

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council
MEETING DATE: April 2, 2007
REPORT NO.: PL.07.38
SUBJECT: Modifications to Draft Plan Approval and Zoning (Peaks Bay, Delphi / Pheobus and William Allen Holdings) Town of The Blue Mountains
PREPARED BY: Robert Armstrong, Manager of Development Services & IS

A. Recommendations

THAT Council does receive Planning Staff Report #PL.07.38, “Modifications to Draft Plan Approval and Zoning (Peaks Bay, Delphi/Pheobus and William Allen Holdings)”;

AND THAT Council does hereby support proposed revisions to Draft Plan applications and related Zoning By-law Amendments as outlined in the Planning Staff Report PL.07.38 dated April 2, 2007 and request Planning Staff to forward said revisions to the Ontario Municipal Board for approval.

B. Background

The Ontario Municipal Board has granted Draft Plan Approval and approved the related Zoning By-law Amendments for all, or a portion of the following developments, located in the Camperdown area:

1. Peaks Bay East – File No. 42T- 87016
2. Peaks Bay West – File No. 42T-85006
3. Neighbourhoods at Delphi (Pheobus) – File No. 42T-95007
4. Neighbourhoods at Delphi (Delphi) – File No. 42T-88003
5. William Allen Holdings Ltd. – File No. 42T-89021

In accordance with the Minutes of Settlement, Draft Plan Approval and Zoning was partially given for the Neighbourhood files and William Allen Holdings based on the availability of servicing, while the Peaks Bay Files received full servicing reservations.

Since the Draft Plan Approval, a number of issues have come forward that require some changes to the Draft Plan. Most significantly is the desire of the Ministry of Transportation to modify the access points to the developments. It

should also be noted that this also relates to the Town's need to obtain an access point onto Highway 26 for our park located east of the Peaks Bay East development. Through agreement by all of the parties, it was agreed that the ultimate access for all residential development will be from a new municipal road opposite Peaks Road. The Town will also be granted an access to the Town Park for a parking lot in the south west corner near the Peaks Ski Club Pump House. In addition, an emergency access will be constructed to connect to Peaks Bay East to provide an additional access point to the development for emergency purposes. In the interim, it was also agreed that Peaks Bay East would be permitted to develop a maximum of 20 units with access through the Town Park until such time as the development is linked to the west. We have attached an outline that has been agreed to by the MTO to address these issues. We would also note that, based on preliminary discussions with the owner of lands (Mr. Szekely), between the Peaks Bay development and the Neighbourhoods development, has indicated a willingness to participate. Details of their involvement are still being worked out and may result in another minor change to the Peaks Bay Development, however, considering the timing of the development of this area, it is considered appropriate to proceed with these revisions at this time.

The timing of various works and the responsibility for the construction and financing of works, particularly the intersection improvements, will be addressed in a Memorandum of Understanding with specific details contained in their respective Subdivision Agreements. The revised Draft Plan conditions being proposed for all these developments have been reviewed and accepted by the Ministry of Transportation. All other changes to the Peaks Bay development and the Neighbourhoods development do not affect the environmental conditions established by the OMB.

In addition to the changes proposed to address the Ministry of Transportation issues, the Neighbourhoods at Delphi also wish to modify the format of their development from a Plan of Subdivision with Common Elements Plan of Condominium roads and open space to a Vacant Land Plan of Condo and some potential freehold units along the new public street. In order to achieve this change they will need to make application to the County of Grey. The Plan of Subdivision before the OMB has been modified to include the new Public Street, all open space blocks to be dedicated to the Town and two future development Blocks only.

The only change proposed to William Allen Holdings is that the four proposed lots that are part of Phase 3 and not Draft Approved at this time will be modified to a Block (41) as opposed to a remnant parcel. This change was requested by the surveyor and legal counsel. The Town's interest will be protected by a .3 metre reserve (Block 49) around the Block.

