

Minutes - Planning & Building Committee



MEETING DATE: December 8, 2010

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

Clerk Corrina Giles then called the meeting to order and explained the first order of business was the selection of a Committee Chair. The Clerk then called for nominations to the position.

The Committee then dealt with the following Resolutions:

Moved by: Ellen Anderson Seconded by: Gail Ardiel

THAT Deputy Mayor McKinlay be nominated for Chair of the Planning and Building Committee for the remainder of 2010 and the year of 2011, Carried.

Moved by: Robert J. Gamble Seconded by: Gail Ardiel

THAT nominations for Chair of the Planning and Building Committee be closed, Carried.

Clerk Corrina Giles then declared Deputy Mayor McKinlay selected as Chair of the Planning and Building Committee through 2011 and turned the meeting over to the Chair.

- Chair McKinlay then called the Committee meeting to order with fellow designated Committee members Councillors Gamble and Ardiel in attendance present. Also in attendance was Mayor Anderson and Councillor Halos.
- Also in attendance was Director of Planning and Building David Finbow, Senior Policy Planner Cindy Welsh, Planner Bryan Pearce, Planner Shawn Postma and Director of Engineering and Public Works Reg Russwurm.
- Approval of Agenda:

Moved by: Ellen Anderson Seconded by: Robert J. Gamble

THAT the Agenda of December 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: Robert J. Gamble Seconded by: Gail Ardiel

THAT the Minutes of October 4, 2010 be approved as circulated, including any revisions to be made, Carried.

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

Deputy Mayor McKinlay then called the scheduled Public Meeting to order and explained the purpose of the Public Meeting was to consider a request to sever a 220 square metre vacant residential parcel on the eastern portion of the property and deed it as a lot addition to the existing 2,058 square metre residential parcel to the east, containing an existing dwelling and accessory garage. A 1,603 square metre residential parcel would be retained, containing an existing dwelling and accessory shed.

Duncan noted the lands are described as Part Lots 2 and 3, Plan 824 and Part 5 of RP 16R-1624 and Part 2 of RP 16R-6901.

Duncan then noted the severed parcel would have a frontage of 0.0 m. and an area of 220 sq. metres, while the retained parcel would have a frontage of 15.24 m. and an area of 1603 sq. metres, having access on an open and maintained municipal road featuring municipal sewer and no water service.

Clerk Corrina Giles then noted the notice of Public Meeting had been given in accordance with the provisions of the Planning and read correspondence received from the Grey Sauble Conservation Authority and the Grey County Planning and Development Department.

Planner Bryan Pearce then reviewed the application, noting the purpose of the Public Meeting was to receive public input on the matter.

Councillor Halos then questioned when an existing shed was constructed, the applicant replying in the 1980's.

As there were no further comments Chair McKinlay declared the Public Meeting to be adjourned.

C. Deputations

C.1 Delegation: Victor Labreche of Labreche Patterson & Associates Inc. Drive-through Service Facilities, Official Plan & Zoning By-law Amendments

Victor Labreche then spoke with regard to correspondence from Gowlings LLP Law Firm dated December 7, 2010, noting opposition to any proposal to prohibit drive through facilities (DTF) within The Blue Mountains.

Victor then introduced Leslie of TDL Group and Ann Murphy, owner of the local Tim Horton's restaurant.

Victor noted objections to DTF restrictions but noted support in working together to address concerns, adding agreement with Staff Report Option 4, which would permit DTF's in all commercial areas with existing criteria, versus the recommended Staff Option 6, permitting DTF's in the Highway 26 corridor with specific regulations.

Victor then noted Option 6 is not consistent with case law as detailed in the Gowlings correspondence, referencing page 6 of the Gowing correspondence and previous Ontario Municipal Board decisions regarding Official Plan policy, adding Gowlings are encouraging the Town to proceed with Option 4.

Victor then noted the Zoning By-law should be used to set high standards and the subject studied completely before action such as an Official Plan Amendment is taken, referencing an OMB Decision regarding an Oakville Official Plan Amendment.

Victor then stated there has not been sufficient studies completed in The Blue Mountains and it is not appropriate to proceed, adding the Staff Report under D.1 on the Agenda has no mention of urban design studies or strategies.

