



# Staff Report

## Planning and Development Services - Planning

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**Report To:** Committee of the Whole  
**Meeting Date:** August 22, 2016  
**Report Number:** PDS.16.103  
**Subject:** Pilsen Way Applications for Consent  
**Prepared by:** Michael Benner, MCIP RPP, Director of Development Services

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### A. Recommendations

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THAT Council receive staff report PDS.16.103 "Pilsen Way Applications for Consent;

AND THAT Council grant application for Consent B03-2009, B04-2009, B05-2009 and B06-2009, subject to the following conditions:

1. The execution of an Agreement with the Town that would include, but not be limited to, matters related to construction of municipal services benefitting these parcels, road allowance dedications and financial obligations and;
2. The dedication of Part 3, Registered Plan 16R-6360, presently owned by the Town of The Blue Mountains, to Tyroleon Property Limited to facilitate the creation of the subject parcels.

### B. Overview

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The purpose of this report is to request Council authorization to re-activate approval of consent applications, originally submitted by Dr. Cunningham in 2009, that have lapsed.

### C. Background

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Planning staff have received correspondence from Mr. David Slade, a consultant acting on behalf of the Tyroleon Property Limited, requesting that previous consent approvals for a parcel of land along Arlberg Crescent and Pilsen Way be re-instated. These applications, originally submitted by Dr. Cunningham in 2009, proposed the creation of 4 additional residential lots. This request is based on the fact that, typically, applicants have one year to fulfill conditions of a severance and register the parcels. When conditions are not fulfilled, the consent(s) lapse and the approval authority, in this case Town Council, needs to authorize a re-activation of the file.

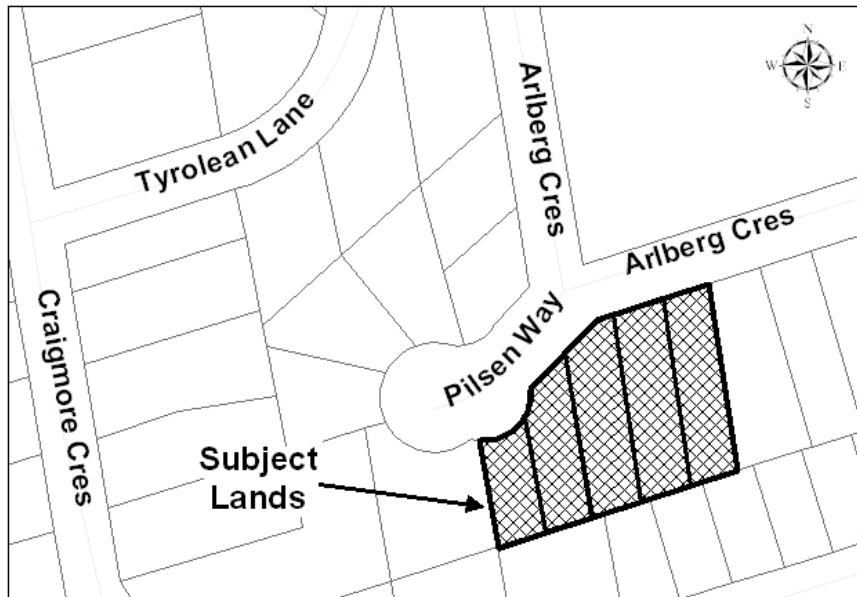
In 2009, The Planning Services Division received an application for a Zoning By-law Amendment and four applications for consent (File Nos. B03, B04, B05 and B06-2009). These applications proposed to divide the subject lands into 5 residential lots (four new lots plus one retained lot) with frontage on Pilsen Way and Arlberg Crescent.

The subject lands total 5,432 square metres and are described as Part of Lot 21 Concession 2.

Surrounding land uses include existing and future low density residential uses, mainly single detached dwellings on individual lots. Municipal Water and Sewer Services are located along Pilsen Way and Arlberg Crescent.

The location of the subject lands are illustrated on Figure 1 below.

