

This document can be made available in other accessible formats as soon as practicable and upon request

STAFF REPORT: Planning & Building Services Department



REPORT TO: Committee of the Whole
MEETING DATE: February 24, 2014
REPORT NO.: PL.14.26
SUBJECT: Application for Zoning By-law Amendment – Thornbury Square (Sobeys) Lot 35, 36, 37, 38 and 39 Southwest of Arthur Street West; Lots 36, 37, 38 and 39 Northeast of Louisa Street West; Town Plot of Thornbury; Arthur Street West; Town of The Blue Mountains
PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP Planner

A. Recommendations

THAT Council receive Planning Staff Report PL.14.26 respecting “Application for Zoning By-law Amendment – Thornbury Square (Sobeys); Lots 35, 36, 37, 38 and 39 Southwest of Arthur Street West; and Lots 36, 37, 38 and 39 Northeast of Louisa Street West; Town Plot of Thornbury; Arthur Street West; Town of The Blue Mountains”;

AND THAT Council enact a Zoning By-law Amendment to rezone the subject lands from the General Commercial C2 Zone to the General Commercial Exception 47 Holding C2-47-h Zone, so as to modify provisions of the zoning by-law related to the proposed development;

AND FURTHER THAT Council authorize the Mayor and Clerk to enter into a Financing and Cost Sharing Agreement with respect to necessary road improvements with such Agreement being in a form satisfactory to the Chief Administrative Officer, Town’s Solicitor and Director, Financial and Information Technology Services.

B. Background

Purpose

The purpose of this Report is to provide Council with recommendations related to a request by Sobeys Capital Incorporated (Sobeys) so as to amend Zoning By-law No. 10-77, as amended, to facilitate the development of a local retail centre.

Application

The Owner, Sobeys Capital Incorporated (Sobeys), made applications to the Town in May 2013 for a zoning by-law amendment and site plan approval. Information related to

this planning project, known as Thornbury Square (Sobeys), has been made available on the Town's website at the following link:

<http://www.thebluemountains.ca/planning-development-proje.cfm#37>

The purpose and effect of the Application for Zoning By-law Amendment would be to develop the subject lands as a local retail centre, with it being noted that certain site specific standards, including parking and setbacks, are required to be modified so as to implement the proposed development.

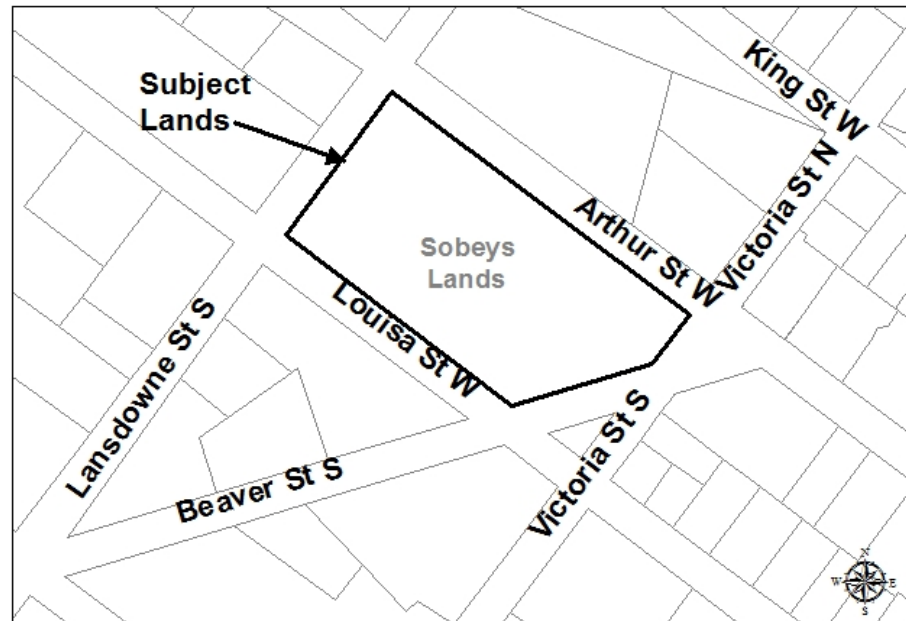
Chronology

The following is the chronology with respect to this application:

