

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: April 16, 2007
REPORT NO.: PL.07.34
SUBJECT: Revision to Draft Plan of Condominium
File No. 42-CDM-2003-05; and
Zoning By-law Amendment
Intrawest Resort Ownership
Corporation
Lots 9, 11 and Block 17 and Rolling
Green Court, Registered Plan 1065;
Town of The Blue Mountains

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Planner I
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A. Recommendations

THAT Council does receive Planning Staff Report PL.07.34, "Revision to Draft Plan of Condominium File No. 42-CDM-2003-05; and Zoning By-law Amendment, Intrawest Resort Ownership Corporation"; Lots 9, 11 and Block 17 and Rolling Green Court, Registered Plan 1065;

AND THAT Council recommends that the County of Grey grant the Revision to Draft Plan Approval of the Condominium File No. 42-CDM-2003-05, subject to the conditions contained in the Planning Staff Report;

AND THAT Council does hereby grant a Zoning By-law Amendment to rezone the subject lands from the Recreational Commercial C4-70-h Zone, Public Open Space OS1 Zone, Private Open Space OS2 Zone to the Residential R3-215-h Zone, Public Open Space OS1 Zone, Private Open Space OS2 Zone and Hazard H Zone.

B. Background

The Proponent has applied to the County of Grey for a revision to replace a portion of the second phase consisting of twenty-five (25) commercial resort units with nine (9) single detached units. The original condominium was approved in 2003 and Phase 1, consisting of 53 units, was developed and registered. It should be noted that although registered as a Plan of Condominium, Intrawest Resort Ownership Group (IROG)

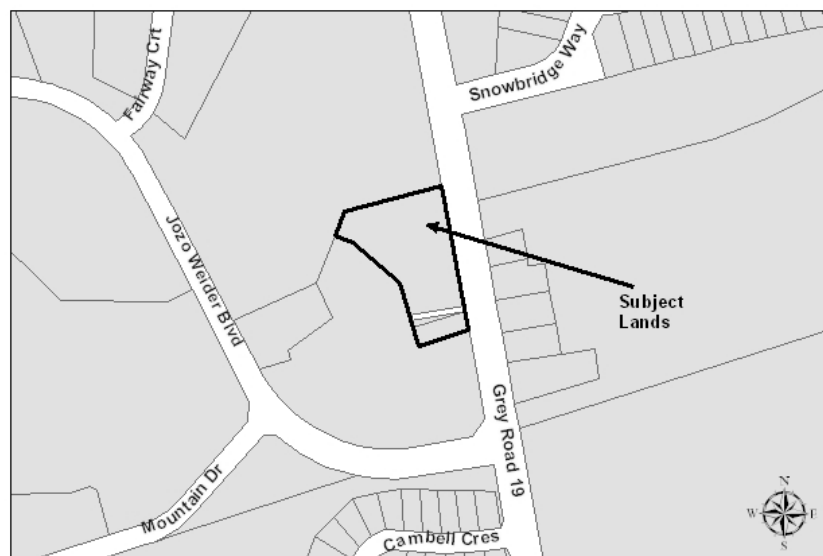
maintains ownership in all units. Concurrent with this application, is a request by the Applicant for a zoning by-law amendment to permit the type of residential development.

The development proposal is to create the nine freehold lots or Pieces of Tied Land (POTL's) through the removal of Part Lot Control under the Planning Act with the access, parking and landscaping comprising a Common Elements Plan of Condominium.

A Justification Report was submitted in conjunction with the applications prepared by the Proponent's Agent, Travis & Associates in November 2006.

The property consists of 10,649 square metres to the north of Jozo Weider Boulevard and west of Grey Road 19.

The surrounding uses include residential lands to the south and west; golf course lands to the north; and a new residential development to the west.



The Town of The Blue Mountains Official Plan designates the subject lands as Medium Density Residential Exception 45 (MDR-45) within the Blue Mountain Village, as amended by Amendment #4. Under Section 4.8.4.2, the purpose of the Medium Density Residential (MDR) designation shall be for a range of types of residential dwellings, including ancillary residential accommodations and recreational facilities. Policies state that the maximum density shall not exceed 35 units per hectare. Exception 45 lands may be used for a commercial resort unit complex with a maximum of 102 commercial resort units, subject to the provision of a municipal walkway to the satisfaction of Council. The proposed use of single detached dwelling units lowers the density to 20.9 hectares per acre, therefore conforming to the Official Plan in that the Official Plan does not have a minimum density at this time. Further, the municipal walkway has already been constructed.

The subject lands are zoned Recreational Commercial Exception 70 (C4-70-h) within the Township of Collingwood Zoning By-law 83-40. A Zoning By-law Amendment is required for the 9 residential dwellings as the exemption limits the development to only commercial resort units. Based on the size of the proposed lots, the Residential R3 zone is the appropriate zone to be applied.

With the original submission, concern was expressed with the visual impact of the development on Lot 9 in relation to the rest of the development which is located between 22 and 28 metres from the County Road Allowance. The proponent revised the submission to provide a setback of 15 metres to the lot and 17 metres to a dwelling. The proposed setback together with a height limitation of two stories for this lot and special attention to landscaping and berming in this area should protect any adverse visual impact resulting from this development.

