

Minutes - Planning & Building Committee



MEETING DATE: September 8, 2010

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

- Chair Martin called the Committee meeting to order with designated Committee members Councillor Martin, Deputy Mayor McKinlay, Councillor Kennedy and Councillor McGee present. Also in attendance was Mayor Anderson and Councillor Gamble
- Also in attendance was Director of Planning and Building David Finbow, Planner Bryan Pearce, Planner Shawn Postma, CAO Paul Graham, Director of Recreation Shawn Everitt, Director of Engineering and Public Works Reg Russwurm, Deputy Treasurer Elizabeth Thompson, Senior Policy Planner Cindy Welsh and Communications and Economic Development Coordinator Lisa Kidd

- Approval of Agenda:

Moved by: Ellen Anderson Seconded by: John McGee

THAT the Agenda of September 8, 2010 be approved as circulated, including any items added to the Agenda, Carried.

- No member declared a pecuniary interest with regard to any matter listed on the Agenda.
- Previous Minutes

Moved by: John McGee Seconded by: R.J. Gamble

THAT the Minutes of July 5, 2010 be approved as circulated, including any revisions to be made, Carried.

B. Public Meetings - 7:00 p.m.

B.1 Application for Consent – B10-2010 796443 Grey Road 19 (East Side of Grey Road 19, North of Settler's Way) Part Lot 19, Concession 2 – Barrie & Nancy Gordon

Chair Martin read the Application for Consent, File B10-2010, noting the owner Barrie and Nancy Gordon, Applicant, Krystin Rennie, Georgian Planning Solutions.

Michael noted the purpose and effect of the Application is to consider a request to sever an 85 square metre vacant residential parcel and deed it as a lot addition to the existing 697 square metre residential parcel to the north. A 721 square metre vacant residential parcel will be retained. The intent of this lot addition is to remove the encroachment of an existing single detached dwelling from the adjacent parcel that is located on the subject lands.

Michael noted the legal description of the property is Part Lot 19, Concession 2, RP 16R-9884, Parts 2 to 4, the severed parcel having a frontage of 0 metres and a depth of 45.38 metres and an area of 84.75 square metres. The retained parcel has a frontage of 18.0 metres, a depth of 45.38 metres and an area of 720.8 square metres, both the severed and retained parcels are on an open and maintained County Road and have municipal water.

Michael 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 read correspondence from County of Grey Planning and Development Department, Union Gas, Grey County Transportation and Public Safety Department and from Resident Terry Peters.

Planner Shawn Postma then reviewed the Application noting the Application is for a lot adjustment to correct a house encroachment and will dedicate a small portion of property to the property to the north.

Krystin Rennie, Consultant for the Applicant then spoke reviewing the Application confirming the Application is to recognize an encroachment and to readjust the lot lines.

Joe Halos then spoke questioning the location of Terry Peters property, Krystin replying Mr. Peters property is the property to the south of this property.

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

B.2 Application for Consent – B02-2010 & Zoning By-law Amendment South-east corner of Napier and Victoria Streets Town Plot Lot 4, Napier W/S – Telfer Homes Inc.

Chair Martin read the Notice of Application for Consent B02-2010 noting the Owner is Telfer Homes Inc., the Applicant is Paul Shaw of Shaw McLellan & Ironside. Michael noted the purpose of this application is to consider a blanket consent over the subject lands in order to provide multiple leases on one property for lease terms greater than 21 years. This application for consent is submitted with an application for Zoning By-Law Amendment and Site Plan Approval.

Michael noted the legal description is Town Plot Lot 4, Napier W/S, having a frontage of 201.44 metres and a depth of 213.72 metres and an area of 4.29 hectares, on open and maintained municipal streets and having municipal water and municipal sewer.

Chair Martin read the Notice of Application and Public Meeting to Consider a Zoning By-Law Amendment noting the purpose of this By-law is to consider a request by the applicant to permit a 97 unit adult lifestyle village on the subject lands. The proposed adult lifestyle village will include 97 leasehold townhouse residential units, made up of 17 townhouse buildings, each containing 4 or 6 townhouse units. One stand alone dwelling unit will

also be included. It is proposed that each unit will include its own private garage and parking space in front. Access to all units is proposed through an internal looped road. As part of the development proposal, a private recreation clubhouse, maintenance building, visitor parking and open space amenities will be located in the centre of the development.