- Pre-consult meeting with Sobeys on May 4, 2010.
- Formal Pre-consultation Meeting December 8, 2011.
- Pre-consultation Letter issued by the Town on December 20, 2011.
- Planning Applications received on May 9, 2013.
- Application Fees received on May 24, 2013. Town Council defers consideration of Beaver Street Process ([Staff Report PL.13.68](#)) on May 27, 2013.
- Incomplete Application Letter issued on by the Town on July 5, 2013.
- Town Council authorizes Beaver Street Process ([Staff Report PL.13.88](#)) on July 15, 2013.
- Updated Submission received August 2013.
- Complete Application Letter issued by the Town on August 20, 2013.
- [Notice of Public Meeting](#) issued by the Town on August 21, 2013.
- Public Meeting September 16, 2013.
- Sobeys withdraws request to close and purchase the Beaver Street Road Allowance, lying between Louisa Street West and Victoria Street South, as noted in the [website news item](#).
- Town comments letter on the planning project issued by the Town on October 23, 2013.
- Public/Agency commenting deadline of November 13, 2013, as identified at the public meeting.
- Resubmission received on January 6, 2014, with the off-site works received subsequently on January 24, 2014, as noted in the [website news item](#).
- Notification of the January 2014 Resubmission on January 17, 2014 to Council, Agencies and Public.
- [Planning Staff Report PL.14.17 "Thornbury Square \(Sobeys\) – Development Proposal Update"](#) went to Committee of the Whole on February 4, 2014 for information purposes and confirmed that a further public meeting is not required. This recommendation was then subsequently adopted by Town Council on February 19, 2014.

The subject lands are legally described as Lots 35,36,37,38 and 39 Southwest of Arthur

Street West; and Lots 36, 37, 38 and 39 Northeast of Louisa Street West; Town Plot of Thornbury; Town of The Blue Mountains. The subject lands are locally described as being bounded by the south side of Arthur Street West, west side of Victoria Street South, northwest side of Beaver Street South, north side of Louisa Street West, and east side of Lansdowne Street South; as shown on the key map to the right.



The area of the subject lands is approximately 18,328.32 square metres (4.53 acres) and is a vacant lot of record. This is illustrated in the spring 2010 aerial photography (Attachment #1). The subject lands front municipal water and sewer services and the proposed development will require connection thereto.

The existing lot of record is owned by Sobeys, who has authorized Oz Kemal and David McKay of MHBC as their Agent with respect to these planning applications. The Agent has submitted a planning cover letter, revised planning cover letter, stormwater management report, traffic impact study, D-4 (land use on or near landfills and dumps) study letter, urban design brief and parking and loading space review letter in conjunction with these planning applications, along with proposed design drawings for the development proposal.

The consultant's project team consists of the following:

- Owner
 - Christine Yee, MCIP, RPP of Sobeys
 - Meaghan Palynchuk of Sobeys
- Planner (Agent)
 - Oz Kemal, MCIP, RPP of MHBC
 - David McKay, MCIP, RPP of MHBC
 - Stacey Kursikowski of MHBC
- Architectural
 - Andrew Bousfield, OAA of ABA Architects
 - Greg Boyd of Greystone Design Group Inc
- Landscape Architect
 - Nicola Miele, OALA of MHBC
- Environmental Engineering
 - Kim Hawkes of R.J. Burnside & Associates Limited

- Civil Engineering
 - Construction
 - David Argue, P. Eng, PTOE of R.J. Burnside & Associates Limited
 - Matt Coleridge, P. Eng of R.J. Burnside & Associates Limited
 - Transportation
 - David Argue, P. Eng, PTOE of R.J. Burnside & Associates Limited
 - David Angelakis of R.J. Burnside & Associates Limited
- Electrical Engineering
 - Mark Hammerschlag, P. Eng of Hammerschlag and Joffe Inc.

The development proposal consists of 3 commercial units contained within 2 buildings with a total gross floor area of 4,195.18 square metres (45,158 square feet), with same to be developed in two phases. Phase one is proposed to consist of Building A (“Foodland” Supermarket/Grocery Retail Store) of 2,894.58 square metres (31,158 square feet) and Building B (“LCBO” Retail Store) of 743.20 square metres (8,000 square feet). Phase 2 is proposed to consist of future Building C (a Retail Store addition to Building A) of 557.40 square metres (6,000 square feet).

It is noted that Phase 2 will require the proponent to apply at a future date for Site Plan Approval and to amend the anticipated Site Plan Agreement.

The surrounding uses include:

- To the north, is Arthur Street West, followed by vacant commercially designated lands and the current development proposal of Macs Convenience (King & Brookeast Inc) on the eastern portion abutting Victoria Street North;
- To the east is Victoria Street South and Beaver Street South, with commercially designated lands fronting onto Arthur Street West (currently a residential dwelling) and developed residential lands to the south fronting on Louisa Street West;
- To the south is Louisa Street West, followed by developed residential lands; and,
- To the west is Lansdowne Street South, followed by vacant commercially designated lands.

Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the 2005 Provincial Policy Statement (PPS). Within the Town of The Blue Mountains they must also make decisions that conform to the County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

This proposal supports Section 1.1.3 of the PPS which states that “*settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted*”, as the subject lands are within Thornbury, a designated settlement area within the Town.

The proposed development will utilize underutilized lands and will aid in expanding the commercial area of Thornbury to the west, and utilize existing municipal infrastructure, and therefore is consistent with Section 1.6.4 of the PPS.

