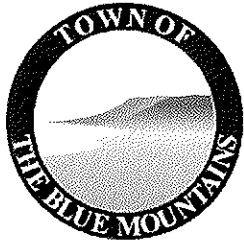


**STAFF REPORT:**

**Planning and Building Services Department**



**REPORT TO:** Planning Committee  
**DATE:** May 4, 2009  
**REPORT NO.:** PL.09.38  
**SUBJECT:** Application for Zoning By-law Amendment  
Lampton Greens Corporation  
(Lora Bay Heights)  
Lots 47 & 48, SW King Street  
Lots 47 & 48, Part of Lots 49 & 50 NE  
Arthur Street  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Planning Committee receive Planning Staff Report PL.09.38, "Application for Zoning By-law Amendment– Lampton Greens Corporation (Lora Bay Heights), Lots 47 & 48, SW King Street and Lots 47 & 48, Part of Lots 49 & 50 NE Arthur Street, Town of The Blue Mountains"; and**

**THAT Council enact a Zoning By-law Amendment to rezone the subject lands from the Development (D) zone and Hazard (H) zone to the Residential Multiple (RM1-h) zone and Hazard (H) zone.**

**B. Background**

The Planning Services Division received an application for a Zoning By-law Amendment by Lampton Greens Corporation that proposes to rezone the subject lands from the Development (D) zone to the Residential Multiple (RM1-h) zone in order to permit a proposed 29 unit townhome development. A number of exceptions to the RM1 zone are also proposed in order to meet the intended density and design of the overall development.

No other applications have been received by the Town on this proposal.

The subject lands are located on Peel Street North, just north of Highway 26. Surrounding land uses include future residential development lands to the east and north, the Georgian Trail and Highway 26 to the south, and the first phase of the Trailwoods development to the west. The subject lands themselves have an area of approximately 1.16 hectares and 53.5 metres of frontage onto Peel Street North. An existing single detached dwelling and detached garage are located in the northwest corner of the property and a tributary to the Little Beaver River flows through the south end of the property. The property also contains a small ridge that falls towards the unopened King Street road allowance.

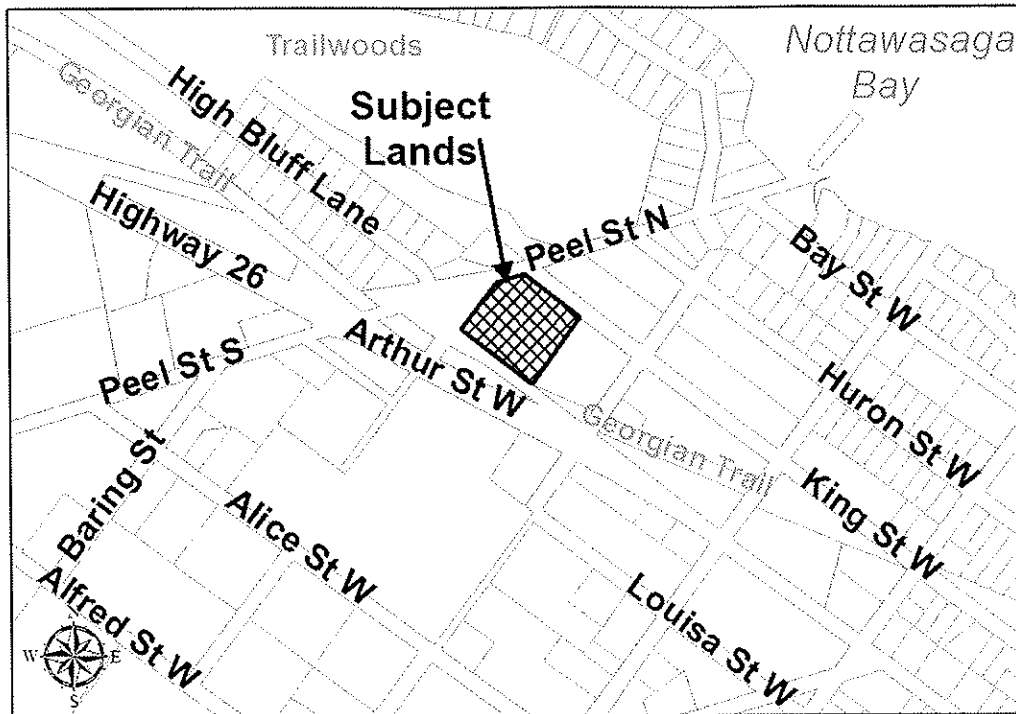


Figure 1: Location

Municipal water and municipal sewers front the subject property.

