 on plan 3R-10519 as in BR164551, Municipality of Kincardine being P.I.N. 33303-0900(LT) enter into site plan and development agreements in 2023 to facilitate a 10-block townhouse development comprised of 36 units located at 8 Golf Links Road.

The Developer has been actively completing the requirements of the site plan and development agreements. The original approved site plan and development agreement included water services being looped through Gringas Street. This looping resulted in a 3m servicing easement requirement over the private lands as the watermain would remain municipal infrastructure.

However, during installation of services the work required to bring this extension was more challenging than anticipated. It was determined that the looping was not required, and the municipality would be satisfied with a blow off at the end of the watermain on the private drive. Due to regulations; had the watermain been fully looped the Municipality would have been responsible for maintenance and replacement of the system within the private development. By eliminating the looped system, the watermain acts as a service connection and is the sole responsibility of the condominium corporation. Therefore, the servicing easement is no longer required and the watermain will remain privately owned by the developer and future condominium corporation.

Amendments for both the Site Plan and Development Agreements have been prepared. Authority to enter Site Plan Agreements has been delegated to the CAO since this agreement was originally entered into, however the authority to enter Development Agreements is still the responsibility of Council. Therefore, the Amending Development Agreement is being brought forward for Council's consideration.

Consultation Overview:

The developer upon consultation with municipal staff and BM Ross provided updated drawings which satisfy the Municipality. The Municipal lawyer prepared amending site plan and development agreements as this change was not considered minor. As Council has delegated authority to the CAO to enter into Site Plan Agreements, this amending agreement has been updated. The authority to enter Development Agreements still lies with Council therefore the Amending Agreement is being brought to Council for consideration.

Origin:

Owner request.

Implementation Considerations:

Upon entering the amending development agreement both the amending site plan and development agreements will be registered on title.

Risk Analysis:

The amending agreement accounts for the change in servicing plans and remove the requirement to obtain a servicing easement that the Municipality no longer requires since the watermain is not looped. This removes the municipality's responsibility of that watermain as it will be the responsibility of the private landowner.

Attachments: Amending Development Agreement
Site Servicing – Private Water w/ Blow off
Water Easement - REMOVED

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