

Minutes - Planning & Building Committee



MEETING DATE: June 1, 2009
LOCATION: L.E. Shore Memorial Library
PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Chair Martin called the Committee meeting to order with all members in attendance
- Also in attendance was Director of Finance Rob Cummings, Director of Special Projects Peter Tollefsen, Senior Planner Cindy Welsh, Planner Shawn Postma and Planner Bryan Pearce.

- Approval of Agenda:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Agenda of June 1, 2009 be approved as circulated, including Report PL.09.58 added as an addition to the Agenda, unanimously Carried.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor McGee with regard to Agenda Item C.2, Grace United Church and his place of worship.

- Previous Minutes

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Minutes of May 4, 2009 be approved as circulated including any revisions to be made, unanimously Carried.

The Committee then adjourned for the scheduled Public Meetings.

B. Public Meetings/Deputations

B.1 Public Meeting – Consent B11-2009 & Zoning By-law Amendment Applications Part Lot 22, Concession 8, Part 1 & 3, RP 16R-3653 – Brad Grainger

Chair Martin called the Public Meeting to order and explained the purpose of the Public Meeting was to consider an Application for Consent B11-2009, owner Brad Grainger, Agent Andrew Pascuzzo of D.C. Slade Consultants Inc., to consider a request to sever a 19.8 hectare parcel on the eastern portion of the property, containing an existing dwelling, accessory garage and orchard operation building; while retaining a 17.5 hectare parcel, containing an existing bunkhouse for temporary farm help accommodation.

Michael further noted the Public Meeting is also to address a potential condition of Consent on Application B11-2009 regarding an amendment that is required to recognize the hazard constraints associated with the watercourses to recognize both the retained and severed parcel as being

deficient of the 20 hectare lot area requirement of the General Rural (A1) Zone; and to establish a building envelope for a single detached dwelling on the retained parcel.

Michael further noted the effect of this By-Law is to rezone the subject lands to General Rural (A-1) Zone and Hazard (H) Zone to establish a new minimum lot area of 17 hectares for the retained parcel in the General Rural (A1) Zone; and to establish a new minimum lot area of 19 hectares for the severed parcel in the General Rural (A1) Zone; and to establish a building envelope for a single detached dwelling on the retained parcel.

Michael noted the subject lands of this By-law are owned by Brad Grainger and are legally described as Part Lot 22, Concession 8, Part 1 & 3, RP 16R-3653, Town of The Blue Mountains, further noting the lands are locally described as being located on the north side of the 21st Sideroad between Grey Road 2 and the 7th Line with a civic address 728285 21st Sideroad and 516338 7th Line.

Michael further noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of the Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board.

Michael then noted if a person or public body that files an appeal of a decision of the Council of the Town of The Blue Mountains in respect of the proposed Consent does not make written submissions to the Council of the Town of The Blue Mountains before it gives or refuses to give a provisional Consent, the Ontario Municipal Board may dismiss the appeal.

The Clerk then noted Notice of the joint Public Meeting was given in accordance with the provisions of the Planning Act and read correspondence as received from Peter Franklyn, the Niagara Escarpment Commission, the Grey Sauble Conservation Authority, the Grey County Transportation and the Public Safety Department and Grey County Planning and Development Department.

Chair Martin then asked if anyone wished to speak to the proposed Application.

Planning Consultant David Slade then spoke on behalf of the Applicant, recounting the past creation of two subject lots from the property plus a former school section lot.

David noted the lands are planted out in orchard, with both retained and proposed parcels larger than the minimum 10 hectares of viable land per lot requirement contained in the Official Plan.

David further noted a Zoning By-Law Amendment was required as the former Township Zoning By-Law still required a minimum 20 hectare lot area.

Adjacent resident Charles Harnick then questioned the proposed Rural A1 and Hazard H Zoning and current zoning so as to confirm if there is any change of use.