Victor then requested the Committee not move forward with the Staff Report tonight and that a legal opinion be sought before a drastic decision is made and such an opinion could be considered by the end of January, 2011.

Councillor Gamble then noted his concern with DTF's is the lack of parking and the stacking of cars in the drive through area and the effect on area residents, Victor noting the Zoning By-law could address these matters.

Mayor Anderson then referenced "prohibition" of DTF's, Victor replying any Official Plan that would prohibit or regulate DTF's has been challenged in the last five years and none that proposed to prohibit DTF's was successful before the OMB. Victor then stated where an Official Plan permits restaurants it should allow DTF's, adding the proposed OPA would allow DTF's along Highway 26.

Victor then clarified he is not objecting to the principle of Zoning criteria, but the Official Plan should be silent on DTF's and this forces his client to object.

Councillor Halos then questioned how DTF concerns can be regulated through Zoning regulations and site plan approval, Victor replying he recognizes the Village at Blue area has a pedestrian oriented lifestyle but noted all other areas in the Town could accommodate DTF uses, Victor then again asking Option 4 be considered.

Chair McKinlay then questioned if there could be an undertaking to provide time to discuss matters and work things out, David noting he is aware of Victor's position and he would like Town Consultant Mark Stone of Meridian Planning Consultants to appear and provide commentary on other municipalities' findings to the Committee.

Chair McKinlay then thanked Mr. Labreche for his presentation.

**C.2 Presentation: 2220740 Ontario Inc. (Romspen Mortgage Ltd.)
Part Lot 26, Concession 6 - Notice of Complete Application
Planner Shawn Postma**

Shawn then provided additional information on the Applications received for Official Plan and Zoning By-law Amendment and Plan of Condominium.

Shawn then listed the supporting and justification reports and studies received in support of the Applications.

Mayor Anderson then questioned the status of large signage on lands proposed for potential development and when this might happen, David replying better notice has been discussed and he referenced a need for larger signage, adding some developers are willing to do this now and he will check to see if this developer is willing.

David then noted we want to look at this proposal comprehensively as it is significant for the area.

Councillor Ardiel then questioned where a proposed walkway would be located and where would it end, Shawn replying the Official Plan references a walkway against Old Lakeshore Road and it would only be for the length of the subject development.

Councillor Gamble then noted concern with the stormwater management facility and drainage and questioned if there would be capacity to drain to Nottawasaga Bay, David noting stormwater management would address quantity and quality of drainage water and will be reviewed.

Bob then questioned if the development will pay cost shares of the upfronted Highway 26 sanitary sewer line, David replying the property has already been assessed 12 cost shares and after consideration and review of the Applications will result in a total of 30 cost shares if approved.

D. Staff Reports as circulated

D.1 Drive-through Service Facilities, Official Plan and Zoning By-law Amendments – PL.10.120

David then reported due to weather conditions, Town Planning Consultant Mark Stone of Meridian Planning Consultants was unable to attend and recommended the Committee defer consideration of the matter until such time as he would be able to attend and present his firm's findings of their review and study and respond to questions from the Committee.

The Committee then dealt with the following Recommendation:

Moved by: Ellen Anderson Seconded by: R.J. Gamble

THAT the Committee defer consideration of Planning Staff Report PL.10.120, until such time as the Town's Planning Consultant can attend to present their findings of their review or study and related recommendations, Carried.

D.2 Adult Entertainment Establishments, Official Plan Amendment & Zoning By-law Amendments – PL.10.119

Councillor Gamble then questioned a proposed 800 metre minimum separation distance on employment lands from residential areas, noting it would be difficult to find such a location, Cindy replying 800 metres is suggested in the Official Plan Amendment, adding an applicant could request an amendment to reduce the setback.

David then noted a comprehensive review of the Zoning By-law is being conducted currently including setback regulations.

The Committee then dealt with the following Recommendation:

Moved by: Robert J. Gamble Seconded by: Gail Ardiel

THAT Council does hereby receive Planning Staff Report PL.10.119, Adult Entertainment Establishments, Official Plan Amendment and Zoning By-law Amendments; and

Duncan then noted a public open house date should be determined and advertised in the near future, Cindy noting Saturday sessions are being considered.