The intent of this development is to be able to provide smaller and more moderately priced units for the Thornbury area. Leasehold ownership is a unique form of property ownership that is found in adjacent municipalities and in other areas of the Province. Residential unit owners will maintain ownership of their individual unit, but overall land ownership and stewardship for the adult lifestyle village will be the responsibility of the developer with land rental, management and service fees paid by each unit owner.

The effect of this By-law is to rezone the subject lands from the Development 'D' zone to the Residential Multiple 'RM1' zone. Additional variances are requested to reduce the required rear yard setback from 10 metres to 6 metres, to establish a minimum parking requirement of 12 spaces for the recreation clubhouse / maintenance building, to increase the lot maximum permitted lot coverage from 35% to 40%, to provide an exception to the RM1 zone in order to permit a single detached dwelling unit, and to an exception to recognize the land lease tenure. The holding '-h' symbol is proposed to ensure Site Plan Approval and the completion of a Site Plan Agreement.

In support of this proposal, the Town has received a Planning Justification Report, a Functional Servicing Report, an Environmental Soils Investigation, an Archaeological Study, a Site Plan and other related plans. In addition to this Zoning By-law Amendment, an application for Consent and an application for Site Plan Approval have also been submitted.

Town Plot Lot 4 Napier W/S; Town of The Blue Mountains, as shown on the attached sketch.

Any person or agency may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Amendment.

If a person or public body does not make oral or written submissions at a public meeting to 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 Town 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 read correspondence from Grey Sauble Conservation Authority, Grey Bruce Health Unit, residents Howard and Ruth Kitchen, Grey County Planning & Development and resident Gael Tickner.

Planner Shawn Postma then reviewed the Application and reviewed the public process involved in processing the applications. Shawn noted the developer will provide a general overview of the project and further noted all comments received at the public meeting are taken seriously and will be incorporated into a Staff Report.

Shawn then reviewed the surrounding land uses, including town houses, residential, recreational, library, public school and large vacant lands for future development. Shawn referenced the plans received to date on this consent including the Planning Justification Report and Engineering Report.

Shawn reviewed the proposed site with proposed access points on Napier and Victoria Streets, a recreational building and visitor parking. Shawn noted the project has been reviewed by Town Staff and the Development Review Committee.

Shawn referenced then referenced the concern with the character of the development and noted a development needs to enhance the development in the community and in the area, and noted this can be done through exterior design, siding, how a development is situated on a site, buffering, urban design and streetscape design. Shawn then noted there are impacts on Napier and Victoria Street and noted the development houses are "backlotted".

Shawn spoke regarding stormwater management and noted it could be designed to complement the area naturally.

Shawn then noted the Town is seeking comments from the public.

John Tennant, Consultant for the Applicant then spoke noting he is the Planning Consultant on the project, noting the proposal is an adult lifestyle development with 97 units in 17 blocks. John noted the development is not a family oriented development as the units are one bedroom units, though there are no age restrictions.

John reviewed the elevations, front and back, and the proposed floor plans and noted the lands are privately maintained by the developer, including internal roads, parking, landscaping, waste collection and snow clearing. John noted the lands are owned by the developer and leased to the owners. John further confirmed the owners of the units would lease the land from the developer.

John addressed the concerns regarding the design and noted design changes are possible. John then reviewed the landscape design around the perimeter of the site and the stormwater management plan.

John then noted an application for rezoning has been submitted to rezone the land to RMi with land use tenure and a reduced rear yard setback. John then noted the lot coverage is 35% to 40%. John noted the proponent is seeking leasehold tenure for more than 21 years and a site plan agreement including development phasing, servicing and landscaping and other works.

John then noted the developer is seeking reduced development charges and parkland dedication charges.

John noted this development has merit because it conforms with the Official Plan and Provincial Policy Statement. John further noted the development is a medium density development, noting 171 townhouse units could be put on the same lands. John noted there is a need for an adult lifestyle development and more affordable housing.

Councillor McGee then spoke questioning reference to the condominium development to the east of this development that had draft plan approval, Shawn replying that this application has expired and the land is now just vacant land.

