

Minutes - Planning & Building Committee



MEETING DATE: November 2, 2009

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Deputy Clerk

A. Call to Order

- Chair Martin called the Committee meeting to order with designated Councillor McGee in attendance. Deputy Mayor McKinlay was absent due to a previous commitment and Councillor Kennedy was absent due to a illness. Also in attendance was Councillor Gamble
- Also in attendance was Chief Administrative Office Paul Graham, Director of Planning and Building David Finbow, Senior Planner Cindy Welsh, Planner Bryan Pearce, Director of Engineering and Public Works Reg Russwurm and Planner Shawn Postma

- Approval of Agenda:

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

THAT the Agenda of November 2, 2009 be approved as circulated including any additions or revisions to be made, unanimously Carried.

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

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

THAT the Minutes of October 5, 2009 be approved as circulated including any revisions to be made, unanimously Carried.

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

B.1 Camplin Recirculation

Chair Martin read the Notice noting the purpose of this Public Meeting is to consider a request for a Temporary Use By-law for the existing Garden Suite on the subject property. Michael noted the Garden Suite has existed on the property since 1995 and has been permitted by By-law in accordance with Section 39.1 of the Planning Act. The current By-law has now expired.

Michael noted this is a second Notice of Public Meeting for the same property and confirmed the purpose of this notice is to provide clarification that the previous Temporary Use By-law has expired and is not eligible for extension. This notice is for the consideration a new Temporary Use By-law. There are no other proposed changes to the use of the Garden Suite or to its location.

Michael noted the effect of the Temporary Use By-law is to permit the use of an existing Garden Suite, comprised of a maximum 110 square metre mobile home and addition as an accessory temporary dwelling unit for a maximum of 10 years from the date of passing of this By-law. An exception is also proposed in order to permit the temporary building to be located closer to the road than the main building.

The lands subject to this By-law are owned by David and Hwa Ling Huang Camplin and are comprised of Part Lot 25, Concession 7 (516599 7th Line) Town of the Blue Mountains, as shown on the attached sketch.

Michael noted that 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.

Michael then asked if any member of the public wished to speak, as no one wished to speak the Chair declared the Public Meeting to be concluded

C. Staff Reports as circulated

C.1 Building Permits By-law Update – SRB.09.22

Director of Planning & Building David Finbow spoke reviewing the Building Permit By-Law Update and confirmed there is a decrease in building in the Town. David noted a public meeting will be scheduled in the future on the matter, which meeting may be at a council meeting, to obtain all of council's input to staff.

Councillor Gamble then questioned reference to Schedule "E", David replying model home permits are applied for and issued prior to the execution of the subdivision agreement and registration of the plan. There is risk associated with the issuance of this type of permit and therefore there is an agreement and related securities required to ensure that, if need be, the model home could be removed if not located in accordance with the zoning by-law.

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

THAT Council receive Staff Report SRB.09.22 respecting "Building Permits By-law Update"; and,

THAT Town Staff provide notice of a public meeting in accordance with Subsection 7.-(6) of the *Building Code Act*, to receive input on the proposed changes to the Building Permits By-law, unanimously Carried.

C.2 Zoning By-law Review Project Update - PL.09.114

Senior Policy Planner Cindy Welsh spoke reviewing Report PL.09.114 noting the consultant has provided a draft By-Law format and has consulted with the Grey Sauble Conservation Authority and Niagara Escarpment Commission. Cindy noted a public open house took place on July 18, 2009 and another will be scheduled in December, 2009 as Staff are currently working through the first draft by-law. Cindy advised that 52 zoning classifications will be consolidated into 24 new zoning classifications.

Cindy then reviewed the next steps and noted a meeting is scheduled with Consultant, Meridian, on November 24 to review the first draft and a third draft of the by-law should be available in January, 2010. Cindy confirmed the project is on budget.

Director of Planning & Building David Finbow noted page 63 of the report notes a high level statement that the Town has developed and confirmed this is the direction the Town wants to head in and he would like to ensure we are heading in the right direction in the future.

Councillor Gamble then spoke noting this updating the zoning by-law is long overdue and questioned how long the anticipated by-law will be, David replying the length of the by-law will largely depend on the exceptions noted in the document.

Councillor McGee then questioned reference to the preamble not forming part of the by-law document noting he believes a short summary at the beginning of the document is crucial to residents understanding the document, David concurring.

Chair Martin then questioned if the zones listed are new proposed zones, Cindy replying yes. Michael then questioned reference to employment zones, Cindy replying this is the language used by Meridian. David then spoke noting home occupation uses are being explored to the extent that they can, further noting that employment lands are dictated by the Planning Act and are being looked at through the Community Improvement Plan.

Michael then questioned how the Town can get more participation at public meetings noting he believes public participation is important.

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

THAT Council does hereby receive Planning Staff Report PL.09.114 Comprehensive Zoning By-law Review Project Update, unanimously Carried.

C.3 Adult Entertainment Establishments Project Update - PL.09.115

Councillor Gamble spoke noting this Report is a report in progress.

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

THAT Council does hereby receive Planning Staff Report PL.09.115 Adult Entertainment Establishments Project Update, unanimously Carried.

C.4 Drive-through Facilities Project Update - PL.09.116

Director of Planning & Building David Finbow then reviewed the Report and noted adult entertainment establishments and drive-throughs are run as separate projects and will, in time, be incorporated into the new comprehensive zoning by-law.

Councillor Gamble then questioned the availability of parking for large trucks and noted adequate parking should be looked at.

