

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: Monday, April 2, 2007
REPORT NO.: PL.07.33
SUBJECT: Draft Plan of Subdivision
File No. 42T-2006-14; and
Zoning By-law Amendment
The Lora Bay Corporation
Blocks 5, 7, 18 and Part Blocks 1, 15, 29
and 30, Registered Plan 16M-8;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I
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A. Recommendations

THAT Council does receive Planning Staff Report PL.07.33, "Draft Plan of Subdivision File No. 42T-2006-14; and Zoning By-law Amendment, The Lora Bay Corporation"; Blocks 5, 7, 18 and Part Blocks 1, 15, 29 and 30, Registered Plan 16M-8;

AND THAT Council recommends that the County of Grey grant Draft Plan Approval for Phase 1 of the Subdivision File No. 42T-2006-14, subject to the conditions contained in this report;

AND THAT Council does hereby grant a Zoning By-law Amendment to rezone Phase 1 of the subject lands from the Development D Zone to the Residential R3-h Zone, Residential R3-211-h Zone, Residential R3-212-h Zone, Residential R3-213-h Zone, Residential R6-214-h Zone, Hazard H Zone and Private Open Space OS2 Zone.

B. Background

The Proponent has applied to the County of Grey to create a two-phase Plan of Subdivision consisting of 146 dwelling units (114 single detached units, 8 townhouse units and 24 multi-attached units). Concurrent with this application, is a request by the Applicant for a Zoning By-law Amendment to permit the residential development. It should be noted that the original application was modified to change the development

below the ridge from 60 townhomes and multi-attached dwelling units to 24 single detached units. The difference was added to the development above the ridge.

A Preliminary Servicing Report was prepared by Henderson, Paddon & Associates Limited in July 2006 for the Residential Development, assessing water sanitary sewers, roads and stormwater management that exists and the proposed infrastructure that would be needed for this development.

The property consists of 20.879 hectares, consisting of 16.881 hectares of residential, 0.857 hectares of common elements condominium, 1.799 hectares of recreational commercial and 1.342 hectares of public roads.

The surrounding uses include residential lands along Sunset Boulevard and Lora Bay Drive, with a golf course and range surrounding the development which is also owned by the Proponent.

The Town of The Blue Mountains Official Plan designates the subject lands as Recreational Residential Exception 15 (RR-15) and Shoreline Residential Exception 15 (SR-15), as amended by Official Plan Amendment No.1. Under Section 4.11, the purpose of the Recreational Residential (RR) designation is to identify those lands whereon lower density residential uses and recreational uses may occur on full municipal services. Under Section 4.14, the purpose of the Shoreline Residential (SR) designation is to identify areas where new residential development may locate to take advantage of the recreational opportunities afforded by Nottawasaga Bay.

Exception 15 permits a maximum of 1025 residential units; trails and a shoreline park; and other permitted uses including parking associated with any adjacent commercial or recreational uses. Policies state that maximum density limitations for the lands below the ridge (Shoreline Residential) are 60 units and for lands above the ridge (Recreational Residential) is 965 units. Buffer strips with a minimum width of 10 metres adjacent to the road allowance shall be required along all existing public roads, based on an approved landscape plan to ensure adequate visual screening. No buildings or structures shall be permitted within the buffer strips. Buffer strips associated with trails and walkways shall be dedicated to the Town. Pedestrian access routes are to be established under subdivision approval together with additional walkway linkages where appropriate.

The subject lands are zoned Development (D) within the Township of Collingwood Zoning By-law 83-40. A Zoning By-law Amendment is proposed to rezone the subject lands from the Development (D) Zone to the Residential R3-h, Residential R3-211-h Zone, the Residential R3-212-h Zone, the Residential R3-213-h Zone, the Residential R6-214-h Zone, Hazard H and Private Open Space (OS2) Zone.

Exception 211, which reflects the majority of lots along Lora Bay Drive and one lot (RR 89) along Lora Bay Drive, provides for an increased front yard setback of 17.5 metres to protect the existing landscape buffer in accordance with the Official Plan. Exception 212 requires an increase to the minimum front yard and exterior side yard setback to 12.0 metres for lots RR 90, 91, 107 and 108, along Lora Bay Drive and Sunset Boulevard given their applicable constraints. Exception 213 permits the Common Elements Condominium to be regulated under the lot development requirements under Section 5.8 of the By-law, as the development shall be deemed to meet the requirements for direct frontage and access to an improved public street for those lots fronting on a Common Elements Plan of Condominium above the ridge. In also cases the holding –h symbol is used to ensure the execution of a Subdivision Agreement and Site Plan Approval where applicable.

