



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE REPORT

Subject: Holding Removal By-law – Kelden Development Inc.

Director: Infrastructure & Development

Manager: Development Services

Report Number: Development Services-2023-26

Meeting Date: Monday, August 14, 2023

Recommendation:

That the Council of the Municipality of Kincardine pass a By-law for the removal of the Holding “H” provision from FIRSTLY:PART PARK LOT 2 PLAN 10, PART 1 3R8384; SECONDLY PART PARK LOT 3 PLAN 10, PARTS 1,2, AND 3 3R10465; MUNICIPALITY OF KINCARDINE; and

Further that it be conditional upon execution of a Site Plan Agreement that has been registered on title with Kelden Development Inc.

Date to be considered by Council: Monday, August 14, 2023

Report Summary:

A request for removal of a Holding provision from the referenced parcel of land, commonly known as 1182 Queen St. has been received from the owner, Kelden Development Inc. (c/o Dale Walden). The proposed development consists of mixed density, single storey townhouse blocks ranging from 3-5 units per block. A total of 45 units are proposed within the development. Staff are working in parallel with Keldon to complete and execute a Site Plan Agreement for the site that will be registered on title. The agreement is required prior to the removal of the holding and staff are requesting that Council support this conditionally to ensure the development isn't stalled as we advance into the fall season.

Origin: Kincardine Zoning Bylaw 2003-025

Existing Policy: Zoning Bylaw Amendment 2022-126 (by order of the Ontario Land Tribunal OLT-22-004309 - March 23, 2023)

Background/Analysis:

Through the Site Plan Control process, the subject lands were reviewed in accordance with the provisions of Bylaw No. 2022-126. This review was in response to the order as provided by the Ontario Land Tribunal on March 23, 2023. The decision of the OLT included the following provisions as part of the Zoning Bylaw Amendment:

*By-law No. 2003-25 (Kelden Developments Inc. c/o Dale Walden
Subject Lands: Municipality of Kincardine, PLAN 10 PT PARK LOTS 2 AND 2;
RP 3R10465 PARTS 1 TO 4
Special Zone: R3-ac-H (Holding)*

Exception to Zone Provisions:

- a) *A maximum of 46 townhouses shall be permitted.*
- b) *Notwithstanding the provisions of Section 14.2.3 on lands described as R3-ac-H the following provisions shall apply:*
 - i. *The back wall of a row dwelling shall maintain a minimum setback of 7.5m from the property line;*
 - ii. *The sidewall of a row dwelling shall maintain a minimum setback of 6m from the property line;*
 - iii. *The front wall of a row dwelling shall maintain a minimum setback of 6m from the private road;*
 - iv. *The side wall of a row dwelling shall maintain a minimum setback of 0m from the side wall of an attached row dwelling and 3m from a row dwelling located in a different structure.*
 - v. *The minimum floor area of a row dwelling unit shall be 60 m²*
- c) *The developments shall be under site plan control;*
 - i. *The site plan agreement shall incorporate the recommendations of the Environmental Impact Study (dated March 8, 2022) to the satisfaction of the Saugeen Valley Conservation Authority; and*
 - ii. *The site plan agreement shall incorporate the Tree Retention Plan (revision 1, dated March 17, 2022)*
- d) *On those lands identified as being subject the 'H' Holding Zone provision, development, lot grading, excavation, and/or construction shall not be permitted unless the 'H' Holding Zone provision is removed. Council may remove the 'H' holding Zone provision once the following conditions have been met:*

i. A stormwater management easement between the owner of the subject lands and the owner of the adjoining Golf Course property has been registered on title to both properties; and,

ii. A Site Plan Agreement has been registered on title of the subject lands

A Site Plan Agreement has been drafted which incorporates specific details of the zoning provisions. Particularly, actions c) i) and ii) have been outlined in the agreement as it relates to completion of the recommendations of the Environmental Impact Study to the satisfaction of the Saugeen Valley Conservation Authority (SVCA) as well as submission of a Tree Retention Plan.

As part of the Zoning provisions, a Holding “H” provision was applied to ensure further provisions of the development are addressed. As noted in section d) i), a stormwater management easement was required as part of the development. In order to satisfy this condition, a “Mutual Agreement Drain” under section 2 of the Drainage Act was sought to address the private storm water outlet from the stormwater management pond. The private agreement between Kelden Development Inc. and Kincardine Golf Course has been provided and is currently being signed by the relevant parties. This agreement will be registered on title of both subject properties.

The final condition outlined under the Holding provision was that the subject lands enter into a Site Plan Agreement which is registered on title. This is near completion and once finalized will be submitted to the Land Registry Office.

Integrated Strategy 2020 – 2025 Economic Development – Goal ED 2

Financial Implications: All related fees as per the 2023 Rates and Fees Bylaw

Attachments:

Holding Removal By-law

Schedule “A” Subject lands to rezoned R3-ac

Prepared by: Dwayne McNab – Development Services Manager/CBO

Submitted by: Dwayne McNab – Development Services Manager/CBO