

STAFF REPORT:

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



REPORT TO: Planning and Building Committee
DATE: June 1, 2009
REPORT NO.: PL.09.63
SUBJECT: Application for:
Official Plan Amendment, and
Zoning By-law Amendment.
The Neighbourhoods at Delphi Point
Part Lot 26, Concession 5,
Parts 2, 3, 5, 6, 8 and 9 RP 16R-1075
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning and Building Committee receive Planning Staff Report PL.09.63, "Application for: Official Plan Amendment and Zoning By-law Amendment. The Neighbourhoods at Delphi Point, Part Lot 26, Concession 5, Parts 2, 3, 5, 6, 8 and 9 RP 16R-1075, Town of The Blue Mountains"; and

THAT Council adopt Official Plan Amendment No. 15 to re-designate the subject lands from the Residential Infilling 'RI' designation to the Secondary Residential 'SEC.R-19' designation, and to modify Schedule 'B' Maximum Unit Yields to permit a maximum of 11 townhome units.

That Council enact a Zoning By-law to rezone the subject lands from the Residential 'R4' zone to the Residential 'R7-h' zone. The holding '-h' symbol shall not be removed from the lands until Site Plan Approval has been granted including the execution of a Development Agreement.

B. Background

The Planning Services Division received an application for Official Plan Amendment and Zoning By-law Amendment by the Neighbourhoods of Delphi Point in order to permit the development of 10 residential townhouse units. (Since the Public Meeting 11 residential townhouse units have been requested.) The subject lands are comprised of Part Lot 26, Concession 5, Parts 2, 3, 5, 6, 8 and 9 RP 16R-1075 and presently include two residential units. The lands have been purchased by the Neighbourhoods of Delphi Point and are intended to be incorporated into their adjacent subdivision developments.

The Official Plan Amendment proposes to redesignate the lands from Residential Infilling 'RI' to Secondary Residential SEC.R-19. The Zoning By-law Amendment proposes to rezone the lands from the Residential 'R4' zone to the Residential 'R7-h' zone.

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 represents an intensification of the residential lands from two existing units to ten townhome units in range with the surrounding residential single detached uses and townhouse residential uses. The proposed development would appear to be consistent with the PPS.

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 Residential Infilling 'RI' in the Town of The Blue Mountains Official Plan. The purpose of this designation is to recognize existing residential Plans of Subdivisions which have been registered and other existing residential areas which have been substantially developed. Permitted uses include one single detached dwelling on one lot.

An Official Plan Amendment is required to increase the density on the lands from single detached units to townhome units.

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 existing subdivisions owned by the same developer. The proposed density and unit types are consistent with the proposed subdivision design and would not appear to generate any impacts on these subdivision lands. The subject property is also adjacent to an existing single detached dwelling not owned by the developer. It would appear that the addition of the subject lands into the surrounding residential development would not increase the potential for any adverse impacts on this adjacent property. At this time an application for Draft Plan Approval has not been submitted on the subject lands.

When that application is received, more specific site plan issues such as landscaping and subdivision design can be addressed.

It is also recognized that the Official Plan did not establish a maximum unit yield on the property, as the lands were not designated for new development. As such, the proposed 11 units must be added into the maximum unit yields for consideration in the Camperdown Service Area. Currently, the developer has approval for a maximum of 164 units on the existing subdivision lands. Plans submitted for these lands identify 159 units to be built with an equivalent density is 14.05 units per hectare. (These plans are part of a Redline Revision to their Draft Plan which have received support from Town Council and are currently under review with the County of Grey.) Incorporating the additional lands (0.4 hectares) to be added to the subdivision, a total of 170 units are proposed representing an equivalent density of 14.05 units per hectare. The proposed Secondary Residential SEC.R-19 permits residential development up to the density limitations as identified under Schedule 'B'. The density limitations are provided per property, and also identify a maximum of 672 units at build out. The proposed amendment to incorporate the additional 11 units will increase the total permitted units at build out to 683 units.

Planning Staff are of the opinion that the proposed Official Plan Amendment to re-designate the lands from Residential Infilling 'RI' to Secondary Residential 'SEC.R.-19' in order to permit the redevelopment of two existing residential uses into 11 townhome units is appropriate for the subject lands.