Comments were received from the Ministry of Transportation and Grey Sauble Conservation Authority. The Ministry of Transportation requires entrance, building/land use and sign permits be obtained before any grading/construction commences; the owner will be constructing a left turn lane on Highway 26 at Lora Bay Drive in 2007. The Grey Sauble Conservation Authority requires a permit be obtained prior to development as a portion of the subject lands are in a regulated area that is associated with watercourses and the Nipissing Ridge; a detailed Environmental Impact Study be completed; and a Tree Retention/Landscape Plan be prepared.

With regard to the detailed Environmental Impact Study, the Town and County engaged the Peer Review Consultant (Linda Sober of Saar Environmental) who represented the Town and the County in the original review, to comment on the extent of the additional work required at this stage. Based on consultation between the experts, they have agreed on the extent of work outstanding and further that the additional work can be included as a Draft Plan Condition. The following is what was suggested by the Town's consultant:

“a condition to Draft Plan Approval of Phase II that a lower level Scoped EIS be conducted. The original Terms of Reference circulated and agreed upon after the completion of the original Natural Heritage Overview will be reduced in scope in response to the existing site condition.

Scoping and exact EIS terms will be finalized further to a joint site inspection of the two Phase II areas by the Town, GSCA and proponent technical team. Fieldwork will be reduced from the original EIS but likely include a provision for updated bird point count work within the two forest patches. This is due to the natural environment changing, and original field of five years prior requiring an update.”

All other conditions of the Conservation should be included in the approval included the required setback from the Lake Nippissing Shorecliff.

A Master Development Agreement (MDA) was executed to address the development of the entire Lora Bay lands including phasing, holding zones, required works, servicing allocation, financing, dedications and other applicable development provisions. All applicable provisions of this agreement will need to be included in the individual subdivision agreements for this development. This includes the related financial matters for the works on Lora Bay Drive and Sunset Boulevard and Parkland dedication requirements amongst other matters.

The Official Plan identified that there is to be a main trail linkage that was run along Lora Bay Drive and Sunset Boulevard and then up the eastern boundary of Keeper's Cove to and connect with the development on top of the ridge. The Plan that was registered for the Golf Course included Blocks for a 10 metre strip of land along the public streets that was to be deeded to the Town to facilitate this provision. With the revision to the Draft Plan, the proponent intends to run the Trail between the lots and the golf course on the eastern development pod and then onto the 10 metre block to the next residential pod and along an easement to connect to the 11th Line. In addition, a trail will be continued on Lora Bay Drive to connect to the Beach Front property. This has been reviewed by the Director of Recreation and they are satisfied with the revision. To facilitate this change certain Blocks will need to be maintained in the ownership of the Developer and easements will need to be provided to the Town for the Public Walkway that will be located on private lands (REC 121, CEC 118 and residential lots RR 89 to 91 and RR 109 to 112. The easement will clarify the maintenance responsibilities of the various trails.

In addition to the Trail on Block 121, the proponent intends to construct other recreational facilities and Parking. The Detailed Landscape Plan should include those works contemplated for this Block. It is intended that this Block would be retained by the Developer and turned over to the Residents Association when they become an owner of the Recreation complex at the Club House under a separate Plan of Condominium.

A portion of the Draft Plan comprises lands that are owned by Keeper's Cove as part of their septic fields. With the extension of services along Sunset Boulevard these will be obsolete and are to be transferred to Lora Bay. A condition of Draft Approval should be the decommissioning of the existing septic fields.

The first public meeting was held the 25th of October, 2006, in light of comments received, the proponent came forward with a revised draft plan that significantly altered the form of development below the ridge. This revised proposal subject to a second

public meeting held on the 7th day of March, 2007. The following are a list of outstanding concerns related to this development and Planning Staffs comments related to same:

1. Density- The density of development was established as part of the master planning process for Lora Bay and implemented with the approved Official Plan. This Master Plan and Official Plan process was approved by the Ontario Municipal Board and was also subject to various public meetings and consultation. It is also noted that the Official Plan permits various forms of housing including the manor homes. It is our opinion that the relocation of the manor homes above the ridge and the creation of single detached homes along Lora Bay Drive has removed the land use compatibility concern with the original proposal.
2. Building Height – The maximum height permitted under the Residential R3 zone is 2 ½ stories. This is the same limitation that has applied to the existing homes along Sunset Boulevard and Lora Bay Drive since the By-law was enacted in 1984. The Developer has however noted that they do not intend to construct any dwelling that exceed 2 stories. In this regard, the By-law can include provisions to limit the height of dwellings below the ridge to 2 stories. With regard to the manor homes or multi-attached dwellings as defined in the Township of Collingwood Zoning By-law, the maximum height is 3 storey (11 metres). No exception to this By-law provision was requested and the normal By-law provision would apply to these units. Consider the location of these units, we are of the opinion that there is no impact on any adjacent development.
3. Light Pollution – Light Pollution is also something that the Town considers as part of the approval process. In particular, the need to ensure all lighting is down lit to protect the night sky. In addition, it our understanding that the reconstruction of Sunset Drive will not include any lighting. Further information on this project will be presented at an upcoming open house hosted by the Town.
4. Grading along Sunset Boulevard – The grading of the individual lots is controlled by the detailed drainage and grading plan which is prepared by the Developers Engineer, accepted by the Town Engineer and incorporated within the Subdivision Agreement which is registered on title for all lots. With the development of each individual lot the owner must have a qualified consultant prepare a Detailed Drainage and Grading Plan that must comply with the Plan contained within the Subdivision Agreement. A permitting process with securities is in place to ensure this provision is maintained. We can appreciate the concern of the residents related to the unnecessary increase in grade beyond what is required for the proper drainage of the lots. In this regard would suggest that a Draft Plan condition be added that requires the Drainage and Grading Plan to

include a maximum increase in grade of 1.5 metres from the elevation of Sunset Boulevard to the finished front floor elevation of the dwelling. Given the increased setback, this difference does not appear to be unreasonable.

5. Landscape Buffer – The Official Plan refers to a 10 metre (33 foot) buffer requirement along existing public streets. With an increase in the normal front yard setback from 7.5 metres to 17.5 metres for the majority of lots, this buffer will be protected. A few lots that are constrained by depth are proposed to have a front yard setback and exterior side yard of 12 metres. This should still protect the landscape buffer. A condition of Draft Approval will be the preparation of a Detailed Landscape and Tree Retention Plan that will be incorporated with the Subdivision Agreement. As with the Grading Plan above, the Plan will be registered on title and binding on all future lot owners. The Landscape Plan should also include provisions for additional landscaping in areas that are void of a significant buffer.
6. Traffic – The overall consideration of traffic for this development was considered by the Town and Ministry of Transportation. This included the need for intersection improvements at Lora Bay Drive and Highway 26 which will commence shortly and ultimately, improvements at Christie Beach Road based on future phases. In addition, the provision of the round-a-bout was also part of the traffic considerations as part of the overall concept. It is not unreasonable to expect other temporary considerations during special events that will attract numerous cars. However, it is the Town's position to ensure access to all residents and emergency services is not impeded.
7. Servicing – This issue will be dealt with further at the Public Open House on April 14, 2007, however we note that, as with the other Servicing Projects in Lora Bay and Camperdown, the Developer is financing the water and sewer projects, plus a local service portion of the road upgrade. The remaining road portion will come from contributions from Keeper's Cove and Development Charges. The Town will then be proceeding with a By-law under the Municipal Act that will apply a charge to all existing residents in the Lora Bay Service area for the trunk water and sewer services when they front the system. The By-law will be in accordance with the guiding principles adopted by the Town for payment of said services. Further, these provisions are consistent with the Minutes of Settlement executed as part of the Ontario Municipal Board process.

In accordance with the Minutes of Settlement, the Town currently only has sewage servicing capacity for 97 units in Lora Bay. We are working through this process and anticipate additional capacity in the near future. In this regard, we cannot recommend

approval for Phase 2 until such time as capacity becomes available. When this is addressed we can bring a report to Council to provide for approval of Phase 2.

Based on the foregoing it is our opinion that the development proposed with these revision and restrictions complies with the Official Plan and has special regard for the compatibility of the development with the surrounding residential area; and suggests that Council recommends that the County of Grey grant Draft Plan Approval for Phase 1 of the Subdivision File No. 42T-2006-14 subject to the following conditions:

- 1. That this Approval applies to Phase 1 of the Draft Plan prepared by Bousfields Inc., dated March 21, 2007 showing a total of 146 dwelling units within a Phased Plan of Subdivision, consisting of two phases on Blocks 5, 7, 18 and Part Blocks 1, 15, 29 and 30, Registered Plan 16M-8; of the former Township of Collingwood, now Town of The Blue Mountains; in the County of Grey.**
- 2. That a detailed Drainage and Grading Plan be prepared that includes a provisions that the maximum grade differential from the public street to the finished floor elevation at the front of the dwelling shall be 1.5 metres for lots RR 89 to RR 112 and that;**
 - (a) That prior to final approval, drainage, surface water, stormwater management plans and detailed grading and drainage plans be prepared by a professional engineer that will address the means to control erosion, sedimentation and surface water flow within the development lands and adjacent golf course lands, during and after construction to the satisfaction of the municipality and the Grey Sauble Conservation Authority;**
 - (b) That the subdivision agreement between the owner and the Town of The Blue Mountains contain provisions in wording acceptable to the Town of The Blue Mountains, in consultation with the Grey Sauble Conservation Authority that will ensure the implementation of the approved plans. The agreement shall also provide for the maintenance and default provisions with respect to stormwater management facilities.**
 - (c) The said stormwater management plan shall provide for the conceptual design of works as may be necessary to ensure that storm water flows being conveyed from upstream of the development areas and those storm water flows arising from within the development areas are properly collected and conveyed to a legal and sufficient outlet.**

3. That a zoning by-law amendment be passed to the satisfaction of the Grey Sauble Conservation Authority that includes a 15 metre setback from the Lake Nipissing Shorecliff is to be included in the Hazard Zones.
4. That a tree retention/landscape plan be completed to the satisfaction of the Grey Sauble Conservation Authority and the Town and that said Plan shall include provisions for the retention and enhance of landscaping along the 10 metre buffer along Lora Bay Drive and Sunset Boulevard.
5. The owner shall satisfy the parkland dedication requirement the Municipality in accordance with the provision of the Planning Act, Minutes of Settlement dated June 9, 2003 and amended on February 16th, 2005 (“the Minutes of Settlement”) and the Master Development Agreement registered on October 26, 2005.
6. That the owner agrees to satisfy all the requirements, financial and otherwise, concerning the provision of roads, installation of services and drainage consistent with the Minutes of Settlement and Master Development Agreement and that appropriate provisions be contained within the Subdivision Agreement.
7. That such easements and interests for the plan of subdivision as may be required for servicing, utility or drainage shall be granted to the appropriate authority or land owner, including appropriate storm water management facilities, sewer line connections, including any sizing necessary, as well as appropriate provisions for maintenance, default in accordance with Town standards.
8. That a Subdivision Agreement between the owner and the Town of The Blue Mountains shall be entered into and registered against the lands to which it applies and said subdivision agreement contain appropriate provisions for the establishment of common elements condominiums as well as the Landscape Retention and Planting Plan and Drainage and Grading Plan that incorporates the conditions referred to in conditions 3 and 5.
9. That a lower level Scoped EIS be conducted with the understanding that the original Terms of Reference circulated and agreed upon after the completion of the original Natural Heritage Overview will be reduced in scope in response to the existing site condition. The Scoping and exact EIS terms will be finalized further to a joint site inspection of the two Phase II areas by the Town, GSCA and proponent technical team. Fieldwork will be reduced from the original EIS but likely include a provision for updated bird point count work within the two forest patches.

10. That the Town receipt verification that the Septic Fields located on lands owned by 138249 Ontario Limited have been decommissioned to the satisfaction of the applicable approval authority.
11. Prior to final approval, the Owner shall obtain draft plan approval of a Common Elements Condominium for Blocks CEC 117 to 120 in accordance with the Condominium Act 1998 S.O. 1998 for the maintenance of all roads, water lines, storm and sanitary sewers and other applicable matters including any and all necessary easement and/or right of ways.
12. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation along with the applicable application fee and a resolution from the local municipality must be received.

Further, it is recommended that Council grant a Zoning By-law Amendment to rezone the subject lands from the Development (D) Zone to the Residential (R3-h) Zone, (R3-211-h) Zone, Residential (R3-212-h) Zone, Residential (R3-213-h) Zone, Residential (R6-214-h) Zone, Hazard (H) and Private Open Space (OS2) Zone. It be noted that the By-law implement the conditions noted in this report with regard to height and setbacks.

C. The Blue Mountains' Strategic Plan

These changes continue to be consistent with Strategic Plan goal *1. Managing growth to ensure the ongoing health and prosperity of the community.*

D. Budget Impact

NIL

E. Attachments

1. Draft Plan
2. Letters from adjacent property owners
3. Draft Zoning By-law Amendment

Respectfully submitted,

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