As part of this application for Zoning By-law Amendment a concept plan has been submitted outlining the general layout of the property including access, driveways, visitor parking and the location of the actual 29 units. (See Fig.2 next page). The concept plan also shows the proposed realignment of the watercourse further south on the property. This realignment proposes to improve the watercourse into a more naturalized valley corridor while also allowing for additional development potential of the adjacent lands. In addition to the concept plan, a Planning Justification Report prepared by Travis and Associates Inc., a Letter of Intent to Implement Compensation, Mitigation and Monitoring Measures for the Harmful Alteration, Disruption or Destruction of Fish Habitat – Lora Bay Heights Proposed Channel Realignment, Town of The Blue Mountains, ON prepared by Gartner Lee Ltd., and a Guideline D-4 Study prepared by Henderson Paddon and Associates Limited have been submitted. Elevation drawings and streetscape drawings have also been included describing the possible look of the development.

### **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. Focusing growth in settlement areas and using land more efficiently can lead to more lively and vibrant communities, less traffic congestion and improved air quality. To accomplish this, land shall be efficiently used, with consideration for intensification, redevelopment, mix of

uses and densities that ensure appropriate development will take place. The PPS gives priority to compact form, redevelopment, intensification and brownfield development.

The intensification of the lands for townhomes, including the realignment of the watercourse in order to maximize the developable area of the property would appear to be consistent with the Provincial Policy Statement.

