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STAFF REPORT: Planning & Building Services Department



REPORT TO: Committee of The Whole
MEETING DATE: February 03, 2014
REPORT NO.: PL.14.17
SUBJECT: Thornbury Square (Sobeys) –
 Development Proposal Update
PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP
 Planner

A. Recommendations

THAT Council receive Staff Report PL.14.17 respecting “Thornbury Square (Sobeys) – Development Proposal Update” for information purposes and that Council confirm that a further public meeting is not required for the subject proposal.

B. Background

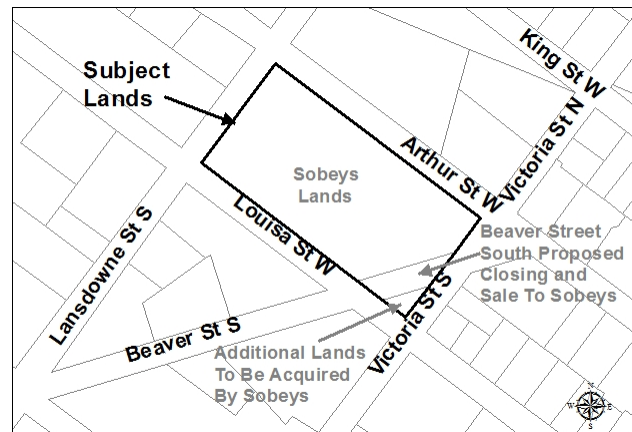
Purpose

To update Council and the public with respect to the subject development and to have Council confirm that a further public meeting is not required for the subject proposal.

The Original Proposal

Planning Services received zoning by-law amendment and site plan approval applications from Sobeys, through their Agent, MHBC on May 9, 2013 with the fees received May 24, 2013. These applications were related to the development of a local retail centre on lands (shown in the key map to the right) described as:

- Firstly: Lots 35, 36, 37, 38 and 39 Southwest of Arthur Street; and Lots 36, 37, 38 and 39 Northeast of Louisa street; Town Plot of Thornbury; Town of The Blue Mountains.
- Secondly: Part of Beaver Street South in the Town of Thornbury, lying between Louisa Street West and Victoria Street South, Town of The Blue Mountains.
- Thirdly: The Gore Lot bounded on the north by Beaver Street, on the southwest by Louisa Street and on the southeast by Victoria Street, Town of The Blue Mountains.



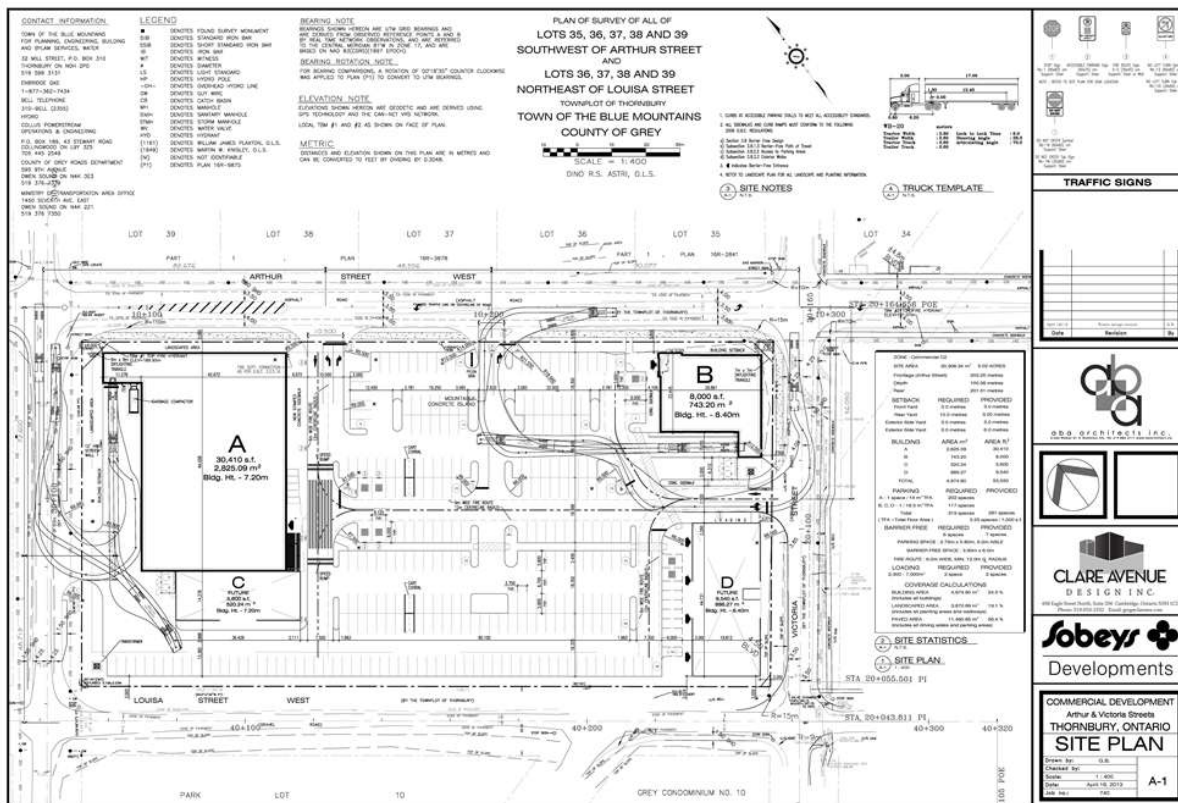
The original submission consisted of 4 commercial units contained within 3 buildings with a total gross floor area of 4,974.80 square metres (53,550 square feet), with same to be developed in two phases. Phase one was proposed to consist of Building A (Supermarket/Grocery Retail Store) of 2,825.09 square metres (30,410 square feet) and

