

STAFF REPORT: **Town of The Blue Mountains Planning Department**



REPORT TO: **Planning Committee**
DATE: **June 1, 2009**
REPORT NO.: **PL.09.58**
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.09.58, “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 modify Exception 45 to also permit a maximum 140 square metre, one storey office building to be located a minimum distance of 16 metres from the front lot line.

THAT Council defer a decision on the remaining components of the proposed By-law which included the following:

- 1. Modify Exception 45 to also permit two accessory maintenance and storage buildings with a maximum floor area of 160 square metres.**
- 2. Establish building envelopes within the Rural A1-154 zone for the Maintenance and Storage Building as well as relocating the viewing platform.**
- 3. Rezone a portion of the lands to the Hazard H-154 zone and to establish a building envelope for the skating rink, skating loop, and two accessory buildings.**
- 4. Modify Exception 154 to also permit the skating facilities, and to permit the maintenance and storage building to have direct access via an unopened road allowance.**
- 5. To apply the Holding ‘-h’ symbol to ensure requirements for Site Plan Approval.**

THAT Council grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of a maximum 140 square metre office building with washrooms (identified as Building 1) and associated parking in accordance with the Site Plan drawing “Building 1 and addition to Eco-Adventure Building, identified as Figure No. 1, Prepared by Travis and Associates Inc., and dated March 2009”; and

THAT Council authorize the Mayor and Clerk to execute an Amending Site Plan Agreement to the May 4, 2004 Site Plan Agreement in a form approved by the Director, Planning & Building Services and the 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 expand on the uses currently on the property.

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

The purpose of the By-law and Site Plan Approval applications are to permit the following new buildings and uses:

1. 135 sq m office building,
2. 112 sq m maintenance building,
3. 55 sq m storage shed,
4. 225 sq m storage/maintenance building,
5. Skating rink plus skating loop complete with a 55 sq m utility building and 112 sq m change room/washroom building,
6. Night lighting of some Nordic Trails, and the
7. Addition of a second 792m (2600 ft) "Zip Line"

The By-law also proposes to permit the proposed Office Building within the required setback from the Centreline of a County Road and to relocate a viewing platform that was approved in 2002.

The Application for Site Plan Approval has been submitted for the construction of the office building and the addition of a washroom/utility room next to the Eco-Adventure building. It is intended that additional applications for Site Plan Approval will be made for each additional phase of development when those details are available.

These applications build on the previous approvals in 2002 which 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.

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 the an Area of Natural and Scientific Interest (ANSI). A Karst study has been completed by the applicant, and it is noted that the proposed development will occur outside of the ANSI areas and buffer areas.

It is our opinion that the applications 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, and buffering from existing vegetation plus distance separation from adjacent properties and roads will ensure the visual protection of the area. Therefore it is our opinion that the proposed buildings, structures and uses 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 permit a series of office/maintenance/storage buildings, as well as some new uses. These uses and buildings have specific locations, and building envelopes are proposed to permit them in these locations. The holding '-h' symbol are proposed to address Site Plan Approval requirements and Karst assessments as required.

Public Comments

The statutory Public Meeting was held on May 4th 2009. One issue was raised regarding trail connections between Scenic Caves Road and the 12th Sideroad. It was noted that the Bruce Trail was relocated to their 'Optimum Route' over the subject lands during the previous By-law process in 2002. However, the Bruce Trail only provides a trail linkage for Hikers, and that there is no connectivity for other trail users. It is noted that a portion of unopened road allowance runs through the subject lands providing a corridor for a trail connection from Scenic Caves Road to the 12th Sideroad. However, this road allowance runs through portions of the main activities at Scenic Caves Resort, and that a land swap for lands in an alternative location may benefit both the Town and owner. Town Staff will follow up with the Owner regarding this land swap, but it is recommended that it not affect the By-law being requested now.

Agency Comments

Comments were received from the County of Grey Planning and Development Department, County of Grey Transportation and Public Safety Department, the Nottawasaga Valley Conservation Authority and the Grey Sauble Conservation Authority as follows.

The County of Grey has identified the presence of an ANSI and Karst features on the property. The County is satisfied that the proposed development is located outside of the ANSI and adjacent lands, and that the Karst assessment completed by Jagger Hims Limited for the new administration building is sufficient. It is noted that additional Karst assessments will be required for the remaining new construction proposed, and that the holding '-h' symbol should not be removed until those studies are completed.

The County of Grey Transportation and Public Safety Department have reviewed the proposed development and have no objections, provided that any new structures on the site are located no closer than 23 metres from the centerline of Scenic Caves Road (Grey Road 119).

The subject lands are partially located in both the Nottawasaga Conservation Authority and the Grey Sauble Conservation Authority jurisdiction. Both Conservation Authorities raised concerns over permitting new development in the Hazard areas without more detailed background information and analysis being provided. Additional information has been provided by the applicant to the Conservation Authorities who are currently reviewing those details. Although formal comments have not yet been received, correspondence with the authorities has indicated that there are only minor concerns related to the proposed office building. It is our opinion that these concerns can be addressed, and that approvals are still required from the Conservation Authority through their permit process. With regards to the remaining buildings, structures and uses on the property, it is our opinion that council defer a decision until such time as the additional information provided to the Conservation Authorities has been provided and formal comments received. It should be noted that some of these buildings, structures and uses are inside the Conservation Authorities regulated areas and some are not.

