

Staff Report

Report From: Kara Van Myall, Chief Administrative Officer

Meeting Date: June 13, 2022

Subject: Cedar Crescent Village Waterfront Development

Attachments:

- 1) Final Site Works and Servicing Agreement
- 2) Site Plan, Landscaping Plan and General Notes
- 3) Floor Plans and Building Elevations
- 4) Renderings
- 5) Floor Area Comparison
- 6) Design Brief and Amendments
- 7) Final Lease Amending Agreement

Recommendation

That Council authorize entering into the recommended Site Works and Servicing Agreement;

That Council delegate approval of the matters outlined in the Site Works and Servicing Agreement to the Director, Development Services or designate in accordance with the terms of the Agreement;

That Council approve the amending Lease Agreement to incorporate revised Schedules; and

That Council instruct staff to return to Council with a schedule and cost estimate for the consultation related to the Town portion of the waterfront area.

Report Summary

The Cedar Crescent Village (CCV) project was presented to Committee of the Whole January 10th, 2022. With Committee of Whole direction, the proponents of Cedar Crescent Village (CCV) have finalized plans and drawings in support of their project. Additionally, the final Site Works and Servicing Agreement has now been reviewed by both legal parties and executed by the proponent. The schedules to the Land Lease have been finalized and the amending Land Lease Agreement and Schedules are recommended to Council for approval. Additionally, it is recommended that Council instruct staff to prepare a schedule and cost estimate to begin the Town's work to further the Waterfront masterplan.

Background/Analysis

On January 10, 2022, Committee of the Whole recommended entering into a Site Works and Servicing Agreement with CCV proponents to facilitate the construction of the works as presented in January.

It was made clear during the meeting that the proponent would consider the Site Works and Servicing Agreement (SWSA) and advise the Town of its position related to the Agreement. The SWSA has been reviewed by both legal parties' representation and executed by the proponent (attached).

In the intervening 5 months, the proponent has submitted plans and drawings to finalize their project to support the waterfront development.

In support of this report the proponent has submitted the following plans, documents and drawings and they are attached for Council's review:

1. General Notes & OBC Matrix, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing A0.1
2. Site Plan/Key Plan, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing A0.2
3. Landscaping Plan, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing A0.4
4. Ground Floor Plan – North Building, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing N-A1.2
5. North Building – Elevations N & S, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing N-A2.1
6. North Building – Elevations E & W, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing N-A2.2
7. Ice Cream Pergola, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing N-A3.2
8. Ground Floor Plan – South Building, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing S-A1.1
9. Second Level Plan – South Building, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing AS-A1.2
10. South Building – Elevations, prepared by G.M. Diemert Architect Inc., dated 2022.06.03, Drawing S-A2.2

The finalized plans will be appended to the SWSA.

The proponent has also provided 3-dimensional renderings of the development and a Floor Area Comparison for Council's review (attached).

In advance of this meeting, SVCA was provided with the updated and revised plans for input on their regulatory limits. Preliminary feedback was received May 26, 2022, and notes that the proposed buildings will avoid the SVCA's Regulated Areas and that when the final drawings are approved, the SVCA can finalize their review and sign off. With the development located outside of the Regulated Area, a building permit can be issued.

This report highlights for Council any substantive changes from the report presented January 10, 2022 and the proponent also submitted an updated Design Brief that highlights the changes that have been made (attached).

Zoning

The submitted Project Plans provide sufficient information to verify that the CCV project remains compliant with the zoning by-law.

Uses

No changes requiring amendment to the Zoning By-law.

Parking

A small number of parking spaces are shown within the leased area. Though they are being provided by the proponent they are not exclusive use spaces. They will be available to all users of the beach area.

Setbacks and Height

Setbacks from all property lines are required to be 15 m. The general location of the revised plans remain compliant.

Building height may be no more than 10 m. While some parts of the structures (HVAC screening) exceed 10 m, these elements are permitted exceptions, as outlined in the Zoning By-law because they are not habitable features and are no higher than required in their function.

Landscaped Open Space

Required landscaped open space is 10%. Additional landscaped open space is being proposed in the final plans. Therefore, the landscaped open space has been increased. Details of the landscaping treatments are provided on the drawings.

Lot Coverage

The maximum lot coverage is 25% of the lot area. Building coverage has decreased with the revised plans. See attached Floor Area Chart for comparison of previous submission with this submission.