Councillor McGee then questioned if a development requires additional buffering on the edges of the development, Shawn replying that the zoning

by-law amendment asks for a reduction in setbacks from 10 metres to 6 metres. Shawn further noted buffering could include trees.

Councillor Kennedy then spoke questioning the price of the units and if they would be attainable, John replying that this is unknown at this time, but noted the research indicates the price will be less than comparables in the community and noted the \$225,000 to \$250,000 range is the goal.

Mayor Anderson then spoke questioning how a leasehold works and what happens if the developer goes bankrupt, Paul Shaw, the Applicant's solicitor replying the ownership is still there and noted whoever purchases the land from the receiver would be the new owner of the lands, but noted the agreements would remain in place.

Councillor McGee then questioned if there are comparable communities in the area, John replying this community is unlike any other in this area, noting this development has a low-rise elevation and is unlike Apple Jack in this respect and has a lower density than a townhouse development, further noting the character is very unique.

Chair Martin then spoke noting it would be helpful to see examples of what the density would like like.

Gail Ardiel, resident at R.R. #1 Clarksburg, spoke questioning if fire trucks will safely be able to get in and out of the development, John replying yes, further noting the development is designed to meet the specifications for Building Code requirements.

John Greenhough, resident at 31 Napier Street, questioned if the presentation by the Consultant can be sent to those affected by the development, John replying yes. Mr. Greenhough then questioned the length of the lease, John replying 21 years as a benchmark to give security to the unit owners, further noting the lease will be renewable on an ongoing basis, perpetual. Mr. Greenhough then noted residents should look into leasehold developments as he believes such a development will shatter the community as it is now. Mr. Greenhough then noted this type of development is a total conflict to the community. Mr. Greenhough then questioned the development charges would be for such a development, Director of Planning and Building replying development charges range between \$22,000 to \$35,000 based on square footage.

Malcolm Kirk, resident, spoke noting the same developer built a similar development in Collingwood and noted Collingwood is unhappy with this development. Malcolm noted the community and the Committee should look at this development.

Brian Nelson, resident at 40 Napier Street West, spoke noting he has a letter from area residents expressing concerns including, non-conformity with the Official Plan, density, site coverage, lack of parking and green space, traffic and safety. Brian then expressed concern for the safety of the children walking to school along Napier and the proposed access onto Napier Street and noted the proposed development has no connectivity with the existing neighbourhood and believes there to be a lack of notice for residents as it is a major proposal. Brian then noted residents want development to be done correctly and noted residents are willing to work with Council and Staff to create a development that works.

Joan Gaudet, resident at 167 Napier Street, spoke noting a better use of the land would be a development for young families because of the close proximity to the school and library.

Maxine Korea, resident at 95 Napier Street, spoke noting a concern with land values in the area, noise, density and traffic.

Ralph Fischer, resident on John Street, Clarksburg, spoke noting concern with the stormwater management and bug breeding.

Patti Kendall, resident at 52 Duncan Street, spoke noting affordable housing in the community is needed and noted enrollment in the school is declining and noted this development is not in keeping with this. Patti noted this development seeks seniors and noted this may be a strain on the medical community.

Jeff Roberts, resident at 210 Bruce Street, questioned why the topsoil was removed from the site two years ago, David replying the owner requested permission from the Town to remove the arsenic topsoil on the site.

Jane Armstrong, resident at 58 Napier Street West, spoke expressing concern with the access to the development, noting this is a waste of the land.

Rosemary Gosselin, resident at 29 Napier Street, spoke noting this is a diverse community, and noted this development lacks diversity and is out of keeping and strange for the area. Rosemary further noted the Town needs affordable housing where families and elderly can live.

Roland Gosselin, resident at 29 Napier Street, spoke questioning why this is not a "Green" development, further noting he has not heard from the consultant that any type of environmental initiative is being implemented in this development, i.e. water, electricity.

Ben Bentley, resident in AppleJack then spoke expressing concern with traffic in the area when the development is built.

Wayne Smith, resident at 95 Bay Street, spoke noting he moved to the area because it is quaint and quiet, then expressing concern with the requested waiver of development fees that this could set a precedent if granted.

Howard Kingsley, 110 Napier Street then questioned snowploughing in the development and noted the Town should not pay for snowploughing in the development.

