

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: Wednesday, December 8, 2010
REPORT NO.: PL.10.115
SUBJECT: Site Plan Agreement Modifications and Draft Plan of Condominium County of Grey File #42-CDM-2010-04 Harbourvista Inc. Lots 98, 99 and 100, Plan 1032; Save and Except Part 9, RP 16R-9579; 11 Bay Street; Town of The Blue Mountains
PREPARED BY: Bryan Pearce, Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.10.115, “Site Plan Agreement Modifications and Draft Plan of Condominium County of Grey File No. 42-CDM-2010-04” – Harbourvista Inc.; Lots 98, 99 and 100, Plan 1032; Save and Except Part 9, RP 16R-9579; Town of The Blue Mountains”; and

THAT Council authorize the Mayor and Clerk to execute an amending agreement to the existing Site Plan Agreement executed on November 19, 2007 in a form to the satisfaction of the Town’s Solicitor and Director of Planning & Building Services; and

THAT Planning Staff supports granting approval of the Phased Standard Condominium by the County of Grey conditional upon the following:

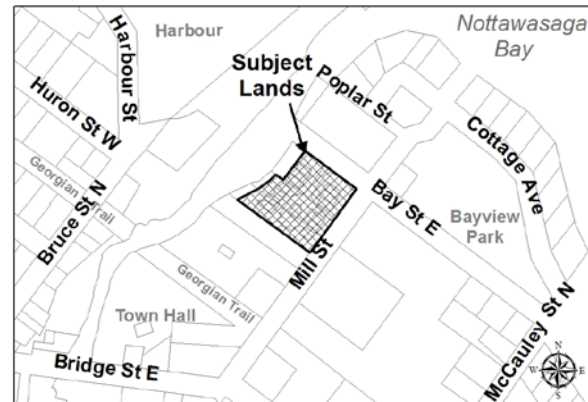
- 1. That the existing Site Plan Agreement executed on November 19, 2007 be amended to reflect the phasing lines consistent with the Draft Plan of Condominium County of Grey File No. 42-CDM-2010-04 and a 2 year extension with respect to the construction of the above ground works; and further**

THAT Council authorize the forwarding of this Report to the County of Grey as comments on the application for Plan of Condominium, being County of Grey File No. 42-CDM-2010-04 for consideration.

B. Background

The approval requested under this project is to amend the existing site plan agreement and to comment to the County of Grey on the draft plan of condominium exemption application for this standard phased condominium.

The Town previously granted site plan approval through Planning Staff Report PL.07.128; and executed a Site Plan Agreement on the November 19, 2007 to allow for the development to proceed. The development consists of four residential building pods, with three pods containing three units each and one pod containing four units for a total of thirteen on the subject lands.



The site consists of 0.54 hectares located on the east side of the Beaver River, south of Bay Street, west of Mill Street in the community of Thornbury. Existing residential dwellings abut the site to the east and south with the Beaver River to the west and a multiple unit residential condominium development to the north.

With regards to the development, site services were installed in 2008 and building permits have been issued for the construction of two building pods. Within the draft plan, the building pod containing units 1 to 3 commenced in 2008 while the building pod containing units 4 to 7 commenced in 2009 (closer to Beaver River).

It was anticipated that the development proposal would be a one phase standard condominium, but now the proponent wishes to change it into a phased condominium in order to respond to market conditions, sales absorption rates and construction staging. It should be noted that Phase 1 on the Draft Plan of Condominium would apply to units 1 to 3 – as documented on the phasing plan, last revised on September 9, 2010. This would facilitate the phased registration of 11 Bay Street in order to allow for the individual units to sell within the development.

Planning Comments

The Town of Thornbury Zoning By-law 10-77 zones the subject property as Residential Multiple (RM1) through amending By-law 2001-07. Permitted uses include multi-attached units.

A Minor Variance was granted by the Committee of Adjustment in March 2007, which permits a reduction to the rear yard setback from 10 metres to 0.75 metres. The original development considered in 2001 anticipated an agreement between the Town and the Developer where the Town would dedicate a portion of the land northwest of the subject property to the Developer, and in return the Developer would provide a trail linkage along the waters edge of the Beaver River along the entire length of the

development. That portion of land could no longer be dedicated by the Town, resulting in the Minor Variance.