With respect to matters of natural heritage, no issues of concern have been identified, or evident, and therefore the proposed development is consistent with the PPS in this regard.

No issues of concern have been identified, or evident, as they relate to cultural heritage or archaeology, and therefore the proposed development is consistent with the PPS in this regard.

As noted further in this Report, a study has been completed with respect to the potential impact of a “human-made” hazard that is located to the north-west and therefore the proposed development is consistent with the PPS in this regard.

Therefore, it is concluded that this proposal is consistent with the PPS.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan, as revised through Amendment #80 (five year review).

The subject lands are designated as a Primary Settlement Area within the County of Grey Official Plan. Under the Primary Settlement Areas land use policies, Section 2.6.3 of the Official Plan states that it defers more detailed land use policies and development standards to the local Official Plan.

Under Appendix A of the Official Plan, the northwest portion of the subject lands is within the Municipal Intake Protection Zone One constraint, as this is associated with the Town’s Water Treatment Plant on Georgian Bay. Section 5.3.4.1(3) states any Planning Act application would be subject to a review by the County and Town to assess the risks of such uses to potentially contaminate groundwater or surface water and, based on this assessment, determine whether or not a Hydrogeological Study or Environmental Impact Study (EIS) is required. Planning Staff notes that this proposal is not further generating any additional risks for potential groundwater and surface water contamination, as the development will be on full municipal water and sewer services and stormwater management techniques are being utilized through rooftop controls, parking lot ponding, underground storage units, and pipe storage with orifice controls to maintain existing development flow rates and oil/grit separators will be used to provide quality control. It is noted that Planning Staff, at the advice of the County Planning and Development Department, have attempted to consult with Source Water Protection Staff on a couple occasions, but have received no response to-date.

Under Appendix A of the Official Plan, the subject lands are within 500 metres of an abandoned landfill. The Town retained RJ Burnside to complete an EIS in July 2010 in order to review the 500 metre buffer area associated with the abandoned landfill and, if possible, make recommendations related to reducing this buffer area. This

work was part of a larger project as it relates to various known landfill sites in the Municipality. The northwest corner of the subject lands remain within the potential landfill gas impact zone as demonstrated by through the EIS. A D4 Study Letter was submitted by R.J. Burnside which reviewed their historical records, local geology, and hydrogeology noting the following:

1. A D4 Study was completed by Henderson Paddon & Associates Limited in February 2008 for a property that is immediately east of the closed Thornbury landfill, which is significantly closer to the landfill than the Sobey's Site. The 2008 report concluded "*There was no evidence of impacts from methane in landfill gas on the Matesa Property nor are such impacts anticipated.*"
2. The EIS assumed that "*methane would not likely migrate more than 150 m from the landfill site. The 150 m buffer incorporates a safety margin in the absence of more detailed site specific information.*"
3. The Sobey's Site is 129 m (less than 150 m) from the landfill property limits; however, it is 151 m (more than 150 m) from the edge of the inferred waste limit.

The letter noted that the closed Thornbury landfill would have no measureable impact on the development proposal. Therefore, Planning Staff has no further issues of concern as it relates to the suitability of using the lands.

Therefore it is Planning Staff's opinion that this development proposal conforms to the County of Grey Official Plan.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Commercial within the Thornbury Urban Community.

The Commercial designation in Thornbury consists of two distinct areas – the Bruce Street core and the Arthur/King Street corridor. This proposal would be within the Arthur/King Street corridor. The Thornbury Commercial designation represents one of the primary local retail and service centres for the Municipality, as well as some small scale shops, boutiques and other uses related to the travelling public. General development policies encourage those commercial uses that enhance the small town commercial function.

It is noted under Section 3.9.3 of the Official Plan that stormwater management techniques, designed to maintain pre-development water quality and runoff regimes will be required where development occurs, with consideration of its impact on existing drainage patterns and the natural environment. It is noted that the Stormwater Management Report has been reviewed and that the proponent's consultant has been communicating with the Town's Engineering & Public Works Department as it relates to appropriate techniques and design for the stormwater works. These matters will be addressed/resolved to the Town's satisfaction prior to the granting of Site Plan Approval.

Section 5.1(1) of the Official Plan requires that development be fully serviced within the Thornbury West Service Area. The subject lands front Municipal Water and Wastewater Services and the development proposal will connect to the existing

300mm municipal water main on Victoria Street South; and to the existing 450mm municipal sanitary sewer on Arthur Street West.

Section 7.3.1(2) roads policies state that to maintain the primary traffic function, it is the intention of this Plan to strictly limit additional access points onto Highway 26. Access will be limited to those entrances that are acceptable for future road openings, wherever possible. Where new access is considered appropriate, however, it shall be subject to the approval of the Ministry of Transportation (MTO). Planning Staff note that within the limits of the former Town of Thornbury, this is under a Connecting Link Agreement and therefore the Town is the road authority for the road segment between Russell Street road allowance at the eastern terminus and Peel Street road allowance at the western terminus. The development proposal will be limited to one entrance access onto Arthur Street West. Road improvements along this portion of the Arthur Street will also be required through applicable agreement(s) with the Town.