**Figure 1**



Following an analysis of the applications provided through Staff Report PL.09.80, and a Public Meeting held on June 1, 2009, Council approved the applications based on several conditions. These conditions included:

1. A Zoning By-law Amendment to rezone the lands from the Development 'D' zone to the Residential 'R3' zone;
2. That the owner make a cash payment for the hard costs of Town Wide Development Charges;
3. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada, and;
4. The execution of an Agreement with the Town that would include, but not be limited to, matters related to cost sharing for the existing constructed works benefitting this lot and the construction of full municipal services to the satisfaction of the Town.

These conditions were met, including the re-zoning and preparation of the consent agreement, but the severances, unfortunately, did not proceed to final registration following an oversight in the disposal of the estate of Dr. Cunningham.

## **D. Analysis**

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Although planning policies at the provincial and local level have changes since 2009, the current policies now in force would still permit the proposed severances. This policy analysis is described below.

### 2014 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land shall be efficiently used, with consideration for intensification, redevelopment, mix of uses and densities that ensure appropriate development will take place. The proposed development appears to be consistent with the PPS.

### County of Grey Official Plan

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan.

It is staff's opinion that the proposal will comply with the County of Grey Official Plan, and is not in conflict with the provisions of the Niagara Escarpment Plan.

### Town of The Blue Mountains Official Plans

The proposal submitted in 2009 complied with the policies contained in the 2007 Official Plan. The details surrounding that analysis are contained in staff report PL.09.80 included as Attachment "1" to this report.

The proposed lots have also been analyzed under the recently approved 2016 Official Plan. This Plan designated the lands as Residential/Recreational Area (RRA). It is the intent of this designation to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses; and, to recognize areas where some residential uses are located to support and provide access to resort and recreational amenities.

The RRA designation also notes that Individual consents for residential purposes may be considered in accordance with the Infill Development policies of the Community Living Area designation (Section B3.1.5).

Section B3.1.5. notes that existing residential neighbourhoods are intended to retain their existing character with limited change. However, this does not mean that new housing must mimic the character, type and density of existing housing but rather, it shall fit into and reinforce the stability and character of the neighbourhood. Infill and intensification may be permitted where it respects the scale and built form of the surrounding neighbourhood and conforms to the policies of the Official Plan. These policies are reinforced by several design parameters that are intended to further retain neighbourhood character and stability. It would appear that the proposed severances comply with this criteria and the overall intent of the 2016 Official Plan.

### Zoning Bylaw

The zoning on the subject lands was changed through the original application to support the proposed severances. The current zoning consists of Residential R3 for the proposed lots fronting on Pilsen Way and Residential R3-h for the two lots fronting on Arlberg Crescent. The “holding” provision was placed on the Arlberg Crescent lots as that portion of Arlberg Crescent has not yet been built.

### Road Works and Servicing

Municipal Water and Sewer Services exist along both Pilsen Way and Arlberg Crescent. Although some laterals are in place to service some of the proposed lots, additional laterals will be required for the Arlberg Crescent lots.

Additionally, a portion of the Pilsen Way road allowance, Part 3 Registered Plan 16R-6360, as denoted on Attachment “2” to this report was originally agreed to be transferred to facilitate the creation of these parcels. Accordingly, this portion will need to be transferred to Tyroleon Property Limited to facilitate the creation of the subject parcels.

### Public Comments

A public meeting was held on June 1, 2009. No comments were received from the public during that meeting. Council may wish to consider holding another public meeting on this matter given the length of time since the first public meeting but the holding of a second meeting is not a requirement under the Planning Act.

### Summary

In summary, it would appear that existing Planning policies are in place to permit the severance of the 4 new parcels. However, a portion of Pilsen Way will need to be transferred to the Tyroleon Property Limited to accommodate the severances. Additionally, a development agreement will need to be prepared to cover matters such as servicing the new parcels, transferring a portion of the Pilsen Way Road Allowance and financial contributions.

## **E. The Blue Mountains Strategic Plan**

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- Goal #1: Create Opportunities for Sustainability
- Goal #3: Support Healthy Lifestyles
- Goal #5: Ensure Our Infrastructure is Sustainable

## **F. Environmental Impacts**

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N/A

## **G. Financial Impact**

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Planning application fees for the severances were paid through the original applications. Additional fees will be determined through the development agreement.