The last Draft Plan Approval noted that setback of 15 metres along Jozo Weider Blvd. must be maintained in accordance with the By-law. It would appear that the revision has not been made to the latest Draft Plan and therefore must still be included as a Draft Plan Condition.

The relationship between the Commercial Resort Units and the residential lots should also be recognized with the Agreements. Considering the relatively low key nature of the Commercial Resort Unit Development we do not anticipate any land use compatibility problems, each of the parties must acknowledge the respective nature of each others development.

Other elements of the existing Site Plan will also need to be retained as part of this revision including the emergency access to County Road 19.

Comments were received from the Niagara Escarpment Commission and Grey Sauble Conservation Authority. These comments are summarized below.

The Niagara Escarpment Commission requires a revised landscape plan to ensure that the development is visually compatible with the landscape and satisfies the development criteria of the Niagara Escarpment Plan; and incorporate the approved revised landscape plan into the Development Agreement with the Town.

The Grey Sauble Conservation Authority requires a permit be obtained prior to development or site alteration as a portion of the subject lands are in a regulated area that is associated with the water feature created though the previous phases of the development. In addition, the Grey Sauble Conservation Authority has requested a 9 metre setback along the rear property line. The By-law should clarify that this includes all buildings and structures.

The Public Meeting was held on the 7th day of March, 2007, as required under the Planning Act. No issues of concern were raised.

The lands are currently subject to a Development Agreement that anticipated the original form of development. An Amendment to the Development Agreement will be required. The development agreement will also need address various matters including

appropriate provisions ensuring the coordination access and maintenance amongst other matters.

With regard to the form of Development, we are of the opinion that ideally the lands would either form part of the existing condominium or a separate vacant land plan of condominium. The reason would be to ensure that the development of the individual lots is also controlled through a Plan of Condominium; as opposed to the provision of restrictive covenants as would be the case in this instance. This may be more important in this instance given the visual prominence of the development and the mixed use aspect of the development. In this regard, the proponent has agreed to modify the proposal to a Vacant Land Plan of Condominium. It is our opinion that a subsequent Public Meeting is not required to consider this change as it does not alter the form of development and the applicant would be the only individual affected by this proposal.

Based on the foregoing, it is the opinion of Planning Staff that the development proposed complies with the Official Plan, is appropriate for the lands; and suggests that Council recommends that the County of Grey grant the Revision to Draft Plan Approval of the Condominium File No. 42-CDM-2003-05, subject to the following conditions:

1. That this approval applies to the draft Plan of Condominium File No. 42-CDM-2003-05, prepared by Zubek, Emo, Patten and Thomsen Ltd. dated August 14, 2003 and last revised April 10, 2007 showing seventy eight residential units within a Phased Condominium and 9 residential units in a Vacant Land Plan of Condominium on Lots 9,11,12 and Block 17 and Rolling Green Court Registered Plan 1065 (former Township of Collingwood) in the Town of The Blue Mountains, County of Grey. It being noted that Phase 1 of the Phased Condominium consisting of 62 units has already being registered as Grey Condominium Corporation Number 59.
2. That this Plan of Condominium be approved as a Phased Condominium and a Vacant Land Plan of Condominium under the Condominium Act, S.O. 1998 where applicable.
3. That a revised landscape plan be prepared to ensure that the development is visually compatible with the landscape and satisfies the development criteria of the Niagara Escarpment Plan and that said Plan be incorporated into the Development Agreement with the Town
4. That the issue of access, parking, waste management, landscaping, servicing, phasing, drainage and grading be addressed with the Town of The Blue Mountains through an appropriate Site Plan Control or Condominium Agreement or amendments to existing Agreements in place on the lands.
5. That appropriate agreements be entered into between the Phased Condominium and the Vacant Land Plan of Condominium to the satisfaction of the Town that

address various matters including maintenance of the shared access, development standards, recognition of commercial activities amongst other matters.

6. That the draft plan be revised to show a 15 metre setback between Jojo Weider Boulevard and the nearest part of the building containing units 46L and 43U.
7. That prior to the final approval by the County, we are advised by the Town of The Blue Mountains that appropriate zoning is in effect for this proposed condominium.
8. That all easements for drainage, servicing or utility purposes shall be dedicated to the appropriate authority.
9. That the site be fully serviced with municipal sewers and water to the satisfaction of the Town of The Blue Mountains.
10. That prior to final approval the County is advised in writing by the Town of The Blue Mountains how Conditions 2 to 9 have been satisfied.
11. If final approval is not given to this plan within three (3) 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 together with the applicable application fee and a resolution from the local municipality must be received by the County of Grey Director of Planning, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

Further, it is recommended that Council grant a Zoning By-law Amendment to rezone the subject lands from the Recreational Commercial C4-70-h Zone, Public Open Space OS1 Zone, Private Open Space OS2 Zone to the Residential R3-215-h Zone, Public Open Space OS1 Zone, Private Open Space OS2 Zone and Hazard H Zone.

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. Attached

1. Draft Plan
2. Draft Zoning By-law Amendment

Respectfully submitted,

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