David noted we need landowners to meet with Staff to understand the effect of zoning regulations on their lands.

The Committee then dealt with the following Recommendation:

Moved by: Joe Halos Seconded by: Robert J. Gamble

THAT Council does hereby receive Planning Staff Report PL.10.118, New Comprehensive Zoning By-law Project – Update, Carried.

**D.7 Official Plan Amendment & Zoning By-law Amendment
Town Plot Park Lot 2, Napier W/S; Town Plot Part Lot 2, Napier W/S,
Town Plot Part Park Lot 2, SW Napier; Parts 1-3, RP 16R-6509, - 177 &
181 Bruce Street South & 15 & 19 Napier Street East - L. E. Shore
Memorial Library & Adjacent Lands – PL.10.109**

Councillor Gamble then noted the full corner will now be designated for library and school use so any new development will tie into the library or school use.

Councillor Halos then questioned the land use now, Mayor Anderson noting the recently purchased residential property is being used for storage and it would be converted to institutional use.

A member of the gallery then requested to be recognized and the Committee dealt with the following Resolution:

Moved by: Gail Ardiel Seconded by: Robert J. Gamble

THAT John Corrigan be recognized at this time and allowed to address the Chair, Carried.

John then questioned what would happen if someone were to sell their house in that area, David replying the current use of the house the Town recently purchased is for storage only and other uses are being proposed through the Official Plan and Zoning By-law Amendments currently before the Committee. David further noted if privately owned properties within the re-designation and zoning amendments were for sale the Town could purchase them but there is no direction from Council to that effect.

David further noted the proposed amendments do not affect the private lands as dual uses of institutional and residential are proposed with no impact on assessment.

David further noted the properties could sell for residential purposes if the owners wished.

The Committee then dealt with the following Recommendation:

Moved by: Robert J. Gamble Seconded by: Joe Halos

THAT Council receive Planning Staff Report PL.10.109, “Applications for Official Plan and Zoning By-law Amendments – Town Library Lands, Jack and Irene McKay, and Greg Willison; Town Plot Park Lot 2, Napier W/S;

D.14 Environmental Noise Guidelines – Draft Noise Assessment Criteria for Stationary Sources and for Land Use Planning, Environmental Registry – PL.10.117

Cindy then reviewed the Report, noting the Ministry of Environment is proposing to replace existing noise guidelines with the proposed environmental noise guidelines and further noted Staff will report back after the meeting with the Ministry.

Councillor Gamble then questioned if the stationary noise guidelines might impact industry located close to residential development, Cindy replying it might.

Councillor Ardiel then questioned if the new guidelines would be Province-wide, Cindy replying yes.

David then noted the Town must have regard to noise issues in Planning Applications, further noting this is important from a Planning and By-law Enforcement standpoint.

Duncan then noted Staff will ensure that agricultural and ski resort operations will be protected and exempted.

Council then dealt with the following Recommendation:

Moved by: Joe Halos Seconded by: Robert J. Gamble

THAT Council does hereby receive Planning Staff Report PL.10.117, Environmental Noise Guideline - Draft; and

THAT Staff bring forward a final report incorporating comments from the Planning and Building Committee and Council at the January 10, 2011, Council meeting, Carried.

D.15 “Current” Development Planning Applications of “Significance” PL.10.122

Councillor Ardiel then noted she would like to be aware of the top 50 applications, David noting the 21 Development Applications shown are being actively processed at present and Staff are working on a further listing of all Applications, noting the list will be more than 50 but less than 100.

David then reviewed the developments that Staff are speaking to on a regular basis, Chair McKinlay noting the new members could attend the Town Office and review the Applications with Staff.

Councillor Ardiel then noted she would appreciate a spring tour of development lands, roads, etc., Councillor Gamble concurring.

Bob then questioned the status of the Matesa development, noting for sale signs in the area, David replying an OMB Hearing was not yet scheduled.

Council then dealt with the following Recommendation:

Moved by: Robert J. Gamble Seconded by: Gail Ardiel

THAT Council receive Staff Report PL.10.122 entitled “Current” Development Planning Applications of “Significance” for information purposes, Carried.

