

**STAFF REPORT:**      **Planning & Building Services Department**



**REPORT TO:**            **Planning & Building Committee**  
**MEETING DATE:**    **Wednesday April 7, 2010**  
**REPORT NO.:**        **PL.10.30**  
**SUBJECT:**            **Application for Site Plan Approval and  
Zoning By-law Amendment  
File No. P114 and P115  
B&T Oakley  
Lot 14, King Street  
Town of The Blue Mountains**  
**PREPARED BY:**      **Shawn Postma, Planner II**

**A. Recommendations**

**THAT Council does receive Planning Staff Report PL.10.30, “Application for Site Plan Approval and Zoning By-law Amendment; B&T Oakley; Lot 14, King Street; Town of The Blue Mountains”; and**

**THAT Council enact a maximum 3 year Temporary Use By-law for the following:**

- 1. To rezone the property from the General Industrial M1 zone to the General Commercial C2 zone**
- 2. To only permit the lands to be used for a market garden use**
- 3. To recognize the existing gravel parking surface as meeting the requirements for a parking area surface.**

**THAT Council authorize the Mayor and Clerk to execute a Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Solicitor.**

**B. Background**

Planning Services Division received an application for a Zoning By-law Amendment and Site Plan Approval in February 2010 in order to permit a new retail use (market garden) on the vacant subject property for farm produce sales. It is intended that the use will consist of a temporary structure (tent) operating between June and November. The market garden would consist of apples, produce and related farm market products. Parking and access on to the property would be located on an existing gravel parking area and through the existing entrances.

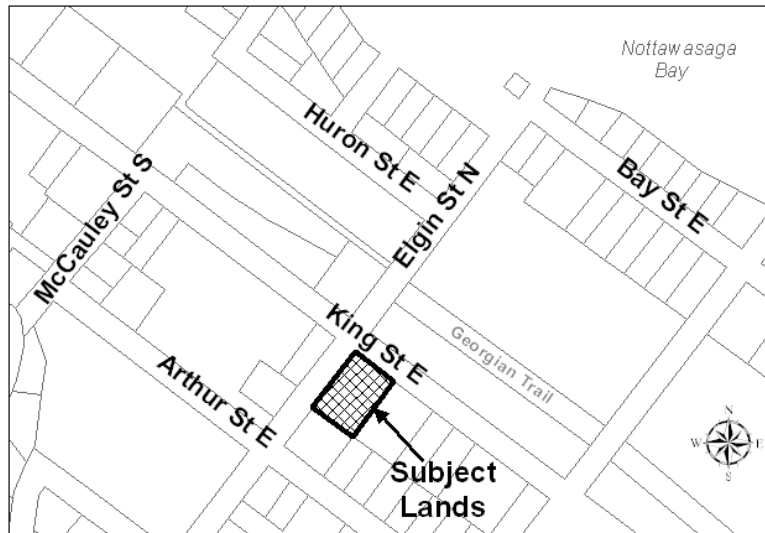
The owner intends to establish a market garden for a maximum of three years, and depending on the success of the use, a new permanent building including other site improvements may be considered.

The subject property is described as Lot 14 King Street, and is located on the south east corner of King Street East and Elgin Street South. Municipally owned water and sewer services are available at the property, but connections into the system are not considered at this time.

The subject property is currently vacant. An insurance office was located previously on the property but has since been removed. An existing gravel surface parking area and vehicle entrances to King Street and Elgin Street are all that remains. Surrounding land uses include a mix of residential, commercial, industrial and vacant land uses.

In support of the application a Phase II Environmental Report completed in 1998 was submitted. The report reviewed and tested site for environmental impacts. It recognized that the lands were previously used for a bulk fuel plant for storage and distribution of fuel products. This use was removed in 1986 and the study concluded that “the site does not appear to be impaired by the former land use as an agency plant.”

### 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. It does not appear that there are any concerns of Provincial interest applicable to the proposed lot addition.

### County of Grey Official Plan

The subject lands are designated Urban in the County of Grey Official Plan. Section 2.6.3(2) of the County Plan states that land use policies and development standards in areas designated Urban will be in accordance with local Official Plans and/or Secondary Plans. It is our opinion that the applications will comply with the County of Grey Official

Plan. Grey County Planning and Development Department comments are provided later in this report.

### **Town of The Blue Mountains Official Plan**

The subject lands are designated Commercial 'COM' within the Thornbury Urban Community of the Town of The Blue Mountains Official Plan. The predominant use of land in the Commercial designation shall be for all forms of retail and service commercial uses, office, restaurant and other uses that would not interfere with the primary purpose of the areas as a place of commerce. The Official Plan recognizes the subject property as part of the Arthur Street / King Street corridor (otherwise known as Highway 26). This area is recognized as an evolving highway commercial strip with motels and gas stations to a more traditional commercial street with a wide variety of uses. The types of uses directed to this corridor are typically those uses which demand larger lot sizes for space, parking and other on-site requirements which would otherwise not suit the Bruce Street area.

