



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of The Whole
Meeting Date: May 14, 2018
Report Number: PDS.18.49
Subject: Removal of Holding (-h1) Symbol (Mountain Springs)
Prepared by: Denise Whaley, MSc MCIP RPP, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.18.49 “Removal of Holding (-h1) Symbol (Mountain Springs)”; and

THAT Council enact a By-law to remove the Holding (-h1) symbol for those lands described as Grey Condominium Corporation #37, Town of The Blue Mountains.

B. Overview

The purpose of this report is to provide information to Council on an application for removal of the Holding Symbol for the Mountain Springs Resort. The applicant has applied to remove the Holding Symbol to allow them to continue using the property for an off-site check in centre for up to 125 people per day for Short Term Accommodations (STA). The Ontario Municipal Board previously granted a temporary use of the property for off-site (STA) check-ins for three years while the applicant conducted a parking study for the property to review potential impacts.

C. Background

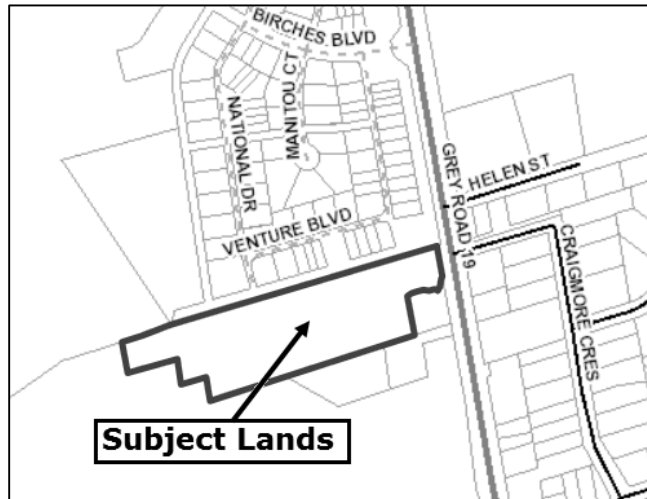
In 2014, the applicant applied to the Town for a zoning by-law amendment to allow additional uses in the administration / recreation building and the Block 2 facility on the subject property. The Town passed amending by-law (2014-52) to permit some of the additional uses sought, but did not permit the requested check-in centre use for off-site Short Term Accommodation (STA) and Commercial Resort Units (CRU), nor the requested storage and sorting of off-site laundry facility.

The by-law was subsequently appealed to the Ontario Municipal Board (OMB). Through the OMB process, the Minutes of Settlement was formed on this matter, which included passing a modified zoning by-law with a provision for a temporary use to allow the applicant to use the lands for an off-site check-in centre for up to 125 daily check ins. The temporary use by-law allowed the use for up to three (3) years, which gave the applicant time to gather more information through a study about how the parking was working on the site with the off-side check ins.

Location

The subject property is known as Grey Condominium Corporation #37, located at 796468 Grey Road 19. The property is also known as “Mountain Springs Resort”.

Figure 1: Location Map



OMB Approved Zoning Amendment

Through the Minutes of Settlement process, the zoning by-law was amended to add two holding symbols to the property:

- **Holding one (-h1):** if this holding is removed, the lands are permitted a permanent use of check-in centre for up to 125 off-site units. The criteria to remove the –h1 symbol is that Council is satisfied that the parking generated from the check-in of off-site STA and CRU’s can be accommodated by the existing parking area on the property.
- **Holding two (-h2):** if this holding symbol is removed, the lands are permitted a permanent use of check-in centre for unlimited off-site units. Criteria for removing this –h2 symbol is that Council is satisfied that a Parking Study demonstrates that the checking-in of additional off-site STA and CRU’s can be accommodated on the lands without and significant impact on the on-site parking, site circulation or parking on adjacent lands.

The Minutes of Settlement are attached to this report as Attachment #1.