David then noted both parcels are currently zoned Rural A1 and the Zoning Amendment would allow for a lot area of less than 20 hectares, together with some revision to the Hazard H mapping along Indian Brook, adding the existing uses would continue.

Mr. Harnick then questioned if any new owners would be permitted to further reduce the lot areas, David replying any further division would have to be subject to further Applications and new lots could not be less than 10 hectares.

Mr. Harnick then noted he is consenting to the Application.

Councillor Kennedy then questioned the northeast parcel consists of 10 hectares of orchard, David replying 12 hectares is planted, Applicant Brad Grainger confirming an additional 4 hectares has been planted in northwest parcel.

Councillor McGee then questioned if only three severances per 100 acre parcel is permitted, Planner Bryan Pearce noting the rural designation permits three, with the subject lands being designated Specialty Agricultural which allows 10 hectares minimum lot area.

John then referenced the temporary accommodation use and if it could stand alone on the retained parcel, Bryan noting a temporary help accommodation is a permitted use on an agricultural property.

Deputy Mayor McKinlay then questioned where a building site would be established on the retained parcel, Bryan noting any zoning by-law amendment would identify a building envelope to protect the specialty agricultural use and consider the Minimum Distance Separation requirement.

As no one further wished to speak, Chair Martin declared the public meeting to be adjourned.

B.2 Public Meeting – Consent B12-2009 & Zoning By-law Amendment Applications East Part Lot 16, Concession 5 – Arseny Taranenko

Chair Martin called the Public Meeting to order and explained the purpose of the Public Meeting was to consider an Application for Consent B12-2009, owner Arseny Taranenko, Agent Rob Armstrong, of Travis & Associates Inc. to consider a request to sever a 6.6 hectare vacant rural parcel on the western portion of the property; while retaining a 4.0 hectare parcel containing an existing dwelling and storage barn.

Michael further noted the Public Meeting is also to address a potential condition of Consent on Application B12-2009 regarding an amendment that is required to rezone the retained parcel of a residential zoning to recognize the severed parcel as being deficient of the 20 hectare lot area requirement of the General Rural (A1) Zone; the deficient front yard setback for the existing dwelling on the retained parcel, and the existing storage barn being located closer to the street than the dwelling on the retained parcel.

Michael further noted the effect of this By-Law is to rezone the subject lands to General Rural (A-1) Zone, Hazard (H) Zone and to Village

Residential (VR) Zone to establish a new minimum lot area of 6.0 hectares for the severed parcel in the General Rural (A1) Zone to establish a new minimum front yard setback of 5.72 metres on the retained parcel for the existing dwelling and to establish a new minimum exterior side yard setback of 16.05 metres on the retained parcel for the existing storage barn.

Michael noted the subject lands of this By-law are owned by Arseny Taranenko and are legally described as East Part Lot 16, Concession 5,, Town of The Blue Mountains, further noting the lands are locally described as being located to the northwest of the intersection of the 4th Line and Grey Road 119, within the Community of Banks with a civic address of 596006 4th Line.

Michael further noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of the Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board.

Michael then noted if a person or public body that files an appeal of a decision of the Council of the Town of The Blue Mountains in respect of the proposed Consent does not make written submissions to the Council of the Town of The Blue Mountains before it gives or refuses to give a provisional Consent, the Ontario Municipal Board may dismiss the appeal.

The Clerk then noted Notice of the joint Public Meeting was given in accordance with the provisions of the Planning Act and read correspondence as received from the Niagara Escarpment Commission, the Grey Sauble Conservation Authority, the Grey County Transportation and Public Safety Department and the Grey County Planning and Development Department.

Planning Consultant Colin Travis then spoke on behalf of the Applications.

Colin then reviewed the surrounding land uses in the Hamlet of Banks, with a building site presently cleared on the 6.6 hectare lot to be severed, with no active agricultural barn within 300 metres.

Deputy Mayor McKinlay then noted the County would prefer a road widening along the whole parcel although under the Planning Act, the County is only able to seek land from the severed parcel and perhaps the applicant would entertain a land sale to the County along the retained parcel, Colin Travis replying he will review this with the Applicant.

