

**REPORT:** Planning & Building Services Department



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** August 3, 2011  
**REPORT NO.:** PL.11.72  
**SUBJECT:** Application for Consent  
File No. B09-2009 -  
The Cottages at Lora Bay  
(Keepers Cove)  
Lot 1 and Part of Lot 3, Plan 1032;  
Town of The Blue Mountains  
**PREPARED BY:** Bryan Pearce,  
Planner I

## A. Recommendations

THAT Council receive Planning Staff Report PL.11.72, "Application for Consent File No. B09-2009 – The Cottages at Lora Bay (Keepers Cove); Lot 1 and Part of Lot 3, Plan 1032; Town of The Blue Mountains"; and

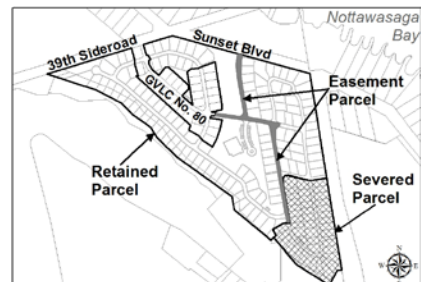
THAT Council authorize Consent No. B09-2009, subject to the following conditions:

1. That the Applicant meet all the requirements, financial and otherwise, of the Town for the Certificate of Consent to be issued.
2. That the Applicant provide a description of the land to be severed which can be registered in the Land Registry Office.
3. That the Applicant give to the lands to be severed an easement or easements, in a form(s) satisfactory to the Town, to provide vehicular and pedestrian access to and from Sunset Boulevard and to provide sewer, water and other services to the severed lands.

## B. Background

The purpose of Application for Consent File No. B09-2009 is to sever a 1.852 hectare residential parcel on the south-eastern portion of the property, containing trailers and mobile homes (Phase 5 of the draft plan); while retaining a 9.235 hectare residential parcel (remaining draft plan area).

These lands are comprised of the Draft Plan of Condominium 42-CDM-2006-11 with a total of 198 residential units. Not included in this area noted above is Phase 1 (units 1 to 30), as it has been registered as Grey Vacant Land of Condominium (GVLC) Plan No. 80.



The subject lands are located on the southeast corner of the intersection between 39<sup>th</sup> Sideroad and Sunset Boulevard with the subject lands being serviced by municipal water and sewer.

At the time of application the Owners were 1382491 Ontario Limited, c/o Jill Kitchen, President; Blevins Developments (Cove) Ltd., c/o Tim Blevins, President; Reid's Heritage Homes Limited; who have retained Krystin Rennie of Georgian Planning Solutions to act on their behalf since early 2011.

The lands to be severed are not intended to be owned by the two Corporations in this Partnership for this development. The severed parcel would be transferred to only 1382491 Ontario Limited, while the remainder of the lands would stay in the Partnership.

In support of the application, RHH provided a justification letter at time of submission.

## **Planning Comments**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

### **Provincial Interest – Legislation, Policy, Guidelines**

The PPS-2005 supports this proposal under Section 1.1.3 which states that *“settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted”*, as the subject lands are within the Lora Bay Urban Area, a designated settlement area within the Town.

### **County of Grey Official Plan**

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Urban within the County of Grey Official Plan, as Keepers Cove residential development is within the settlement area; and local land use policies and development standards shall apply.

Therefore it is Staff's opinion that the County Official Plan supports this consent proposal.

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

The Town of The Blue Mountains Official Plan designates the subject lands as Shoreline Residential Exception 18 (SR-18), as per Amendment #9. The Exception 18 policies permit a maximum of 212 residential units and other policies that relate to the development of a draft plan and the transitioning plan of the existing trailers on the site.

The servicing policies in the Official Plan require that all development, including lot creation, be connected to municipal water and sewage services within this service area. Municipal water and private sewage services are within the draft plan. Planning Staff recommend as a condition of approval that an easement be placed over these services, as noted further in this report.