Colin Grant, resident at 33 Napier Street, expressed concern with the high groundwater on Napier Street and questioned reference to arsenic in the topsoil and questioned why the Town did not let area residents know about the arsenic in the topsoil.

Brian Stenhouse, resident at 62 Napier Street West, spoke expressing concern with the arsenic in the topsoil and noted the Town should have let residents know about this. Brian then noted he is opposed to the development and noted he is in favour of affordable housing and questioned Green initiatives in this development. Brian then noted AppleJack is a beautiful development, with the units being offset. Brian then noted no one in Apple Jack received notice of the Public Meeting. Brian noted the stewardship in the development is poor.

Mr. Greenhough then questioned if an Environmental Phase 1 Study had been completed on the lands and noted he would like a copy of the report sent to the residents on the past and current condition of the soil, noting what has been done and what can be done.

Mary Lou Hibbard, resident at 165 Napier Street, spoke noting she just found out about the development two days prior and expressed concern with the width of the street, narrow with no sidewalks.

Malcolm Kirk then spoke noting the arsenic is from old orchards, noting this is no different than modern spraying material, noting it stays dormant, and questioned why the Applicant was permitted to take the soil elsewhere.

Paul Shaw, Solicitor for the Applicant, then spoke in response to J. Greenhough, that there is no arsenic in the soil, it is DDT and DDE and confirmed a Phase 1 Study had been completed. Paul further noted a Phase 2 Study was completed that noted higher levels than permitted for residential, and noted this is not uncommon in this area because of the old orchards. Paul then noted the Applicant has never built a development like this.

Dustin Starchick, resident at 204 Russell Street, spoke noting developments like this will not attract young professionals to the area.

Consultant John Tennant then spoke referencing the issues raised and noted this portion of the Town will be developed and will be a residential development. John further noted in their opinion the lands meet the requirements of the Official Plan and noted the issues and concerns will be reviewed and may address some of these concerns.

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

B.3 Official Plan Amendment & 2 Zoning By-law Amendments
General Amendments to the Town's Official Plan and Zoning By-laws
– Town Wide Application
Drive-through Facilities

Chair Martin then read the Notice, noting the need for the proposed Official Plan Amendment and Zoning By-law Amendments was identified by Meridian Planning Consultants Inc. in their report entitled *Background & Options Paper for Regulating Drive-through Facilities in the Town of The Blue Mountains* dated June 2010.

The purpose and effect of the proposed Official Plan Amendment is to permit drive-through facilities on land designated Highway Commercial (HC) and certain lands within the Arthur/King Street Corridor of the Commercial (COM) designation, define uses and establish criteria for the design, built form and location of such uses.

The purpose and effect of the proposed Zoning By-law Amendments is to amend the Town of Thornbury Zoning By-law No. 83-40, as amended, and the Township of Collingwood Zoning By-law Amendment No. 10-77, as amended, to define and clarify uses, require a site-specific amendment to permit the establishment of any new such use, and establish design, built form and location standards for such uses.

This is a Town-wide initiative. At this time there are no active applications under the *Planning Act*, pertaining to drive-through facilities.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Council for the Town of The Blue Mountains to the Ontario Municipal Board.

The Clerk read correspondence from Grey County Planning and Development, Nottawasaga Valley Conservation Authority and LaBreche Patterson and Associates.

Director of Planning and Building David Finbow spoke noting the Town retained Meridian Consultants to review the Drive Through Facilities Study and noted this has been going on for some time, further noting this is a Town-wide study and noted the Town is looking to amend its zoning by-law amendment.

Mark Stone of Meridian Consultants then spoke noting Meridian reviewed the background studies, official plan, zoning by-law and comparable municipalities and prepared options for the Town to deal with drive through facilities. Mark noted meetings and public information sessions have been held to obtain input from the public.

Mark noted through its review, Meridian has provided five options for the Town, status quo, prohibit entirely, permit in commercial areas, permit but subject to criteria or permit in specific lands designated commercial in the town or permit in specific lands designated commercial in the Town.

Mark noted the recommendation to permit drive-through facilities on all lands along Highway #26, King Street corridor in Thornbury area would require an amendment to the zoning by-law, and criteria would be set, including the requirement for stacking of 12 cars, setbacks from residential properties, location of the drive-through lane to allow for overflow and a study requirements including noise and lighting.