The proposed commercial development would also be subject to Site Plan Control.

The Thornbury Commercial designation represents the primary local retail and service centre for the Municipality, as well as some small scale shops, boutiques and other uses related to the traveling public. General development policies encourage those commercial uses that enhance the small town commercial function.

In considering an application for a proposed commercial development, the Town must take into account the following:

1. The adequacy of on-site parking and loading areas provided,
2. The adequacy of access points, including vehicular and pedestrian safety
3. The design, layout and massing of development so as to blend in with adjacent uses, the character of the area and the natural environment,
4. The adequacy of buffer plantings between commercial and residential areas
5. The availability of municipal services.

It would appear that the proposed market garden can meet the Official Plan criteria above. Tent structures are not preferred in the Thornbury Commercial Area, and have not been used in the recent past. If the market garden is permitted, Town Staff should monitor and review the use of the tent structures for the Thornbury Commercial Area, and determine if their use would be appropriate in future developments. Criteria could be considered to ensure the future use of tents in the commercial area is adequately regulated. To ensure that the tent does remain temporary, the Zoning By-law should limit the number of years that the temporary use may be located on the property.

To better incorporate the tent structure on the site, a number of other site improvements have been proposed including the creation of gardens and new trees which will help to blend the use and the property in with the character of the area and the natural environment. To further improve the streetscape a detailed designed sign using the

'Sense of Place' design principles for Thornbury can be used and approved by the Town.

Provided that the market garden use incorporates the comments above for on site improvements, streetscape enhancements including signage, and that the use is limited to a maximum of three years, it would appear that the use maintains the intent and direction of the Official Plan.

### **Town of Thornbury Zoning By-law 10-77**

The lands are zoned General Industrial M1 within the Town of Thornbury Zoning By-law 10-77. The General Industrial M1 zone permits warehousing, wholesaling, manufacturing and other industrial uses. A market garden would not be considered a permitted use. A Zoning By-law Amendment has been submitted that proposed to rezone the subject property from the General Industrial M1 zone to the General Commercial C2 zone. The General Commercial C2 zone permits a wide range of retail, service, office, restaurant and other commercial uses.

As identified in the Official Plan section of this report, it is intended that the market garden use proceed on a trial basis for a maximum of 3 years, and that any further extension or improvements to the property would be subject to Town review and Council approval. To ensure this, a Temporary Use By-law can be used to permit the market garden use for up to a maximum of three years. When the Temporary Use By-law expires, an extension of up to one year may be permitted by By-law or a new By-law could be considered for a more permanent use.

### **Additional Comments**

The Public Meeting was held on March 1, 2010. Comments were received from the County of Grey Planning and Development Department, the Grey Bruce Health Unit and the Grey Sauble Conservation Authority. Each agency indicated that they had no objections to the proposed lot addition.

Written and verbal comments from the public were received, one in full support of the proposal, and one with concerns over noise related to work on the site and deliveries and the proposed location of the temporary washroom and the potential for odour during certain periods of the year. As indicated at the public meeting, noise related issues are addressed by the Town's Noise By-law. With respect to the proposed location of the temporary washroom and the potential for odours, the proponent indicated that the temporary washroom would be maintained in accordance with good site management practices. Notwithstanding this, Planning staff are of the opinion that the washroom facility should be relocated an approximate 6.0 metres to the north of the southerly property line and be screened as originally envisioned.

Based on the foregoing, it is the opinion of Planning Staff that the proposed market garden use conforms to the intent and direction of the Town of The Blue Mountains

Official Plan, Zoning By-law and represents good planning. Therefore Planning Staff support this application for consent subject to the comments and conditions noted in this report.

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

These changes continue to be consistent with Strategic Plan goal #1:

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

### **D. Budget Impact**

NIL

### **E. Attached**

1. Draft By-law
2. Site Plan

Respectfully submitted,

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

**BY-LAW NO. 2010 - \_\_\_\_\_**

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 in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 and 39 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 Town of Thornbury Zoning By-law No. 10-77, is hereby amended by rezoning the subject lands from the General Industrial 'M1' Zone to the General Commercial 'C2-43' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Lot 14 King Street; as indicated on the attached key map Schedule "A-1".
2. Section 32 to the Town of Thornbury Zoning By-law No. 10-77, is hereby amended by adding Exception 43 as follows:  
  
"43 *These lands may only be used for a farmers market garden use.*"
3. Notwithstanding the provisions of Section 6.9(e) to the Town of Thornbury Zoning By-law No. 10-77, a gravel surface parking area may be permitted on those lands identified in Section 1 of this By-law.
4. Schedule "A-1" is hereby declared to form part of this By-law.
5. This By-law shall come into full force and effect on the date of passing of this By-law and remain in effect for a period of three (3) calendar years.