Based on the foregoing, staff would recommend that Council support the revisions mentioned in this report and direct staff to forward same to the Ontario Municipal Board for approval.

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 Plans
2. Town / MTO / Developer outline of agreement

Respectfully submitted,

Robert Armstrong MCIP RPP CPT
Manager of Development Planning and IS

Peaks Bay Outline

Background

PB Holdings Limited (“Developer”) currently has Draft Approval to construct a new Public Street onto Highway 26. This was agreed to by the Ministry of Transportation (“MTO”) in 1994. The Town of The Blue Mountains (“Town”) also purchased a Park with the help from the Province and requires access to the Park for a parking area.

The Developer, Town and MTO have been discussing working together to achieve only one Public Road access point opposite Peaks Road to the development, with a separate entrance to the Park. There would also be an emergency access from the Park to the Peaks Bay East subdivision.

The Town will require an Agreement with the developers between Peaks Road and the Town Park to ensure co-ordination and securities for improvements, including intersection improvements at Peaks Road.

MTO will require an agreement with the Town, to address intersection improvements at Peaks Road and Highway 26. This agreement can also address the phasing matters agreed to by MTO.

Proposal

In order to facilitate the change from the original Draft Plan Approval, the Town and Developer would proceed with the design, approval and creation of an interim access through the Town Park that would provide access to Peaks Bay East subdivision until such time as the Public Road is created to link up with Peaks Road. This access will be in the form of an easement and not a Public Street from the Town to the Developer that would permit an interim access between the Town Park and the Public Street located on the Developer’s lands. The easement will be to the benefit of the future lot owners in the Peaks Bay Draft Plan and shall be discharged by the Town when a Public Road access is obtained to the west to link up with Peaks Road. The easement shall expire 12 months after registration. The Town at its sole discretion, with the endorsement of MTO, can extend the easement for a period of one year from the present or any future expiration date, to a maximum period of 5 years from the original registration date. MTO will advise the Town of the maximum number of units that can access the interim access so that a turning lane is not required on Highway 26. The Holding –h symbol will be used to ensure that Building Permits are not obtained for any lots that would exceed the limits recommended by MTO. The construction of the interim access will be subject to obtaining the necessary permits from the Ministry of Transportation.

The Town has had preliminary discussions with our Lawyer who has indicated that he believes that the easement solution should work for the Town and the Developer.

Solution

Subject to confirmation from MTO of the aforementioned Proposal, the Town will prepare the necessary revisions to the Draft Plan Conditions for review by MTO. The Town will then forward the revised Draft Plan Conditions to the OMB together with the revised zoning for approval.

The Town will prepare the easement document for the interim access between the Town Park and the Public Street, located on the Developer's lands. The Town will provide the easement document to MTO for its approval prior to registration. Once the Town, MTO and the Developer are satisfied with the easement document, it will be registered. The easement document will form part of the deed for the lots permitted under the Proposal.

The Developer will complete the design of their development and submit the necessary permits for approval.

The Town will work with the Developer to design the interim access between the Town Park and the Public Street located in the Peaks Bay East subdivision. The interim access will be designed so that at a point in time when the Public Road is established to the west, the interim access will be closed, the easement will be discharged and bollards will be placed on the lands between the Peaks Bay East subdivision and the Town Park to convert the lands into an emergency access only.

A condition of Draft Approval will be placed in the Agreement as mentioned in the Background that will incorporate all co-ordination matters raised in this Outline, amongst other matters.

No signs will be placed on the interim access or the Town Park entrance, which would identify a Street Name.

No stop sign will be permitted on the interim access or at the Town Park entrance at Highway 26.

The Town will install and maintain a sign on the interim access and the Town Park entrance to identify that the interim access is not a Public Road and will be closed at such time as a Public Road is created to link up the Public Street located in the Peaks Bay East subdivision with Peaks Road.

This Outline is in addition to the requirements for improvements to the intersection of Peaks Road, which will be contained in an Agreement between the Town and MTO.