## **H. In consultation with**

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Planning staff

### **I. Attached**

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1. Staff Report PL.09.80
2. Registered Plan 16R-6360

Respectfully Submitted,

Michael Benner, MCIP RPP,  
Director of Planning and Development Services

For more information, please contact:  
Michael Benner, MCIP RPP, Director of Planning and Development Services  
[mbenner@thebluemountainins.ca](mailto:mbenner@thebluemountainins.ca)  
519-599-3131 extension 246

**STAFF REPORT:**

**The Town of The Blue Mountains Planning and  
Building Services Department**



**REPORT TO:** Planning and Building Committee  
**DATE:** July 6, 2009  
**REPORT NO.:** PL.09.80  
**SUBJECT:** Application for  
Consent: B03, B04, B05, B06-2009  
and Zoning By-law Amendment.  
Dr. Ian Cunningham  
Part of Lot 19, Concession 2  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Planning and Building Committee receive Planning Staff Report PL.09.31, "Application for Consent: B03, B04, B05, B06-2009 and Zoning By-law Amendment. Dr. Ian Cunningham, Part of Lot 19, Concession 2, Town of The Blue Mountains"; and**

**THAT Council grant Application for Consent File Numbers B03-2009, B04-2009, B05-2009, each subject to the following conditions:**

- 1. A Zoning By-law Amendment to rezone the lands from the Development 'D' zone to the Residential 'R3' zone**
- 2. That the owner make a cash payment for the hard costs of Town Wide Development Charges.**
- 3. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.**
- 4. The execution of an Agreement with the Town that would include, but not be limited to, matters related to cost sharing for the existing constructed works benefitting this lot.**

**THAT Council grant Application for Consent File Numbers B06-2009 subject to the following conditions:**

- 1. A Zoning By-law Amendment to rezone the severed and retained lands from the Development 'D' zone to the Residential 'R3-h' zone**
- 2. That the owner make a cash payment for the hard costs of Town Wide Development Charges for the severed parcel.**
- 3. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.**

4. The execution of an Agreement with the Town that would include, but not be limited to, matters related to cost sharing for the existing constructed works benefitting this lot and the construction of full municipal services to the satisfaction of the Town.

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the Development 'D' zone to the Residential 'R3' and Residential 'R3-h' zone and establish a new minimum lot frontage requirement for the easternmost lots.

THAT Council authorize the Mayor and Clerk to execute a Development Agreement regarding cost sharing for existing and proposed works in a form approved by the Director, Planning & Building Services and the Solicitor.

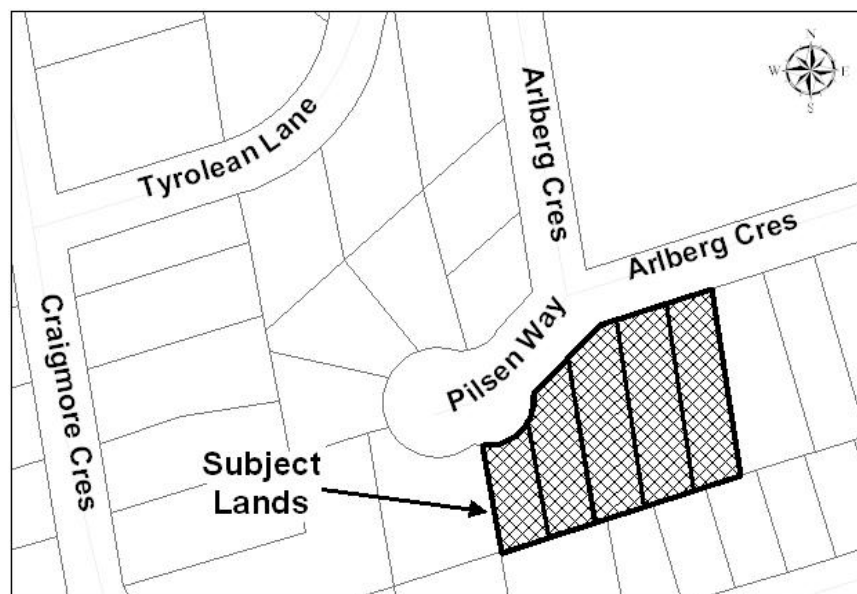
## B. Background

The Planning Services Division has received an application for Zoning By-law Amendment and four applications for consent (File Nos. B03, B04, B05 and B06-2009). These applications propose to divide the subject lands into 5 residential lots with frontage on the existing road allowances of Pilsen Way and Arlberg Crescent.