Planning Staff note that Minor Variance Application No. A10-2010 was granted on October 21, 2010 by the Committee of Adjustment. The decision on the application was to continue to recognize the lands as one 'lot' within the meaning of the Zoning By-law, notwithstanding that portions of the condominium development will be registered in phases. This decision became final and binding on November 11, 2010.

Planning Staff note that there is one issue outstanding for the developer to rectify prior to obtaining Town clearance, that an Amending Agreement is required to the executed 2007 Site Plan Agreement. Amendments to the agreement include that it be developed under a Standard Phased Condominium; and that the construction schedule be extended an additional two years from the three years contemplated under the executed Agreement. Planning Staff request that Council authorize an Amending Agreement and that the execution of this Amending Agreement be conditional upon supporting the Draft Plan of Condominium. With an Amending Agreement to the executed Site Plan Agreement, a Condominium Agreement is not necessary for this development.

Planning Staff further took this residential development proposal through Town Staff's Development Committee in November 2010, noting no further issues of concern.

Based on the foregoing, Planning Staff would support the execution of an Amending Agreement; conditionally support the granting of Draft Plan of Condominium Approval and support the Condominium Exemption request to the County of Grey.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.10.115 is consistent and supports the following Strategic Plans Goals:

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

D. Environmental Impact

The proposal does not appear to generate any special or significant environmental impacts.

E. Budget Impact

N/A

F. Attached

1. Draft Plan of Condominium, County of Grey File No. 42-CDM-2010-04
2. Committee of Adjustment Decision A10-2010

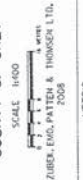
Respectfully submitted,

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Thornbury, ON NOH 2PO
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Fax: 519-599-3018
bpearce@thebluemountains.ca

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Director of Planning & Building Services Department
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P:\~ Active Planning Projects\P720&P762 Harbourvista Inc (11 Bay St)\PL10115 Harbourvista Inc - Site Plan Agrmt Mods & 42-CDM-2010-04 Comments to County.doc

**DRAFT PLAN OF PHASED CONDOMINIUM OF
LOTS 98, 99 AND 100
REGISTRAR'S COMPILED PLAN 1023
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY**



SCALE: 1:1000
ZUBER, TOLSON & THOMSEN LTD.
2008

METRIC
DISTANCES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- NOTES:**
- ◊ DENOTES SET
 - ◊ DENOTES FOUND
 - ◊ DENOTES 0.016 X 0.016 X 0.2 IN IRON SURVEY BAR
 - ◊ DENOTES 0.016 X 0.016 X 0.610 IRON SURVEY BAR
 - ◊ DENOTES 0.025 X 0.025 X 0.610 IRON SURVEY BAR
 - ◊ DENOTES CUT CROSS

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 5(11.7) OF THE PLANNING ACT

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. RESIDENTIAL CONDOMINIUM
- E. AS SHOWN
- F. AS SHOWN
- G. AS SHOWN
- H. AS SHOWN
- I. AS SHOWN
- J. AS SHOWN
- K. MUNICIPAL SANITARY SEWERS
- L. AS SHOWN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LOTS AND THE BOUNDARIES OF THE CONDOMINIUM UNITS SHOWN ON THIS PLAN
ON SEPTEMBER 9, 2010
BY LINDA M. PATTON
ONTARIO LAND SURVEYOR
COLLINGSWOOD

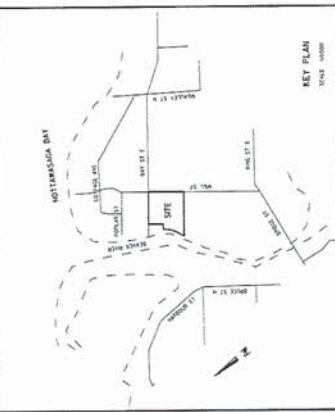
OWNER'S CERTIFICATE

THE SUBMISSION OF THIS DRAFT PLAN OF CONDOMINIUM TO THE GREY COUNTY PLANNING DEPARTMENT.

