

**PUBLIC MEETING
MUNICIPALITY OF HURON EAST
Tuesday, July 25th, 2017**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, July 25th, 2017 at 7:29 p.m. All members of Council were in attendance with the exception of Mayor MacLellan.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds, Senior Planner Victor Kloeze and Senior Planner Carol Leeming
- County of Huron representative – Bluewater Mayor Tyler Hessel
- GSP Group – Caroline Baker, Planning Consultant for Zulk Enterprises Inc.
- Jessica Lunshof, Jim McNichol, Danica McNichol, Ken Rodney and Ken Devereaux

CALL TO ORDER

Deputy Mayor Joseph Steffler called the meeting to order at 7:29 p.m.

Moved by Raymond Chartrand and seconded by Nathan Marshall: Adopt Agenda
That the Agenda for the Public Meeting for Zoning By-Law Amendment 66 for 2017 and proposed Vacant Land Plan of Condominium dated July 25th, 2017 be adopted as circulated. Carried.

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST

ZONING BY-LAW AMENDMENT

Vacant Land Plan of Condominium

Lots 15 to 27, 29 to 33, 37, 38 and Blocks A & B of Plan 407, Seaforth Ward (Zulk Enterprises Inc.)

CAO/Clerk Brad Knight advised that the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

CAO/Clerk Brad Knight explained the purpose and intent of the proposed zoning by-law amendment. The Zoning By-Law proposes to change the zoning from ‘Community Facility (CF)’ and Residential Low Density (R1)’ to ‘Medium Density Residential – Special Provisions (R2-17)’. The special provisions proposed include site specific regulations to permit more than 4 dwelling units per building as well as a reduction in rear yard setback. Site specific regulations would also stipulate a maximum density requirement for the property as a whole. A stormwater management pond and amenity area would also be permitted within the area zoned R2-17. He advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed by-law amendment and proposed vacant plan of condominium in a report to Council dated July 20th, 2017.

GSP Group – Planning Consultants

Caroline Baker, Senior Planner with GSP Group, acting on behalf of Zulk Enterprises Inc., attended before Council and provided a project overview of the proposed vacant plan of condominium with the following points being highlighted:

Site:

- approximately 2 hectares
- vacant with minimal vegetation
- gentle slop to the northwest
- frontage on Centennial Drive and Alexander Street
- former Plan of Subdivision
- surrounding land uses – Residential & Institutional

Project Overview:

- Vacant Land Condominium
- 38 townhouses – 1 storey in height
- 2 car garage
- large amenity area
- private stormwater management pond and roads
- access from Alexander

Technical Studies:

- Stage 1 and 2 Archaeological Assessment (no archaeological resources)
- Functional Servicing Brief
 - Services through the extension of existing gravity sewers (Silver Creek) and municipal watermains
 - Sanitary sewer constructed as municipal sewer to service JL Living (existing easement)
 - On-site stormwater management (dry facility) & low impact development

Planning Opinion

- efficient use of land and municipal resources
- provides modest intensification with access to a range of urban amenities, including parks, schools, shopping and the hospital
- transition in housing type from single detached dwellings (south) to medium density (JL Living)
- increased side yard setbacks provided to existing single detached dwellings
- extensive open space and amenity area for future residents

Ms. Baker advised Council that the next step in the process will include receiving comments, preparation of a staff report with recommendations, followed by the applicant submitting a Site Plan Application.

Huron County Planning and Development Department

Senior Planner Claire Dodds attended before Council to present her report to Council on the proposed zoning by-law amendment and proposed Vacant Land Plan of Condominium application. Ms. Dodds advised that the Municipality of Huron East is a commenting authority on Plan of Condominium applications and the County of Huron is the approval authority who makes the final decision on the application. Ms. Dodds reviewed the report with the following points being noted:

The proposed Plan of Condominium and Zoning By-Law Amendment applies to Lots 15 to 26, 29 to 33, 37 & 38, Part Lots 14 and 27, Block A & B and former Silver Creek Road, Registered Plan 407 in Seaforth Ward. These lots have been purchased and are in the process of being assembled into one large development parcel on which 38 townhouse units are proposed to be constructed as a vacant land plan of condominium. The development parcel is approximately 2 hectares (approximately 5 acres) and is bounded by Centennial Drive to the east, the JL Retirement development to the north, and south to the back yards of the residential lots which front directly on to Alexander Street.

