



Municipality of Port Hope

Staff Report

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Report Title: Final Approval of Subdivision (SU01-2018), Site Plan Approval (SP03-2021) and Condo Exemption (CE01-2018), Thompson Drive

Report to: Planning & Development Committee

Date of meeting: May 3, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-18-22

Recommendation:

1. That a by-law be presented to Council to authorize the execution of Subdivision Agreement with One Thompson Inc.
2. That following the registration of the above-noted Subdivision Agreement, that staff be authorized to approve the subject Plan of Subdivision, as Final Approved and then proceed with the necessary arrangements to have the plan registered in accordance with Section 51(58) of the *Planning Act*.
3. That a by-law be presented to Council to authorize the execution of a Site Plan Agreement with One Thompson Inc.
4. That a resolution be presented to Council to grant an exemption from the provisions of Section 51 and 51.1 of the *Planning Act* for the creation of a Plan of Condominium, pursuant to Section 9.(7) of the *Condominium Act*.

Highlights:

- An application for Zoning By-law Amendment has been approved by Council in April 2021 (By-law 16/ 2021) for the subject lands for zoning standards that apply to COM3(124) zone.
- The Draft Plan of Subdivision for the subject lands was also approved by Council in April 2021 (Res. 21-2021) subject to a number of conditions.
- The applicant has submitted an application for the Final approval of the Plan of Subdivision that will create a large block consisting of 15 freehold residential townhouse units and a common element or shared area. Another block of 0.8 m along Thompson Drive will be conveyed to the Municipality. Subdivision Agreement sets out the servicing requirements on the site.

- The applicant has submitted an application for Site Plan Approval that will delineate the number and size of Parcels of Tied Land (POTLs) for the townhouse blocks. Construction of the townhouses will proceed based on the approved site plan.
- The applicant has also submitted an application requesting an exemption pursuant to Section 9.(6) of the Condominium Act for the approval of a Condominium description.
- It is the opinion of the staff that Council enters into a Subdivision Agreement, Site Plan Agreement with One Thompson Inc. and that an exemption to condo approval process be granted.

Background:

Subject Lands:

The subject lands are located at the intersection of Ontario Street -Thompson Drive - Mill Street North in the Urban Area of the Municipality of Port Hope, legally described as *Part of Lots 3, 4 and 5, Registered Plan 34* (see **Figure 1**). The irregularly shaped lands have a total lot area of 0.22 ha (0.54 ac) with frontage on Thompson Drive (26.0m), Mill Street North (46.3m) and Ontario Street (92.5m). The lands proposed for development are currently vacant. The Ganaraska River is located to the south of the subject lands, and a portion of the property is within the Floodplain of the river.

The subject lands were originally part of a larger parcel of land which included the 50 Mill Street North property (River's Edge Condo building). The lands were intended for future Phase 2 of the River's Edge development. Phase 1 River's Edge was completed in 2013.

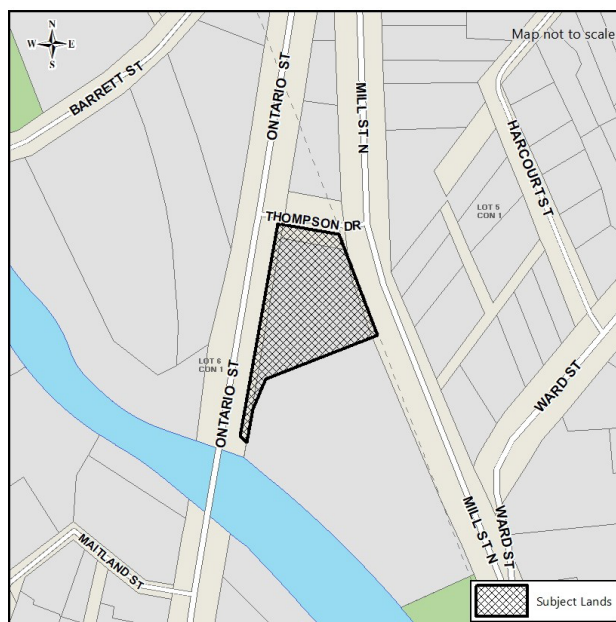


Figure 1: Subject Lands

Surrounding Land Uses:

The subject lands are surrounded by:

- North - A commercial property (63 Ontario Street – Diamond Detailing, Auto Shop) on the north side of Thompson Drive
- South - Existing residential building (50 Mill Street N – River’s Edge Condo)
- East - Mill Street and existing low density residential development
- West - The Ganaraska River and existing downtown commercial development.