SEPTEMBER 9, 2010
LEONARD COSOFFY
AUTHORISED SIGNING OFFICER
I HAVE THE AUTHORITY TO SIGN THE CORPORATION

ONTARIO LAND SURVEYORS
39 STEWART ROAD
COLLINGSWOOD, ONTARIO L3Y 4M7
PHONE: (705) 445-4930 FAX: (705) 445-2464
L 1 M 2 L 3
JOB NO. 20-0116 SURVEY FOR LEONARD COSOFFY

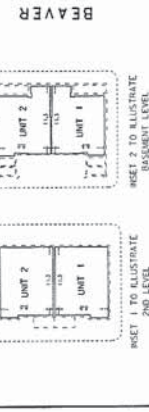
- NOTES:**
- A. DENOTES INSIDE SURFACE OF DRYWALL AND THE EXTENSION THEREOF
 - B. DENOTES INSIDE SURFACE OF POLURED CONCRETE WALL
 - C. DENOTES INSIDE SURFACE OF DRYWALL CEILING
 - D. DENOTES INSIDE SURFACE OF CONCRETE SLAB
 - E. DENOTES INSIDE UNFINISHED SURFACE AND PLANE OF EXTERIOR DOORS, DOOR AND WINDOW FRAMES AND GLASS PANELS THEREIN
 - F. DENOTES UPPER SURFACE OF PLYWOOD SUBFLOOR
 - FP DENOTES FIREPLACE



KEY PLAN
SCALE: 1:5000



TYPICAL OF UNITS 1, 2 AND 3



TYPICAL OF UNITS 4, 2 AND 3



SECTION TO ILLUSTRATE VERTICAL RELATIONSHIP OF LEVELS
TYPICAL OF UNITS 1-13 INCL.

SITE INFORMATION

PHASE 1	PHASE 2	PHASE 3	PHASE 4
AREA: 2110m ²	AREA: 1336m ²	AREA: 1056m ²	AREA: 4336m ²
UNITS: 3	UNITS: 3	UNITS: 3	UNITS: 3
COL: 17, 17, 17			

SITE AREA = 5431m²
BUILDING COVERAGE = 1736m²
TOTAL RESIDENTIAL UNITS = 13
TOTAL PARKING = 13 + 6 VISITOR

**TOWN OF THE BLUE MOUNTAINS
COMMITTEE OF ADJUSTMENT
DECISION**



In the matter of application for Minor Variance File No. A10-2010

DATE OF HEARING: October 21, 2010
OWNER/APPLICANT: Harbourvista Inc., c/o Leonard Godfrey, President
AGENT: Colin Travis, Travis & Associates Inc.
PROPERTY LOCATION: Lots 98, 99 and 100, Plan 1032;
save and except Part 9, RP 16R-9579

PURPOSE OF APPLICATION:

The purpose of this variance is to consider a request by the applicant to vary the definition of 'lot' so as to allow for the phased registration of the development on the subject property.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 45(2) of the *Planning Act*, **CONCUR** in the following decision and reason(s) for decision

DECISION:

THAT the Committee of Adjustment GRANT Minor Variance Application No. A10-2010 in order to continue to recognize the lands as one 'lot' within the meaning of the Zoning By-law, notwithstanding that portions of the condominium development will be registered in phases on the subject property.

CONDITIONS AND REASONS FOR DECISION:

See Attached Schedule "A"

 Robert B. Waind - Chairperson -	 Shiela Metras	 Bill Remus
<u>October 21</u> , 2010	<u>October 21</u> , 2010	<u>October 21</u> , 2010

THE LAST DATE FOR FILING AN APPEAL TO THE DECISION IS NOVEMBER 10, 2010

CERTIFICATION

Planning Act, R.S.O. 1990, c.P13, Sec 45(10)

I, Lori Carscadden, Secretary-Treasurer of the Town of The Blue Mountains Committee of Adjustment, certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.


Signature of Secretary-Treasurer

Town of The Blue Mountains Committee of Adjustment
26 Bridge Street East, Thornbury, Ont., N0H 2P0

Dated: October 22, 2010

**TOWN OF THE BLUE MOUNTAINS
COMMITTEE OF ADJUSTMENT
DECISION**



- SCHEDULE A -

CONDITIONS:

Nil

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.10.104.