Building B ("LCBO" Retail Store) of 743.20 square metres (8,000 square feet). Phase 2 was proposed to consist of Building C (a Retail Store addition to Building A) of 520.24 square metres (5,600 square feet) and Building D (Retail Store) of 886.27 square metres (9540 square feet).

As Council will recall, in conjunction with these applications the proponent had requested that the Town consider the stop-up and close and sale of a portion of Beaver Street South, lying between Louisa Street West and Victoria Street South, known as the Beaver Street South Process.

On August 20, 2013 Planning Services in accordance with the delegated powers of By-law No. 2007-35, deemed the subject zoning by-law amendment application complete.

Below is the original site plan that was considered at the public meeting:



The Statutory Public Meeting for the zoning by-law amendment application and the Public Meeting related to the Beaver Street South Process were held on September 16, 2013 wherein Council received written and verbal comments from the public and agencies (see Attached Item #1 – Council Meeting minutes excerpt from the September 16, 2013 Public Meeting). A number of comments were received expressing opposition and/or concerns related to the Beaver Street South Process, and the related perceived impacts, and some comments were received related to transportation, landscaping, buffering and building massing.

On September 24, 2013 Sobey's Agent notified the Town that Sobey's were withdrawing their request related to the Beaver Street South Process. Subsequently, Planning Services sent out email communication and made note on the Town's website.

As Council will note, Building A/C and Building B are located in relatively the same location as presented at the Statutory Public Meeting held on September 16, 2013.

With respect to the revised site plan, it is noted that no new revisions/amendments to Zoning By-law 10-77, as amended, are required to implement the revised site plan; and revisions/amendments related to the rezoning of the existing Open Space OS Zone, minimum number of loading spaces, minimum front yard setback for Building D (Arthur Street), and minimum rear yard setback (Louisa Street) are no longer required.

Council should recall that as part of the planning reform process, Section 34(11) of the *Planning Act* indicates that in the instance where a municipality fails to make a decision within 120 days of receipt of the zoning by-law application that the matter can be referred to the Ontario Municipal Board. In regards to the site plan application, Section 41(12) of the *Planning Act* indicates that in the instance where a municipality fails to approve the plans or drawings within 30 days after they are submitted to the municipality that the matter can be referred to the Ontario Municipal Board.

Planning Services will continue to advise those that have expressed an interest in this planning project of upcoming Committee and/or Council meeting(s).

Planning Services staff is of the opinion that a further Public Meeting is not required for this proposal pursuant to Section 34(17) of the *Planning Act*, given that:

- i. The request for the stop-up and close and sale of a portion of Beaver Street South, being the most contentious issue, is no longer before Council;
- ii. The two remaining buildings are proposed to be situated substantially in the same location as presented at the Public Meeting;
- iii. Comments have been received from the public and agencies as they relate to the zoning by-law amendment application and that these comments will be considered in terms of the final Planning Staff Report and related recommendations on the application;
- iv. The requested nature and extent of relief to the zoning by-law has not changed, in fact in some instances have been reduced or eliminated;
- v. The public that commented on this project to-date have been made aware of the resubmission;
- vi. The public can continue to provide comments on the application as Council has not made a decision on the application; the revised documents and drawings are on the Town's Website under the Thornbury Square (Sobeys) project weblink (<http://www.thebluemountains.ca/planning-development-proje.cfm#37>); and,
- vii. The remaining issues are effectively site plan issues.