The Municipality previously closed Silver Creek Road and had transferred it to Zulk Enterprises through a public process and the former road allowance was part of the development parcel. A deeming by-law is also being processed concurrently which has the effect of merging the lots and former Silver Creek Road into one large parcel of land. A second deeming by-law has been applied for to facilitate a lot addition severance that removes a small strip of land from the subject property and adds it to a neighbouring residential property (B48/2017).

The purpose of the proposed Plan of Condominium is to split the subject property into 38 condominium units over which will be built 4 buildings, each containing 6 residential units and 3 buildings, each containing 4 units. The dividing walls between residential units will align with the proposed condominium unit boundaries. A private road, stormwater management pond and amenity area are proposed to be common elements.

The property is designated Residential in the Huron East Official Plan. The Zoning By-Law Amendment proposes to change the zoning on the property from 'Community Facility' and 'Residential Low Density' to 'Medium Density Residential – Special Provisions (R2-17)'. The special provisions proposed include site specific regulations to permit more than 4 dwelling units per building as well as a reduction in rear yard setback. Site specific regulations also stipulate a maximum density (20 units per hectare) for the property as a whole. A stormwater management pond and amenity area are also permitted

within the area zoned R2-17. The subject property is comprised of a number of whole lots in the plan of subdivision (Plan 407) that need to be assembled into one large parcel of land prior to the condominium being registered.

Ms. Dodds advised the proposed Vacant Plan of Condominium conforms to section 51 (24) of the Planning Act, the Provincial Policy Statement and the Huron East Official Plan. Detailed compliance will be regulated through the site plan agreement.

Ms. Dodds further advised that the applicants have submitted a zoning by-law amendment application to be considered concurrently with the plan of condominium. Planning staff have recommended a few changes in language and organization of the proposed zoning by-law amendment that are currently being reviewed by the planning consultants for the applicant (GSP Group). It is recommended to the consultants that a stormwater management facility and amenity area also be listed as permitted uses. It is also recommended that by-law only apply to Part Lot 27, not to the whole of Lot 27, Plan 407 because a portion of Lot 27 is being severed and added to Lot 28 by severance B 48/2017 and this strip will remain in the R1 zone. It is recommended that Council defer the proposed zoning by-law amendment to allow for planning staff to hear any public comments on the by-law prior to recommending approval. An updated zoning by-law amendment will be presented to Council when the application comes for a decision.

The plan of condominium and related zoning by-law amendment application was circulated by the County of Huron in accordance with the Planning Act. Comments were received from the Historic Saugeen Metis, Chippewas of the Thames First Nation and Hydro One, all having no objection or opposition to the proposed development. A telephone inquiry was received from a neighbouring landowner by the Municipality of Huron East. No written comments were received from any surrounding land owners or members of the public at the time the report was written.

The following is the recommendation from the Huron County Planning & Development Department:

1. It is recommended that the by-law deeming Lot 28, Plan 407 not to be part of a registered plan of subdivision be approved by Huron East Council at the July 25th Council meeting to facilitate fulfilling the conditions of file B48/2017, thereby helping to finalize the boundaries of the development parcel for the Zulk Enterprises Condominium.
2. In order to support the assembly of the development parcel for Zulk Enterprises, it is recommended the by-law deeming Lots 15-27, 29-33, 37, 38 and Blocks A & B of Plan 407 not be part of a registered plan of subdivision be approved by Huron East Council at the July 25th Council meeting.
3. It is recommended that Huron East Council defer making a decision on Plan of Condominium File 40CD17002 and associated Zoning By-Law Amendment application to allow the public an opportunity to comment on the proposed applications. Planning staff will consider public and agency comments and provide Council with a Planning recommendation to allow Council to make a decision on the proposed plan of condominium and related zoning by-law amendment at a future council meeting.

