



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole - Community Development

**Date:** June 7, 2021

**Department:** Community Development

**Topic:** Road Widening Request, Shaggy's Fries

**Purpose:** To consider a written request from the owners of Shaggy's Fries to reconsider the requirement for road widening as part of the site plan control agreement for 12 Riverview Cres, 2020-44.

**Background:** In August, 2020, the Township entered into a site plan control agreement with the owners of Shaggy's Fries at 12 Riverview Cres. The agreement includes a condition for the road widening of both County Rd 2 and Riverview Cres. The owner is required to confirm that the existing road allowance meets the required width of 10m, measured from the centre of the Riverview Cres road allowance to the property line. Should this allowance not exist, the owner is required to dedicate the appropriate land to the Township.

Prior to receiving their Refreshment Vehicle License, the owners obtained a letter from a surveyor that indicates the distance from the centre of the Riverview Cres. road allowance is 9.61m and 9.71m along the east of the property. The allowance already exists for the road allowance to the south. An undertaking from their lawyer submitted to the Township on May 3<sup>rd</sup>, 2021 provides assurance that the appropriate land will be dedicated to the Township by June 30<sup>th</sup> and staff determined it would be appropriate to issue the refreshment vehicle license based on this undertaking.

The Counties have waived their requirement for road widening on County Road 2 after learning that the measurement from the centre of the road allowance to the north property line is 15.23m where the required distance is 15.25m.

On June 1<sup>st</sup>, 2021, staff received the attached letter from owners Greg and Shannon Kenney to request that the requirement for road widening be reconsidered.

**Policy Implications:** Road widening is requested where future road improvements may be needed. It allows for the future expansion of a road by ensuring the land needed to widen a section of a road belongs to the appropriate authority. Section 7.3 of our official plan allows the Township to request road widening as part of the approval for a site plan

control application, and requires Council to have regard for road widening requests from the Counties.

Section 5 of the site plan control agreement provides that the terms and conditions of the agreement must be completed prior to opening the business. As such, a Refreshment Vehicle License was not issued until the solicitor's undertaking was received and the license will expire on June 30<sup>th</sup> if the condition is not met or waived.

Section 2 of the site plan control agreement provides that:

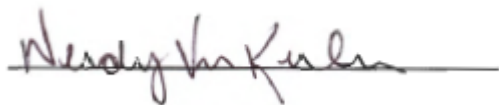
*"The Owner hereby agrees that prior written approval by the Township and/or an amendment to a Schedule shall be required for any departure, change or modification from the Schedules."*

It is staff's opinion that waiving the requirement of road widening based on the surveyor's report would not require an amendment to the site plan control agreement and could be completed with a Council Resolution.

**Financial Considerations:** None.

**Alternatives:** Committee could recommend that Council, by resolution, accept an undertaking from the property owner that the required road dedication will be completed at the Township's request should future road improvements take place, as satisfactory for the purpose of fulfilling the condition of road widening in the site plan control agreement for 12 Riverview Cres, bylaw 2020-44. The road dedication will be completed within 60 days of the Township's formal request.

**Recommendation:** That Committee recommend that Council, by resolution, waive the required road dedication for the site plan control agreement for 12 Riverview Cres, bylaw 2020-44 based on the survey results.

A handwritten signature in dark ink, appearing to read "Nerdy in Kula", written over a horizontal line.

Community Development Coordinator