The roads policies of the Official Plan required that all development, including lot creation, have access onto an open and assumed road. Being that the subject lands are within a draft plan, the severed parcel would not have access to an open and assumed road until the draft plan is registered. Planning Staff recommend as a condition of approval that an easement be placed over the existing road to give pedestrian and road access from Sunset Boulevard to the severed parcel, as noted further in this report.

Therefore, it would appear that the proposed consent conforms to the policies of the Official Plan, subject to the above noted conditions.

## **Zoning By-law**

The subject lands are zoned Residential (R1-6), Residential (R1-6-h), Private Recreational (PREC) and Private Open Space (OS2) within the Township of Collingwood Zoning By-law 83-40.

Given that the subject lands are proceeding by way of a draft plan, this would appear not to create any zoning compliance issues on the matter. The draft plan lands of the residential development are secured through the implementation of a holding symbol which requires the registration of the draft plan before it can be removed.

## **Additional Comments**

### **Agency Comments**

Comments were received from the County of Grey - Planning and Development Department; and Grey Sauble Conservation Authority (GSCA). These comments are summarized below.

The County of Grey - Planning and Development Department notes that the lands are affected by the approved draft plan of condominium. Planning Staff have been going through the draft plan conditions to ensure that the condominium process

won't be alienated as part of the consent process. In communications between the Agent, County Planning Staff, Town Planning Staff and Town Solicitor over the months notes that Phase 5 lands would still be part of the draft approval for the development and the owner would still need to satisfy the conditions of draft approval on the matter.

The GSCA has no issues of concern based on being part of the overall residential development plans of Keepers Cove.

### **Interdepartmental Comments**

Planning Staff notes that no interdepartmental comments have been received on these applications; and therefore no further issues of concern has been raised for this proposal.

### **Public Meeting Comments**

Based on the site visit conducted on April 6<sup>th</sup>, 2009, the placards for consent were posted as required under the *Planning Act*, along with a mail out circulation of the Notices to area assessed property owners.

The public meeting was held on April 6<sup>th</sup>, 2009, as required under the *Planning Act*. No additional comments were received through the Planning and Building Committee of Council with the public in attendance at the public meeting.

### **Written Correspondence Received From the Public**

No correspondence was received from the public on the proposal.

### **Additional Comments**

Planning Staff recommend that as a condition of approval to consent that the Applicant meet all the requirements, financial and otherwise, of the Town for the Certificate of Consent to be issued.

Further, Planning Staff recommend that as a condition of consent that the applicant provide a description of the land to be severed which can be registered in the Land Registry Office.

Further, Planning Staff recommend that as a condition of consent, that the Applicant be required to give to the lands to be severed an easement or easements, in a form(s) satisfactory to the Town, to provide vehicular and pedestrian access to and from Sunset Boulevard and to provide sewer, water and other services to the severed lands.

Planning Staff note that typical lot creation conditions of parkland dedication, development charges, entrance permit are not appropriate in this instance due to the existing draft plan approval affecting the subject property.

## Summary

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support this application for consent, subject to the conditions, as noted in this report.

## C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.72 is consistent and supports the following Strategic Plans Goals:

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

## D. Environmental Impact

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

## E. Budget Impact

N/A

## F. Attached

1. Draft Plan – Approved May 15, 2008
2. Draft Decision of Consent Application No. B09-2009

Respectfully submitted,

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Bryan Pearce, HBA, CPT  
Planner I  
32 Mill Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.269  
Fax: 519-599-3018  
[bpearce@thebluemountains.ca](mailto:bpearce@thebluemountains.ca)

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David Finbow  
Director of Planning & Building Services Department  
32 Mill Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.246  
Fax: 519-599-3018  
[dfinbow@thebluemountains.ca](mailto:dfinbow@thebluemountains.ca)





**THE CORPORATION OF THE  
TOWN OF THE BLUE MOUNTAINS  
DECISION ON CONSENT APPLICATION FILE NO. B09-2009**

**OWNER:** 1382491 Ontario Limited c/o Jill Kitchen, President; and Blevins Developments (Cove) Ltd., c/o Tim Blevins, President  
**APPLICANT:** Jim Dodd, Land Development Project Manager, Reid's Heritage Homes Ltd.  
**AGENT:** Krystin Rennie, Georgian Planning Solutions

**PURPOSE AND EFFECT:** The purpose of this consent is to consider a request to sever a 1.852 hectare residential parcel on the south-eastern portion of the property, containing the trailers and mobile homes (Phase 5 of the draft plan); while retaining a 9.235 hectare residential parcel (remaining draft plan area).