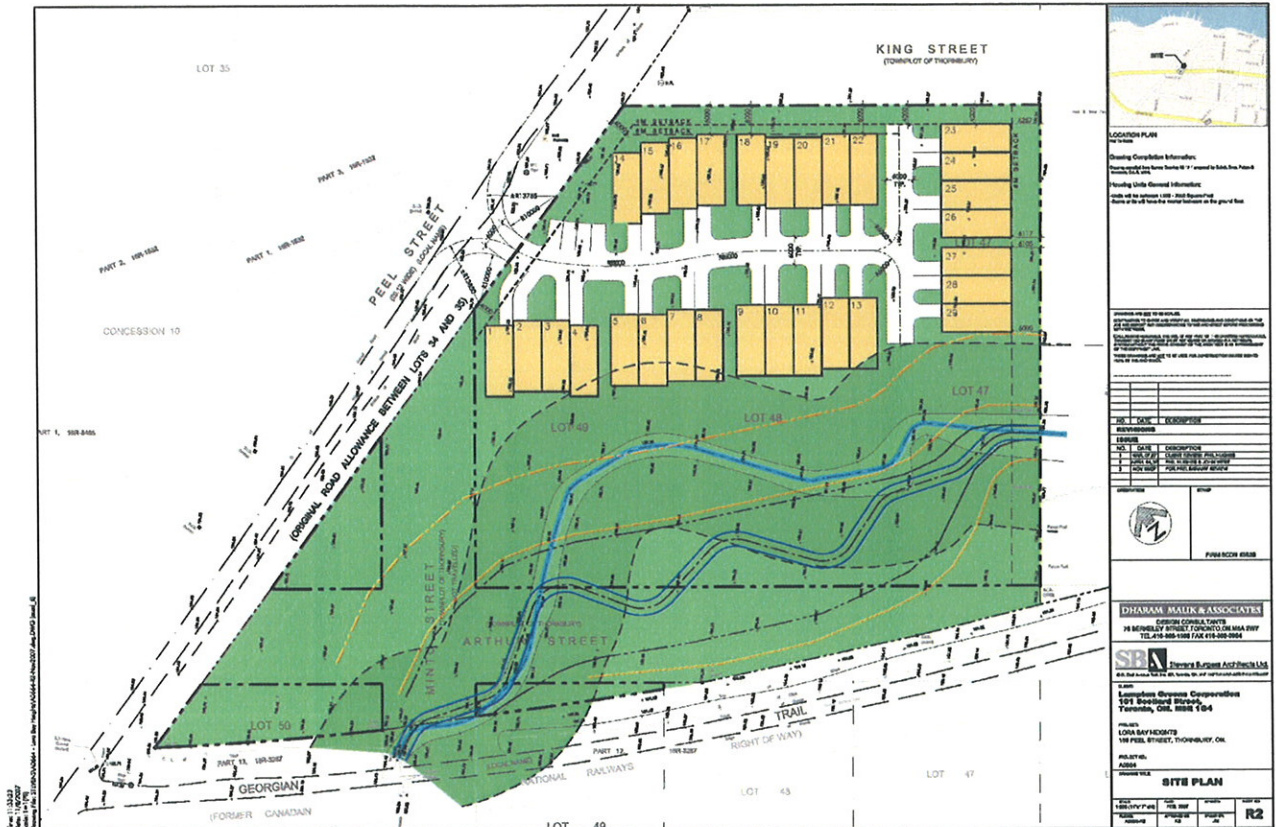


Figure 2: Concept Plan

### County of Grey Official Plan

The subject lands are designated Urban in the County of Grey Official Plan. Section 2.6 of the County Plan identifies settlement areas (including those lands designated Urban) as lands slated for development. So long as land use compatibility is maintained and natural resources and the environment are protected, development is promoted and encouraged in this designation. Section 2.6.3 states that land use policies and development standards in areas designated urban will be in accordance with local Official Plans.

It is our opinion that the proposed townhome development will comply with the County of Grey Official Plan. Comments from the Grey County Planning Department are summarized later in this report.

## The Blue Mountains Official Plan

The subject lands are designated Residential as part of the Thornbury Urban Area in the Town of The Blue Mountains Official Plan. The purpose of the Residential designation is to provide for a wide range and densities of residential use and development. Permitted uses and densities range from single detached dwellings to low rise apartment structures. In general, the densities shall reflect the following:

10 – 15 units per hectare	Single detached dwellings
15 – 25 units per hectare	Semi-detached / duplex dwellings
25 – 40 units per hectare	Town house dwellings and link housing
40 – 60 units per hectare	Low rise apartments generally not exceeding 3 stories

Section 4.27.3.1(4) of the Plan establishes policies specific to townhome development stating that townhouse and low rise apartments shall be directed to areas where there will be direct access or minimal distance to a collector or arterial street as identified in this plan in order to minimize traffic movement through any lower density areas. All townhouse and apartment development shall make provision for sufficient buffering in the form of vegetal plantings, distance separation, fencing or other suitable methods in order to minimize potential land use conflicts with adjacent land uses and to appropriately screen the development from roadways while ensuring compatibility with the visual character of the community.

In addition to a Zoning By-law Amendment to permit the proposed development, the Plan also requires Site Plan Approval from the Town prior to proceeding. It is also anticipated that the development will proceed under a Plan of Condominium, and so Draft Plan Approval from the County of Grey will also be required prior to proceeding.

The Thornbury Urban Community provides a range of densities and housing types in the Residential designation. It is anticipated that the final decision as to the appropriate form of development for each property be reviewed on a case by case basis as to its merits and the relation to the property itself and the surrounding properties it may affect.

The proposed density of 29 units could be accommodated on the subject lands provided that the watercourse is realigned. Based on the proposed stream location, approximately 0.94 hectares of land is available for development. At a density of 25-40 units per hectare, 23-37 units could be considered. Therefore, the proposed 29 units is on target, and in compliance with the Official Plan.

Section 7 of the Plan establishes the Roads Policies for the Municipality and identifies the proximity of Provincial Highway 26 to the subject lands. Highway 26 is identified as, a long distance, high speed traffic corridor. The development has access to Highway 26 via Peel Street North, which will not create any additional traffic movement within lower density areas of the area. It is recognized that intersection improvements will occur at the Peel Street and Highway 26 intersection, and that these improvements will not affect the proposed development. It should also be noted that any development within 395 metres of the centreline of a Provincial Highway intersection shall be subject

to the safety and geometric requirements of MTO and that prior to any development or grading, the proponent must obtain the necessary permits from MTO.

Looking to the issue of buffering, the proposed townhome development is located in an area that can include significant buffering along the Arthur Street / Highway 26 street side through the works proposed through the realignment and rehabilitation of the watercourse. It is our opinion that the significant setbacks, plus the landscaping requirements along the watercourse all help to buffer the development from Arthur Street / Highway 26. The matter of noise attenuation will also be further addressed through the Draft Plan of Condominium.

Streetscape renderings for the Peel Street side were completed by NORR Architects and provided to the Town for review. These drawings were provided to illustrate the visual impacts of the development including the reduced front yard setback from Peel Street North. Upon review of these plans it does not appear that a reduced setback can be supported at this time. Without a more comprehensive Site Plan and Landscape Plan showing the actual locations, elevations, massing and height of the proposed units, and the proposed methods to buffer the units, we are unable to determine if a suitable buffer may or may not be available between Peel Street North, the unopened King Street Road Allowance, and the future development property to the east. It is also premature to assess the visual impact of the height of these units. The Zoning By-law permits a maximum of 3 stories and the drawings appear to indicate 2 to 2½ storey units. Once the details of the proposed units become clearer and a detailed landscape plan is completed, a future Zoning By-law Amendment or Minor Variance could be considered to review the reduced setbacks.