Zoning

The subject lands are zoned Residential 'R4' within the Township of Collingwood Zoning By-law 83-40. The Residential 'R4' zone permits semi detached and vertically attached units. The proposed Zoning By-law Amendment would rezone the subject lands into the Residential 'R7-h' zone which would permits rowhouse and linked (townhouse) units. The Holding '-h' symbol is used with conditions for Site Plan Approval and the execution of a Development Agreement.

It is our opinion that the proposed Zoning By-law Amendment will permit the proposed development and is appropriate for the subject lands.

Public Comments

The adjacent private land owner has provided correspondence between themselves and the developer over concerns with grading and drainage issues that have occurred on the subdivision lands. The developers engineer has been requested to review the matter and has suggested that the matter be addressed in the spring. At present, the private home is being reconstructed, and the drainage and grading matters are being addressed on both the subdivision lands, and the private property together.

Agency Comments

Comments were received from the County of Grey Planning and Development Department, the Grey Sauble Conservation Authority and the Ministry of Transportation (MTO) each indicating that they have no objections to the proposed Official Plan Amendment and Zoning By-law Amendment. The Conservation Authority also noted that some drainage accumulation has occurred on the subject lands potentially due to the fill placement on the adjacent subdivision lands. A stormwater management plan for the larger development will need to address this issue to ensure there are no negative drainage impacts to adjacent land owners. MTO has also noted that no access points will be permitted on to Highway 26, and that permits are required from their office before any grading or construction may begin.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Official Plan Amendment and Zoning By-law Amendment 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. Draft Official Plan Amendment
2. 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 adopt Amendment No. 15 to the
Official Plan of the Town of The Blue Mountains**

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O.1990, hereby enacts as follows:

1. Amendment No. 15 to the Official Plan of The Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 15 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to the Planning Act R.S.O. 1990, as amended.

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

NOTICE OF THE PASSING OF A BY-LAW TO ADOPT

AN AMENDMENT TO THE TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009 to adopt Official Plan Amendment No. 15 in accordance with the provisions of Section 17(22) of the Planning Act, R.S.O. 1990, c.P. 13.

AND TAKE NOTICE that any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision is made to the approval authority, being the County of Grey Planning and Development Department, 595 – 9th Avenue East, Owen Sound, Ontario, N4K 3E3.

THE COMPLETE OFFICIAL PLAN AMENDMENT is available for inspection during regular office hours in the Planning Department at the Municipal Office, 26 Bridge Street, Thornbury, Ontario or by contacting the Planning Department directly at (519) 599-3131 extension 263.

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 satisfy a request by the applicant to amend the Town of The Blue Mountains Official Plan to permit the development of 11 additional residential dwelling units in conjunction with currently approved development on the adjacent lands also owned by the applicant.

The effect of this By-law is to re-designate the subject lands from the Residential Infilling 'RI' designation to the Secondary Residential "SEC. R -19" designation and further amend Exception 19 and the Schedule "B" unit yields to recognize the increased maximum unit yield by including the subject lands.

The Town also passed a Zoning By-law Amendment No. _____ to permit the development and this Amendment is required to permit the Zoning By-law to come into legal effect.

The lands subject to this amendment are comprised of Part of Lot 26, Concession 5, being Parts 2, 3, 5, 6, 8 and 9, Reference Plan 16R-1075 in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey as shown on the attached map.

**AMENDMENT NO. 15
TO THE
OFFICIAL PLAN
OF THE
TOWN OF THE BLUE MOUNTAINS**

June 2009

**AMENDMENT NO. 15 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

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**AMENDMENT NO.15 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text and maps constitutes Amendment No. 15 to the Official Plan for the Town of The Blue Mountains.

PART C - THE APPENDICES which does not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of this amendment is to re-designate the subject lands from the “Residential Infilling RI” designation to the “Secondary Residential SEC.R. – 19” designation, to permit the subject lands to be developed with the adjacent lands to a maximum of 11 units. In addition, modifications are also required to the Schedule “B” maximum unit yields and Exception 19 to recognize the increase in units.

LOCATION

The lands subject to this amendment are comprised of Part of Lot 26, Concession 5, being Parts 2, 3, 5, 6, 8 and 9, Reference Plan 16R-1075 in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey.