As no one further wished to speak, Chair Martin declared the Public Meeting to be adjourned.

B.3 Public Meeting – Zoning By-law Amendment Application Part Lot 21, Concessions 3 & 4 – Craigleith Ski Club Ltd.

Chair Martin called the Public Meeting to order and explained the purpose of the Public Meeting was to satisfy a request by Craigleith Ski Club to amend the Town of The Blue Mountains Official Plan in order to permit the redevelopment of the existing leasehold cabins located on the north western portion of the Ski Club property. This amendment proposes to

reduce the number of existing cabins in the area in order to provide additional space for ski trail development in relation to ski lifts and ski slopes.

Michael further noted the effect of this Official Plan Amendment is to reduce the total number of units within the Escarpment E-14 designation from 22 to 15 and to modify the maximum ground floor area and height provisions as noted in Exception 14.

Michael further noted it should be noted that the subject lands are located in the Niagara Escarpment Development Control Area and that Zoning does not apply.

Michael further noted that the lands affected by these applications are owned by the Craigleith Ski Club Ltd. And are legally described as Part Lot 21, Concession 3 and 4, Town of The Blue Mountains.

Michael further noted if a person or public body does not make oral or written submissions at a public meeting or make written submissions to the Corporation of the Town of The Blue Mountains in respect of the proposed Zoning By-Law Amendment, the person or public body is not entitled to appeal the decision of the Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board and may not be added as a party to the Hearing of an appeal before the Ontario Municipal Board.

The Clerk then noted Notice of the joint Public Meeting was given in accordance with the provisions of the Planning Act and read correspondence as received from the Niagara Escarpment Commission, the Grey Sauble Conservation Authority and the Grey County Planning and Development Department.

Chair Martin then asked if anyone wished to speak to the Application.

Planning Consultant Colin Travis then spoke on behalf of the Applicant.

Councillor Gamble then attended the meeting.

Colin then reviewed the Application, noting an extension to the Draft Plan of Condominium 42CDM-2002-65 was previously requested to permit the currently applied for revisions.

Colin noted the subject Application proposes to reduce the overall number of leased cabins to 15 dwelling units from 22, with a maximum floor area for each proposed unit to increase from 99 square metres to 136.4 square metres.

Colin noted the lands were within the Niagara Escarpment Development Control regulations and were not subject to zoning.

Colin then noted a revised draft Plan of Condominium would follow the amendment if approved.

Deputy Mayor McKinlay then questioned the reduction in units regarding the Craigleith Ski Club obligations regarding previous servicing costs, Colin noting the servicing charges were previously paid.

CSC General Manager Jeff Coutermarche then questioned if the Ski Club would be able to redistribute the reduction in servicing costs, Duncan noting the matter would have to be reviewed separately.

As no one further wished to speak, Chair Martin declared the Public Meeting to be adjourned.

B.4 Public Meeting – Consent B03-2009 & Zoning By-law Amendment Applications, Part Lot 19, Concession 2 – Dr. Ian Cunningham

Chair Martin called the Public Meeting to order and explained the purpose of the Public Meeting regarding B03-2009 was to consider a request to sever a new 833 square metre residential parcel, while retaining a 4599 square metre vacant residential parcel. Michael noted the consent is submitted as part of Consent Applications No. B03-2009, B04-2009, B05-2009, B06-2009 and a Zoning By-law Amendment Application.

Michael noted the legal description of the property is Part Lot 19, Concession 2, further noting the severed parcel has a frontage of 22.9 metres and an area of 833 square metres and the retained parcel has a frontage of 76.7 metres and an area of 4599 square metres.

Michael then noted the purpose of Consent B04-2009 is to consider a request to sever a new 1051 square metre residential parcel, while retaining a 3548 square metre vacant residential parcel and further noted this consent is submitted as part of Consent Applications No. B03-2009, B04-2009, B05-2009 and B06-2009 and a Zoning By-Law Amendment Application.