Town Staff and applicable Agencies are currently reviewing the revised proposal and will be reporting back to Council in the near future with respect to the zoning by-law amendment and site plan approval applications.

Summary

It is recommended that Council receive this report for information purposes and that Council confirm that a further public meeting is not required for this development proposal.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.14.17 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

N/A

F. In Consultation With

Planning Staff has circulated this development proposal through email communication with applicable Town workgroups and further the Town Engineering and Public Works Department's Technical Review Committee providing opportunity for all Town Departments to comment, as noted above in this report.

G. Attached

1. Council Meeting minutes excerpt from the September 16, 2013 Public Meeting

Prepared by,

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

Respectfully submitted by,

David Finbow
Director, Planning & Building Services

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B.4 Public Meeting: To Consider a Zoning By-law Amendment and Notice of Public Meeting to Consider the Closing and Sale of a Portion of a Highway, Beaver Street South (between Louisa Street West and Victoria Street South)

Mayor Anderson read the Notice of Application and Public Meeting to consider a zoning by-law amendment and Notice of Public Meeting to consider the closing and sale of a portion of highway.

Ellen noted that with respect to the Zoning By-Law Amendment Application that the purpose and effect of this Application would be to develop the subject lands as a local retail centre, whereby a portion of the site would need to be rezoned to allow commercial usage; and to apply an exception to the subject lands to modify provisions of the zoning by-law for the proposed development.

Ellen 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.

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

Ellen noted that if a person or public body does not make oral submissions at a public meeting, or make written submissions to The Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Ellen noted with respect to the Beaver Street South Process, the proposal is for the Town to consider the closing and sale of a portion of the Beaver Street South Road Allowance, lying between Louisa Street West and Victoria Street South, to Sobeys, at Sobeys request. It is noted that Sobeys has made arrangements for the acquisition of the triangular parcel of land bounded by Victoria Street South, Beaver Street South and Louisa Street West.

Ellen noted that the consideration of closing the Beaver Street South road allowance is conducted by way of a Municipal Class Environmental Assessment Process which, in this instance, is being integrated concurrent with the Planning Process.

Ellen noted that the subject portion of Beaver Street South is opened and maintained year-round by the Town and is approximately 90 metres long with a width of 20.12 metres.

Ellen 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 closing and sale of the Beaver Street South Process.

Ellen noted that this public meeting is not a statutory requirement of the Municipal Act, but in recognition of the emphasis placed on transparency and accountability, the Town has corporate policies with respect to the sale and other disposition of land.

The Clerk noted that notice was given in accordance with the Town's Notice Policy, and that in response correspondence was received from Grey County Planning and Development, Grey Sauble Conservation Authority, Grey Bruce Health Unit, Richard Lyons and family, Bill Vernon, Ermes Monaco, Jack Peckitt and Donna Atkinson, Miriam and Harvey Freedman, Elsbeth Wright, Heidrun Fiebig, Robert Mitchell, Bill Pearce,

Rod McPhail, Diane Armstrong, Bruce Taylor, Lynn Cornfield, Michael Holder, Gerald and Diana McGregor.

Planner Bryan Pearce then spoke providing a summary of the zoning by-law amendment and proposed closing and sale of Beaver Street South between Louisa and Victoria Street.

Bryan noted that the triangular parcel is in private ownership and that Sobeys is seeking to acquire this parcel as well as the Beaver Street road allowance that is owned by the Town.

Bryan noted that a number of documents are posted to the Town's website regarding this planning application and that the purpose of this evening's public meeting is to receive comments. Bryan spoke regarding the official plan, and noted the Sobeys parcel is designated commercial, and spoke regarding the landfill setback buffer constraint.

Bryan noted the large parcel is zoned C2 and that the triangular piece is zoned open space as defined in the Thornbury Zoning By-law. Bryan noted that the proposed zoning by-law amendment is to rezone the commercial exception 47 zone.

