



**Town of Minto**

**DATE:** May 1, 2018  
**TO:** Mayor Bridge and Members of Council  
**FROM:** Bill White C.A.O. Clerk  
**RE:** Execution of Site Plan Agreement, Quality Developments Inc.

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**STRATEGIC PLAN**

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

**BACKGROUND**

Council considered a March 6 report from staff describing land conveyances needed to permit development of Quality Home's proposed 23 unit townhouse project on the former Harriston Senior School site. On March 20 after giving notice Council passed a bylaw authorizing the Mayor and C.A.O. Clerk to sign documents required to close conveyances between the Town, Quality Homes and Metzger Construction which were completed April 19, 2018. Quality Homes' legal entity responsible for the project is Quality Developments Inc.

December 19, 2017 Council issued conditional site plan approval for the proposed 23 unit development passing the following resolution:

**MOTION: COW 2017-305**

**THAT Council receives the C.A.O. Clerk's report dated December 13, 2017 and approves the Proposed Servicing and Grading prepared by Triton Engineering project A6834 last revised October 2017 as presented by Quality Homes subject to execution of a site plan agreement with the Town requiring, among other matters, the following:**

- 1. Completion of the project within three years and retention of existing \$20,000 security through to completion, and execution of a condominium agreement if applicable.**
- 2. Final tree planting and landscaping details including details on the "hammerhead turnaround" and "P" gate or other method to restrict access to the turnaround to the satisfaction of the Fire Chief and Town staff.**
- 3. Servicing, grading and drainage, street paving and curbing details being provided to the satisfaction of the Town prior to execution of the site plan agreement including but not limited paving and rolled curbs for the interior private road with no parking on either side, energy efficient lighting that prevents glare on adjoining lands, prohibiting parking on the private roadway, and access to the fire hydrant on the lands for occasional Town servicing and emergency purposes.**
- 4. That Quality Homes be advised that subject to the Town's Disposition of Lands Bylaw a purchase price of \$6,000 be accepted for no more than 0.29 acres of the park and pond with the purchaser providing the necessary survey, and that funds received be retained for future use on this park and pond.**

5. That Council accepts that Section 3.14 of the development charges bylaw apply such that the development charge applicable to the square footage of the former senior school be deducted from the charge applicable to the proposed townhouse units.
6. That any applicable approvals from the Maitland Valley Conservation Authority be obtained including the emergency access outlined in the plan.
7. That the site plan agreement provide for the requirements outlined in the staff report, and confirmation that all terms of the minutes of settlement, applicable zoning and all other requirements and standards are met including approval of stormwater works by the Ministry of the Environment.

The updated site plan is on the following page. The attached site plan agreement contains the following sections addressing Council's seven conditions:

<b>Requirement</b>	<b>Section of Agreement</b>
1. a) 3 yr. completion, \$20,000 security, condo agt.	Schedule "C" Sec. 1,2, 19
2. b) tree planting, landscaping, hammerhead	Schedule "C" Sec. 4, 8, 9, 10
3. c) servicing, grading, drainage, parking	Schedule "B", "C" Sec. various
4. d) land transfers less than 0.29 acres	Schedule "A"
5. e) development charges	Schedule "C" Sec. 20
6. f) Maitland Valley approvals	Part B 10., Schedule "C" Sec. 4, 19
7. g) minutes of settlement, zoning, MOE approval	Schedule "C" Sec. 13 (c), 17, 19

The following provides details on the above seven conditions in Council's site plan approval:

- 1) - A three year completion date fits in with the developer's proposed phasing of the project
  - \$20,000 security held by Town until project completion includes refundable cash from site plan application, security from the pre-servicing agreement and monthly payments
  - Part B 14 (a) the Town can enforce the site plan agreement including charging cost of work not completed against the property.
  - Quality Developments Inc. is applying to Wellington County for condominium approval and will sign a condominium agreement with the Town before condo ownership is granted.
- 2) - Detailed landscaping plan including tree planting to come at a later date possible improvements for adjacent Town owned park and pond.
  - Hammerhead turnaround on adjacent Town owned park and pond cannot be used except for emergency vehicle turnaround with gate to satisfaction of Fire Chief
- 3) - parking prohibited on internal private street, and services installed at a proper standard
  - site drainage installed as per approved plan with "good housekeeping" re: soil and erosion
- 4) - Schedule "A" Parts 2 and 4 Plan 61R-21306 is 0.278 acres (less than 0.29 acres)
- 5) - Schedule "C" Sec. 20 requires payment of development charges less the credit previously approved by Council for removal of the school building
- 6) - various sections require Maitland Valley Conservation Authority approvals
  - Owner and Chief Building Official have met with the Authority and agreed upon standard engineered design for basement installation
- 7) - Agreement requires compliance with minutes of settlement, zoning and Ministry of Environment approval for which the Town's application is being submitted

