

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Planning Committee
DATE: October 3, 2011
REPORT NO.: PL.11.107
SUBJECT: Application for:
Zoning By-law Amendment and
Site Plan Approval –
636697 Ontario Limited
Scenic Caves Nature Adventure
Part Lots 13 to 15, Concession 2 & 3
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning Committee receive Planning Staff Report PL.11.107, “Application for Zoning By-law Amendment and Site Plan Approval – 636697 Ontario Limited, Scenic Caves Nature Adventure, Part Lots 13 to 15, Concession 2 & 3, Town of The Blue Mountains”; and

THAT Council enact a Zoning By-law Amendment to:

- 1. modify Exception 45 to also permit a maximum 50 square metre train cover structure in addition to the existing buildings and structures located on the subject lands;**
- 2. modify Exception 154 to also permit a maximum 11 square metre refreshment stand and a maximum 750 square metre storage building in addition to the existing uses, buildings and structures located on the subject lands;**
- 3. modify the existing building envelopes on the subject lands to also include a storage building envelope and a suspension bridge / refreshment stand building envelope.**

THAT Council grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of a maximum 50 square metre train cover structure, 11 square metre refreshment stand and a maximum 750 square metre storage building.

THAT Council authorize the Mayor and Clerk to execute an Amending Site Plan Agreement to the November 4, 2010 Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Town’s solicitor.

B. Background

The Planning Services Division has received an application for a Zoning By-law Amendment and Site Plan Approval from 636697 Ontario Limited (Scenic Caves) that

proposes to establish three new structures on the property. The first is an 11 square metre refreshment stand to be located near the existing Suspension Bridge. The second is a 13.9 metre by 3.3 metre traditional covered bridge structure intended to cover existing sight-seeing train being used on the property. The third is a 24.4 metre by 30.5 metre storage building located south of the 15th Sideroad. The storage building is intended to house off-season equipment used by Scenic Caves. This By-law also proposes to relocate an existing building envelope for a viewing platform south east of the existing approved building envelope.

The property is located on Lots 13 to 15, Concession 2 and 3, located at the top of the escarpment off of Scenic Caves Road.

These applications build on the previous approvals in 2002 and 2009. The 2002 applications introduced some significant features to the resort including the suspension bridge, nordic trails for cross country skiing and snowshoeing, and eco adventure activities on the lands. In 2009, an office administration building and maintenance buildings were added to the lands.

Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that part of Building Strong Communities, consideration for Healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long term needs. In addition long-term economic prosperity must be supported by providing opportunities for sustainable tourism development. No other matters of Provincial Interest appear to be applicable for the proposed development.

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. The Grey County Plan also identifies the presence of Karst topography and an Area of Natural and Scientific Interest (ANSI). A Karst study has been completed by the applicant to the satisfaction of the County of Grey, and it is noted that the proposed relocation of the Viewing Platform will be located within 50 metres of an ANSI boundary. The remaining elements are located outside of the ANSI and buffer areas.

It is our opinion that the proposed buildings and structures save and except the viewing platform 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 Recreational Commercial REC, Escarpment E, Rural

R, and Hazard H. The majority of uses are located within the Recreational Commercial REC designation which permits recreational commercial uses including buildings and structures related to the commercial operation. Section 4.18.3 states that all development shall be located without disrupting the natural environment by removal of excess vegetation, and that adequate buffering shall be provided to ensure the visual protection and amenity of the area.

All buildings and structures are proposed in areas that require minimal tree removal. Buffering from existing vegetation and newly completed landscaping works, plus distance separation from adjacent properties and roads will also ensure the visual protection of the area. Therefore it is our opinion that the proposed buildings and structures will comply with the Town of The Blue Mountains Official Plan.

Zoning

The subject lands are zoned Recreational Commercial C4-45, Hazard H-154 and Rural A1-154 through By-law 2002-79 to the Township of Collingwood Zoning By-law 83-40. The Recreational Commercial C4-45 zone permits the lands to only be used for a commercial recreation use and uses buildings and structures accessory thereto. The Exception also limits expansion to 25% of the gross floor area of the existing buildings. The Hazard H-154 zone permits outdoor recreation uses and certain buildings and structures located within specific building envelopes on the property. Any additional buildings structures or major expansions require an amendment to the By-law.

