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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Committee of the Whole
MEETING DATE: April 25, 2016
REPORT NO.: PDS.16.45
SUBJECT: Application to Remove the Holding –h Symbol – PB Holdings Limited Lots 9-10, 12, 14-18 and 23-24, Plan 16M-23;
 Town of The Blue Mountains
PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP
 Planner II

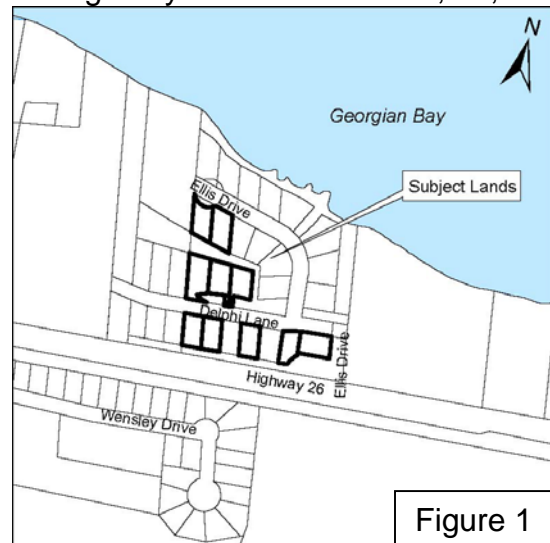
A. Recommendations

THAT Council receive Planning and Development Services Staff Report PDS.16.45 respecting “Application to Remove the Holding –h Symbol – PB Holdings Limited; Lots 9-10, 12, 14-18 and 23-24, Plan 16M-23; Town of The Blue Mountains;

AND THAT Council enact an amending By-law to remove the Holding –h Symbol for the development of the lands, described as Lots 9-10, 12, 14-18 and 23-24, Plan 16M-23; Town of The Blue Mountains.

B. Background

The purpose of this Report is to provide Council with recommendations related to a request by PB Holdings Limited to remove the holding -h symbol on Lots 9-10, 12, 14-18 and 23-24, Plan 16M-23 in order to facilitate the construction of dwellings on the remaining registered lots within the Peaks Bay East Residential Subdivision, as depicted in Figure 1 to the right. The subdivision agreement limits the number of lots for the intended residential use until such time the internal road construction of Peaks Road is completed and closing the temporary Highway 26 entrance through Delphi Point Park. Planning Staff notes that in Summer 2016, the internal road construction of Peaks Road will be completed and the closing the temporary Highway 26 entrance through Delphi Point Park.



The Agent, David Finbow, on behalf of the Owners above, made application to the Town on April 04, 2016 for an amending by-law to remove the Holding -h Symbol from their lands.

A Zoning By-law Amendment, being By-law 2006-44, was enacted by Council based on the Ontario Municipal Board Order 0382. The Zoning By-law Amendment rezoned these two residential lots to Residential Third Density Exception 203 Holding (R3-203-h). The condition to remove the Holding -h Symbol required the execution of the Subdivision Agreement with the Town under Section 51 of the *Planning Act*. It is noted that the condition has been met, as the Subdivision Agreement has been executed with the Town in 2008.

Under the provisions of the Subdivision Agreement, Ministry of Transportation requested that the Town put a limit on the development of 20 residential lots, until such time there is a permanent entrance access from Highway 26 for these residential development lands within Delphi Point.

The allocation was dispersed to 14 lots (out of the 24 registered lots) within Peaks Bay East Subdivision and 6 lots for the Smith lands to the west, in accordance with the Agreements between all the parties. This will ultimately require the interim access to Highway 26 through the Town's Delphi Point Park to be eliminated, with the finalization of the internal connection of Delphi Lane further to the west through some additional properties, which would connect into Delphi Lane where Summit Shores townhouses are located and then into the Peaks Road traffic control signals at the intersection of Highway 26. This road connection will be completed in the 2016 construction season, as the lands has been recently expropriated by the Town in 2015.

It is noted that By-law 2008-21 removed the holding symbol off the 14 residential lots within the Peaks Bay East Subdivision, being lots 1 to 8 and 19 to 24. In 2010, the Developer requested to swap the residential lots to which the holding symbol applied to, removing the holding symbol on lot 13 and replacing it on lot 24, through By-law 2010-77. In 2015, the Developer requested to swap the residential lots to which the holding symbol applied to, removing the holding symbol on lot 11 and replacing it on lot 23, through By-law 2016-3.

To-date, there is just over half of the 20 residential lot cap that has commenced construction of a dwelling, therefore the residential demand will not be materialized on the interim access from Highway 26 by the time the internal road connection has been finalized in 2016, therefore raising no issues of concern to progress forward with this request. Planning Staff has reached out to Ministry of Transportation prior to the application coming forward in order to continue our collaborative partnership with the Ministry, but have received no comments to-date. Council should be aware that there are no appeal mechanisms to the Ontario Municipal Board for this request.

For this application, Notice of Intent for the removal of the Holding -h Symbol has been provided in accordance with the *Planning Act* to the owner of the lands, Agent and the Agencies involved in the initial Zoning By-law Amendment. Given that the condition to remove the Holding -h Symbol have been completed, it is appropriate that Council remove the Holding -h Symbol for these lands.

Appendix A of this report has a draft by-law to remove and replace of Holding -h Symbol, for Council's information.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning and Development Staff Report PDS.16.45 is consistent and supports the following Strategic Plan Goals:

Strategic Plan goal #1: *"Create opportunities for sustainability."*

D. Environmental Impacts

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

E. Financial Impact

It is noted that Planning Fees have been received in April 2016, in accordance with the Town's Tariff of Planning Fees By-law, as amended.

F. In Consultation With

Nil

G. Attached

A. Draft By-law, Removal of the Holding –h Symbol

Respectfully submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner II, Planning and Development Services Department

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

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2016 - _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood
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. 83-40;

AND WHEREAS pursuant to the provisions of Section 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. Map 15 to Schedule 'A' to the Zoning By-law of the Township of Collingwood,
being By-law No. 83-40, is hereby amended by removing the Holding (-h) symbol
from Lots 9-10, 12, 14-18 and 23-24, Plan 16M-23; as indicated on the attached
key map Schedule "A-1".
2. 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 _____, 2016.

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2016 - _____ as
enacted by the Council of the Corporation of the Town of The Blue Mountains on the
____th day of _____, 2016.


DATED at the Town of The Blue Mountains

this ____th day of _____, 2016.

Signed: _____
Corrina Giles, Clerk

Town of The Blue Mountains Schedule A-1

By-Law No. 2016- _____

 Subject Lands Of This Amendment and
Area for Removal of the Holding -h Symbol