Section 7.4(5) states that increased setback requirements for development may be established under the implementing Zoning By-law for the Provincial Highway, County, Arterial and Collector roads. Where possible, all new development along Highway 26 shall be separated by a thirty (30) metre buffer strip which shall retain natural vegetation supplemented by additional plantings to provide a suitable screen. Where this separation cannot be provided, other suitable provisions shall be established under Site Plan Control. Planning Staff notes that this portion is an extension of the commercial area of Thornbury, whereby the 30 metre buffer strip is not desirable within our primary settlement area. It is noted that the proponent will be required to urbanize the streets, including public sidewalks and street edge landscaping on privately owned lands and therefore will be contributing to an enhanced streetscape. These matters are being addressed through the Site Plan Approval process.

The property has been identified as being within the setback buffers for Landfill Sites under Appendix E of the Official Plan. Under Section 8.19 of the Official Plan, it notes that land use and development proposed within 500 metres shall be required to undergo an evaluation of their susceptibility to impact such as methane and leachate. In this regard, and as noted previously, the Town retained RJ Burnside to complete an EIS in July 2010 in order to review the 500 metre buffer area associated with the abandoned landfill. As detailed previously in this report, a D4 Study Letter was submitted by R.J. Burnside which reviewed their historical records, local geology, and hydrogeology and noted that the closed Thornbury landfill would have no measureable impact on the development proposal. Therefore, Planning Staff has no further issues of concern as it relates to the suitability of using the lands.

Therefore it is Planning Staff's opinion that this development proposal conforms to the Official Plan.

Zoning By-law

The subject lands are zoned General Commercial C2 within the Town of Thornbury Zoning By-law 10-77, as amended. Permitted uses within the C2 Zone include retail stores, which captures the proposed uses for this development proposal.

The proponent has requested through the application for zoning by-law amendment to apply an exception to the subject lands to modify provisions of the zoning by-law for the proposed development. In detail these provisions are as follows:

The zoning by-law amendment application would be to rezone the subject lands from the General Commercial C2 Zone to General Commercial Exception 47 Holding C2-47-h Zone. Exception 47 would create special provisions for the following:

- a) Minimum Loading Space Setback – 5.5 metres from lot line, subject to a wall being provided so as to screen the loading space from the adjacent lot line;
- b) Parking spaces shall be provided at a minimum rate of 1 space per 18 square metres of net floor area.
- c) Maximum Driveway Entrance Width – 15.0 metres.
- d) Sight Triangle – minimum 7.0 metres by 7.0 metres.
- e) Minimum Building Setback from a Daylight Triangle – 0.0 metres
- f) Maximum area for a Garden Centre use shall be limited to 320 square metres.
- g) Garden Centre shall not require additional parking spaces.
- h) The number of parking spaces taken up by a Garden Centre will continue to be counted towards the total number of parking spaces provided.
- i) Notwithstanding any future land division including, without limitation, registration by way of a standard condominium plan, vacant land condominium plan or common elements condominium plan with parcels of land tied thereto, or part lot control exemption, the lands shall continue to be deemed to be one lot.

Addressing the requested reliefs (a) through (i) above, Planning Staff provide the following comments:

a) Loading Space Setback

Section 6.6(c) of the zoning by-law currently requires that loading spaces be located no closer than 20 metres from a street line and shall be located within an interior side yard or rear yard. The proponent has requested a minimum loading area setback of 5.5 metres from the lot line, subject to a wall being provided so as to screen the loading space from the adjacent lot. The site plan depicts a 5.5 metre setback from Building B from the street line (lot line), while Building A would be 6.0 metres from the street line (lot line). The proposed loading bays (spaces) for Buildings A and B are screened with a high wall in order to provide a visual barrier from the street and aid in reducing noise emissions accordingly. This wall will be required through the Site Plan Approval process to be appropriately articulated and screened so as to assist in breaking up the visual effect. The other loading space is compliant with the setback, shown on the south side of Building A in front of the wooden garbage enclosure. It is noted that Building A/C requires 2 spaces and Building B is compliant based on the site plan submitted.

b) Parking Space Rates

Section 6.9(a) of the zoning by-law currently requires 1 parking space per 14 square metres of total floor area for self-service grocery (grocery store) and 1 parking space per 18.5 square meters of floor space for retail stores. The proponent has requested a minimum parking space rate of 1 space per 18 square metres of net floor area. The design provides for 275 parking spaces, wherein current zoning regulations would require 278 parking spaces. The relief to the proposed new parking space rate would then only require 241 parking spaces. This would mean that the site would have an oversupply of 41 parking spaces, based on the new rate. This would give flexibility as the seasonal garden centre will occupy approximately 20 parking spaces and provide for temporary on-site snow storage.