Bryan then spoke regarding the current site proposal, noting a 25,000 square foot Foodland, an 8000 square foot building, plus future phases are proposed.

Bryan spoke regarding the next steps and noted a staff report will come back to the October 7 Council Meeting for Council consideration. Bryan confirmed that the deadline to comment on the Beaver Street By-Law Amendment application is September 30, 2013 and that the deadline to comment on the Zoning By-Law Amendment is October 25, 2013.

David McKay, Planning Consultant with MHBC then spoke on behalf of Sobeys. Mr. McKay reiterated that the triangular parcel is privately owned and that Sobeys has entered into an Agreement of Purchase and Sale with the owner conditional on the transfer of the Beaver Street Road Allowance. Mr. McKay noted that this is a two phase development, with Foodland in one building and noted Sobeys is currently in discussions with the LCBO regarding the second building, but that nothing has been finalized at this time. Mr. McKay noted that buildings C and D are in future phases. Mr. McKay noted there are 281 spaces on the site.

Mr. McKay then noted that the property is zoned for commercial purposes, with the exception of the triangular parcel, further noting Sobeys are seeking a zoning by-law amendment with respect to the triangular parcel.

Mr. McKay then reviewed the proposed site plan, noting the Foodland store will be a little larger than the Sobeys store in Collingwood. Mr. McKay noted that the Foodland will have a more modern architecture with board and batten. Mr. McKay noted that the LCBO building is a standard building. Mr. McKay then spoke regarding the landfill matter and noted that the County and the Town have spoken regarding the landfill and that based on the D-4 Study letter provided with Sobeys submission that Town staff are satisfied as to the absence of methane gas at the property.

Mr. McKay then spoke regarding the Beaver Street closure and noted that Sobeys feels that the triangular parcel and the road allowance would provide Sobeys with a more developable property, further noting that a traffic consultant has looked at this option from a traffic perspective if the road is closed.

Councillor Halos then spoke with respect to the site plan and development procedures noting that he has faith in staff that all the procedures will be followed. Joe then questioned what will trigger development of the next phase, Mr. McKay spoke noting no trigger point has been set, further noting that Sobeys Capital owns the property and that it will lease the property once sufficient tenants are in place and noted Sobeys will work with Town staff on future phasing.

Joe then questioned if Sobeys has a site plan in place not including the triangular piece and the road allowance, Mr. McKay replying yes, further noting that Sobeys and the LCBO will proceed next year with or without the road closure. Mr. McKay then noted that proceeding without the road allowance was the original site plan.

Mayor Anderson then spoke noting the Town has design guidelines in place that must be adhered to.

Councillor Ardiel then spoke questioning reference to a garden centre at the Foodland, Mr. McKay replying that this would be a seasonal garden centre, further noting that this was brought to the attention of town staff. Gail noted that garden centres take up parking spaces and questioned if this has been taken into consideration, Mr. McKay replying yes, further noting that there will be sufficient parking spaces for the entire development.

Gail then questioned if a traffic count had been completed on Beaver Street, Mr. Angelakis spoke on behalf of Sobeys and noted that yes a traffic count was completed and that the daily Beaver Street traffic is 460 per vehicles per day, further noting that peak hour and peak periods were looked at and that for weekdays the count was 300 to 400 vehicles.

Melissa Hutton, resident at 45 Lansdowne Street South, spoke noting she also owns property along Louisa Street and noted she is concerned with the land use and that appropriate buffering should be required behind the development. Melissa noted that four access points to the development is excessive, and noted that Lansdowne does not have sidewalks and is dangerous for residents to walk along the street.

Meline Fredericks, resident at 55 Louisa Street West, Unit 37, spoke noting she concurs with Ms. Hutton, and noted she is opposed to the sale of Beaver Street and noted she submitted correspondence previously to Council expressing her concerns. Ms. Fredericks then noted she will provide the Clerk with a petition with 33 signatures of residents in the area who are opposed to the sale of Beaver Street. Ms. Fredericks noted that the Appleridge development needs more buffering between Appleridge and the development. Ms. Fredericks then questioned why the developer requires a squared-parcel, further noting the developer could proceed with the development without Beaver Street and the triangular parcel. Ms. Fredericks noted that the buildings, garbage receptacles and recyclables should be buffered, lights should be pointed away from the homes of residents and noted the ingress/egress on Victoria Street is a concern for the safety of pedestrians.