Current approvals:

The subject lands were subject to Zoning By-law Amendment (ZB07-2019) and Draft Plan of Subdivision (SU01-2018) applications approved by Council (subject to Conditions of Draft Approval) on April 6, 2021.

The purpose of the Draft Plan of Subdivision application was to facilitate the development of 15 freehold townhouses with a ‘common element’. The common element includes: motor court area including maintenance and snow removal, underground storm water management system/tanks and maintenance, community mailboxes, landscaping/trees located in the common areas, pedestrian pathway to Ontario Street and a utility room. Vehicular access to the townhouse units is proposed from a shared entrance/exit off Mill Street North except for one unit with access from Thompson Drive. No vehicular access from Ontario Street is proposed. For parking, the proposal includes 28 parking spaces including 3 visitor spaces. Each townhouse will have a private garage that is located at-grade for parking. The development will function as common element condominium (CEC). The townhouses, also called parcels of tied land (POTL) will be serviced by private services.

Proposal:

As illustrated on the following page (see Figure 2: Plan of Subdivision), in its final form, the 2,259 m² Plan includes elements as follows:

Table 1: Site Statistics

Land Use	Area (m²)
Block 1 - Residential (15 Townhouse Units), Common Element Block for Motor Court	2,238.16
Block 2- 0.8 metre portion of site to be conveyed to Municipality for sidewalk on Thompson Drive	20.93
TOTAL	2,259.09