A parking study was prepared by HDR Consultants that supports the reduction of the parking space rates. This parking study has been peer reviewed by a Town retained consulting engineer who has not identified any concerns with the suggested rate/ratio.

c) Driveway Entrance Width

Section 6.9(d)(iii) of the zoning by-law currently restricts the width of any combined ingress and egress driveway, measured along the street line, to nine (9) metres. The proponent has requested a maximum driveway entrance width of 15.0 metres. The proposed site plan depicts 3 entrances to the site, Arthur Entrance Access at 10.5 metres, Beaver Street Entrance Access at 7.5 metres and Lansdowne Entrance Access at 14.0 metres. It is noted that both the Arthur and Lansdowne Entrance Accesses would exceed the maximum requirements, proposed at 10.5 metres and 14.0 metres respectively. This relief would facilitate the dual purposes of ingress/egress for both vehicular and loading traffic functions with it being noted that these entrances have been designed to accommodate truck turning movements. It is further noted that this will provide for two egress lanes for right and left hand turning at the Arthur Entrance Access, reducing the queuing of the vehicles in front of Building A/C, being the principle access point to the subject lands.

The design driveway entrance widths, and supporting schematics/documents, have been reviewed by the Town's Engineering and Public Works Department with same noting no issues of concern.

d) Sight Triangles

Section 6.13 of the zoning by-law currently requires sight triangles to be 9.0 metres from the point at which the street lines intersect, and does not permit building/structural obstruction of drivers of motor vehicles, landscaping elements over 1.0 metre in height and finished grades which exceeds the elevation of the street line by more than 0.5 metres. The proponent has requested a minimum sight triangle of 7.0 metres from the point at which the street lines intersect. The

proposed site plan has Building A/C at the intersection of Arthur/Lansdowne street lines at 8 metres, whereas Building B would be compliant with the current regulations. This relief would facilitate bringing the buildings closer to the street as part of the Town's objectives through the commercial front yard setback general zoning by-law amendment in 2008 and also brought forward through the Town's Community Design Guidelines of June 2012.

The sightlines proposed are supported by the submitted transportation documents. Once again, this has been reviewed by the Town's Engineering and Public Works Department, noting no issues of concern. It is noted that landscaping elements are proposed to be provided so as to enhance the streetscaping and development site while keeping below the 1 metre maximum in the current zoning requirements.

e) Building Setback from Daylight Triangle

A new provision has been requested by the proponent as the Town has requested the gratuitous conveyance of the daylighting triangles at the intersections of Arthur/Lansdowne Streets and Arthur/Victoria Streets. The purpose of this conveyance is to address concerns of the Town's Engineering and Public Works Department related to the potential ability to provide services/utilities in areas where the right-of-way is encumbered with hard surfacing due to road works (i.e. lack of boulevard). The proponent has requested a minimum setback from a daylight triangle of 0 metres as the Town's Zoning By-laws do not have an alienation clause related to conveyances of land.

f) Maximum Area of Garden Centre

A new provision has been requested by the proponent at the advice of the Town Planning Staff, so as to address the possibility of a future garden centre within the parking area. The proposed garden centre on the site plan is depicted at 12.192 metres (40 feet) by 24.384 metres (80 feet), resulting in an area of approximately 300 square metres. In order to allow some flexibility in size, the proponent has requested a maximum of 320 square metres. As a parking space is 2.75 metres by 6 metres (zoning by-law compliant), this creates an area of 16.5 square metres. Therefore this hypothetically could occupy 20 parking spaces. Based on the parking rate noted above, there would be sufficient parking to address the location of the proposed garden centre.

g) Garden Centre Parking Spaces

A new provision has been requested by the proponents, so that this temporary seasonal use of the lands does not require additional parking. Again, the parking space rates requested above has taken in consideration to accommodate for the seasonal garden centre that will only be in operation during the spring and summer months and for this trip generation would be to the grocery store which would principally be an included function of the garden centre visits.

h) Parking Spaces Temporarily Occupied by the Garden Centre

A new provision has been requested by the proponent so as to address the number of parking spaces taken up by the Garden Centre. Being that there is a proposed oversupply of 41 parking spaces and there is a maximum area limitation of the garden centre, as detailed above, this is not an issue of concern.

i) Land Division Possibilities

A new provision has been requested by the proponents, stating that notwithstanding any future land division including, without limitation, registration by way of a standard condominium plan, vacant land condominium plan or common elements condominium plan with parcels of land tied thereto, or part lot control exemption, the lands shall continue to be deemed to be one lot.

Planning Staff note that although no land division is proposed for the site at this time but it does address any future land division (i.e. should a tenant wish to buy it's parcel versus leasing). Any conveyances/subdivision will require approval or input from the Town and conditions could be implemented that would require that the site would continue to function as one, notwithstanding the division.