Don Sheridan, West Street, Thornbury, spoke expressing concern with the closure of Beaver Street as it will have negative ramifications to the commercial carriers in the area. Mr. Sheridan noted that Beaver Street does not have half load restrictions, further noting if Beaver Street is closed that there will be no alternate viable commercial truck access and truck traffic will be forced to travel Bruce Street. Mr. Sheridan then noted that the corner of Bruce and Alfred is a tight corner for turning commercial trucks. Mr. Sheridan then noted the closure could impact the commercial development to the west end of Thornbury and have a financial impact to the municipality.

Gerry MacGregor, resident at 154 Alfred Street West, spoke regarding the corner of Alfred and Albert Streets noting he observes the commercial traffic travelling down to Beaver Street and noted the closure of Beaver Street will discourage truck-drivers. Mr. MacGregor then noted that he uses Beaver Street multiple times per day and noted if Beaver Street is closed that the traffic will be diverted to Victoria Street and that the safety of pedestrians and children in the area is concerning.

Bob Mitchell, resident at 44 Lansdowne Street, spoke noting that he treasures his home on Lansdowne and noted the proposed commercial development will spoil the site and the area. Mr. Mitchell expressed concern with traffic and the closure of Beaver Street as traffic will then be diverted to Lansdowne. Mr. Mitchell noted that Lansdowne cannot handle the volume of traffic and truck traffic and that the increased traffic will deteriorate Lansdowne. Mr. Mitchell noted that Lansdowne should be closed if Beaver Street is closed. Mr. Mitchell expressed concern with the location of the loading dock facing Lansdowne and would like to suggest that Council enforce high standards for this commercial area, further noting that dumpsters are not desired, and noted that the proposed landscaping is a concern as it is not adequate. Mr. Mitchell noted that the development should have a significant berm around the property with coniferous trees planted. Mr. Mitchell then expressed concern with the lighting and hours of operation and reiterated that he does not support the sale of Beaver Street and the triangular parcel of land as the development would present an unpleasant visage to the Appleridge residents.

Luke Sauder, resident at 45 Lansdowne spoke expressing safety concerns, increased traffic and the safety of pedestrian traffic. Mr. Sauder spoke regarding sidewalks and noted the sidewalks are not consistent in the area and noted that the reconstruction of Louisa would have to be moved forward because of the extra traffic. Mr. Sauder noted that Lansdowne is not wide enough for commercial trucks and that Alfred Street could handle truck traffic.

Rod McPhail, President of Appleridge, spoke on behalf of Appleridge owners and noted a number of Appleridge residents were present. Mr. McPhail noted that the Appleridge owners are opposed to the sale of Beaver Street and the triangular parcel of land and noted at their recent Annual General Meeting, the owners voted unanimously objecting to the proposed sale. Mr. McPhail noted that the Appleridge owners have a concern with the truck traffic on Louisa Street if Beaver Street is closed and expressed concerns with safety. Mr. McPhail noted that the Appleridge owners feel that Sobey's should develop their site with the land that they currently own, that it is not a necessity for Sobey's to acquire Beaver Street and the triangular parcel to proceed. Mr. McPhail noted that the Appleridge owners are concerned with the erection of a 20' high wall that will be placed facing the Appleridge community. Mr. McPhail then spoke regarding the traffic studies and noted that the traffic studies should be considered together as a whole and that there should be turn lanes at Arthur and Victoria Street and from Arthur into the development, and that the development should fund the road improvements.

Mayor Anderson thanked Mr. McPhail for his comments and requested that Council be provided with a copy of the Appleridge Condominium Corporation AGM Minutes.

Barbara Reynolds, resident at 131 Alfred Street West, spoke noting she agrees with all comments made this evening and noted the speed limits on Arthur Street should be reduced at a more westerly point when this development proceeds. Ms. Reynolds then expressed concern for the safety of pedestrians.

Planner Bryan Pearce then spoke noting the deadline to submit comments is September 30, 2013 with respect to the possible sale of Beaver Street South, and by October 25, 2013 for the rezoning matter.