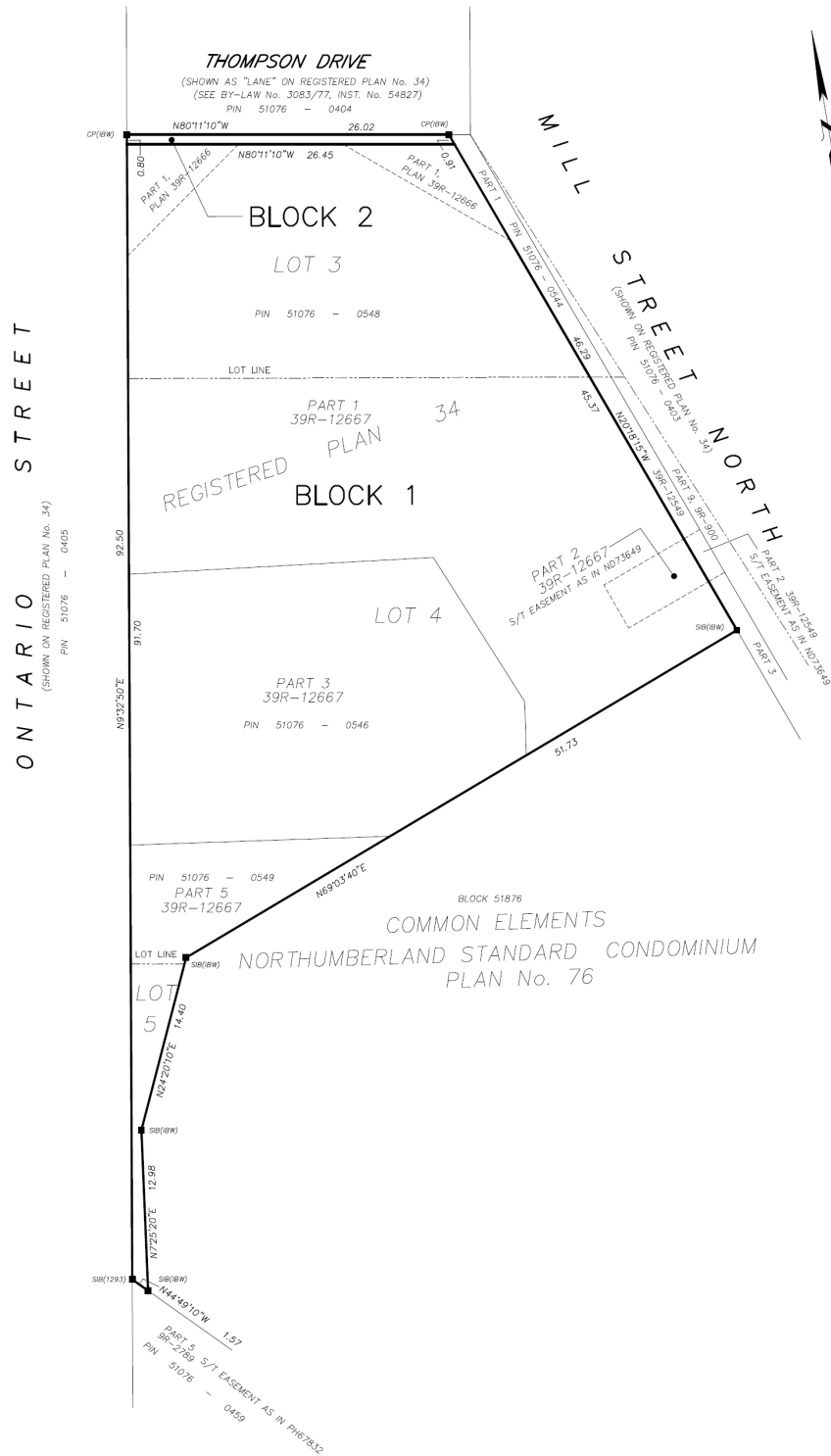


Figure 2: Draft M-Plan of Subdivision, Apr 25, 2021

Discussion:

The COW Report of March 16, 2021 described in detail the proposed development and provided a comprehensive review of the relevant provincial and municipal land use and development policies that apply to the proposal. It is not proposed to repeat those sections and instead the balance of the report will briefly review the clearance of the conditions of the Draft Plan Approval and the condo exemption application.

Clearance of Conditions of Draft Approval:

As summarized in **Table 2**, the required Subdivision Agreement is the main tool by which the developer agrees to the majority of the various Conditions of Draft Approval as issued by Council. The Subdivision Agreement is a critical document which helps to direct development as approved by Council, setting out servicing requirements as well as the long-term maintenance of the subject lands.

The Draft Subdivision Agreement (Attachment 1) has been prepared based on extensive discussions with municipal staff, the developer and respective solicitors.

Table 2: Clearance of Conditions of Draft Approval

Description	Clearance
Recognition of Draft Plan	Final Draft M Plan Prepared
Conveyance of Block 2- Thompson Drive Sidewalk	Incl. in Sub. Agreement
Wording in agreement re: Soil management Plan	Completed
Wording in agreement re: Construction Traffic Management Plan	Incl. in Sub. Agreement
Wording in agreement re: to follow recommendations within Construction and Traffic Management Plan	
Design and Construct servicing requirements to specifications of approving authorities	
Utility Coordination Plan, to the satisfaction of the Municipality	Completed
Wording in agreement re: Building permits to be issued after registration of Common Elements Condominium	Clause 11 in Sub. Agreement: Solicitor's undertaking required to register a restriction against each of the lots pursuant to Section 118 of Land Titles Act
Warning Clause re: in the event private services not complete at the time of	Incl. in Sub. Agreement

registration of CEC, then Municipality will take 100% securities for the remaining services	
Warning Clause re: POTL will be privately serviced and the Municipality has no obligations on the services/100% securities if not fully complete	Incl. in Sub. Agreement
GRCA approvals	Completed (see attached letter)
Approval of community mailbox location, to the satisfaction of Canada Post	Completed (see attached letter)
Canada Post warning clauses	Incl. in Sub. Agreement
Warning Clause re proximity to the Ganaraska River	Incl. in Sub. Agreement
Regular cleaning of streets during construction	Incl. in Sub. Agreement
Bell Canada shall confirm satisfaction with respect to Bell Canada facilities servicing this plan of subdivision	Incl. in Sub. Agreement
Natural heritage features warning clause	Incl. in Sub. Agreement
Provide proof of "Offer to Connect" from Elexicon, and agree to protect existing Elexicon facilities during construction	Incl. in Sub. Agreement.
Potential required easements for utility, telecommunication services, drainage or servicing purposes shall be conveyed to appropriate authority	Incl. in Sub. Agreement
Wording in agreement to contain provisions, wherein the Owner agrees to contact Historic Waste Program Management Office to approve a schedule of excavation phase of construction and then to implement monitoring of excavations	Incl. in Sub. Agreement (see attached letter)
Servicing design and costs	Incl. in Sub. Agreement
Enter into a Subdivision agreement	Incl. in Sub. Agreement
Wording in agreement: Cash-in-lieu of parkland	Incl. in Sub. Agreement

Once the Subdivision agreement and the M-Plan is registered on title, the Site Plan Agreement (**Attachment 2**) will be the next document to be registered.