Overall Zoning Comments

The C2 Zone provides for a maximum height of 10 metres. It is noted that the proposed building are a flat roof design, with Building A/C at 7.2 metres and Building B at 8.4 metres.

Lot coverage provisions within the C2 Zone permits a maximum of 40%. Being that the lot area is 18,328.43 square metres, 40% coverage represents 7,331.37 square metres in structural coverage. The proposed lot coverage would be 22.9% at full build out of Buildings A/C and B, having a footprint area of 4,195.18 square metres.

Therefore, Planning Staff note that the development proposal appears to be in compliance with the regulations of the zoning by-law, subject to the requested amendments noted in detail above.

Planning Staff note that the holding symbol (-h) will also be utilized under the Amendment with same only being removed upon the granting of Site Plan Approval and execution of a Financing and Cost Sharing Agreement.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; Grey Sauble Conservation Authority (GSCA); and Grey Bruce Health Unit (GBHU). These comments are summarized below.

The County of Grey - Planning and Development Department have no issues of concern with this proposal, provided positive comments are obtained from Drinking Water Source Protection staff with regard to Intake Protection Zone One; and that Town Staff are satisfied that the subject lands are secure from potential methane gas and/or leachate migration from the abandoned landfill. Town Planning Staff note that these issues of concern are rationalized under the County of Grey Official Plan commentary above.

The GSCA have generally no objection to the proposal. The stormwater management plan proposes to control post development flows to pre-development levels and provides an enhanced level of water quality protection based on eventual outlet to a coldwater stream. A Conservation Authority Permit is required for the proposed works within the regulated area associated with the two 1000mm storm culverts that cross Arthur Street West to the northwest of proposed Building B.

The GBHU have neither objections nor comments regarding the proposal.

Interdepartmental Comments

In regards to the Application for Zoning By-law Amendment, comments were received from Engineering and Public Works Department, having no issues of concern.

In regards to the Application for Site Plan Approval, comments have been received from the Fire Department, Community Services Department and Building and By-law Division. The Engineering and Public Works Department have reviewing technical submissions and continue to dialogue with the proponent's consultants in terms of the overall design with specific attention to stormwater management, transportation and the related necessary road works. As noted previously, the Holding "-h" Symbol will not be recommended to be removed until such time as outstanding issues have been addressed to the Town's satisfaction.

Public Meeting Comments

Notice of the Public Meeting was provided to area assessed property owners and Condominium Property Managers for their assessed owners as well as prescribed agencies on August 21, 2013. Further Public Notice was provided in the August 21, 2013 and August 28, 2013 editions of The Blue Mountains Courier Herald.

The public meeting was held on September 16, 2013 as required under the *Planning Act*. There were specific themes that came forward from the public with respect to the development proposal including opposition to the stop-up and close of Beaver Street South; proximity of a proposed building to the southerly property line; transportation issues; loading space screening; adequacy of the proposed landscaping; lighting; and, refuse area locations, screening and related nuisance. Planning Staff note that with the removal of the request for the stop-up and close of Beaver Street South and through the Town's site plan process that these matters have been or will be addressed.

In regards to the oral comments received at the public meeting, these can be reviewed in detail by reading the [Council Meeting minutes of September 16, 2013](#).

Written Correspondence Received From the Public

Seventeen (17) items of correspondence were received from the public, predominately in regards to the proposed closure of Beaver Street South. The summary of written comments is as follows:

- Support of the development proposal
- Support and opposition to the Sale of Beaver Street
- Concern with OS Zone rezoning
- Support and concern with the proposed transportation and traffic
- Concern with Building Site Location
- Concern with buffering
- Concern with property values
- Concern with open storage
- Concern with lighting
- Concern with garbage collection areas

In regards to the written comments, these have been shared with Town Council for their information prior to and after the public meeting based on the Public and Agencies commenting deadline of November 13, 2013. Also, the written comments have been provided to the Agent and the Owner so the numerous themes that have been identified by the comments can be adequately addressed through the site plan process.

Town of The Blue Mountains Community Design Guidelines

The Town's Community Design Guidelines (CDG) were approved by Council in 2012 and came into full force and effect on September 13, 2012. The Town's Site Plan Control By-law implements the CDG. The Proponent submitted an Urban Design Brief with the original submission and has made efforts to meet the intent of the CDG within the Commercial Design Section.

Planning Services has utilized the CDG as a communication tool with respect to assisting the proponent to understand the Town's vision with respect to community design. Planning Staff are satisfied with the direction that the proponent has taken with their revised proposal and, subject to a few outstanding matters being addressed, are working towards the granting of conditional site plan approval.

Financing and Cost Sharing Agreement

So as to implement the subject proposal, works are required within the Arthur Street West, Victoria Street South and Lansdowne Street South right-of-ways. Further, works are also required to implement proposed development at the northwest corners of Victoria and Arthur and Elma and Arthur.

Town Staff have had discussions with Sobeys with respect to the required works. Sobeys have agreed to, in principle, to finance the works.

