

STAFF REPORT:

The Blue Mountains Planning and Building Department



REPORT TO: Planning and Building Committee

DATE: November 7, 2011

REPORT NO.: PL.11.125

SUBJECT: Application for:
Zoning By-law Amendment
960121 Ontario Inc.
Town Plot Part Lots 35 and 36 N
Arthur Street Part Lots 35 to 37 S
King St RP 16R-2841 Part 2
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Planning Staff Report PL.11.125, “Application for Zoning By-law Amendment, 960121 Ontario Inc., Town Plot Part Lots 35 and 36 N Arthur Street Part Lots 35 to 37 S King St RP 16R-2841 Part 2, Town of The Blue Mountains”;

THAT Council enact a Zoning By-law Amendment to rezone the subject lands from the Residential ‘R3’ Zone to the General Commercial ‘C2-h’ Zone with it being noted that the Holding ‘-h’ symbol will not be removed until Site Plan Approval has been granted for a future development proposal.

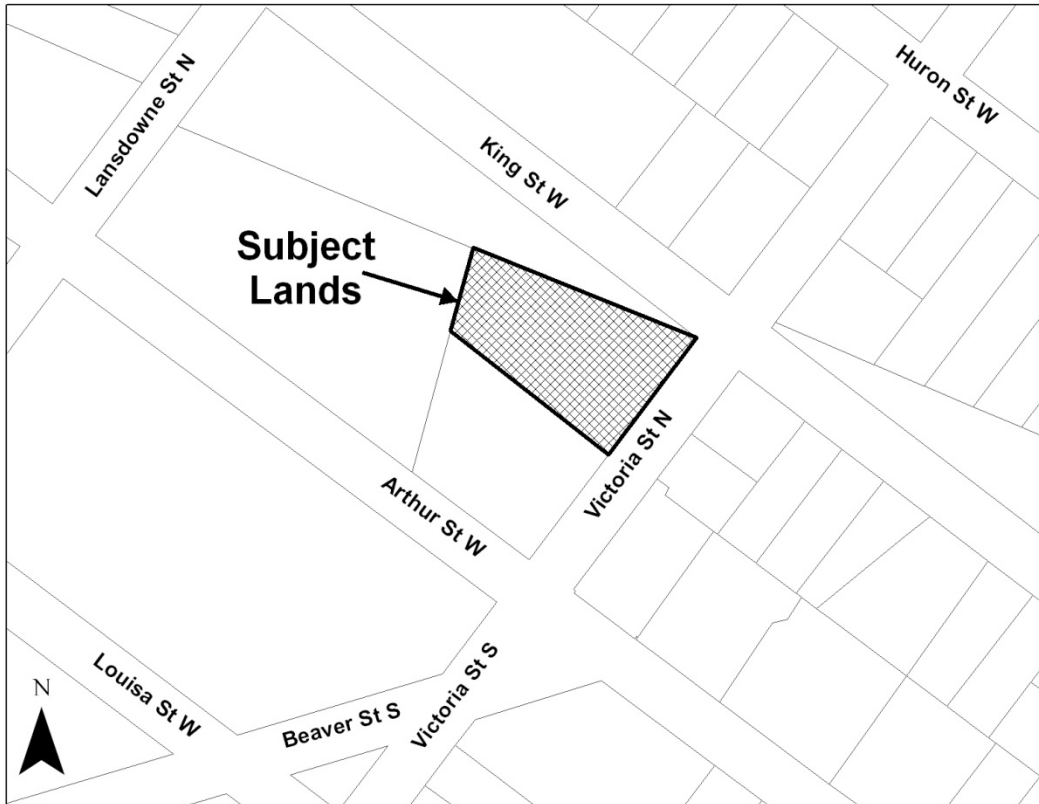
B. Background

The Planning Services Division has received an application for a Zoning By-law Amendment that proposes to rezone the subject lands for future commercial uses. There is no development proposed on this site at this time. The lands are currently designated commercial within the Town of The Blue Mountains Official Plan.

The subject lands are approximately 3534 square metres in size with road frontage on Victoria Street North. An adjacent lot located immediately south of the subject lands are also owned by the same company with access to Victoria Street North and to Arthur Street West. The lands are currently vacant with a watercourse flowing along the westerly property line.

Municipal Water and Municipal Sanitary Sewer are located along Highway 26 and Victoria Street North.

Location



Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. There do not appear to be any concerns of Provincial interest.

County of Grey Official Plan

The subject lands are designated Urban in the County of Grey Official Plan. The Goals and Objectives of the County Plan seek to enhance economic opportunities and to strengthen the role of the County as a desirable place to work, live and visit. 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 proposed Zoning By-law Amendment will comply with the County of Grey Official Plan.