Councillor McGee then spoke noting the municipalities reviewed by Meridian are the experiences of large cities and noted it would make more sense to use smaller communities as comparisons, David replying that drive-throughs north of Highway 7 have been looked at and further noted that adult entertainment establishments are harder to locate in smaller municipalities.

David noted parking for large trucks will be addressed in the Parking Study. David further noted Thornbury will be treated as an urban street rather than a highway commercial designated area.

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

THAT Council does hereby receive Planning Staff Report PL.09.116 Drive-through Facilities Project Update, unanimously Carried.

C.5 Postal Addressing Update (“Collingwood L9Y”) – PL.09.117

Director of Planning & Building David Finbow then spoke noting the program is now completed with the exception of the removal of the green mailboxes that Canada Post is responsible for removing. David reviewed the Report and noted 46 sites were developed on time and under budget and advised that Don Hutchinson is to be commended for his work on the project. David noted the project has been received well and users have converted to the new “Blue Mountains” address.

Chair Martin commended David for his work in sticking with this project to completion and commended Don Hutchinson as well for his work on the project.

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

THAT Council receive Staff Report PL.09.117 for information purposes, unanimously Carried.

C.6 Permit Statistics – September 2009 – SRB.09.23

Councillor Gamble noted this is not a healthy report for what was hoped for the Municipality but it reflects the climate across the country.

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

THAT Council receive Staff Report SRB.09.23 “Permit Statistics – September 2009”, unanimously Carried.

C.7 Towing Contract – SRB.09.21

Director of Planning and Building David Finbow noted by-law enforcement has been the principle liaison for the towing contract, and further noted John Trude invited all local towing companies to come forward to join the association for towing within the Town. David noted the Town has towing 24 hours a day, seven days a week.

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

THAT Council receive Staff Report SRB.09.21 respecting the towing of vehicles contract and to authorize the Mayor and Clerk to execute the Towing Contract with The Blue Mountains Towing Association for a 5 year term from January 1, 2010 to December 31, 2015, unanimously Carried.

C.8 Applications for Temporary Use Zoning By-law Amendment & Site Plan Approval – PL.09.118 1304019 Ontario Limited – Part 1, RP 16R-1023, North Part Lots 4 & 5, Plan 482, 104 Hope Street

Councillor Gamble spoke referencing the suggested three month term and questioned the renewal process if the three month period lapses, Director of Planning and Building David Finbow spoke reviewing the Report and referenced recent discussions with Georgian Bay Animal Rescue that three months is not long enough and that they would be more comfortable with a six month or one year extension. David then replied to Bob that if the three months lapses, a new application would have to be applied for.

Councillor McGee questioned when the zoning by-law would be brought back to Council, David replying the zoning by-law would be brought back November 9 if it is approved tonight. John then questioned if the extension should be granted to the month of April versus February because of potential weather conditions, David replying one or two cats would be moved each day, but further noted amenities are not ready at the shelter.

Bob then questioned if Staff would be satisfied with a six month extension, David replying neighbouring residents must be considered as well and noted if the Committee extended the zoning by-law for six months that Staff would be satisfied with that.

John then suggested a friendly amendment to the recommendation to extend the temporary use for six months.

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

THAT Council receive Planning Staff Report PL.09.118, “Applications for Temporary Use Zoning By-law Amendment & Site Plan Approval – 1304019 Ontario Limited; Part 1, RP 16R-1023; North Part Lots 4 & 5, Plan 382; 104 Hope Street; Town of The Blue Mountains”; and

THAT Council enact a Temporary Use Zoning By-law so as to permit the temporary use of 104 Hope Street as an animal (cat) shelter to May 31, 2010; and further

THAT Council grant site plan approval pursuant to Section 41 of the *Planning Act* for the temporary use of 104 Hope Street as an animal (cat) shelter, unanimously Carried.

C.9 Planning Application Fees – PL.09.120

Director of Planning and Building David Finbow spoke reviewing the Report and noted Staff believe the cost of services should be on a full cost recovery for the services of the Planning and Engineering and Public Works departments. .

David reviewed the cost analysis and Planning division, net cost and Staffing/Streamlining Review.

David reviewed the 2007/2008 Review versus Current review and note the connection of fees collected must correspond to the cost of relevant service.

David reviewed the proposed fees versus current fees for planning application fees.

David reviewed the MPMP provisions and the notion of full cost recovery.

David provided a comparison of fees for zoning by-law applications and draft plan of subdivisions with less than 10 units in Collingwood and The Blue Mountains.

David then noted the Engineering and Public Works fees are currently under review and will be reported to Infrastructure & Recreation Committee with a final report to Council in early January 2010.

Councillor McGee then spoke questioning if full cost recovery included cost for staff and accommodation for staff, David replying yes.

Councillor Gamble then expressed a concern for the small businessman who wants to meet the criteria but cannot afford the \$10,000 fee and feels the small businessman may then operate without going through the proper channels as they cannot afford the fees. David replied that the fee schedule may be amended and Staff will ensure small entrepreneurs will be looked after. Chair Martin then spoke noting when agencies provide comments that time is expended to review the materials. David then spoke noting the comments will be considered.

Michael then asked that that the proposed Engineering & Public Works and Planning & Building Department proposed fees come to Council as one Report for review, David replying this is the intent.

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

THAT Council receive Staff Report No. PL.09.120 respecting Planning Application Fees; and,

THAT Town Staff provide notice of a Public Meeting to receive input on the proposed Planning Fees & Charges contained in this Report, Carried.

