REPORT TO: Reeve Bailey and Members of Council
PREPARED BY: Dwayne Evans, CAO
DATE: 12/08/2019
SUBJECT: Revised Site Plan Agreement-82 Kerr Dr, Wingham
ATTACHMENTS: Click here to enter text.

RECOMMENDATION:
THAT the Council of the Township of North Huron hereby receives the report of the CAO, dated August 12, 2019, regarding revisions to the site plan agreement with KRS Holdings Wingham Inc for a proposed gas bar with store and restaurant at 82 Kerr Drive, Wingham,

AND FURTHER, THAT Council give third reading of By-law 67-2019 being a Site Plan Agreement with KRS Holdings Wingham Inc.

EXECUTIVE SUMMARY
At the July 2, 2019 regular meeting, Council received a report and site plan from Laura Simpson, Planner, regarding a proposed gas station development with canopy and pumps, convenience store and drive through restaurant in Wingham. On the same day, the Committee of Adjustment (comprised of all members of Council) considered and approved a minor variance application for this same development. The minor variance application reduces the required minimum percentage of open landscaped area and allows the maximum width for a driveway entrance/exit to be exceeded. In accordance with the requirements of the Planning Act, a Notice of the Committee's decision was given and no appeals were received.

At the July 2, 2019 meeting, Council gave first and second reading to By-law 67-2019 being a By-law to adopt the Site Plan Agreement with KRS Holdings Wingham Inc. Council withheld third reading pending the outcome of the minor variance application. The minor variance application is now in effect and force and it is recommended Council give third reading to By-law 67-2019. The purpose of this report is to highlight changes made to the Site Plan Agreement.

DISCUSSION
As a result of further discussions with the Developer, staff expressed concern with the design, timing and method of removing peat from the site and the potential for methane gas to be present. To address this concern, the Developer agreed to add the following condition to Schedule B of the site plan agreement:

“The Owner shall provide to the Chief Building Official a detailed venting system verified by a geotechnical engineer for suitable compaction or bearing to address sub grade gases prior to installing engineered fill.”

To address a municipal concern, the Developer also made revisions to the retaining wall to maintain a maximum slope of 3:1. As a result of this change, the Developer has agreed to add the following condition to Schedule B:
“The Owner shall provide to the Chief Building Official engineered stamped drawings of the retaining wall prior to issuance of a building permit.”

For clarity and quality assurance of the storm water drainage, the following two conditions have also been added to Schedule B:

Backflow Flap Gate: The backflow flap gate shall be installed on the private side of the property and the maintenance of the flap gate is the responsibility of the property owner.

Backfill: The backfill in the area below the retaining wall will have to competent, compact fill and should be subject to review by the developer’s geotechnical engineer.

Finally, the proposed development requires an Environmental Compliance Approval (ECA) which is issued by the Ministry of the Environment, Conservation and Parks. Due to the increasing timelines to obtain this approval, Huron County Public Works presented three options for the Developer’s consideration which would enable the development to proceed in a timely fashion. The Developer’s selected option involves the installation of storm drainage infrastructure in the County’s right-of-way in advance of the Environmental Compliance Approval and at the Developer’s risk. The Developer is accepting responsibility for any and all changes to the design of the storm drainage infrastructure to conform with the ECA, when it is obtained. As a safeguard, Township will hold $40k in securities (an increase from the original proposed $30k securities).

The Site Plan Agreement has been revised by amending the amount of the securities and the following condition has been added to Schedule B:

MECP Certificate:
The Owner shall obtain from the Ministry of Environment, Conservation and Parks (MOECP), an Environmental Compliance Approval (ECA) for the installation of drainage infrastructure based on the approved drawings contained in Schedule “A”. The Township of North Huron recognizes that drawing revisions may be requested MECP through the permit approval process.

The Owner also agrees that should installation of storm drainage infrastructure commence prior to the ECA being obtained, the owner is responsible for any and all charges to the installation to conform with the ECA.

FINANCIAL IMPACT
There is no financial impact on the municipality. The Developer is responsible for development costs.

FUTURE CONSIDERATIONS
As new developments are approved and constructed, additional tax revenue is generated.

RELATIONSHIP TO STRATEGIC PLAN
Goal 4: Our municipality is fiscally responsible and strives for operational excellence.
Dwayne Evans, CAO