



To: Planning and Development Executive Committee
From: N. Faye Flatt, Municipal Planner
Date: September 8, 2015
Re: 237 8th St. W – Amendment to Site Plan Control Agreement

The property known as 237 8th St. W. was created in 2010 (Consent File B2/2010) in contemplation of a staged development of multi-residential dwellings by Fort Frances Native Urban Wahkaihanun Corporation (WFC).

By-Law #51/11 invoked site plan control on the project and an agreement (Agreement) entered into to authorize a two story 10-unit complex as Stage 1 with provisions for future buildings over the ensuing five years. The agreement provided for extension of municipal services within the right-of-way of the fronting street, etc. The Agreement was customized to provide sufficient flexibility to accommodate the circumstances and timelines of development yet enable the Town to maintain control, such as

- elimination of reference to work internal to the site as it was deemed unnecessary;
- elimination of Letter of Credit in favour of relying on section 446 of the Municipal Act if required; and
- Issuance of Occupancy Permit tied to completion of all requirements and submission of all documentation.

In June of 2013 the Town received an application for zoning amendment (8/98-XX) and Consent (File (B3/2013) to change the zoning on the holdings of WFC to accommodate multi-residential and to sever the rear portion of the York Avenue properties to enlarge the property contemplated for the second structure. Area residents raised concerns about drainage and tenants trespassing. This office was able to mediate between the parties and negotiate their concerns whereby conditions were imposed by the Committee of Adjustment that certain issues be deferred to the Agreement (buffer, parking, drainage, etc.) completion of the last phase of development.

Phase 3 has begun with the proposed enlargement of the property by approval of Consents (File B3/2015 and B5/2015) to accommodate the construction of a 6-unit residential complex the same as, and immediately south of, the second building.

As this is the last of the development proposed for this property, an application for an amendment to the Agreement has been received. A copy of the application is attached together with a site plan with notations regarding my review thus far. The amendment will recognize the work done in Phase 2 and set out the obligations and responsibilities proposed for Phase 3 as well as finalize requirements for the issues that were deferred, including

- Buffer – minimum 3 m. wide by 1.5 m high required (s. 3.25 ZBL #3/14) where multi-residential abuts single residential use. Committee of Adjustment recommends solid fencing minimum of 2 metres high;
- Lighting – determination if and where needed for safety;
- Parking – type of surface treatment, confirm location and number of parking spaces, including barrier-free;
- Landscaping – determination if and where needed, type etc.
- Costs - all associated costs relative to the amendment be the responsibility of the property owner;

- Security - issuance of an Occupancy Permit will be withheld instead of requirement for Letters of Credit to ensure compliance with obligations of the Agreement;
- Drainage – submission and approval of a stormwater management plan to ensure that the development does not adversely affect surface water runoff.

As with previous stages of development, funding is contingent on the issuance of a building permit so the property owner wishes to obtain one as soon as possible. Usually a permit is issued after registration of the Agreement. However, to accommodate this situation in the past, it was tied to the signing of the Agreement. The Town will again likely be accommodating in this respect. However because this will involve the respective solicitors, a delay may be experienced.

A copy of the original Agreement with potential modifications will be presented at the meeting for review.