In support of this Application for Holding Symbol Removal, the applicant included a Parking Study undertaken by Tedesco Engineering (January 2018). The study recommends that the Holding (-h1) be lifted, so that the use of off-site check-in facility can become permanent. However the study does not recommend that the (-h2) be lifted. The study was conducted over a three year period, noting that Family Day is the busiest day for check-ins. During Family Day, the peak number of check-ins was nine (9) in a single hour and further noted that over the past three years, the number of online or express check-ins has gone up. The study was also peer

reviewed by Michael Cullip of C.C. Tatham; the peer review supported the methodology of the Tedesco report and recommendations.

Note also that the study also took the on-site check-ins for the Commercial Resort units at Mountain Springs into consideration when reviewing the parking needs on the property.

D. Analysis

Based on a review of the documents and the Tedesco Study, staff are supportive of the removal of the Holding Symbol (-h1). The draft by-law is attached to this report as Attachment 2. The final by-law may be included in the May 28, 2018 Council package.

E. The Blue Mountains Strategic Plan

The recommendations in this report support the following Goal and Objective:
Goal #3 - Support healthy lifestyles, Objective #3 Manage Growth and Promote Smart Growth.

F. Environmental Impacts

None.

G. Financial Impact

None.

H. In consultation with

Director of Planning and Development Services, Planning staff and others

I. Attached

1. Minutes of Settlement – Mountain Springs
2. Draft Holding Removal By-law

Respectfully Submitted,

Denise Whaley, MCIP RPP
Planner II

Michael Benner, MCIP RPP
Director of Planning and Development Services

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MINUTES OF SETTLEMENT

BETWEEN:

**THE LODGES AT BLUE MOUNTAIN and GREY CONDOMINIUM
CORPORATION # 37**

(“Appellants”)

- and -

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

(the “Town”)

WHEREAS the Town is a lower-tier municipal corporation within the meaning of the *Municipal Act, 2001*, S.O. 2001, c. 25 that is responsible for adopting zoning by-laws under the *Planning Act*, R.S.O. 1990, c. P. 13;

AND WHEREAS The Lodges At Blue Mountain (“Lodges”) is a corporation incorporated in the Province of Ontario under the Ontario *Business Corporations Act*, R.S.O. 1990, c.B.16 and Grey Condominium Corporation #37 is a corporation incorporated under the *Condominium Act*, 1998, S.O. 1998, c.19;

AND WHEREAS the Appellants applied for a zoning by-law amendment to amend the Zoning By-law 83-40 for the former Township of Collingwood (“By-law 83-40”) with respect to lands owned by Grey Condominium Corporation #37 (the “Subject Lands”);

AND WHEREAS the Town adopted By-law 2014-12 amending By-law 83-40 on July 28, 2014 (the “Zoning By-law Amendment”), approving some, but not all, of the requested amendments on the Subject Lands;

AND WHEREAS the Appellants appealed the passing of the Zoning By-law Amendment to the Ontario Municipal Board (the "Board") under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, such appeal now identified by Board file no. PL140970 (the "Appeal"); and

AND WHEREAS the parties to this agreement have settled all outstanding issues with respect to the Appeal and intend to bring a settlement motion before the Board for approval to give effect to the settlement and to modify the Zoning By-law Amendment to reflect the terms of the settlement;

NOW THEREFORE in consideration of the terms and covenants contained in this agreement, the parties agree with each other as follows:

1. All capitalized terms not otherwise defined in this agreement shall have the meanings given to them in the Zoning By-law Amendment attached hereto at Schedule "A".
2. The parties agree that the Appeal shall be resolved on the consent of the parties to these minutes of settlement by recommending to the Board the allowance of the Appeal, in part, and the approval of modifications to the Zoning By-law Amendment as set out in Schedule "A".
3. The parties will cooperate in presenting evidence on consent to the Board in support of the modifications set out in Schedule "A".
4. These minutes of settlement, including Schedule "A" will be submitted by the parties as an exhibit at the settlement hearing.
5. Further to the Zoning By-law Amendment set out in Schedule "A", the parties acknowledge and agree that:

- a. Family Day holiday weekend and the Friday and Saturday immediately preceding Family Day was determined to be the peak season / peak day for check-ins;
- b. the monitoring of parking demand generated by the check-in of off-site units required to remove the “(h1)” symbol from the Subject Lands will include the monitoring of the parking demand generated by those off-site units which require check-ins on each of two peak days, being the Friday and Saturday of the 2016 and 2017 Family Day holiday weekends;
- c. the monitoring of parking demand generated by the check-in of off-site units required to remove the “(h2)” symbol from the Subject Lands will include the monitoring of the parking demand generated by the off-site unit check-ins on each of two peak days, being the Friday and Saturday of the Family Day holiday weekend in both 2016 and 2017 and a demonstration that the parking and on-site traffic generated does not have a significant impact on on-site parking, on-site circulation or parking on adjacent lands;
- d. Lodges agrees to monitor the total number of off-site units which check-in on the Subject Lands on a monthly basis and submit quarterly reports of such data to the Town each year within 30 days of the end of each quarter. Such report shall include the total number of units administered which require check-in at the Subject Lands with a list of associated addresses; and
- e. the applications to remove the “(h1)” and “(h2)” symbols can be submitted concurrently.

General Provisions

6. The recitals form part of these minutes of settlement.
7. Each party shall bear its own costs pertaining to the Appeal.
8. The terms and obligations set forth in these minutes of settlement shall be binding on the parties, their respective heirs, beneficiaries, affiliates, successors and assigns.
9. The parties agree to act reasonably and in good faith in respect of all dealings between the parties pursuant to these minutes of settlement.
10. These minutes of settlement constitute the entire agreement between the parties with respect to the Appeal and supersede all prior agreements, negotiations and understandings with respect thereto.
11. Any amendment to or waiver of any provision of these minutes of settlement must be in writing and signed by the parties.
12. These minutes of settlement may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument.
13. These minutes of settlement shall be governed by and construed in accordance with the laws of Ontario.
14. These minutes of settlement may be delivered by facsimile or by e-mail in PDF format and such delivery shall constitute a duly executed original.

IN WITNESS WHEREOF the parties have executed these minutes of settlement by the hands of their proper signing officers or by the hands of their duly authorized legal counsel in this matter.

Date:

THE LODGES AT BLUE MOUNTAIN

Per:

Name: Sheldon Rosen

Title: President

I have authority to bind the Corporation

Date:

**GREY CONDOMINIUM CORPORATION NO.
37**

Per:

Name:

Title:

I have authority to bind the Corporation

Date:

**THE CORPORATION OF THE TOWN OF THE
BLUE MOUNTAINS**

Per:

Name: John McKean

Title: Mayor

Date:

**THE CORPORATION OF THE TOWN OF THE
BLUE MOUNTAINS**

Per:

Name: Corrina Giles

Title: Town Clerk

We have authority to bind the Corporation

DRAFT

The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

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 in the public interest to pass a by-law to amend By-law No. 83-40;

And Whereas pursuant to the provisions of Section 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 Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. The Zoning By-law of the Township of Collingwood being By-law No. 83-40, is hereby amended by removing the Holding (-h1) symbol from the lands known as Grey Condominium Plan 37, Town of The Blue Mountains, as indicated on the attached key map Schedule 'A-1'.
2. That Schedule 'A1' is 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 28th day of May, 2018

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2018-___ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 28th day of May, 2018.

Dated at the Town of The Blue Mountains, this 28th day of May, 2018.



Corrina Giles, Clerk

Town of The Blue Mountains

Schedule A-1, 2018

By-Law No. 2018- _____

Legend

-  Subject Lands of this Amendment
-  Area to be rezoned from C4-34-h1-h2 to C4-34-h2