Approval of a Condominium Description:

The applicant has submitted in 2018 an application requesting an exemption pursuant to Section 9.(6) of the Condominium Act for a proposed Plan of Condominium. Under the Condominium Act the approval of a condominium description is subject to Sections 51, 51.1 and 51.2 of the *Planning Act* that apply to the approval of a plan of subdivision. Under the Act, for a condominium to be registered it must be:

- Approved by the Approval Authority (i.e. Council of the Municipality of Port Hope); or
- Under the Section 9(7), the Approval Authority has exempted the description from the provisions of the Planning Act that would normally apply, and the Plan is accompanied by a certificate of exemption.

From a planning perspective, consideration of an exemption from approval should only be given in circumstances where all relevant planning matters have been reviewed and found acceptable in the context of other planning applications approved for the development.

The subject lands have been through several planning application reviews which addressed Provincial Policy and Official Plan compliance. The applications were supported by a number of reports, documents, public meetings, and materials relating to site servicing, grading, drainage, stormwater management, design, securities, etc. The Draft Plan of Subdivision, Zoning By-law amendment and Site Plan have been extensively vetted following a comprehensive public consultation and public meeting. The site is zoned for the proposed residential use, has been subject to thorough planning review and no further comments or requirements are necessary for the development to proceed. There would be no benefits to requiring the subject condominium to go through Planning Act process of draft plan approval or requiring a condominium agreement, as the conditions for development will be addressed through the proposed Subdivision Agreement and Site Plan Agreement. It is staff's recommendation that Council support the granting of the exemption in the context of this application.

Financial Considerations:

The proposed development is anticipated to yield approximately \$272,000 in Municipal Development Charges (on a one-time basis) as well as applicable Building and Plumbing permit fees (\$35,000). An increase in property tax generated annually is also anticipated as the property will no longer be taxed as vacant lands.

Performance guarantee of \$349,924 and Public Works User fee in the amount of \$18,902 will be provided prior to the execution of the Subdivision Agreement.

Prior to the execution of the Subdivision Agreement, the owner will also pay Cash-in-lieu of parkland dedication in the amount of \$30,000.

Communication and Public Engagement:

A community consultation page “Thompson Drive” was created on November 22, 2018 under the Municipality’s community engagement website. The page contained links to all the materials submitted by the applicant/developer, as well as allowed for feedback to be submitted by residents during the Draft Plan approval and rezoning review process. The *Planning Act* does not stipulate requirements for public consultation during Final Approval. Two Notice signs were posted on the property since December 11, 2019 and have recently been replaced by marketing signs. Figure 3 shows a rendering of the view from Mill Street.



Figure 3: Rendering provided by the proponent

Conclusion:

The proposed development would create a new subdivision block for 15 residential townhouse units with connection to existing municipal water and sewer infrastructure. Further, the development would be accessed through a new entrance off Mill Street North and would contain 28 on-site parking spaces for residents and visitors.

The Subdivision Plan is in keeping with the Municipal Strategic Plan for intentional growth and complies with applicable Provincial policies and the County Official Plan and Port Hope Official Plan. Furthermore, this development will provide for appropriate residential intensification and use of existing infrastructure within the built-up area of Port Hope.

Staff recommends that the attached Site Plan Agreement and Subdivision Agreement be endorsed and forwarded to Council for consideration and that the granting of the exemption for the approval of the condominium description is warranted.

Attachments:

Attachment 1: By-law to Authorize Execution of Draft Subdivision Agreement

Attachment 2: By-law to Authorize Execution of Draft Site Plan Approval

Attachment 3: Resolution to grant an exemption for the approval of the condominium description