With respect to the works, the Town has proposed that same be a Town project with the Town retaining an engineer to design and manage the project, with Sobeys providing the financing for the design, project management and construction. As to the timing of the road works, the Town anticipates the detailed design being advanced in 2014 with the actual start date to be determined.

With respect to construction, in the event of an agreeable Financing and Cost Sharing Agreement, and suitable interim site access and drainage arrangements, Town Staff have advised Sobeys that we would be agreeable to lifting the Holding “-h” Symbol to facilitate the construction of Building A upon the granting of site plan approval.

Summary

Based on the foregoing, it is the opinion of Planning Staff that the proposed zoning by-law amendment is consistent with the PPS; conforms to the County of Grey Official Plan; conforms to the intent and direction of the Town of The Blue Mountains Official Plan; and, represents good planning. Therefore, Planning Staff recommends that Council enact the necessary zoning by-law amendment so as to implement the subject proposal.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.14.26 is consistent and supports the following Strategic Plans Goals:

Strategic Plan goal #1:

“Managing growth to ensure the ongoing health and prosperity of the community.”

D. Environmental Impacts

The proposal does not appear to generate any special or significant environmental impacts.

E. Financial Impact

It is noted that Planning, Engineering and Legal Fees have been received in May 2013. It is noted that development charges will be collected at the time of building permit issuance in accordance with the Town's Development Charges By-law, as amended.

F. In Consultation With

Planning Staff has circulated this development proposal to Town workgroups and have received related comments with such comments considered in the preparation of this Report.

G. Attached

1. Aerial Photograph of the Subject Lands, Spring 2010
2. Draft Zoning By-law Amendment

Respectfully submitted by,

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner, Planning & Building Services Department

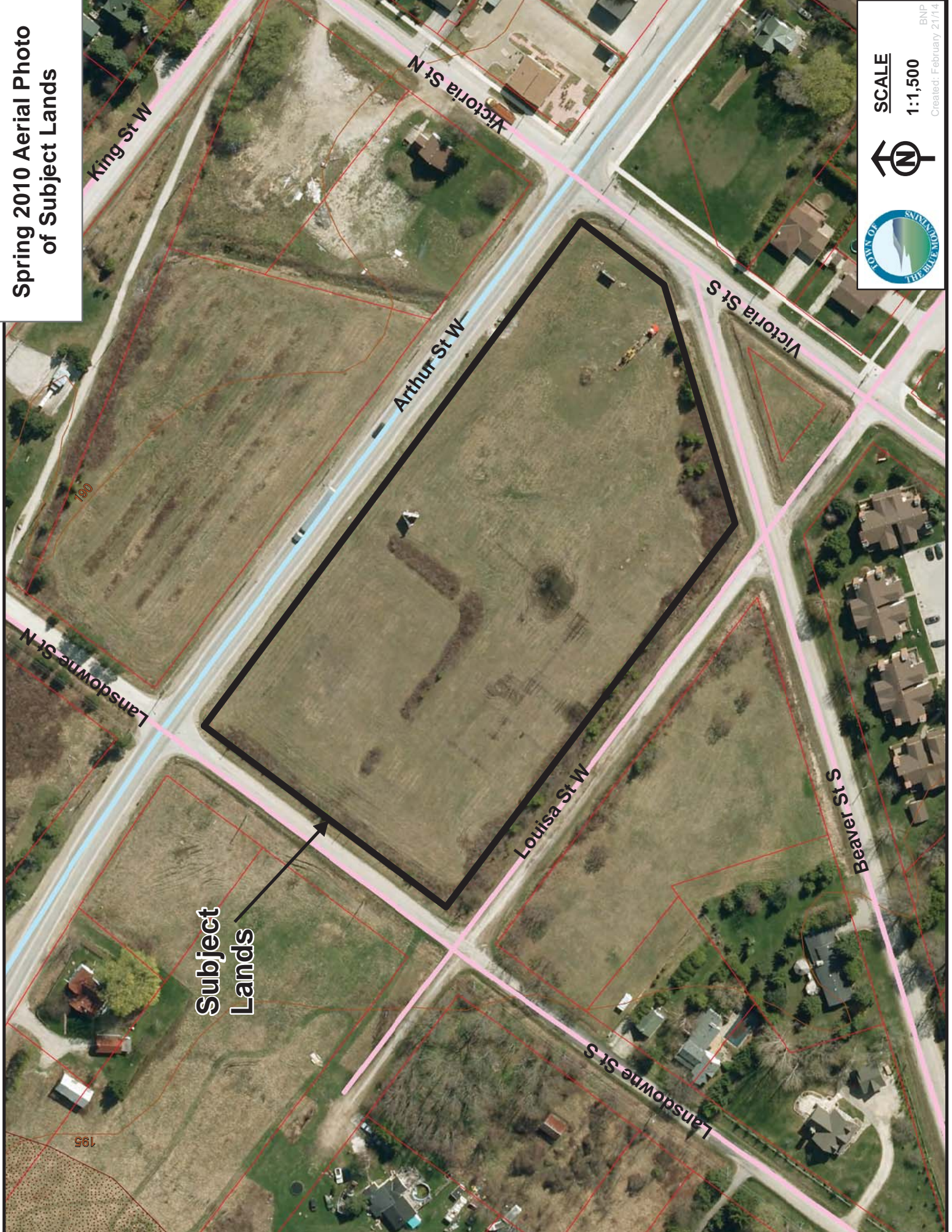
David Finbow
Director, Planning & Building Services

