

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: Monday, April 7, 2008

REPORT NO.: PL.08.27

SUBJECT: Application for Zoning By-law Amendment
Timberwolf Lodge - Pristine Homes
(Albridge Development Corporation)
Lots 1-5, Plan 1134
Alpine Springs Court
Town of The Blue Mountains

PREPARED BY: Shawn Postma,
Planner II
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A. Recommendations

THAT Council does receive Planning Staff Report PL.08.27, "Application for Zoning By-law Amendment – Timberwolf Lodge – Pristine Homes (Albridge Development Corporation Lots 1, 2, 3, 4 and 5, Plan 1134, Alpine Springs Court, Town of The Blue Mountains";

AND THAT Planning Staff support the Application for Zoning By-law Amendment to rezone the subject lands from the Residential R7-204-h zone to the Residential R6-204-h zone, and to delete and replace Exception 204 with the following:

"204 Map 16 Notwithstanding any other provision of this By-law, these lands shall be deemed to meet the requirements for direct frontage and access to an improved public street under Section 5.8 to the By-law. Further, the total number of units shall not exceed 15 on all parcels zoned under this exception and the maximum height shall not exceed 2 ½ stories."

AND THAT a new minimum Front Yard setback of 6.5 metres and Rear Yard setback of 5.5 metres be established for Lots 1 and 2 of Plan 1134, and that a new minimum Rear Yard setback of 7.0 metres be established for Lots 3 to 5 of Plan 1134;

AND THAT in accordance with Section 36 of the Planning Act, the holding '-h' symbol shall not be removed from the whole or part of the lands until the granting of Site Plan Approval under S.41 of the Planning Act, including the execution of a Development Agreement.

B. Background

The purpose of this report is to consider a number of adjustments to the existing zoning By-law in order to permit the construction of four multi-attached residential buildings on five separate lots within a registered plan of subdivision (Plan 1134).

The property is located off the south end of Alpine Springs Court on the west side of Arrowhead Road.

Plan 1134 was registered in March 2004, and created 15 new lots for single detached residential dwellings. A year and a half later, the development strategy changed, and a by-law was passed to rezone a portion of Plan 1134 for day skier parking related to the alpine ski club, and the remaining lands for 15 multi attached residential units through what was anticipated to become a plan of condominium. By-law 2005-82 was passed to permit the attached units including the Holding '-h' symbol to ensure that the future development would go through the required Site Plan Approval process, and be registered within a common elements condominium before construction would be allowed to begin.

The application being considered today does not propose any changes to the planned development in 2005. However, due to the fact that the lands remain in a registered plan of subdivision there are a number of technical amendments required to the Zoning By-law which would permit the development to move forward.

The technical amendments recognize the following changes:

- 1) To rezone the lands from the R7-204-h zone to the R6-204-h zone

The rezoning is required to recognize the format of how the units will be constructed over separate lots and under one ownership.

The lands are currently zoned Residential R7-204-h. The R7 zone permits attached units either as row-house units or linked units which as defined under the Township of Collingwood Zoning By-law would permit attached units that are either located separate lots, or on the same lot connected by a wall of at least one non-habitable room.

The R6 zone also permits attached units either as multi-attached or horizontally attached. Again, the By-law defines these uses as attached units separated by horizontal or horizontal/vertical common walls and where access is gained either from an exterior yard, or from an internal hall or corridor.

- 2) To adjust the required front, side and rear yard setbacks

The lands remain as separate lots within a registered plan of subdivision. As such the side yard setback requirement must be removed for the interior lot lines of all 5 lots to permit the buildings to cross the property lines.

In addition the setback requirements of the R6 zone also require adjustments to establish a new minimum Front Yard setback of 6.5 metres and Rear Yard setback of

5.5 metres be established for Lots 1 and 2 of Plan 1134, and that a new minimum Rear Yard setback of 7.0 metres be established for Lots 3 to 5 of Plan 1134. The proposed encroachments more appropriately recognize the setback requirements as if the lands were developed under one property. The location of the front, side and rear yards would change based on the size and configuration of the lot.

3) To remove the requirement for frontage on an opened and maintained public street

Access to all units will occur through internal driveways that have direct access on to Alpine Springs Way, which is an open and maintained public street.

4) To delete and replace exception 204

Exception 204 was created through By-law 2005-82, contemplating a 'common elements condominium' development, with some additional requirements on the number of units (maximum 15) and height (maximum 2 ½ stories). The exception also included the requirements for the registration of a Plan of Subdivision or Plan of Condominium, granting site plan approval, and the execution of a development agreement prior to the removal of the holding '-h' symbol.

The exception must be modified to remove the requirement for the registration of a Plan of Subdivision or Plan of Condominium, but the remaining elements including the granting of site plan approval and the execution of a development agreement will be retained.

The proposed development has been circulated through the Development Review Committee process, and the technical engineer drawings have been accepted, and are stamped 'approved for construction'. The development agreement remains outstanding, and the holding '-h' symbol will not be removed until the agreement has been approved and executed by Council. The above mentioned amendments to the By-law will permit the developer to move forward with correct zoning for the development, and to move into a position to finalize the development agreement. Planning Staff will report back on the status of the agreement at a future Council meeting.

Based on the foregoing, Planning Staff have no objections to the proposed By-law amendment.

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 Zoning By-law Amendment

Respectfully submitted,

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