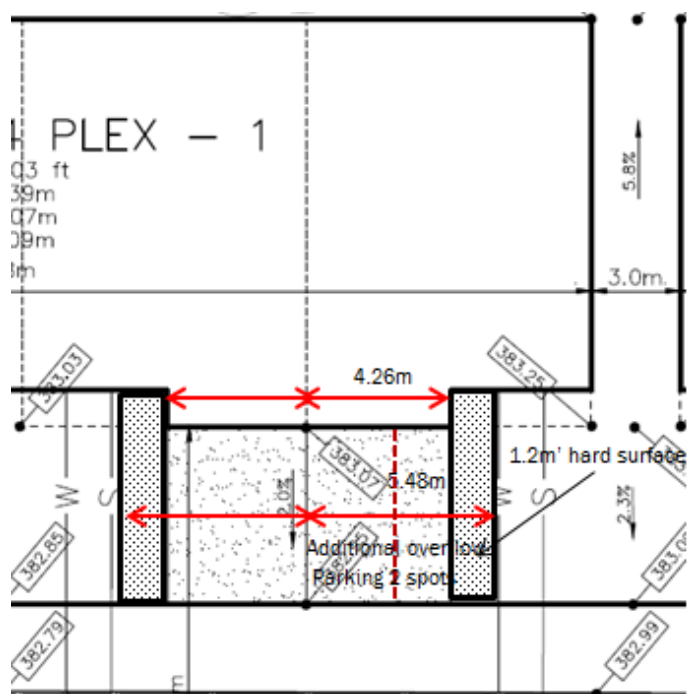


## COMMENTS

A letter from Rolf and Kerri Schuttel received by Council at the December 19, 2017 meeting raised concerns about one storey units, on-site parking, side yards, common amenity space and garbage storage.

Building elevations prepared by an architect to meet zoning show one storey units for six building blocks (five 4 unit buildings and one 3 unit building). Each individual building has end units that are bungalows without loft space and centre units called “bungalofts” where there are bedrooms and bathrooms in the loft inside the roof line. Each building has less than 40% of the floor space within the loft as required in the definition of one storey in the zoning by-law. The roof line is well below required building height and the building elevations have the look of a pitched roof with dormers.

The adjacent sketch illustrates parking options for a unit. Each unit will have one parking space in the garage and a 6.0 metre deep driveway which is sufficient to park a second vehicle in front of the garage. The zoning bylaw does not prohibit required parking being provided in tandem. Also with 4.26 metre wide garages and driveways some condo owners will have the option of adding hard surface to their driveway to create a second parking space in front of the garage. The Town is satisfied required parking provisions in the zoning bylaw are met in the proposed site plan.



Staff has assessed the building location relative to the final lot boundaries now that land transfers are completed. The proposed building location complies with applicable building setback requirements.

The Schuttel letter references Section 13.3 of the Zoning Bylaw regarding common amenity area. Section 13.3 is a site and building regulation in the Residential 3- Zone which would call for 152.8 square metres of common amenity space for a 23 unit building. However, this project is in an R2-26 zone so that the requirement for common amenity space does not apply. Only rules in Section 13.2.2 (as adjusted in the minutes of settlement) apply, and that section does not include a requirement for common amenity space. Even so there is well over 152.8 square metres of common amenity space possible on this site. The development has ample outdoor living opportunities for future residents and more than one acre of open space on the adjacent Town lands.

Regarding garbage storage the site plan agreement sets out how the owner will provide for this service to residents. The solution will have to meet Wellington County requirements. The Town and developer have looked at the “Molok” system which is being provided on the County Housing project in Palmerston. There is space on-site for this kind of internal below ground system. The owner may also arrange private collection on the interior street.

It is the Town’s position the site plan submitted complies with the Town’s zoning bylaw and the minutes of settlement. The site plan agreement secures these requirements and will bind current and future owners including the condominium corporation. The proposed site plan and building elevations demonstrate an attractive and functional project which given Quality Home’s reputation will be an asset to the community. Including basements in the design raises certain site grades and will look different than the original slab on grade proposal of the previous developers.

Quality’s updated site plan demonstrates compliance with the zoning bylaw and minutes of settlement as required by the December 19, 2017 conditional site plan approval. The minutes of settlement are “other applicable law” under the Building Code Act. The Chief Building Official cannot issue a building permit until requirements of the Code and “other applicable law” is met. The Chief Building Official is bound by legislation to ensure compliance making the final decision to issue a building permit, lawfully, as an officer under the Building Code.