BASIS

The Basis for this Amendment is to include the subject lands in the development approvals for the adjacent lands being developed by the proponent at the same density (14 units per hectare).

In addition to this Official Plan Amendment, applications have been made for a Zoning By-law Amendment to the Township of Collingwood Zoning By-law 83-40 to rezone the lands with the applicable residential zone that would permit the development.

In support of the applications, we have received a Planning Justification Report submitted by Travis and Associates Inc. dated September, 2008 and addendum dated January, 2009.

PART B - THE AMENDMENT

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 15 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

- Item 1:** **Schedule “A” – Land Use Plan, Map 3 – Camperdown** is hereby amended by redesignating the subject lands from the “Residential Infilling - RI” designation to the “Secondary Residential SEC.R-19” designation for those lands lying and being in the Town of The Blue Mountains, comprised of Part of Lot 26, Concession 5, being Parts 2, 3, 5, 6, 8 and 9, Reference Plan 16R-1075 in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey as indicated on the attached Schedule A-15.
- Item 2:** **Schedule “B” – Maximum Unit Yields – Service District 2 Camperdown** is hereby amended by deleting and replacing with the attached Schedule B-15.
- Item 3:** **Section 13.2 - Exception 19 clause 1(i)** is hereby deleted and replaced with the following:
- “(i) a maximum of 683 residential units”

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning By-law Amendment for the subject lands under Section 34 and 36 of the Planning Act R.S.O. 1990.

PART C - THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

1. Planning Justification Report and Addendum
 - Travis and Associates dated: Sept 2008 and January 2009
(Filed at the Town of The Blue Mountains, Clerks Department)
2. Town of The Blue Mountains Planning Staff Report SR.PL.09.63. dated June 1, 2009

SCHEDULE "A-15" to Amendment No. 15 to the Town of The Blue Mountains Official Plan

 Area to be designated from Residential Infilling (RI) to
Secondary Residential (Sec.R - 19)