Michael noted the legal description of the property is Part Lot 19, Concession 2, further noting the severed parcel has a frontage of 22.9 metres and an area of 1051 square metres and the retained parcel has a frontage of 53.7 metres and an area of 3548 square metres.

Michael then noted the purpose of Consent B05-2009 is to consider a request to sever a new 1184 square metre residential parcel, while retaining a 2364 square metre residential parcel and further noted this consent is submitted as part of Consent Applications B03-2009, B04-2009, B05-2009, B06-2009 and a Zoning By-Law Amendment Application.

Michael noted the legal description of the property is Part Lot 19, Concession 2, further noting the severed parcel has a frontage of 18.3 metres and an area of 1184 square metres and the retained parcel has a frontage of 35.4 metres and an area of 2364 square metres.

Michael then noted the purpose of Consent B06-2009 is to consider a request to sever a new 1184 square metre residential parcel, while retaining a 2364 square metre residential parcel and further noted this consent is submitted as part of Consent Applications B03-2009, B04-2009, B05-2009, B06-2009 and a Zoning By-Law Amendment Application.

Michael noted the legal description of the property is Part Lot 19, Concession 2, further noting the severed parcel has a frontage of 17.7 metres and an area of 1185 square metres and the retained parcel has a frontage of 17.7 metres and an area of 1178 square metres.

Michael further noted the Public Meeting is also to satisfy a potential condition of consent submitted by Dr. Ian Cunningham that proposes to create four new residential lots, while retaining one residential lot. Michael further noted an amendment is required to the Township of Collingwood Zoning By-Law No. 83-40 in order to permit the proposed new lot development and to also recognize a deficient lot frontage for two of the five lots.

Michael noted the effect of the Zoning By-law Amendment is to rezone the subject lands from the Development 'D' Zone to the Residential 'R3' Zone and to establish a new lot frontage requirement of 17.7 metres for the two easternmost lots.

Michael noted the Holding '-h' symbol will be used with conditions for the execution of a Development Agreement for the required extension of Arlberg Crescent and related services.

Michael noted the lands affected by these applications are owned by Dr. Ian Cunningham and are legally described as Part Lot 19, Concession 2, Town of The Blue Mountains.

Michael further noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of the Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board.

The Clerk then noted Notice of the joint Public Meeting was given in accordance with the provisions of the Planning Act and read correspondence as received from D.C. Slade Consultants, the Niagara Escarpment Commission, the Grey Sauble Conservation Authority and the Grey County Planning and Development Department.

Planning Consultant Colin Travis then spoke on behalf of the Applications, noting one of the lots is proposed with a 17.3 metre frontage deficient with regard to the minimum 18.0 metre frontage requirement.

Colin then noted previous road and servicing construction by Tyrolean Village Resorts anticipated lots fronting on the existing Pilsner Way, with a portion of Arlberg Crescent fronting the fourth and fifth lot requiring reconstruction and servicing extension.

Planning Consultant Darryl Slade then spoke on behalf of Tyrolean Village Resorts, noting Tyrolean Village proposed to complete the subdivision development along Arlberg Crescent and Tyrolean Village supports the proposed lots if the Applicant will contribute to previously constructed and required works, including a portion of Pilsner Way costs. David further noted an existing sanitary sewer was previously installed in Arlberg Crescent in 1989 by the then Todd Brooker Lodge together with a best efforts cost-recovery agreement with the Township.

Councillor Gamble then questioned if the lots could be made more equitable in area, Chair Martin noting staff could consider the matter.

Councillor McGee then questioned how many Consent Applications are considered before a Plan of Subdivision is required, Planner Shawn

Postma replying the Official Plan does not speak to this, adding a rule of thumb has been five Applications or more.

Chair Martin then questioned the existing servicing, Shawn replying there is sewer and water on Pilsner Way and sanitary sewer only on Arlberg Crescent.