Deputy Mayor McKinlay then spoke questioning if the zoning by-law would affect the existing drive-through facilities in the municipality, Director of Planning and Building David Finbow replying no that the current drive-through would be permitted as they exist, but noted there would criteria set for any new drive-through facilities.

Duncan then questioned if the public would have an opportunity to provide input on new drive-through facilities, David replying yes.

Councillor Kennedy then questioned if Tim Horton's could be noted as being "grandfathered" in, David replying if Council wishes to recognize Tim Horton's, then yes it could be made a conforming use.

Councillor McGee then questioned if the Tim Horton's ceased to operate, would a new owner be permitted to continue the drive-through, David replying if the use never ceased, then yes.

Mary Johnston, resident at 53 King Street West spoke noting she questioned buffering when Tim Horton's arrived in Town and she was assured she would not hear the noise, but noted she does hear the noise, noting some of the buffer trees are dead and have not been replaced. Mary

further noted the lights shine in her windows, and further noted she would like to see a ban on drive-through facilities.

Bill Dolan, resident at 213 Cameron Street spoke noting he is a part time resident for 35 years, and noted the one drive-through facility in the municipality, Tim Horton's, should be grandfathered in, and noted there should be criteria in place when a drive-through facility is sought.

Victor Labreche, Planning Consultant then spoke noting he represents Tim Horton's and the Ontario Restaurant Hotel and Motel Association ("ORHMA") and referenced previous letters sent to the Town. Victor requests to hear the issues with drive-through facilities in the municipality and the concerns of the residents. Victor noted drive-through screening needs to be addressed and perhaps increased in The Blue Mountains, and noted the proposed official plan amendment and zoning by-law amendment are severe and are in very limited areas of Highway #26.

Victor noted if performance standards are set that a win-win situation can be achieved and noted prohibition is not advised and referenced an OMB hearing in Toronto regarding a drive-through facility. Victor further noted the OMB have agreed with ORHMA that banning any type of use is not appropriate and further noted case law needs to be respected.

Victor noted drive-through facilities rely on "pass-by" traffic, therefore is not a traffic generator.

Victor then noted a properly designed drive-through can serve customers better than a parking lot based business and noted drive-through facilities provide a service to the elderly, disabled, those with young children and lessen the demand for more parking lots. Victor further noted parking can be reduced with a drive-through facility.

Victor then referenced the briefing notes attached to his correspondence and noted it has been peer reviewed. Victor then noted air quality is not effected by drive-through facilities in relation to facilities that do not have drive-through facilities and rely on parking lots. Victor then noted drive-throughs are better for the environment than parking lots and noted this is supported by facts and science.

Victor noted Labreche Patterson & Associates Inc. is requesting a deferral for further consultation and review and noted no municipality has an outright ban on drive-through facilities.

Mrs. Johnston then spoke noting a concern with the large trucks coming and going all night and leaving their trucks running causing pollution.

Joe Halos, resident, spoke noting OMB appeals are very expensive, and questioned what evidence the Town has that it needs this by-law, further noting the Town does not require protection from something that is not there, further questioning if this could be dealt with on a case by case basis in a site plan.

Victor then spoke noting an air quality consultant noted in 10 – 20 years, cars will have little emissions.

Duncan then referenced performance standards and questioned if a strict by-law could be set, Victor replying yes, further noting he is advocating for this and further noted no prohibition is required to do this.

Jim Farmilo, resident 113 Hillcrest, spoke noting he just became aware of this public meeting and noted he is the Chair of the Chamber of Commerce. Jim noted the Chamber presented a letter to Council and Staff to discuss the official plan, noting the official plan is too restrictive to business in this Town. Jim further noted the Town is unfriendly to businesses wanting to come to this Town. Jim noted Staff need to ensure restrictions are not too strict, further noting we want to bring more business here with more employment opportunities.

Ann Murphy, owner of Tim Horton's in Thornbury, then spoke noting she arrived here 17 months ago to run the Tim Horton's, noting she works with a great staff and has met some Town Staff and the Chamber members since arriving here. Ann noted residents are taking this seriously. Ann noted she has concern with the language in the by-law, noting it will impact growth and impact other drive-through facilities. Ann noted she would like Council to consider this further and noted more time is required to review the by-laws and have open discussions.

