

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: March 03, 2008
REPORT NO.: PL.08.22
SUBJECT: Application for Zoning By-law Amendment to remove Holding '-h' Symbol - Lora Bay Corporation - Phase 3
Blocks 5, 7, 18 and Part Blocks 1, 15, 29 and 30, Registered Plan 16M-8
Town of The Blue Mountains

PREPARED BY: Robert Armstrong,
Manager of Development Planning & IS

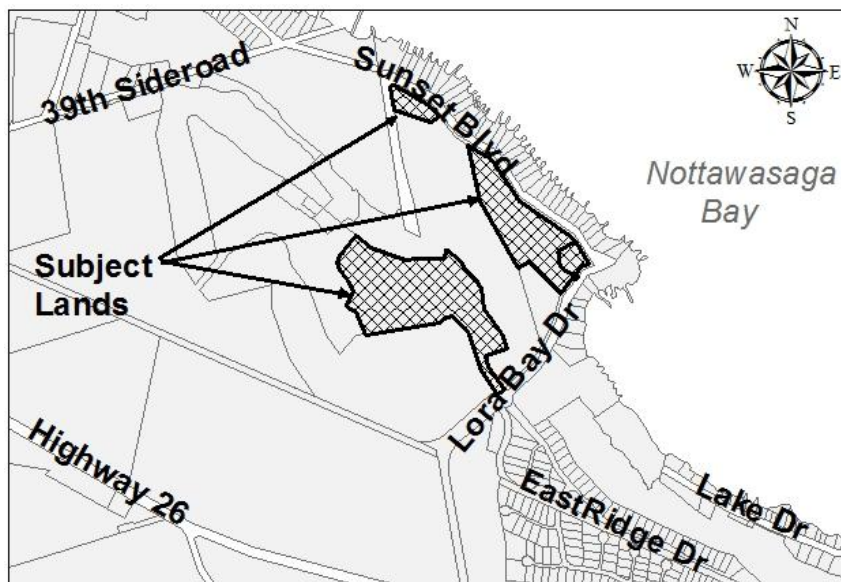
A. Recommendations

THAT Council does receive Planning Staff Report PL.08.22, "Application for Zoning By-law Amendment to remove Holding '-h' Symbol – Lora Bay Phase 3 Blocks 5, 7, 18 and Part Blocks 1, 15, 29 and 30, Registered Plan 16M-8 Town of The Blue Mountains";

AND THAT Planning Staff supports a Zoning By-law Amendment to remove the Holding '-h' symbol for a portion of Phase 3 (88 single detached units).

AND THAT Council has no objection to the County approving the Common Elements Plan of Condominium on the basis that all matters related the approval have been addressed under the Plan of Subdivision and related Agreement.

B. Background



The purpose of this Zoning By-law Amendment application is to consider a request by the applicant to remove the Holding '-h' symbol and permit the registration of the next phase of Lora Bay. The Holding -h symbol is proposed to be removed from 88 single detached lots, while

remaining on the two villa blocks and one single detached lot. The Villa Blocks have Site Plan Approval as a condition of the removal of the Holding –h symbol and Lot 24 of Draft Plan Approval 42T-2006-14-B will require the remediation of the Keeper's Cove Septic prior to the Holding –h symbol being removed.

The proponent has proceeded with the outlet sewer along the 11 Line and works on the upper block under a Pre-Servicing Agreement.

Comments

The following is a list of specific items contained within the Agreement and shown on the detailed engineering and landscape plans:

1. Both the Agreement and the Drainage and Grading Plan for the 24 lots along Sunset Boulevard include provisions that state that *“the maximum first floor elevations shown are 1.50M above the finished roadway elevation at the indicated setbacks from the road rights-of-way. The first floor elevation may be increased at 6.0% for setbacks greater than the minimum shown, e.g. if the setback for a house was 5.0 metres more than the minimum, the first floor elevation would be increased by 0.30 metres over the indicated maximum shown (s.o x 0.060 = 0.30M).”* This addresses the Draft Plan Approval requirement that limits the maximum first floor elevation to be 1.5 metres above Sunset Boulevard. It should be noted that it is reasonable to expect that the elevation would be permitted to increase as you over the house further back on the lot, otherwise the first floor could potentially be below grade. By allowing the 6% increase, the dwelling would stay on the same plane as the house is moved further back on the lot.
2. The proponent's consultant has submitted a detailed landscape plan that includes enhancement of the 10 buffer along Sunset Boulevard where there is limited buffer and in the area that was cleared prematurely between Lots 1 and 2. The landscape plan notes that the trees will be spaded, which would result in more mature tree at the time of planting and therefore a more immediate buffer. Provisions for Tree Preservation are also included for the lots in the upper block.
3. The proponent's consultant has prepared a Scope Environmental Impact Study as required under the Draft Plan Conditions. Further, the Town and County's Peer Review Consultant has accepted their study.
4. The extensive Public Trail Network that will be constructed under this Agreement will be maintained by Lora Bay and the Resident's Association in accordance with the provisions of the Master Development Agreement. The Easement Agreement will include appropriate provisions for default.
5. Currently, the Developer was required to provide the following:

“prior to Final Approval of any plans of subdivision for the Lands and in any event by no later than March 31, 2008, securities in the amount of \$655,000.,

subject to adjustment as provided therein (the “Lake Drive Securities”), for the financing by the Developer for one hundred percent of the estimated the cost of the installation by the Town of the Lake Drive sanitary sewer works and the Lake Drive water distribution works.”

This Agreement will confirm the amount of security required based on current estimates and will identify how this will be secured.

6. The Agreement carries forward the remaining Development Charge Credits for work on Lora Bay Drive, as well as recognizing additional credits for road works on Sunset Boulevard that they front ended.
7. A construction road has been constructed out to the 39th Side Road for this development. Provisions are contained in the Agreement to address some drainage concerns that have resulted from this construction entrance.
8. In accordance with the Master Development Agreement, Lora Bay was required to “dedicate an area for a parking lot to the satisfaction of the Town that will provide parking for a minimum of 20 cars adjacent to the Georgian Trail and Christie Beach Road. In this regard the developer shall deposit securities in the amount of ten thousand (\$10,000) dollars to ensure the construction of the parking area prior to Phase 3 of development, with it being understood and agreed that the surfacing of the parking lot can be gravel to Town standards. Further, the Town agrees dedication of land herein shall qualify as a portion of the parkland dedication required under clause 5.6(b) herein.” The original area intended for this parking area is still not owned by Lora Bay so this cannot be finalized. In this regard, we recommend that this matter be finalized prior to proceeding with any future Draft Plan Approval that requires an amendment to this Agreement.
9. Although the majority of Engineering Drawings were approved under the Preservicing Agreement, there are still some minor issues being considered at the time this report is being prepared. This includes the walkway up the ridge on the golf course and the construction road entrance. We will provide a verbal update to these matters at the Council meeting.

In that the Development Agreement, which is the condition to the removal of the Holding -h symbol, will be completed to the satisfaction of the Town, Planning Staff would have no objection to Council granting a Zoning By-law Amendment to remove the Holding ‘-h’ Symbol for the single detached lots, save and except Lot 25 on the upper block.

It is also noted that the Developer is required to obtain approval of a Common Elements Plan of Condominium on the upper Block for the maintenance of the road and some services. All issues related to the Common Elements Plan of Condominium have been dealt with under the Plan of Subdivision approval process and related Subdivision Agreement which includes provisions for the creation of the Plan of Condominium. Therefore have no objection to any approval of a Common Elements Plan of Condominium by the County and further that no conditions of approval are necessary.

C. The Blue Mountains' Strategic Plan

Strategic Plan Goal #1:

"Managing growth to ensure the ongoing health and prosperity of the community."

D. Budget Impact

NIL

E. Attached

1. Draft Plans

Respectfully submitted,

Robert Armstrong, MCIP, RPP, CPT
Manager of Development Planning & IS
26 Bridge Street, PO Box 310
Thornbury, ON NOH 2PO
Phone: 519-599-3131 ext.242
Fax: 519-599-3018
rarmstrong@thebluemountains.ca