As no one further wished to speak, Chair Martin then called the Committee meeting to order.

C. Staff Reports

C.1 NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007* – PL.09.60

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT Council does hereby receive Planning Staff Report PL.09.60, NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*;

THAT Council support the initiative of the Niagara Escarpment Commission to harmonize the Niagara Escarpment Plan with the *Endangered Species Act, 2007*; and

THAT Council direct staff to forward these comments to the County of Grey and the Niagara Escarpment Commission.

In speaking to the Motion, Deputy Mayor McKinlay noted concern with the endangered species issue, noting evidence of habitat alone can affect private property rights without compensation and he would not support the Recommendation.

The Committee then voted on the Recommendation, Lost.

Planner Cindy Welsh then spoke to the Report, noting the Endangered Species Act came into force in 2008 and the Niagara Escarpment Commission is now harmonizing the Niagara Escarpment Planning and Development Act (NEP) with the Endangered Species Act.

Cindy further noted if the Niagara Escarpment Commission amends their Plan the Town would have to bring Section 14 of the Town Official Plan into compliance with the NEP.

Duncan then questioned if the Niagara Escarpment Commission were going further than the Act required, Cindy noting the proposed Amendment would protect species and habitat.

Councillor Kennedy then noted there were few endangered species in The Blue Mountains.

Chair Martin then proposed Staff reconsider the matter.

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: D.R. McKinlay

THAT Planning Staff review the Recommendation contained in Planning Report PL.09.60, NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*, and how it would apply to the The Blue Mountains Official Plan, Carried.

C.2 Application for Consent – B10-2009 and Zoning By-law Amendment – PL.09.61, Town Plot Part Lot 5 & Part Lot 6, Napier E/S 138 & 140 Bruce Street South – Grace United Church of Canada

Councillor McGee declared a pecuniary interest and vacated the table and did not take part in related discussion or voting.

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT Council receive Planning Staff Report PL.09.61, “Application for Consent File No. B10-2009; and Zoning By-law Amendment – Grace United Church of Canada; Town Plot Part Lot 5 and Part Lot 6, Napier E/S; 138 and 140 Bruce Street South; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B10-2009, subject to the following conditions:

1. That Council enact a Zoning By-law Amendment to recognize the existing usage on the retained and severed parcels; the deficient front yard and southerly interior side yard setbacks of the existing church on the retained parcel; and the deficient lot frontage of the retained parcel.
2. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada; and

THAT Council enact a Zoning By-law Amendment to rezone the retained parcel to the Institutional I Zone; the severed parcel to the Residential R2 Zone; and to establish a new minimum front yard setback of 3.0 metres, minimum southerly interior side yard setback of 3.7 metres and minimum lot frontage of 25 metres on the retained parcel, unanimously Carried.

C.3 Application for Consent & Zoning By-law Amendment – B07-2009 and B08-2009 – PL.09.62, Lot 2, Plan 1034 – Dr. Pawel Ochocinski

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Planning Committee receive Planning Staff Report PL.09.62, “Application for: Consent and Zoning By-law Amendment, File: B07-2009 and B08-2009, Dr. Pawel Ochocinski, Lot 2, Plan 1034, Town of The Blue Mountains”; and

THAT Council grant Provisional Consent to application for Consent file no. B07-2009 conditional upon the following:

1. That the owner make a cash payment for the hard costs of Town Wide Development Charges and Service Area 2 Development Charges.
2. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.
3. That the required infrastructure connections from the municipal water and municipal sewer services are provided to the new lot to the satisfaction of the Engineering and Public Works department.
4. A Zoning By-law Amendment to recognize the new minimum lot frontages, and revised building envelopes on both the severed and retained parcels.
5. An Environmental Impact Study addressing the 'Special Policy Area' (Karst) requirements of the County Official Plan to the satisfaction of the County of Grey.
6. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated without having any negative impacts on surrounding properties or Nipissing Ridge.