Mayor Anderson then spoke referencing the flyer printed and distributed by TDL Group, noting she appreciates the views received. Ellen noted tonight's public meeting is to receive comments and asked that residents open up and communicate with Town and Staff and noted Staff will be doing further research.

Victor then spoke noting the contents of the flyer circulated is correct and noted a legal non-conforming use is difficult to deal with, Ellen thanked Victor for his comments.

Councillor Gamble then spoke noting a normal drive-through facility does not make provision for delivery trucks and noted trucks should be allowed to drive in and out without interfering with traffic.

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

B.4 Office Plan & Zoning By-law Amendments
General Amendments to the Town's Official Plan and Zoning By-laws
– Town Wide Application
Adult Entertainment Establishments

Chair Martin read the Notice noting the need for the proposed Official Plan Amendment and Zoning By-law Amendments was identified by Meridian Planning Consultants Inc. in their report entitled *Background & Options Paper for Regulating Adult Entertainment Establishments in the Town of The Blue Mountains* dated June 2010.

The purpose and effect of the proposed Official Plan Amendment is to permit adult entertainment establishments on lands designated Employment Lands, define uses and establish criteria for the design, built form and location of such uses. The proposed Official Plan Amendment also sets out policies for Council to consider the passage of a Licensing By-law under the Municipal Act.

The purpose and effect of the proposed Zoning By-law Amendments is to amend the Township of Collingwood Zoning By-law No. 83-40, as amended, and the Town of Thornbury Zoning By-law Amendment No. 10-77, as amended, to define and clarify uses, require a site-specific

amendment to permit the establishment of any new such use, and establish design, built form and location standards for such uses.

This is a town-wide initiative therefore a key map has not been provided. At this time there are no active applications under the *Planning Act*, pertaining to adult entertainment establishments.

The Clerk read correspondence received from Grey County Planning and Development and from Nottawasaga Valley Conservation Authority.

Director of Planning and Building spoke noting this public meeting is a result of the zoning by-law review and official plan review, and noted Staff felt that it is important to conduct a review of adult entertainment facilities as these uses can be permitted as the official plan is now.

Mark Stone of Meridian Planning Consultants spoke noting they are providing four options to the Town, and noted the proposal is to permit adult entertainment establishments such as dance bars, body rub parlours to be permitted in the official plan subject to a zoning by-law amendment on lands designated employment lands, being generally east of Thornbury with specific provisions i. single use in the building, single use on the lot.

Deputy Mayor McKinlay then questioned how the Town can determine where these uses are, David replying these uses are permitted on employment lands, further noting the uses are not banned.

Chair Martin noted he does not like the use of the term “employment lands”, Mark replying this is the current language in the official plan.

Joe Halos, resident, then questioned the term multi-occupancy buildings, Mark replying this use is only available on a single use lot in a single building property. Joe then questioned what is permitted on employment lands, Mark replying, employment lands permit offices and industrial uses.

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

Moved by: John McGee Seconded by: R.J. Gamble

That this Committee hereby agrees to proceed past the prescribed adjournment time of 11:00 p.m., Carried.

C. Deputation

N/A

D. Staff Reports as circulated

D.1 Application for Consent – B08-2010 – PL.10.71 North Part Lot 16, Concession 1 6352987 Canada Inc. (Le Scandinave Spa)

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

THAT the Planning and Building Committee receive Staff Report PL.10.71 “Application for Consent B08-2010, 6352987 Canada Inc. (Le Scandinave Spa) North Part Lot 16 Concession 1, Part 1 16R-3687” and;

THAT Council grant Application for Consent File Number B08-2010 subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property to the south in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990.
2. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.
3. Verification that the 5.2 metre road widening to the County of Grey as required under the Site Plan Agreement has been completed.
4. Execution of a Development Agreement to address the following:
 - a. Recognition of the Spa as being a portion of the contribution for Growth and Settlement for the enlarged parcel in accordance with the provisions of the Official Plan.
 - b. Requirements for trail connections in accordance with the Site Plan Agreement for the Spa.
 - c. Future potential access to the Spa lands from the newly enlarged parcel in accordance with the provisions of the Site Plan Agreement, Carried.

Mayor Anderson then vacated the meeting.