The subject lands total 5,432 square metres and are described as Part of Lot 21 Concession 2.

Surrounding land uses include existing and future low density residential uses, mainly single detached dwellings on individual lots. Municipal Sewer Services are located along Pilsen Way and Arlberg Crescent and Municipal Water Services are located along Pilsen Way only

### Location



### Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land shall be efficiently used, with consideration for intensification, redevelopment, mix of uses and densities that ensure appropriate development will take place. The proposed development does not appear to be inconsistent with the PPS.

### **County of Grey Official Plan**

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan.

It is our opinion that the proposal will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan.

### **The Blue Mountains Official Plan**

The subject lands are designated Residential Infilling RI in the Town of The Blue Mountains Official Plan. The purpose of this designation is to recognize existing residential plans of subdivision which have been registered and other existing residential areas which have been substantially developed. Section 4.12.3(2) states that within registered plans of subdivision, further lot creation shall generally be prohibited in order to maintain the intended density and character of the development. On the basis that these lands are not located within a Plan of Subdivision, individual consents for residential purposes may be permitted subject to the following criteria:

- a) The lots being created are of a similar size to those in adjacent areas;
- b) The development would not adversely affect the character of the area or the natural environment;
- c) Services are provided in accordance with the servicing requirements of Section 5;
- d) The creation of the new lot does not result in an additional access on to Highway 26
- e) The lot complies with the provisions of Section 3.15.

Additional policies regarding new lot creation in built up areas are outlined in Section 3.15 of the Plan. New lots must generally conform in style and character with surrounding development, and where the general circumstances including the physical condition of the site are considered appropriate for development. All new lots must comply with the lot creation and land use policies of the plan, and new lot sizes shall generally be consistent with the size and shape of lots in the surrounding area.

The Plan puts a lot of emphasis on protecting the established character and style of a neighbourhood. New lots should only be considered under strict control, and where the character of the neighbourhood can be maintained. Looking to the surrounding area and adjacent residential uses, the proposed lot frontages and lot sizes (17.7 to 22.9 metres frontage and 833 to 1185 square metres in area) remain within the range of surrounding residential uses.



Section 7 of the Plan establishes the 'Roads Policies' to ensure the safe and efficient movement of both vehicles and pedestrians throughout the municipality. New development shall only be permitted where there is direct frontage and access onto a year round appropriately maintained road. It has been noted that proper road frontage does not exist for the two proposed lots located on Arlberg Crescent. A Development Agreement for a previous Plan of Subdivision (Plan 1107) was completed for the creation of a number of new residential lots in the area, including lots along Arlberg Crescent further east from the subject lands. This agreement requires the upgrading of Arlberg Crescent and the extension of water services prior to development. At the time of writing this report, an application has been made to develop these additional lands by another developer, but these applications are still early in the planning process. It has been acknowledged that the development of these 5 lots would be responsible for reasonable cost sharing for the road and servicing extensions. These extensions can be completed together with the adjacent lands, or alternatively if this development wishes to proceed in advance of the adjacent lands, the road and water could be extended under a separate development agreement with the Town. It is also acknowledged that the existing Development Agreement for Plan 1107 contains a "best efforts" clause to collect funds as the proposed development will be responsible for a proportionate cost sharing of the existing works along Pilsen Way, and the sanitary sewer along Arlberg Crescent.

It should be noted that three of the proposed lots could be developed without the extension of the road and water works. Therefore, it is noted that 3 lots benefit from the existing works completed along Arlberg Crescent and Pilsen Way and 2 lots will benefit from the future extension of the road and water works.

Section 6.4.1 of the Plan provides Parkland policies, and that parkland dedication shall be required up to a maximum of 5% of the total land holding for all residential lots created under the consent process. Required parkland dedication for smaller parcels shall generally be encouraged as a cash-in-lieu provision.