Section 2.2 establishes the environmental goals and objectives for the Municipality. The Plan recognizes the appearance and quality of the diverse physical environment as an important asset within the Town. A healthy environment is fundamental, and the maintenance and enhancement of the quality and quantity of surface water and groundwater resources shall be promoted. The Grey Sauble Conservation Authority completed a preliminary review of the development proposal in January 2007 and noted that the watercourse is a tributary of the Little Beaver River, is known to provide a migratory route for rainbow trout and a 30 metre setback from this watercourse is recommended to aid in the protection of fish habitat and water quality. These comments were reiterated in September 2008 and as a result an Environmental Impact Study was completed by Gartner Lee Limited. The EIS concluded that the creation of a meandering channel within a shallow valley corridor is expected to improve both aquatic and terrestrial habitat on the subject property, while allowing for the development of adjacent lands. Numerous habitat enhancements are proposed, as well as a construction strategy that minimizes potential impacts to aquatic habitat. This EIS has been circulated to the Grey Sauble Conservation Authority and the Department of Fisheries and Oceans (DFO) for their review. DFO provided their authorization for the realignment and rehabilitation works on April 20, 2009. This authorization also includes numerous conditions to ensure that the works are completed in accordance with the EIS. Town Staff are therefore satisfied that the proposed rehabilitation and realignment works will substantially improve this section of existing watercourse.

## Zoning

The subject lands are zoned Development 'D' and Hazard 'H' within the Town of Thornbury Zoning By-law, being By-law No. 10-77. The Development 'D' zone is used primarily as a holding type zone until such time as development reaches the area and a Zoning By-law Amendment is required to permit new development. In the interim permitted uses including one single detached dwelling (on a lot existing as of the date of passing of the By-law) and a home occupation.

A Zoning By-law Amendment to rezone the lands to the Residential Multiple 'RM1-h' zone has been submitted to the Town. The RM1 zone would permit semi-detached, duplex, triplex, fourplex and townhouse dwellings. Townhouse dwellings are subject to the following regulations:

	Regulation	Proposed
Maximum Lot Coverage	35%	
Maximum Number of Units	1 per 278 sq m of lot area (41 units based on 1.16ha)	29 units
Front Yard Setback	7.5 m	4.0 m
Side Yard Setback (exterior)	7.5 m	4m / 4m / 40.2m
Rear Yard Setback	10 m	6m
Maximum Height	3 stories	3 stories

As stated previously, it is our opinion that the proposed reduction in the front, rear and exterior side yard setbacks is premature until such time as a site plan and landscaping plan has been submitted to the Town for review. In addition, it is our opinion that based on the site characteristics, and the maximum height permitted under the zoning by-law, a new height limitation of 2 ½ storeys should be incorporated into the Zoning By-law to reduce the overall visual impact of the townhome units.

With respect to the grade change at the northerly property line, and in order to accommodate the proposed development, a retaining wall and/or terracing are required. The proponent has provided the Town with a proposed concept reflecting terracing in light of concerns raised by Town Staff with respect to the original proposed retaining wall. To ensure that the terracing scheme is executed, and out of an abundance of caution, the Zoning By-law Amendment contains a provision identifying that a retaining wall with an exposed height exceeding 0.6 metres is a building or structure and subject to the setback requirements of the Zoning By-law.

The lands are also zoned Hazard 'H' recognizing the existing watercourse, and 30 metre setback. It has been stated that Town Staff are satisfied with, and support the proposed realignment and rehabilitation and the increase in additional development

lands. However, until such time as the watercourse has been realigned and the works completed, the lands cannot be rezoned for development. A subsequent Zoning By-law Amendment will be required.

It is therefore our opinion that the proposed Zoning By-law should be amended to maintain the existing zoning provisions for front, rear and side yard setbacks, that the maximum height of the townhomes should be reduced to 2 ½ storeys, and that the existing watercourse and 30 metre setback remain Hazard 'H' until such time as the watercourse realignment works are completed.