Questions/Comments

Councillor Fisher questioned if the double garage would be flush with the building and also whether there were basements in the units.

Caroline Baker responded that the buildings are flush for the entire façade and the units also include basements.

Councillor Fisher also questioned whether storm water management could be combined with the JL Retirement storm water management. Councillor Fisher also questioned the depth of the pond and whether it could handle high rain events.

Ms. Baker responded that both engineers for both applicants (Kluz and JL Retirement) met and it was determined to keep the storm water management separate. Ms. Baker also noted that the dry pond will be quite shallow and only used when high rain events occur noting it is engineered for the 100 year storm event

Councillor Chartrand questioned whether individuals would own the house and land.

Ms. Baker responded that was correct and individuals would own the unit, including the front and rear yard.

Councillor Chartrand questioned whether there would be fencing around the storm water management area or just vegetation.

Ms. Baker responded that privacy fencing will be considered, particularly along Centennial Road and exterior property lines. Ms. Dodds noted that the opinion of municipal engineers is to not fence storm water ponds and recommend using landscaping carefully in terms of design as a dry pond, grasses/landscaping approaches are quite commonly used in storm water ponds.

Councillor Lowe questioned the setbacks from Alexander Street and JL Retirement Development.

Claire Dodds responded the 4 units on Alexander Street would be the most directly impacted and setbacks greater the minimum helps to minimize the impacts. It was noted that the reduced setbacks to the JL Retirement Home were reasonable given the greater setbacks of the higher density retirement home to the lot line. Ms. Baker advised the increased separation distance was an effort to minimize the number of units that could cause any privacy issues with neighbours.

Councillor Wilbee questioned the U-shaped road and the dimensions and whether the road is entirely maintained by the Condominium Corporation.

Ms. Baker advised the road will be engineered to allow for service vehicles and will be maintained by the Condominium Corporation.

Councillor Wilbee questioned whether one lane into development could be considered instead of a two lane road.

Ms. Baker noted it is a design width and Ms. Dodds advised it is designed for snow removal equipment, fire safety and recycling trucks. It is a two lane reduced width road.

Councillor Chartrand questioned why not maintain the road as a municipal road instead of private.

Ms. Dodds advised the width is not sufficient to meet municipal standards and the developers have more units and better use of the land parcel if the road is private.

Ken Rodney questioned the process and whether there were limits on the length of time to complete construction. Mr. Rodney also questioned whether there was a need to have a traffic survey completed.

Ms. Dodds responded that with a vacant land condominium one benefit is the entire road and services go in at the beginning prior to any building. There is no requirement to have developers build in a specific time frame however how the infrastructure phase occurs will be recommended in the site plan. Ms. Dodds advised that the Ministry of Transportation was contacted as it was anticipated a traffic study would be required. It was noted that due to the commercial component of the JL Retirement Development traffic study, the Ministry advised no further changes are required. The municipality will monitor the development and the opening of Centennial Drive and Duke Street Extensions are anticipated to relieve some pressure at the intersection of Highway 8 and Centennial Drive.

Councillor Marshall questioned the timeline for building.

Ms. Baker advised a site plan submission is in progress and comments from this public meeting will be considered. It is anticipated the road/services will be installed late fall of 2017 with construction of units in spring of 2018.

Councillor Lowe questioned the height of the retaining wall on Alexander Street.

Ms. Baker advised it is a very small wall and will ensure grades are high enough and she could provide that information thru Ms. Dodds back to Council. Ms. Dodds noted that this matter will be considered as part of the site plan.

The CAO/Clerk advised a further planning staff report will come back to Huron East Council following the public meeting. This report will include proposed conditions for the plan of condominium and an updated zoning by-law amendment consistent with any recommended changes.

Moved by Kevin Wilbee and seconded by Nathan Marshall:
That the Public Meeting for Zoning By-Law Amendment No. 66 for 2017
and proposed Vacant Land Plan of condominium be closed at 8:30 p.m. Carried.