For more information, please contact:

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Planning and Building Services Department
32 Mill Street, PO Box 310
Thornbury, Ontario
N0H 2P0
Phone: 888-258-6867 OR 519-599-3131 extension 269
Fax: 519-599-7723
Email: bpearce@thebluemountains.ca

Spring 2010 Aerial Photo
of Subject Lands

Subject
Lands



SCALE
1:1,500

BNP
Created: February 21/14

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2014 - _____

Being a By-law to amend Zoning By-law No. 10-77
which may be cited as "The Town of Thornbury
Zoning By-law".

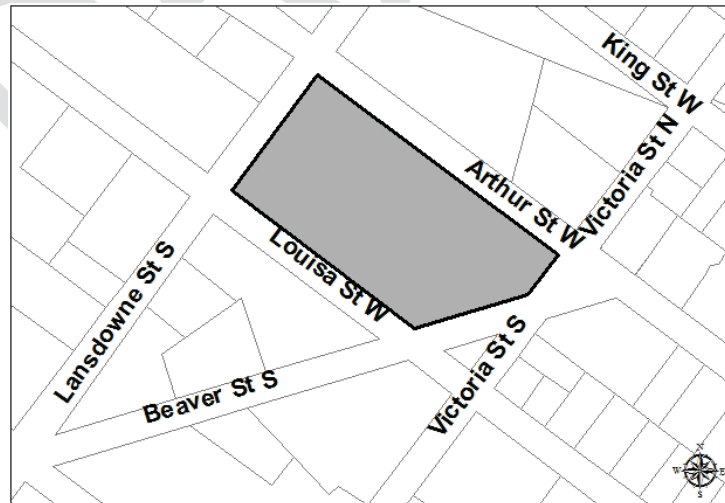
WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary and in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Sections 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Schedule 'A' to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by rezoning the subject lands from the General Commercial C2 Zone to General Commercial Exception 47 Holding C2-47-h Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Lots 35, 36, 37, 38 and 39 Southwest of Arthur Street West; and Lots 36, 37, 38 and 39 Northeast of Louisa Street West; Town Plot of Thornbury; Town of The Blue Mountains; as indicated on the attached key map Schedule "A-1".
2. Section 26 to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, as amended, is hereby further amended by adding a new Exception as follows:

"47 Notwithstanding anything to the contrary, for the lands comprised of Lots 35, 36, 37, 38 and 39 Southwest of Arthur Street West; and Lots 36, 37, 38 and 39 Northeast of Louisa Street West; Town Plot of Thornbury; Town of The Blue Mountains; as further set out in grey fill in the key map below:



the following shall apply:

- (a) Minimum Loading Space Setback – 5.5 metres from lot line, subject to a wall being provided so as to screen the loading space from the adjacent lot line;
- (b) Parking spaces shall be provided at a minimum rate of 1 space per 18 square metres of net floor area;
- (c) Maximum Driveway Entrance Width – 15.0 metres;
- (d) Sight Triangle – minimum 7.0 metres by 7.0 metres;

- (e) Minimum Building Setback from a Daylight Triangle – 0.0 metres;
- (f) Maximum area for a Garden Centre use shall be limited to 320 square metres;
- (g) Garden Centre shall not require additional parking spaces;
- (h) The number of parking spaces taken up by a Garden Centre will continue to be counted towards the total number of parking spaces provided; and
- (i) Notwithstanding any future land division including, without limitation, registration by way of a standard condominium plan, vacant land condominium plan or common elements condominium plan with parcels of land tied thereto, or part lot control exemption, the lands shall continue to be deemed to be one lot.”

3. Further, in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the holding symbol “h” shall not be removed from the whole or part of the lands until such time as the following has been completed:
- a. Granting of Site Plan Approval under Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended; and
 - b. Execution of a Financing and Cost Sharing Agreement for the required road improvements.
4. Schedule “A-1” is hereby declared to form part of this By-law.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____th day of _____, 2014.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2014 - _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the ____th day of _____, 2014.

DATED at _____

this _____ day of _____, 2014.

Signed: _____
Corrina Giles, Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. 2014 - _____

 Subject Lands Of This Amendment; And
Area To Be Rezoned To
General Commercial Exception 47 Holding C2-47-h Zone