### **Additional Comments**

Comments were received from the County of Grey Planning and Development Department indicating that the subject lands are located within 500 metres of an existing/known abandoned landfill site. The County was provided with a D-4 study and is satisfied that the environmental concerns related to the landfill have been adequately addressed. The County has also noted that they have only completed a conceptual review of the development, and that any Zoning By-law Amendment may require further amendments after the application for Plan of Condominium is submitted, along with the additional required studies. The County has also reiterated that should council decide to grant this amendment that the Holding '-h' symbol be added, stating that servicing capacity does not exist at this time.

The Grey Sauble Conservation Authority (CA) has provided comments indicating that the watercourse flowing through the lands is a cold water stream and that a 30 metre setback is required. The lands are also located within the CA's regulated area, and prior to any site development, a permit is required from their office. Additional comments from the Conservation Authority will be required on the watercourse realignment, but are not required for this amendment application until the works are completed and a subsequent application is submitted to rezone the affected lands from Hazard to Residential Multiple.

Comments were also received from a large number of surrounding residents during the September 2008 Public Meeting. The predominant issues raised include the following: the proposed density of development is too high, the permitted height under the requested zoning is too tall, the development is not in character with the surrounding residential uses, that the watercourse realignment will have negative effects on the watercourse, the condition of Peel Street and the visibility on and off the property is poor, the lack of sufficient visitor parking, and the potential increase in traffic on the local area.

Comments were also received through the Town's Development Review Committee including the requirement for the watercourse realignment to achieve the density proposed. It was noted that the watercourse realignment must be reviewed in greater detail including the impact of the realignment on Town owned lands and the future development of adjacent lands. The 30 metre setback requirement from the

watercourse will encumber adjacent lands, and Town Staff must address the compensation for this encumbrance given the derived benefit.

The original development proposal included a substantial retaining wall along the northern property line. It was noted that the height of the wall is problematic from a public infrastructure and visual perspective. The proponents engineers have prepared revised drawings to illustrate that the height of the wall can come down. These revised drawings were conceptually reviewed by Planning and Engineering Staff. It would appear that the height of the retaining wall can be significantly reduced, but further engineering design is required. In order to maintain the intended low height profile of the retaining wall, a section can be added to the Zoning By-law Amendment to limit the height of any retaining wall to a maximum of 0.6 metres in height.

The Development Review Committee also provided preliminary comments on locations and space available for both visitor parking and for snow storage. Both of these elements will need to be addressed during the Plan of Condominium process, and will be reviewed at that time. It should be noted that additional visitor parking should be accommodated on the lands based on the anticipated use of these units as full time and part time residences and where more than one unit may require additional visitor parking especially during peak weekend periods.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-law amendment conforms to the intent and direction of the The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff supports this application 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. 10-77  
which may be cited as "The Zoning By-law of the  
Town of Thornbury".

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 36 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. 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 Development (D) Zone and Hazard (H) Zone to the Residential (RM1-h) Zone and Hazard (H) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Lot 47, 48 S/W King Street; Lot 47, 48 and 49 and Part Lots 49 and 50 NE Arthur Street, as indicated in cross-hatching on the attached key map Schedule "A-1".
  - a. In accordance with Section 36 of the Planning Act R.S.O. 1990 c-P.13, as amended, the holding '-h' symbol shall not be removed from the whole or part of the lands until such time as:
    - i. Site Plan Approval has been granted under Section 41 of the Planning Act, including the execution of a Development Agreement.
    - ii. Municipal water and sewer servicing allocation being available.
2. Notwithstanding the provisions of Section 11.1, Townhouse dwellings shall only be permitted on those lands zoned Residential Multiple RM1-h as identified in Section 1 to this By-law.
3. Notwithstanding the regulations for Townhouse Dwellings of Section 11.5 to the Zoning By-law, the following shall apply for those lands identified in Section 1 to this By-law:
  - a. The maximum height shall be 2 ½ storeys.
4. Notwithstanding any other provision to the Zoning By-law, a retaining wall with an exposed height exceeding 0.6 metres shall be deemed to be a building or structure and therefore subject to the setback requirements of the Zoning By-law for those lands identified in Section 1 to this By-law.
5. 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 \_\_\_\_\_, 2009.

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

\_\_\_\_\_  
Stephen Keast, 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 \_\_\_\_\_, 2009.

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Stephen Keast, Clerk

# Town of The Blue Mountains

## Key Map Schedule A-1

### By-Law No. 2009-\_\_\_\_\_



Area to be Rezoned Residential Multiple 'RM1-h'



Area to be Rezoned Hazard 'H'