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

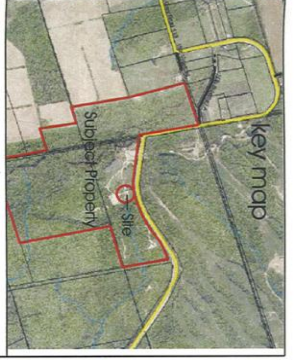
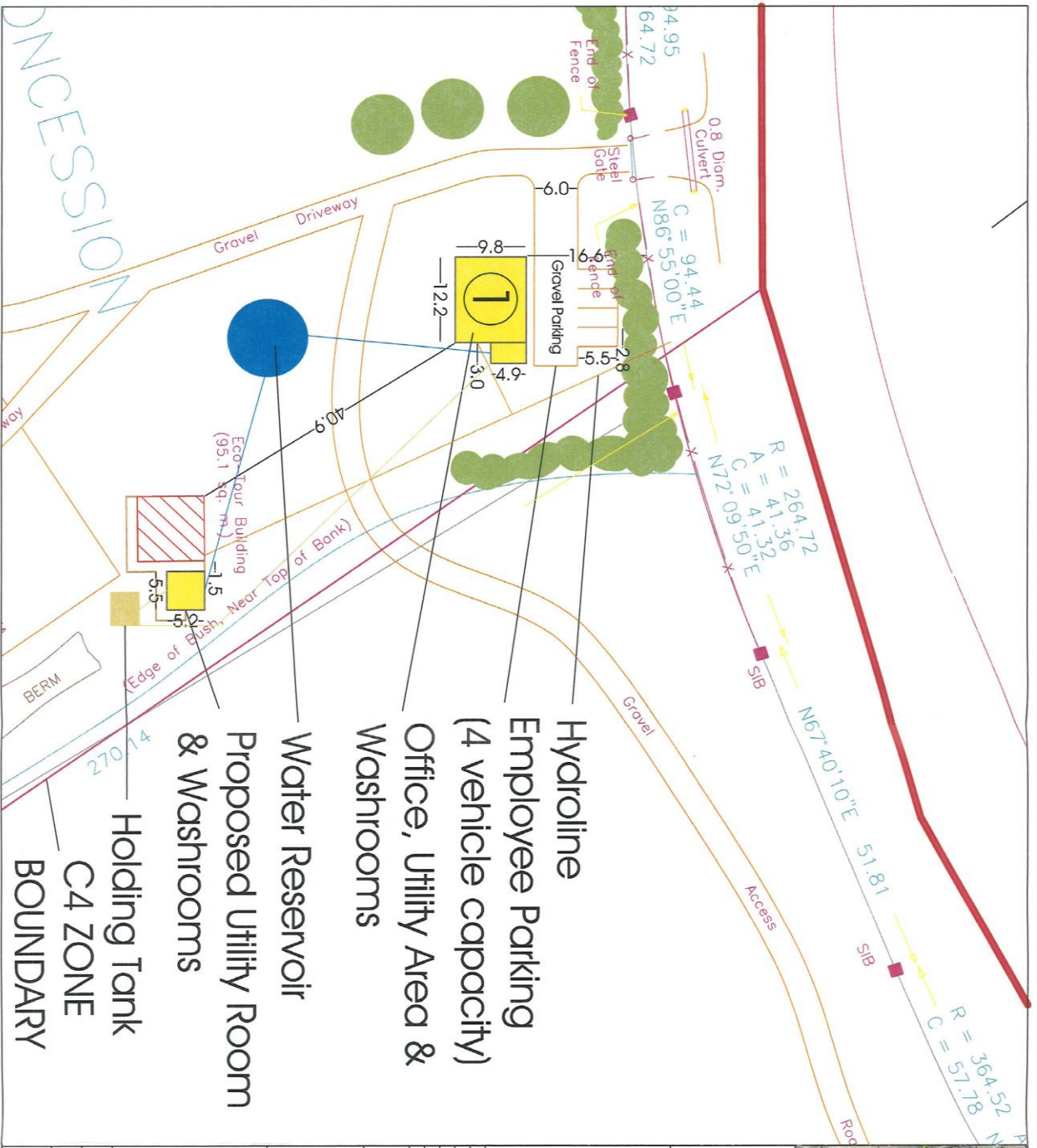
E. Attached

1. Site Plan drawing "Building 1 and addition to Eco-Adventure Building
2. Draft Zoning By-law Amendment

Respectfully submitted,

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Building 1 and addition to Eco-Adventure Building

No.	Description	Date	By
	REVISIONS		

Scenic Coves
The Blue Mountains, ON

traVis

travis and associates inc.
304-391 Hill Street Collingwood Ontario Canada L9V 1B3
v 705 446 9971 f 705 446 9978

Project No. RA
Project Name 2,154.2
Scale 1:500

DATE	BY	DESCRIPTION
March 2009	JB	RA

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40, as amended.
("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 of Zoning By-law No. 83-40, as amended, is hereby further 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.

An accessory one-storey office building having a maximum building footprint of 140 square metres and a maximum height to the ridge of the roof of the proposed building of 8.0 metres shall 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 of 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.

Notwithstanding Section 5.18(e) the office building may be located a minimum of 16 metres from the front lot line.

2. 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

NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009 under Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law 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 the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this ____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to consider a request by Scenic Caves Nature Adventure to construct an accessory one-storey office building having a maximum building footprint of 140.0 square metres.

The effect of this By-law is to recognize the following changes to the Zoning By-law:

1. To modify Exception 45 to also permit an accessory one-storey office building having a maximum building footprint of 140.0 square metres. Further, the office building may be permitted within the 35 metre setback from the centreline of the County road.