Lessor Responsibilities

The Land Lease requires the Town, in exercising its approval rights under the Lease, to have regard to Article 4.3.4:

- a) The overall quality of and character of the Project
- b) The integration of the Project with the waterfront for the community of Port Elgin as a whole
- c) The impact of the Project on parking and other vehicular and pedestrian traffic matters
- d) The suitability of the Project for its Permitted Use
- e) Potential violations of any project agreement or any arrangements in existence pertaining to the waterfront for the community of Port Elgin, and
- f) The requirements of any other Authorities having jurisdiction over the Project

Each of these matters is examined herein:

- a) The overall aim, for this entire process, has been to create a premier destination to support the year-round use of the waterfront and beach activities. The proponent has provided designs that are thoughtful of the waterfront character and the community, as outlined in the Design Brief (attached and the updates). Preparation of the Design Brief guided the approach to the Project Plans to implement the design elements as outlined in the Brief. The main goals of the project are to ensure the project supports the pedestrian elements of the beach and the waterfront. People who visit the waterfront should be able to enjoy the waterfront with supportive activities available to them. The overall theme of the site is indicative of the Great Lakes Towns through Upper Canada. Photographs in the design brief convey the theme goals to be achieved.

Key features of the final plans show increased opportunity and emphasis on pedestrian and active movement around and through the site. Shade from buildings, trees and other landscaping as well as additional benches increase the attractiveness for pedestrians. Additionally, there is a protected pedestrian/active transportation corridor along the east boundary of the area (framed by bollards) which will support the safe movement and mingling of people of all ages who visit. Moreover, to provide visual interest and buffering, the eastern edge of the leased area is to be landscaped with a mix of trees, wildflowers, grasses, and a landscape wall.

- b) Likewise, the Design Brief outlined how the project would be integrated with the waterfront community, outlining explicit locational and architectural elements to support active transportation, pedestrian-related elements, and continued vehicular access to the important areas of the Port Elgin Main Beach area. As with the previous design, such characteristics of the design also allow the Town to undertake the necessary waterfront amenities to support active transportation, pedestrian-related elements, and continued vehicular access throughout the main beach area.
- c) As outlined herein, the Town will undertake to design and install the parking and finalize the integration of the project with the main beach area.
- d) As the buildings have been competently designed and will be constructed in the near future, the project is suitable for the permitted uses as outlined per article 6 in the Land Lease: commercial business directed to generate and support local tourism and the general community, as agreed to in writing by the Lessor, including but not limited to one or more restaurants, banquet hall, and other recreational activities.
- e) It is understood that all other applicable agreements and arrangements with other users of the waterfront have been addressed. Through the lease, there will continue to be opportunities for existing and future users of the main beach area, to use the project lands and buildings for social and community activities and events. A recent concern about continued use of the Range Light was identified. The continued use of the Range Light is being maintained through this design.
- f) The proponent has ensured that all applicable law and regulatory authorities have been consulted and provided jurisdictional opportunities to address the project.

A report will be brought to Council outlining how the consultation for the design and construction of the Town-led waterfront works will be undertaken, including budgetary requirements.

Accessibility

No changes.

Other Matters

In working with the proponent, some details of the project will be dealt with as the project unfolds (i.e., lighting and signage) and/or when the Town proceeds through the parking and waterfront design process (i.e., engineering and grading). It is recommended that these minor adjustments be approved through a delegation to the Director, Development Services in alignment with the clause in the SWSA.

These items when approved, would be integrated into the SWSA.

Site Works and Servicing Agreement

The attached SWSA outlines the proponent's responsibilities in undertaking the works and is supported by the attached Elevations, Site Plan and Renderings.

Highlights of the changes to the SWSA include:

- A requirement to receive a building permit within 3 months of the signing of the Agreement;
- Completion of the project within 2 years of receiving a building permit;
- Acknowledgment not to interfere with the recreation waterfront activity and clarity around high season;
- Acknowledgment that the Town will design the waterfront components surrounding the development;
- The provision of a \$150,000 imposition to be paid by the proponent has been removed as the proponent has undertaken the design work fully within the Leased Lands; and
- Provision to require a reference plan to more specifically delineate the leased lands.

Land Lease Updates

The schedules to the Land Lease have been finalized and the amending Land Lease Agreement and Schedules are recommended to Council for approval.

Schedule B to the Lease is revised to remove provisions related to a banquet hall. Operations of the businesses are to be regulated through all applicable law. Schedule B also removes all references to the train path and maintenance.

Schedule C removes the tourism office, banquet, and amusement train provisions.

Schedule D shows the final building footprint for rent purposes.

Linkages

- Corporate Strategic Plan Priority #3: Build Waterfront Capital Investment

Financial Impacts/Source of Funding

Current lease payment of \$7,533.33 / month including HST will be adjusted to reflect the new building footprint area.

Undertaking the additional waterfront matters will be budgeted as per the direction of Council.

Prepared By: Jay Pausner, Supervisor, Development Services

Approved By: Kara Van Myall, Chief Administrative Officer