THAT Council refuse application for Consent B08-2009.

THAT Council enact a Zoning By-law Amendment to:

1. Establish a new minimum lot frontage for the severed and retained lots.
2. Establish building envelopes for the severed and retained lots.

In speaking to the Motion, Councillor Kennedy noted earlier concerns from residents with the use of common lands in Plan 1034, Planner Shawn Postma noting approval of the Recommendation would create a lot that was not part of a Registered Plan, Planning Consultant Colin Travis noting at the Public Meeting it was proposed to have a proportionate redistribution of common land costs and the Applicant would agree.

The Committee then voted on the Recommendation, unanimously Carried.

C.4 Official Plan Amendment No. 16, Complete Application – PL.09.59

The Committee then dealt with the following Recommendation:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT Council does hereby receive Planning Staff Report PL.09.59, Official Plan Amendment No. 16, Complete Applications;

THAT Council hereby enact a By-law to adopt Official Plan Amendment Number 16 to the Town of The Blue Mountains Official Plan to update the Implementation Section of the approved Town of The Blue Mountains Official Plan and incorporate the permissions granted to the municipality by Bill 51; and

THAT Council direct staff to forward the Amendment to the County of Grey for approval, unanimously Carried.

C.5 Application for Official Plan Amendment & Zoning by-law Amendment – PL.09.63, Part Lot 26, Concession 5, Parts 2, 3, 5, 6, 8 and 9, RP 16R-1075 – The Neighbourhoods at Delphi Point

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT the Planning and Building Committee receive Planning Staff Report PL.09.63, "Application for: Official Plan Amendment and Zoning By-law Amendment. The Neighbourhoods at Delphi Point, Part Lot 26, Concession 5, Parts 2, 3, 5, 6, 8 and 9 RP 16R-1075, Town of The Blue Mountains"; and

THAT Council adopt Official Plan Amendment No. 15 to re-designate the subject lands from the Residential Infilling 'RI' designation to the Secondary Residential 'SEC.R-19' designation, and to modify Schedule 'B' Maximum Unit Yields to permit a maximum of 11 townhome units.

That Council enact a Zoning By-law to rezone the subject lands from the Residential 'R4' zone to the Residential 'R7-h' zone. The holding '-h' symbol shall not be removed from the lands until Site Plan Approval has been granted including the execution of a Development Agreement, unanimously Carried.

C.6 Bridges Tavern, 27 Bridge Street East - SRB.09.13, Noise By-law Relief

The Committee then dealt with the following Recommendation:

Moved by: D.R. McKinlay Seconded by: Cameron Kennedy

THAT COUNCIL receive Staff Report SRB.09.13 and authorize relief from the Town's Noise By-law to Meredith Brown, "Bridges Tavern", 27 Bridge Street East, so as to permit an exception to the Noise By-law as follows:

1. June 20, 2009 (Sat) – Louisiana Summer Solstice
2. July 3 & 4, 2009 (Fri, Sat) – Canada Day Celebrations
3. July 9, 10 & 11, 2009 (Thurs, Fri, Sat) – 2nd Annual Nationwide Golf Tournament
4. July 18, 2009 (Sat) – Lora Bay Member Appreciation
5. July 25, 2009 (Sat) – Beaver Valley Ski Club Party
6. July 31, August 1 & August 2, 2009 (Fri, Sat, Sun) – Civic Holiday Celebrations; and
7. September 5, 2009 (Sat) – 3rd Annual Jimmy Buffet Party

until 23:00 (11:00 p.m.) to facilitate events/celebrations; and

THAT COUNCIL refuse the related request for relief on:

8. July 5, 2009 (Sun) – 2nd Annual Nationwide Golf Tournament

In speaking to the Recommendation, Chair Martin noted relief was given for every weekend in July as well as for some private functions.

Councillor Kennedy noted he would support the actions of any local business in the current economy.

Deputy Mayor McKinlay then spoke, noting he has not heard bad reports from the establishment regarding previous exemptions and they would not wish to upset neighbours and he would support Thornbury businesses.