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

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Corrina Giles, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. 2010 - \_\_\_\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED at \_\_\_\_\_

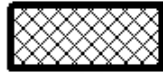
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Clerk

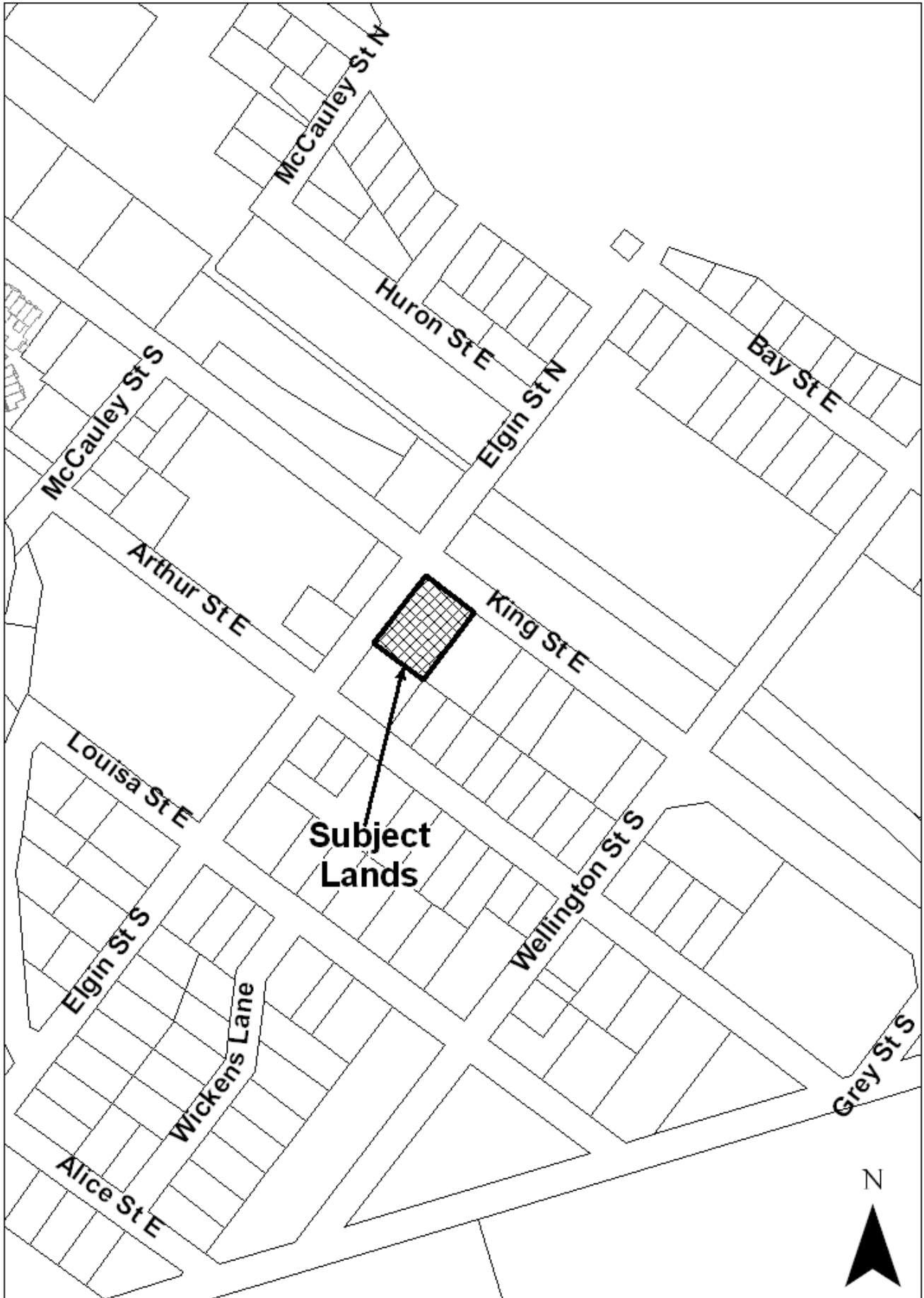
# Town of The Blue Mountains

## Key Map Schedule A-1

By-Law No. \_\_\_\_\_



AREA AFFECTED BY THIS AMENDMENT



EXISTING TREES

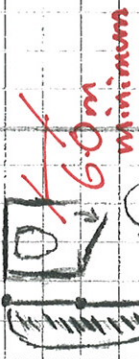


LOT LINE

LAWN

PRIVACY SCREENING

ORNAMENTAL TREES



ACCESS

LAWN

LOT LINE

APRIL 7, 2010  
B+T OAKLEY. SITE PLAN 1

ORNAMENTAL

FUTURE TENT

PORTABLE REFRIGERATED STORAGE

DELIVERY PARKING

PRIVACY SCREENING

FALL TENT

SUMMER TENT

FLOWERS + PLANTINGS

LAWN

LAWN

SIGN + PLANTING

HWY # 26 ↓

CORNER SIGHTLINE

LAWN

ACCESS

9m

9m