It is therefore our opinion that proposed lots are similar in size to those in adjacent areas and that the proposed development would not adversely impact the character of the surrounding area as required by the Town of The Blue Mountains Official Plan. As a condition of consent a Development Agreement should be required for the proportionate cost sharing of existing works, and contributions or requirements for upgrading Arlberg Crescent and the extension of water services.

## **Zoning**

The subject lands are zoned Development 'D' within the Township of Collingwood Zoning By-law 83-40. A Zoning By-law Amendment has been submitted as part of this development proposal to rezone the subject lands to the Residential 'R3' and Residential 'R3-h' zone which permits single detached dwellings and related uses. Schedule 'AA' to the By-law states that lots must include a minimum frontage of 18 metres, a lot area of 550 square metres, maximum lot coverage of 30%, setbacks of 7.5m from the front, 9m from the rear and 2m from the sides. The maximum height for a new dwelling is 2.5 storeys. The amendment also proposes to reduce the minimum lot frontage from 18

metres to 17.7 metres for the two easternmost lots.

Lot development requirements of Section 5.8(a) to the By-law states that land shall not be used for any permitted use unless the lot fronts and has direct access to an improved public street.

It is our opinion that the proposed Zoning By-law Amendment including the use of the holding 'h' symbol will permit the proposed development of two new vacant residential lots and is appropriate for the subject lands.

### **Additional Comments**

An old road allowance remains in place adjacent to the subject lands which anticipated the construction of a short cul-de-sac which has been constructed as Pilsen Way. The cul-de-sac as constructed was located on and adjacent to the original road allowance, with a small portion of the original road allowance not being used. This portion is identified as Part 3 of 16R-6360 (see attached) and is no longer required by the Municipality. This portion should be formally stopped up and closed and disposed of in accordance with Town policy.

Comments through the Development Review Committee reiterated the requirements to extend Arlberg Crescent and water services to the easternmost lots. Engineering and Public Works have reviewed the matter and new Engineering Drawings will be required outlining the road and servicing extension design. E/PW has also noted that the approved original design includes a modified urban standard with open ditches which remains appropriate for this development.

Comments were also received on behalf of an adjacent landowner who has interests in receiving compensation for the existing works as constructed, and also to contribute to the future extension of Arlberg Crescent. Contributions towards the existing and proposed works should be incorporated into a Development Agreement (as a condition of consent) to the satisfaction of the Town.

Agency comments were received from the County of Grey Planning and Development Department, the Grey Sauble Conservation Authority, and the Niagara Escarpment Commission.

The County of Grey has indicated that they generally do not support the creation of new lots that do not have access to an open and maintained public road. They have noted that the two easternmost lots will not have the required frontage, and that as a condition of consent a Development Agreement should be required to bring the road up to proper standard.

Comments from the Conservation Authority indicate that previous stormwater management plans were prepared for the previous subdivision and should be updated to ensure that this proposed development will not increase peak flows to adjacent properties

to the satisfaction of the Grey Sauble Conservation Authority. This can be added as a condition of consent.

Comments from the Niagara Escarpment Commission indicate that the lands are substantially wooded and that the retention of some of the existing vegetation should be encouraged. The NEC has no objections to the Consents or Zoning By-law Amendment.

The Public Meeting was held on June 1, 2009. No other members of the public provided any written or verbal comments on the applications.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-law Amendment and Consent applications conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff support these applications conditional upon the recommendations contained in this report.

### **C. The Blue Mountains' Strategic Plan**

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

*"1. Managing growth to ensure the ongoing health and prosperity of the community".*