A Zoning By-law Amendment has been submitted to establish new building envelopes within the Exception 154 lands for the proposed storage building, refreshment stand and viewing platform, and to also permit a train covered bridge structure within the Exception 45 lands. It is our opinion that the proposed By-law Amendment is appropriate for the subject lands.

Public Meeting Comments

The statutory Public Meeting was held on September 7, 2011. Comments were received from the County of Grey Planning and Development Department, the County of Grey Transportation and Public Safety Department, the Nottawasaga Valley Conservation Authority, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission and an area resident as follows.

The County of Grey has identified the presence of an ANSI and Karst features on the property. The County is satisfied that all of the proposed buildings and structures save and except for the Viewing Platform are located outside of the ANSI and adjacent lands. Additional information is required in order to permit the relocation of the Viewing Platform envelope. The County recognizes that a Karst assessment was completed through a previous application, and that no additional review is required. County Staff does note that precautions should be taken during construction that if Karst features are encountered, that necessary mitigative measures are taken.

The County of Grey Transportation and Public Safety Department have reviewed the proposed development and have no objections.

The Nottawasaga Valley Conservation Authority has provided comments indicating that they have no objections to the covered bridge structure, that depending on the final size of the refreshment stand a permit may be required from their office, and that additional information is required in order to permit the relocation of the viewing platform. The authority has noted that an ANSI, large woodland feature and significant escarpment slopes are in the area of the platform and that additional information is required in order to properly review any potential impacts.

Based on the comments received from the County of Grey and the Nottawasaga Valley Conservation Authority, Planning Staff recommend that the proposed relocation of the Viewing Platform be removed from the Draft Zoning By-law. An existing building envelope is already established for the Viewing Platform and will remain in place until such time as the concerns of the County and the NVCA can be addressed. The relocation of the Viewing Platform envelope will require a future application.

The Grey Sauble Conservation Authority has provided comments indicating that they have no objections to the proposed storage building.

The Niagara Escarpment Commission (NEC) has provided comments indicating that the lands are located within the Niagara Escarpment Plan Area, and are outside of the Development Control Area. Reviewing the proposed storage building, the NEC has concerns over the visual impact of the proposed height and exterior colour/finish of the building, and that these issues can be addressed through the Site Plan Approval application. The NEC have no objections to the proposed train covered building, refreshment stand, or relocation of the viewing platform.

Comments have been provided by an adjacent land owner who requested additional time to review any potential concerns they may have with the existing zoning on their property. Zoning By-law 2002-79 rezoned a portion of the property to also be used for trails related to the Scenic Caves. The land owner has responded that they have no concerns with the proposed Zoning By-law Amendment.

The Site Plan Agreement will require updated drawings including a more detailed Site Plan drawing for the proposed storage building, including the location, building finishes and other surrounding improvements. These drawings will also be shared with the Niagara Escarpment Commission to address their concerns. An updated Site Plan showing the location of the proposed refreshment stand is also required.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-law Amendment and Site Plan conforms to the intent and direction of the 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. Draft Zoning By-law Amendment

Respectfully submitted,

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

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 of the Planning Act, 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. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law 83-40 is hereby amended by deleting and replacing Exception 45 with the following:

"45 The lands affected by this exception may only be used for commercial recreational use and uses, buildings and structures accessory thereto.

A maximum 50 square metre train cover shall also be permitted in addition to the buildings that exist at the time of enactment of this By-law. Enlargement of those buildings that exist at the time of enactment this By-law is hereby permitted in accordance with the zone regulations however, such enlargement is limited to a maximum of 25% of the gross floor area that existed at the time of enactment of this By-law."

- 2. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law 83-40 is hereby amended by deleting and replacing Exception 154 with the following:

"154 These lands may also be used for outdoor recreation uses limited to hiking, cross country skiing, dog sledding, sleigh rides and a private park, including a maximum 11 square metre refreshment stand, a maximum 750 square metre storage building, a maximum 85 square metre accessory building to the trails, a tree-top canopy walk, a suspension bridge, and a viewing platform with a maximum height of 30.5 metres. These uses shall only be located on the subject lands in accordance with the building envelopes identified on Schedule "A-1". Additional buildings and accessory uses shall only be permitted through an amendment to this By-law."

- 3. 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

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

636697 Ontario Ltd. - Scenic Caves Nature Adventure
Roll #02-153-00

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

-  AREA AFFECTED BY THIS AMENDMENT
-  BUILDING ENVELOPE