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 area 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.

At this time no development is proposed on the lands. The owner is looking to better align the zoning on the lands with the intent and direction provided under the Town's Official Plan. The proposed amendment would also place the subject lands into the same zoning as what exists on the adjacent lands also owned by the applicant. It should be noted that additional approvals including Site Plan Approval are still required prior to any new development taking place on these lands. At such time as new development is proposed, an application for Site Plan Approval will be required which includes review through the Town's Development Review process..

Based on the foregoing, it is our opinion that the proposed Zoning By-law Amendment complies with the intent and direction of the Official Plan.

Town of Thornbury Zoning By-law 10-77

The lands are zoned Residential 'R3' within the Town of Thornbury Zoning By-law 10-77. The Residential 'R3' zone permits a single detached dwelling and uses, buildings and structures accessory thereto. Commercial uses are not permitted on the lands within the Residential 'R3' zone. A Zoning By-law Amendment has been submitted to rezone the property to the General Commercial 'C2' zone. The General Commercial 'C2' zone permits a wide range of retail, service, office, restaurant, hotel, gas station, and other commercial uses.

The Holding '-h' symbol has been proposed for the subject lands to ensure that a Site Plan Agreement is completed for the lands prior to any development taking place. It should be noted that Site Plan Approval will be required on the lands whether the Holding '-h' symbol is used on the property or not. The use of the symbol will also help to inform future landowners that Site Plan Approval will be required prior to any new development taking place on the lands.

It is our opinion that the proposed General Commercial 'C2-h' Zone is appropriate for the subject lands and that the uses permitted within the General Commercial 'C2' Zone are consistent with the direction provided under the Official Plan.

Additional Comments

The Public Meeting was held on October 3, 2011. Comments were received from the County of Grey Planning and Development Department, the Grey Sauble Conservation Authority, and an area resident.

The County has indicated that they have no concerns with the proposed amendment.

The Grey Sauble Conservation Authority has stated that a development permit will be required from their office prior to any development taking place on the lands. Part of the permit process will require that a Stormwater Management Plan be prepared through a future Site Plan Approval application. At this time, the Authority is recommending that the Zoning By-law Amendment include updated Hazard Land boundaries to recognize the watercourse along the westerly property line.

Verbal comments were received from an area resident with concerns regarding the appropriateness of rezoning the subject lands from Residential to Commercial. Additional concerns regarding the protection of the watercourse and future application process requirements including future public meeting requirements were raised.

In accordance with the policies and direction of the Town's Official Plan, it is Planning Division's opinion that the zoning of the subject lands should be brought into conformity with the Commercial 'COM' designation of the Official Plan. The Conservation Authority has reviewed the status of the watercourse and have recommended that a minimum 15 metre setback from the watercourse be mapped as Hazard Lands and maintained as permanent vegetative buffer. They have also indicated that prior to any development occurring on the lands that a permit will be required from their office to ensure new development does not interfere with the watercourse.

Should Council approve this Zoning By-law Amendment, an additional public meeting is not required under the Planning Act for Site Plan Approval. Section 11.9.8 to the Official Plan does provide Council with the opportunity to require a public meeting(s) prior to approval of any Site Plan for the purpose of informing and securing the views of the Public. These public meetings would essentially be for information purposes only and there are no provisions under the Planning Act to consider an appeal on a Site Plan application.

Based on the foregoing, it is the opinion of Planning Staff that the proposed By-law Amendment 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

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. Draft Zoning By-law

Respectfully submitted,

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960121 Ontario Inc.
Roll: 17-157-01

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2011 - _____

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 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 Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by rezoning the subject lands from the Residential 'R3' Zone to the General Commercial 'C2-h' Zone and Hazard 'H' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of TOWN PLOT PT LOTS 35 AND 36 N ARTHUR ST PT LOTS 35 TO 37 S KING ST RP 16R2841 PART 2; as indicated on the attached key map Schedule "A-1".
 - a. The removal of the Holding '-h' symbol on all, or a portion of the subject lands in accordance with Section 36 of the Planning Act shall be conditional upon Site Plan Approval and the execution of a Site Plan Agreement.
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 _____ day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

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

Enacted and passed this _____ day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2011.

DATED at _____ this _____ day of _____, 2011.

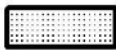

Signed: _____
Corrina Giles, Clerk

960121 Ontario Inc.
Roll: 17-157-01

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

-  AREA TO BE REZONED GENERAL COMMERCIAL 'C2-h'
-  AREA TO BE REZONED HAZARD 'H'

