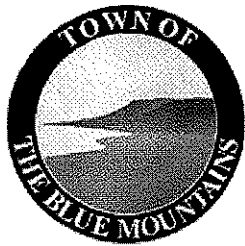


STAFF REPORT:

**The Town of The Blue Mountains Planning and
Building Services Department**



REPORT TO: Planning and Building Committee
DATE: April 6, 2009
REPORT NO.: PL.09.31
SUBJECT: Application for:
Official Plan Amendment,
Zoning By-law Amendment, and
Consent File No. B08, B09, B10-2008
Slopeside Development Inc.
Pt. Block A and Pt. Lot 57, Plan 733
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning and Building Committee receive Planning Staff Report PL.09.31, "Application for: Official Plan Amendment, Zoning By-law Amendment, and Consent File No. B08, B09, B10-2008, Slopeside Development Inc., Pt. Block A and Pt. Lot 57, Plan 733, Town of The Blue Mountains"; and

THAT Council grant Applications of Consent File Numbers B08-2008, B09-2008, and B10-2008 subject to the following conditions:

B08-2008

- 1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street**
- 2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.**
- 3. An Environmental Impact Study addressing the 'Special Policy Area' requirements of the County Official Plan to the satisfaction of the County of Grey.**
- 4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.**
- 5. The payment of Development Charges**
- 6. The payment of Parkland Dedication Charges**

B09-2008

1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street
2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.
3. An Environmental Impact Study addressing the 'Special Policy Area' requirements of the County Official Plan to the satisfaction of the County of Grey.
4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.
5. The proponent shall submit to the Town for its consideration and approval a detailed report and related implementation plan, prepared by a Professional Engineer licenced to practice in Ontario, with respect to measures necessary to be implemented to comply with the Ministry of Environment's Noise Guidelines with it being noted that this Report will be utilized by the Town's Chief Building Official for a proposal's compliance with applicable law in accordance with eh provisions of the Building Code Act.
6. The payment of Development Charges
7. The payment of Parkland Dedication Charges

B10-2008

1. The conditions of Consent Applications B08-2008 and B09-2008 being completed.

THAT Council adopt Official Plan Amendment No. 14 to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street.; and

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.

B. Background

The Planning Services Division received an application for Official Plan Amendment, Zoning By-law Amendment and three Consent applications that propose to create two

new vacant residential lots while retaining an existing residential lot containing a single detached dwelling.

The subject lands total 3887 square metres in size and are described as Part Block A and Part Lot 57 of Registered Plan 733. Existing mature trees are located along the northern property line and around the existing dwelling. The lands are also separated from the Blue Mountain Inn property by a small ridge with the subject lands being slightly higher than the Inn property. Water and Sewer services are available.

The lands are located off of an easement extending from Ann Heggveit Drive in the Craighleith area. Access to the proposed new lots is via an existing easement created in 1999 over Blue Mountain Resorts property to two of the lots proposed for the subject lands. Access to the third lot would occur over a new easement to be created on the subject lands.

Surrounding land uses include the Blue Mountain Inn and Conference Centre, plus related uses to the north. More specifically, the area immediately north of the subject lands contain a parking area, staging area for resort service vehicles, delivery area and garbage compactor facility. Blue Mountain Resorts has indicated that this area is their 'business end' of the Inn, and is a fundamental necessity to the ongoing operations and by its very nature generates a significant amount of activity and noise. Surrounding land uses also include ski runs and a parking area associated with Blue Mountain Resorts to the West and South. Existing single detached dwellings are located to the east, and an existing Bed and Breakfast within a single detached dwelling is also located immediately adjacent to the property to the south.

Plan 733 was registered in 1960 and created 57 lots and 2 blocks in the area now known as Ann Heggveit Drive, Jozo Weider Boulevard and Lucille Wheeler Crescent. An open and maintained public street, then known as Ann Heggveit Drive ran from its present location to County Road 19 at the base of the mountain. Subsequent changes to Plan 733 occurred including the removal of 4 lots for the creation of a parking area, and the reconfiguration of lot lines for the existing bed and breakfast property and subject property. Ann Heggveit Drive was also stopped up and closed by the municipality from behind the Blue Mountain Inn property and east of the property in order to accommodate an extension to an existing ski lift. As a result, an easement was created for the two residential lots. The easement also provided a third connection to the western portion of the subject lands.

Pre-consultation between the Owner/Agent and Planning Staff occurred in November 2007 where a number of options to develop the site were proposed. Four options were presented including proposals to 1) develop the lands under the current Official Plan and Zoning designations for a Hotel, or Lodge similar to the Blue Mountain Village Core; 2) to re-designate the lands for residential townhomes; 3) to consider a mix of hotel/lodge and townhomes, and 4) to create the three residential lots being proposed today. Planning Staff noted that the lands do not have frontage on an open and maintained street, are among low density single detached dwellings, and that a low density option would be preferred.