Tim Curtis, resident at 45 Louisa Street West, spoke noting he has lived here for many years and is in the environmental clean-up business. Mr. Curtis noted that he has witnessed infrastructure that does not have the capacity to handle effluent from a grocery store, further noting that chemical oxygen demands can overload sewage treatment plants. Mr. Curtis then questioned if the Town has confirmed that its sewage treatment plant can handle the effluent from this development. Mr. Curtis then expressed concern with the level of noise of trucks delivering to the commercial businesses, and the noise of the commercial roof-top compressor units. Mr. Curtis then questioned if there has been an environmental assessment completed with respect to this development. Mr. Curtis noted that water runoff from large parking lots and snow storage will take up parking spaces and that snow and sand will then travel to the water tributaries.

Cory Gilbert, 22 Meadowbrook Lane, spoke noting if Beaver Street is closed, that the trucks that travel along Alfred Street need to be considerate of the residents of the condominium developments.

Scott Metcalf, 21 Meadowbrook Lane, spoke noting this development is changing the face of Thornbury, further noting that he is opposed to the sale of Beaver Street and noted he is not in favour of the increased intensification, and that design controls must be in place. Mr. Metcalf noted that trying to reroute commercial trucks in Thornbury is objectionable.

Michael Seguin, 209 Peel Street, spoke noting consideration of the type of building permitted in the proposed Building "D" should be taken into account, and noted the Thornbury BIA and the downtown corridor need to be protected.

David McKay, consultant then spoke in response regarding site plan improvements to Arthur Street, noting that turn-lanes on Arthur Street and Victoria Street will be done by Sobeys as part of the development. Mr. McKay noted that Lansdowne will be upgraded for the purposes of Sobeys to allow truck movement, and noted that Victoria will be developed, and that Sobeys is working with Town staff on this matter.

David McKay then spoke further to the comments regarding landscaping, and noted that Sobeys wants to be a good neighbour, and that they will work with the Town regarding the landscaping. Mr. McKay noted that the noise from the development will be in compliance with the noise by-law and will be restricted by the noise by-law. Mr. McKay noted that truck "back-up beepers" are a Provincial requirement and cannot be removed or disabled. Mr. McKay noted that Sobeys has requested to purchase Beaver Street and noted it is up to Council to make a decision as to whether they wish to proceed with the sale. Mr. McKay noted that Sobeys will work with staff regarding lighting so that neighbours are not affected by lighting intrusion.

Councillor Gamble then spoke noting he is opposed to the sale of Beaver Street as this will divide the commercial residential areas, further noting that the exit from the development site onto Victoria Street is a concern and will generate a large volume of traffic to Highway 26.

Councillor McKean then spoke questioning if the road improvements on Highway 26 are contingent on acquiring Beaver Street and the construction of Building D as proposed, Mr. McKay spoke in response noting that the road improvements are for the entire development and is a requirement of the Town.

Deputy Mayor McKinlay then spoke regarding the entrance onto Victoria Street, and questioned if Beaver Street is not acquired by Sobeys, if there will be an exit from the development onto Victoria, Mr. McKay replying yes, further noting that the entrance would then be shifted further south.

Mayor Anderson then thanked the public for attending the meeting and for providing their comments. As no one further wished to speak, Mayor Anderson declared the Public Meeting to be closed.

C. Correspondence as previously circulated

Author	Recommendation / Action
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C.1 The Royal Canadian Legion Re: Request to recognize September 15 – 21 as Legion Week	For Council Direction
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Moved by: Gail Ardiel Seconded by: Joe Halos

THAT Council of the Town of The Blue Mountains commends The Royal Canadian Legion for their accomplishments and for the vital support services that the Legion provides to Canada's veterans, and recognizes the week of September 15 to 21 as Legion Week in The Blue Mountains, Carried.

C.2 The Royal Canadian Legion Re: Thank you for support	For Council information
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C.3 McCormick Rankin (MTO) Re: MTO – Notice of Study Commencement Highway 26 From Thornbury to Collingwood	For Council information
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C.4 Canada Post Re: Potential Saturday Closure of Clarksburg Post Office	For Council information
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C.5 Ministry of Tourism, Culture And Sport Re: Community Museum Operating Grant 2013-14	For Council information
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C.6 Beaver Valley Outreach Re: 30 th Anniversary Picnic	For Council information
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Moved by: D.R. McKinlay Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of September 16, 2013 and further does support the Staff Recommendation made with regard to the Correspondence items, including any additional direction given to Staff through discussion, with an appropriate Staff action or response awaited for report back to Committee or Council where indicated, Carried.

D. Motions and Staff Reports

D.1 Unconnected Vacant Lots Fronting Municipal Water and Wastewater Services, FIT.13.34