key map

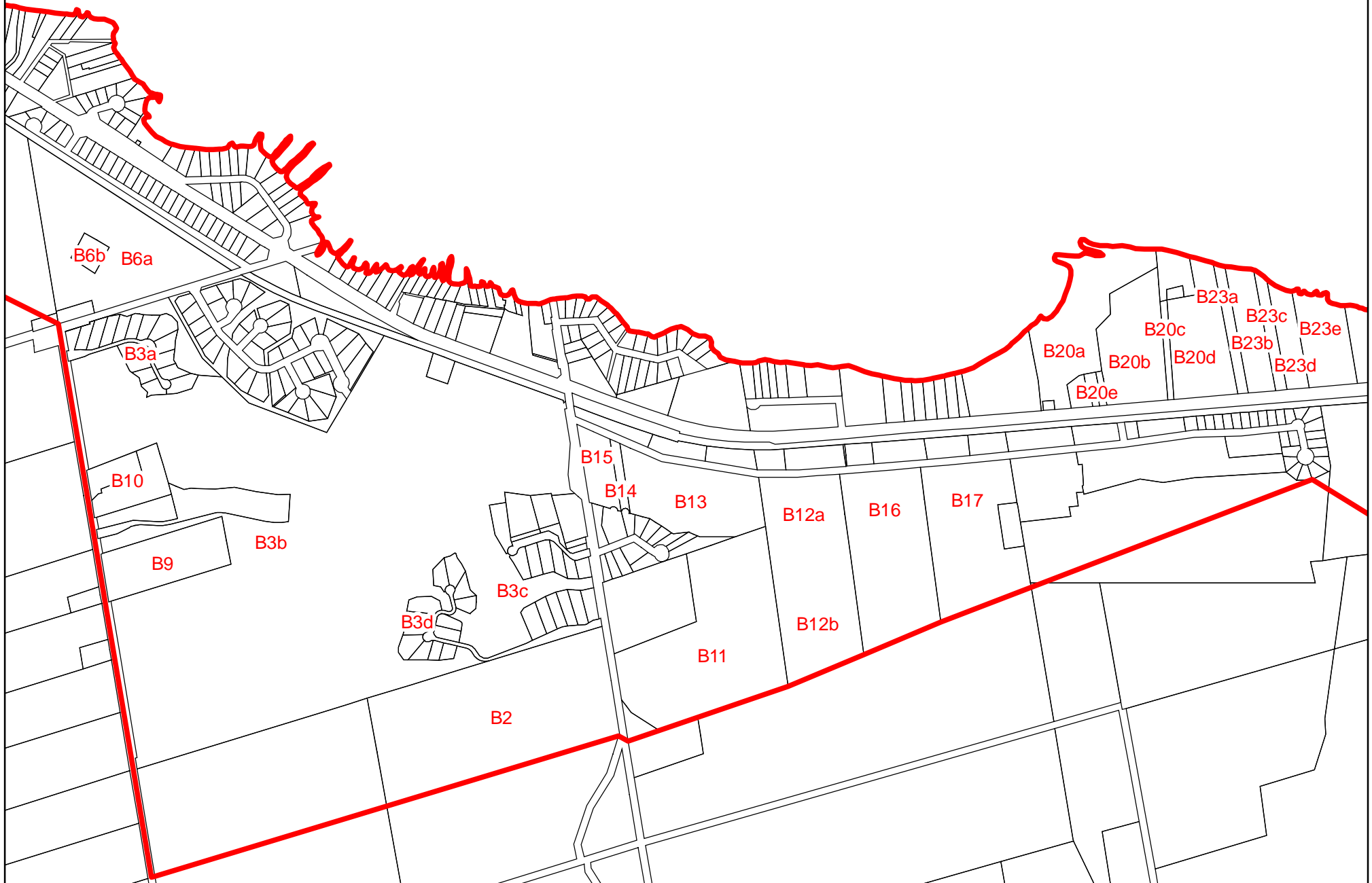


**SCHEDULE 'B' - MAXIMUM UNIT YIELDS
TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN
(AS AMENDED BY OPA 2 AND OPA 15)**

Service District 2 - CAMPERDOWN

Property	Official Plan Designation	Area Designated (ha)	Maximum Unit Yield
B2	SEC.R-19, H, E	15.33	112
B3a	SEC.R-19	7.84	15
B3b	ER-19	45.12	50
B3c	SEC.R-19	6.01	13
B3d	SEC.R-19	6.31	13
B6a	RR-19, H	10.86	56
B6b	RR-19	0.63	4
B9	ER-19	4.86	6
B10	ER-19, H	2.05	5
B11	SEC.R-19, H	20.24	124
B12a	ER-19, H	2.33	5
B12b	SEC.R-19, H, E	1.74	17
B13	ER-19, H	5.06	12
B14	ER, H	0.38	1
B15	ER-19, H	1.64	4
B16	ER-19, H	2.03	10
B17	ER-19, H	0.91	3
B20a	SEC.R-19, H	3.73	
B20b	SEC.R-19, H	5.43	
B20c	SEC.R-19, H	0.46	
B20d	SEC.R-19, H	4.61	
B20e	SEC.R-19	0.40	180
B23a	RR-19, H	1.04	
B23b	RR-19, H	2.41	
B23c	RR-19, H	0.87	
B23d	RR-19, H	1.52	
B23e	RR-19, H	2.80	53
TOTAL		156.61	683

SCHEDULE 'B' - MAXIMUM UNIT YIELDS
TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN
(AS AMENDED BY OPA 2 AND OPA 15)



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 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. Map 15 to Schedule 'A', of the Township of Collingwood Zoning By-law, being By-law 83-40 as amended is hereby further amended by rezoning the subject lands from Residential (R4) Zone to the Residential (R7-h) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Concession 5, Part Lot 26, RP 16R-1075 Parts 2, 5 and 8, and Concession 5, Part Lot 26, RP 16R-1075 Parts 3, 6 and 9, together with Right of Way and Subject to Right of Way RP16R-7532 Part 1; as indicated on the attached key map Schedule "A-1".
2. 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 Site Plan Approval has been granted under Section 41 of the Planning Act, including the execution of a Development Agreement.
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 _____, 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 _____

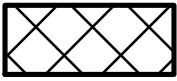
this _____ day of _____, 2009.

Signed: _____
Stephen Keast, Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. _____



Area Affected By This Amendment