These lands are comprised of the Draft Plan of Condominium 42-CDM-2006-11 with a total of 198 residential units. Not included in this area noted above is Phase 1 (units 1 to 30), as it has been registered as Grey Vacant Land of Condominium (GVLC) Plan No. 80.

**LEGAL DESCRIPTION:** Lot 1 and Part of Lot 3, Plan 1032

**SEVERED PARCEL:** **FRONTAGE:** 0 m. **DEPTH:** irregular **AREA:** 1.852 hectares  
**RETAINED PARCEL:** **FRONTAGE:** 246 m. **DEPTH:** irregular **AREA:** 9.235 hectares

**HAVING ACCESS ON:** Open and Maintained Municipal Street (via an easement to Sunset Blvd); and Open and Maintained private condo road (via an easement to Anchor's Way)

The land is also subject to an application for: Official Plan Amendment           n/a            
 Zoning By-law Amendment           n/a          

**DECISION:** GRANTED PROVISIONAL CONSENT  
 (IF GRANTED, CONSENT EXPIRES TWO YEARS FROM CERTIFICATE OF CONSENT DATE)

**DATE OF DECISION:** \_\_\_\_\_, 2011

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In making the decision upon this application for consent, the Council of the Town of The Blue Mountains is satisfied that:

- The proposed lot creation would appear to conform with the direction of the Town of The Blue Mountains Official Plan and represents good planning.

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NOTICE - The last date for appealing this decision or any of the conditions is:

\_\_\_\_\_, 2011

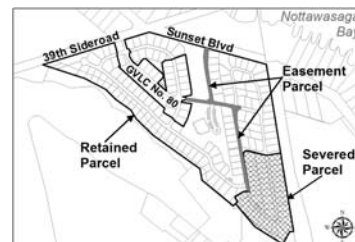
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IF PROVISIONAL CONSENT IS GIVEN, THEN THE FOLLOWING CONDITIONS MUST BE MET BY:  
 \_\_\_\_\_, 2012

1. That the Applicant meet all the requirements, financial and otherwise of the Town for the Certificate of Consent to be issued.
2. That the Applicant provide a description of the land to be severed which can be registered in the Land Registry Office.
3. That the Applicant give to the lands to be severed an easement or easements, in a form(s) satisfactory to the Town, to provide vehicular and pedestrian access to and from Sunset Boulevard and to provide sewer, water and other services to the severed lands.

Signature of Corrina Giles, Clerk,  
 Town of The Blue Mountains  
 32 Mill Street, Thornbury, Ont., N0H 2P0  
 Email: cgiles@thebluemountains.ca

Dated: \_\_\_\_\_, 2011



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Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Additional information regarding this consent may be obtained by attending the Office of the Town Clerk, 32 Mill Street, Thornbury, Ontario NOH 2P0 between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday, or by calling 888-258-6867 or 519-599-3131.

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**CERTIFICATION**

*Planning Act*, R.S.O 1990, c. P.13, Sec 53(17) and 53(24), as amended

I, Corrina Giles, Clerk of The Corporation of the Town of The Blue Mountains, certify that the above is a true copy of the decision of the Council of the Town of The Blue Mountains with respect to the application recorded therein.

\_\_\_\_\_  
Signature of Corrina Giles, Clerk  
Town of The Blue Mountains  
32 Mill Street, Thornbury, Ont., N0H 2P0  
Email: cgiles@thebluemountains.ca

Dated: \_\_\_\_\_, 2011