Planning Staff had also advised the Owner/Agent on a number of occasions that a pre-consultation meeting between them and Blue Mountain Resorts would be beneficial prior to them making application and proceeding to a public meeting.

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. The proposed development does not appear to be inconsistent with the PPS.

Planning Act

Section 53 of the Planning Act indicates that an owner of land may apply for a consent and the council may give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Council shall also have regard to the matters under Section 51(24) which establishes the criteria to be considered through a consent, and Section 51(25) which permits Council, in granting a consent, to impose conditions that relate to the creation of a new lot.

Planning Services Staff are satisfied that a Plan of Subdivision is not required in conjunction with the proposed consent, and that proper regard has been given to the criteria under Section 51(24).

Through the Town's Development Review Committee, Town Staff reviewed possible consent conditions. The conditions identified are:

- (a) That the lands be re-designated and rezoned to reflect the proposed development
- (b) That consideration for lands to be dedicated to the Municipality are not necessary.
- (c) The payment of Parkland Dedication.
- (d) The payment of Development Charges.
- (e) That an agreement between the land owner and Municipality is not necessary.

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.

It is our opinion that the proposal 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 Low Density Residential and Blue Mountain Resort Commercial in the Town of The Blue Mountains Official Plan. The Low Density Residential designation recognizes the portion of the subject lands that contain the existing single detached dwelling. The Low Density Residential designation permits residential development recognizing existing residential uses, and encouraging the building single detached dwellings on existing lots. Policies within the plan permit new lots for single detached dwellings where such lots have an area and frontage comparable to surrounding lots. (Section 4.8.4.1(2)). The remainder of the property is designated Blue Mountain Resort Commercial which recognizes the existing commercial accommodation and administrative functions within the Village. Permitted uses may include hotels, lodges or inns and support uses including restaurants, lounges, meeting and conference space, administrative and real estate sales offices, parking lots and recreational uses. (Section 4.8.4.4)

The creation of two new vacant residential lots for single detached dwellings would not be permitted under the Official Plan designation, and an Official Plan Amendment has been submitted as part of this application.

In considering the merits of an Official Plan Amendment, Council shall have regard for and be satisfied that the criteria outlined in Section 11.16.2 can be adequately addressed. The compatibility of the proposed development including minimizing any possible depreciating or deteriorating effect upon adjacent properties, natural resources or quality visual landscapes, the suitability and location of the land, and servicing must be considered.

It has been noted that the proposed development will occur immediately adjacent to the 'business end' of the Blue Mountain Inn property and that Blue Mountain Resorts (BMR) has raised concern related to potential land use conflicts between the ongoing operations of Blue Mountain Inn and the proposed development. BMR have indicated that trucks backing into and navigating through the Inn property, the proximity of a garbage compactor facility, and all other normal operations of the Inn generate noise which may occur throughout the day and night. They have further advised that new development located adjacent to the Inn property should be properly buffered in order to minimize any adverse impacts. An existing 'natural buffer' exists between the two properties through some existing trees and a change in elevation. It is our opinion that this buffer does not provide enough separation between the two uses, and that the buffer should be improved including additional plantings and a noise barrier.

Section 7 of the Plan establishes the 'Roads Policies' to ensure the safe and efficient movement of both vehicles and pedestrians throughout the municipality. New development shall only be permitted where there is direct frontage and access onto a year round appropriately maintained road (Section 7.2(7)). The plan prohibits new lot development on private roads unless development occurs on an existing lot with an existing right-of-way and that Council is satisfied that such access is acceptable and leads directly to a public road maintained on a year round basis. Private roads may also be considered under a common elements condominium. New lot development on a Private Road is also included in the Official Plan Amendment submitted to the Town.

In reviewing the merits of the Consent Applications, Section 9 to the Official Plan establishes policies for the subdivision of land. New lots shall generally be in-keeping with the character of the surrounding area.

It is recognized that the proposed Official Plan Amendment represents a 'down-designation' of the property from more intensive types of uses such as a multi-unit residential lodge and/or hotel, restaurant and/or commercial uses to low density residential uses. Single detached dwellings can be considered compatible with the surrounding residential uses, and that land use conflicts between Resort Commercial uses and residential uses will exist whether it is between Blue Mountain Resorts or a new Resort Commercial use and the surrounding residential properties. Looking to the issue of access, the Official Plan places significant emphasis to ensure new development takes place on an open and maintained public street. Year round access for emergency services, garbage, mail delivery, winter maintenance must be assured, which is typically done through an open and maintained municipal street. In this case, the Town will not assume the easement as a municipal road due to land constraints for proper road width and turning circle. Again, it is recognized that the existing easement already provides access to the Resort Commercial lands on the subject property, and that the impacts on the easement, and related access requirements would all be minimized through low density residential uses.