Michael then noted he would support some sort of inclusion of checking out the close-down time of 11:00 p.m.

Duncan then noted if complaints were received after 11:00 p.m. By-Law Enforcement Staff could be called.

Councillor Gamble then noted patrons could still stay on the patio until 2:00 p.m. following the music, Michael noting the patrons could generate noises likely to disturb.

The Committee then voted on the Recommendation, unanimously Carried.

D. Correspondence

None

E. New and Unfinished Business

The Committee then dealt with Staff Report PC.09.58, Scenic Caves Nature Adventure, as an addition to the Agenda.

Planner Shawn Postma then reviewed the Report, noting it was intended to bring the Report to this meeting but the Grey Sauble Conservation Authority and the Nottawasaga Valley Conservation Authority had both each noted environmental concerns with some of the proposed uses.

Shawn noted the Applicant had met with the Conservation Authorities on site following the Public Meeting with Scenic Caves was eager to move forward with the office building at this time.

Shawn noted the Nottawasaga Valley Conservation Authority advised earlier today that an NVCA Permit would be required from their office prior to any Building Permit issuance and further than the NVCA would not oppose a Zoning By-law Amendment for the office building only at this time.

Shawn noted the remainder of the proposed uses were being further reviewed by the Conservation Authorities.

Councillor McGee then questioned if any member of the public had concerns, Shawn replying no, the only concerns were those of the GSCA and the NVCA, adding the Conservation Authorities were also advised the Report would be considered at this meeting.

Deputy Mayor McKinlay then questioned public trail access over the Scenic Caves lands, noting he supported Scenic Caves as an area business but further noted this would be a good time to consider a mechanism that would result in consideration of public trail connectivity in the area, given the use of Town road allowance lands by Scenic Caves. Shawn then noted further that there has been some discussion on this topic in the recent past.

Chair Martin then questioned if the road allowance was occupied by the business, Duncan noting the caves were actually located on the road allowance lands.

The Committee then dealt with the following Recommendation:

Moved by: John McGee Seconded by: D.R. McKinlay

THAT the Planning Committee receive Planning Staff Report PL.09.58, "Application for Zoning By-law Amendment and Site Plan Approval – 636697 Ontario Limited, Scenic Caves Nature Adventure, Part Lots 13 to 15, Concession 2 & 3, Town of The Blue Mountains"; and

THAT Council enact a Zoning By-law Amendment to modify Exception 45 to also permit a maximum 140 square metre, one storey office building to be located a minimum distance of 16 metres from the front lot line.

THAT Council defer a decision on the remaining components of the proposed By-law which included the following:

1. Modify Exception 45 to also permit two accessory maintenance and storage buildings with a maximum floor area of 160 square metres.
2. Establish building envelopes within the Rural A1-154 zone for the Maintenance and Storage Building as well as relocating the viewing platform.
3. Rezone a portion of the lands to the Hazard H-154 zone and to establish a building envelope for the skating rink, skating loop, and two accessory buildings.
4. Modify Exception 154 to also permit the skating facilities, and to permit the maintenance and storage building to have direct access via an unopened road allowance.
5. To apply the Holding '-h' symbol to ensure requirements for Site Plan Approval.

THAT Council grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of a maximum 140 square metre office building with washrooms (identified as Building 1) and associated parking in accordance with the Site Plan drawing "Building 1 and addition to Eco-Adventure Building, identified as Figure No. 1, Prepared by Travis and Associates Inc., and dated March 2009"; and

THAT Council authorize the Mayor and Clerk to execute an Amending Site Plan Agreement to the May 4, 2004 Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Solicitor, Carried.

F. Closed Session

None

G. Next Meeting Date

July 6, 2009

H. Adjournment

As there was nothing further before the Chair the Committee then dealt with the following Resolution:

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT this Planning and Building Committee meeting does now adjourn,
unanimously Carried.