**D.2 Site Specific Rezoning Applications & Site Plan Control – PL.10.84
Town Wide Application**

Moved by: John McGee Seconded by: R.J. Gamble

THAT Council receive Staff Report PL.10.84 respecting "Site Specific Rezoning Applications and Site Plan Control" for information purposes, Carried.

**D.3 Application to Stop Up & Close a Portion of Pilsen Way – PL.10.81
Part Lot 19, Concession 2**

Director of Planning and Building David Finbow spoke noting he suggests an amendment to the roads reserve.

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

THAT Council receive Planning Staff Report PL.10.81, "Application to Stop Up and Close a Portion of Pilsen Way, Part 3, Plan 16R-6360, Part of Lot 19, Concession 2, Town of The Blue Mountains"; and

THAT Council authorize the sale of a portion of Pilsen Way road allowance described as Part 3, Plan 16R-6360 to the adjacent land owner to the South at a cost of \$33,153 plus any additional costs associated with the transfer of land.

THAT Council direct that the proceeds from the sale of a portion of Pilsen Way road allowance be allocated to the Roads Reserve; and

THAT Council enact a By-law to stop up and close the portion of Pilsen Way described as Part 3, Plan 16R-6360

In speaking to the Motion, Councillor Kennedy referenced the sale of property and noted the Housing Committee needs money more than the roads reserve does.

Councillor Gamble then questioned the value of the sale of lands and if the money had been received, David replying the money will flow with the signing of the deeds.

The Committee then voted on the Motion, Carried.

**D.4 Application for Consent - B09-2010 - PL.10.80
Part Lot 26, Concession 6 – 133 Old Lakeshore Road (Camperdown)
Joan Liddiard & the late Donald Liddiard**

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

THAT Council receive Planning Staff Report PL.10.80, “Application for Consent File No. B09-2010 – Joan Liddiard and the late Donald Liddiard; Part Lot 26, Concession 6; Part 2, 16R-3319; 133 Old Lakeshore Road; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B09-2010, subject to the following conditions:

1. That relief from Zoning By-law No. 83-40, as amended, related to minimum lot area for the Rural Estate Residential (RERa) Zone be obtained and come into full force and effect;
2. That the severed parcel be deeded as a lot addition to the property abutting to the west in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*; and
3. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel, Carried.

**D.5 Ontario Municipal Board Hearing – Short Term Accommodation
PL.10.86**

Councillor McGee spoke noting one week may not be sufficient to complete the OMB hearing, Chair Martin concurring, noting he too is frustrated with the process and noted the decision may not be received until spring of 2011.

Deputy Mayor McKinlay spoke noting Staff, Council and others have worked hard to prepare for this hearing to do the right thing for the community and noted he too is frustrated by the time it has taken.

Moved by: John McGee Seconded by: R.J. Gamble

THAT Council receive Staff Report PL.10.86 respecting “Ontario Municipal Board – Short Term Accommodation” for information purposes, Carried.

**D.6 Application for Site Plan Approval and Zoning By-law Amendment –
PL.10.82
Part Lot 28 Arthur W/S - 27 Arthur Street
Rambo Properties Limited**

Moved by: R.J. Gamble Seconded by: John McGee

THAT Council receive Planning Staff Report PL.10.82, “Application for Site Plan Approval and Zoning By-law Amendment; Rambo Properties Limited, Part Lot 28 Arthur W/S, 27 Arthur Street; Town of The Blue Mountains”; and

THAT Council enact a Zoning By-law Amendment to rezone the subject lands from the Residential R2 Zone to the Commercial C2 Zone with an exception that would limit the range of permitted uses on the property;

THAT Council grant site plan approval related to the subject proposal conditional upon the Owner entering into a Site Plan Agreement with the Town; and,

THAT Council authorize the Mayor and Clerk to execute a Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Town's solicitor, Carried.

E. Minutes & Reports List - Receive/Adopt

1. Committee of Adjustment – April 15, 2010.
2. Sign By-law Review Committee – August 9, 2010 & September 3, 2010.

F. New & Unfinished Business

N/A

G. Next Meeting Date

October 4, 2010

H. Adjournment

Moved by: John McGee Seconded by: Cameron Kennedy

THAT this Planning & Building Committee meeting does now adjourn at 10:55 p.m., Carried.