It is therefore the opinion of Planning Staff that the proposed Official Plan Amendment to re-designate the lands from Blue Mountain Resort Commercial to Low Density Residential in order to permit the creation of two residential lots is compatible with the surrounding residential uses, and provided that an appropriate noise barrier and tree planting/retention occurs, the proposed use of land can exist without conflict with the adjacent commercial Inn use, and would represent an appropriate form of development.

Zoning

The subject lands are zoned Residential 'R3' and Village Core Resort Commercial 'C7' within the Township of Collingwood Zoning By-law 83-40. The Residential 'R3' zone permits single detached dwellings, and recognizes the existing dwelling on the property. Schedule 'AA' to the By-law states that lots must include a minimum frontage of 18 metres, a lot area of 550 square metres, maximum lot coverage of 30%, setbacks of 7.5m from the front, 9m from the rear and 2m from the sides. The maximum height for a new dwelling is 2.5 storeys. The Village Core Resort Commercial 'C7' zone permits a wide range of resort commercial uses including accommodation uses such as hotels, lodges and inns. Retail and service commercial uses, places of entertainment, restaurants and convention facilities.

Lot development requirements of Section 5.8(a) to the By-law states that land shall not be used for any permitted use unless the lot fronts and has direct access to an improved public street.

A Zoning By-law amendment has been submitted to rezone the subject lands from the

Village Core Commercial 'C7' zone to the Residential 'R3' zone, and to permit lot development on land that does not have frontage and direct access to an improved public street.

The proposed new lots meet the minimum frontage and area requirements of the R3 zone. A minimum of 300 sq m (3000 sq ft) of ground floor buildable area is available on the new lots, which would permit a new home with a total floor area of 700 sq m (7500 sq ft) if built to the maximum permitted lot coverage.

It is our opinion that the proposed Zoning By-law Amendment will permit the proposed development of two new vacant residential lots.

Additional Comments

Comments were received from the County of Grey Planning and Development Department, the Grey Sauble Conservation Authority, Blue Mountain Resorts and Area residents.

The County of Grey has indicated that they generally do not support the creation of new lots that do not have access to an open and maintained public road. However, should Council allow the consents with access over an easement, they shall be assured that all services and year round access can be obtained by each of the lots. The County also notes that the property is located within their 'Special Policy Area' and that an Environmental Impact Study 'EIS' is required to address the presence of shallow overburden with karst topography. The County also suggests that approving all applications together would be premature until such time as the local Official Plan Amendment is approved. Planning Services Staff are of the mind that a comprehensive review and approval process for the lands is necessary in order to address all issues at this time and provide some certainty to all stakeholders.

Comments from the Conservation Authority indicate that there is a drainage channel along the northern property boundary, and that there is also a surface drainage channel through the middle of the property. Their recommendation is that an engineered drainage and grading plan be prepared to ensure that any increase in drainage from the subject development can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties. There is currently a treed buffer area along the north property line and this buffer should be retained for water quality purposes.

Blue Mountain Resorts has provided detailed comments on the proposed amendments and consents. Referring to various sections within the Official Plan, they have provided an opinion that the long range view for land uses in the area places emphasis and priority on the tourism sector and the maintenance and expansion of tourism and recreational facilities. It was noted that the subject lands have an integral position in the potential for a longer term linkage between Blue Mountain Inn and the Village. Blue Mountain Resorts has also reiterated the potential land use conflicts between the ongoing daily operations of the Blue Mountain Inn and new single detached dwellings.

In particular, by bringing additional homes closer to the Inn operations will create an increase in noise/nuisance complaints and may put a future obligation on to Blue Mountain Resorts to remove or reduce their current operations in that area. Planning Services Staff note that the subject lands were contemplated to form part of the original Inn expansion and were available to BMR to purchase from time to time over the years.

Comments were also received from four surrounding property owners. The letters provide general support for the proposed applications, with a note that the properties should be restricted from becoming short term rental properties. Two of the letters also suggest that a maximum of one new single detached dwelling should be permitted, and not two.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Official Plan Amendment, Zoning By-law Amendment, and Consent applications conforms to the intent and direction of the Town of 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. Location Map
2. Official Plan Amendment
3. Zoning By-law Amendment

Respectfully submitted,

Shawn Postma, Planner II
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.248
1-888-258-6867
F: 519-599-3018
spostma@thebluemountains.ca

David Finbow, Director, Planning & Building Services
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.246
1-888-258-6867
F: 519-599-3018
dfinbow@thebluemountains.ca