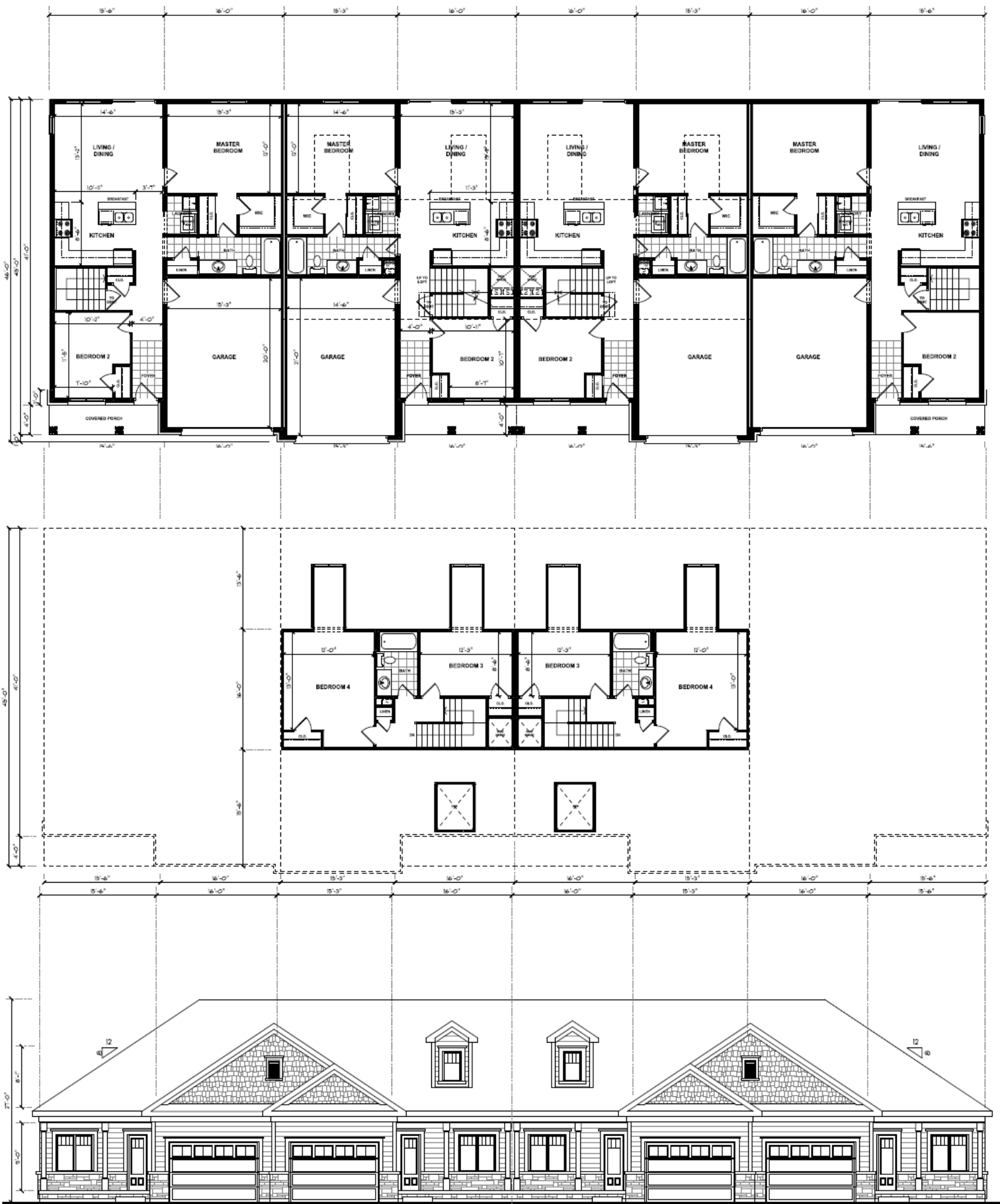
#### **FINANCIAL CONSIDERATIONS:**

The Town has access to \$20,000 in security to ensure Quality Developments complies with the site plan agreement. If there are deficiencies during the project the Town can enter upon the land, fix the issue and charge the cost of the work against the land.

#### **RECOMMENDATION**

That Council receives the C.A.O Clerk’s May 1 2018 report Execution of Site Plan Agreement, Quality Developments Inc. and considers a by-law authorizing the Mayor and C.A.O. Clerk to sign the site plan agreement in regular session.

Bill White MCIP RPP  
C.A.O. Clerk



**FRONT ELEVATION**