### **D. Budget Impact**

NIL

### **E. Attached**

1. Excerpt from Registered Plan of Subdivision 1107 - Part 3 of 16R--6360
2. Zoning By-law Amendment

Respectfully submitted,

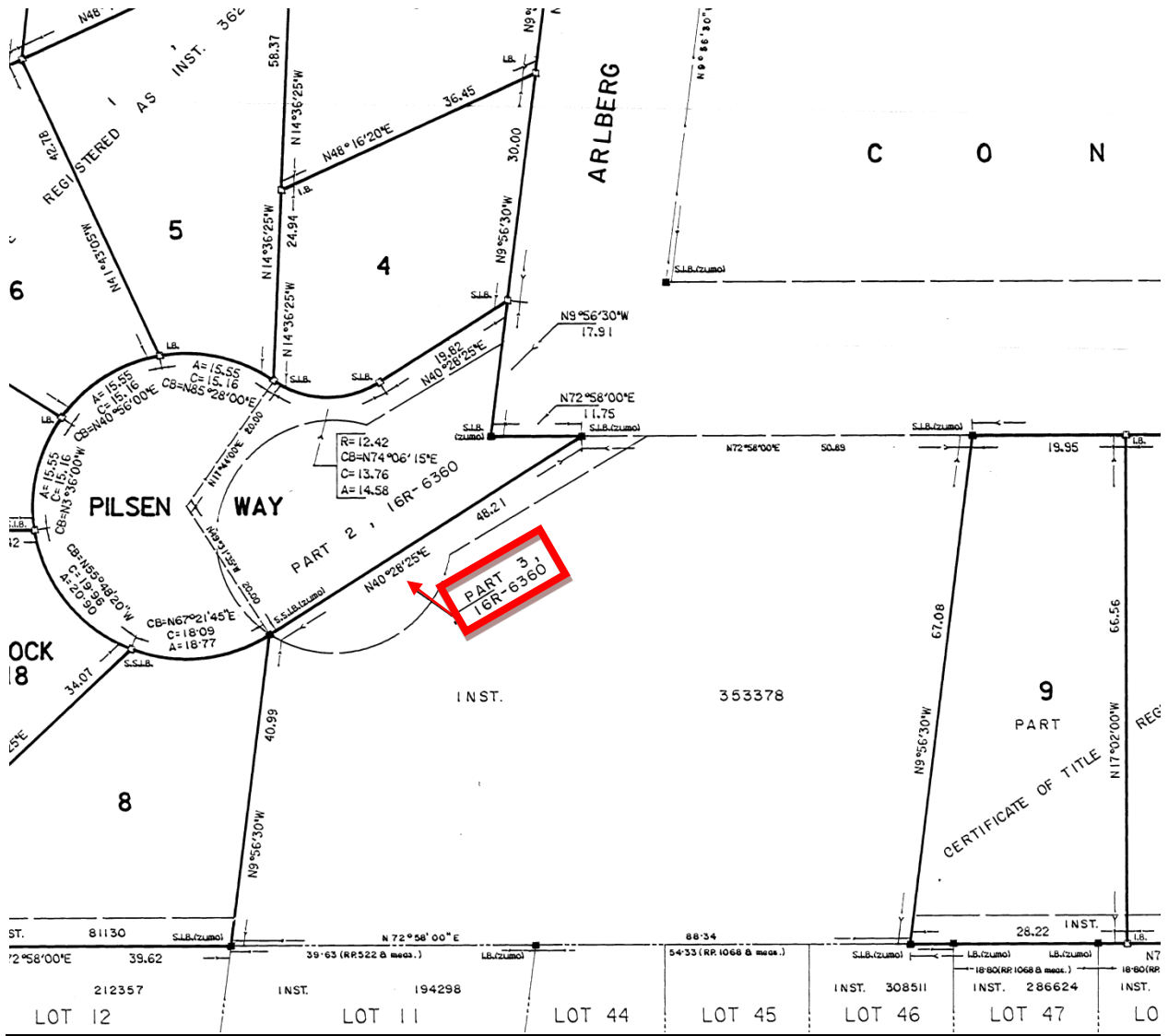
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Shawn Postma, Planner II  
26 Bridge Street – Box 310  
Thornbury, ON NOH 2PO  
519-599-3131 ext.248  
1-888-258-6867  
F: 519-599-3018  
[spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca)

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David Finbow, Director, Planning & Building Services  
26 Bridge Street – Box 310  
Thornbury, ON NOH 2PO  
519-599-3131 ext.246  
1-888-258-6867  
F: 519-599-3018  
[dfinbow@thebluemountains.ca](mailto:dfinbow@thebluemountains.ca)

- 1. Exerpt from Registered Plan of Subdivision 1107 – Part 3 of 16R-6360**



1. Exerpt from Registered Plan of Subdivision 1107 – Part 3 of 16R-6360

