

REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee

MEETING DATE: Wednesday, May 3, 2010

REPORT NO.: PL.10.35

SUBJECT: Application for
Zoning By-law Amendment -
Harbour Mews Inc.
Lot 25 and Part Lot 26 southwest of
King Street and Part Lot 25 northeast of
Arthur Street, Town Plot of Thornbury;
Part of Part 1, 16R-1917;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

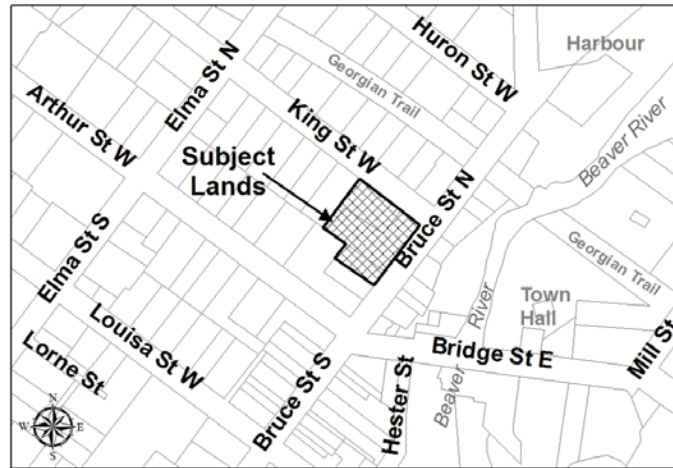
A. Recommendations

THAT Council receive Planning Staff Report PL.10.35, "Application for Zoning By-law Amendment – Harbour Mews Inc.; Lot 25 and Part Lot 26 southwest of King Street and Part Lot 25 northeast of Arthur Street, Town Plot of Thornbury; Part 1, 16R-1576; Part of Part 1, 16R-1917; Town of The Blue Mountains"; and

THAT Council enact a Zoning By-law Amendment to rezone the subject lands from General Commercial C2 Zone and Residential Multiple RM1 Zone to Core Commercial Exception 42 Holding C1-42-h Zone.

B. Background

The purpose of this Application is to consider a request to rezone the subject lands that would permit 2 mixed-use buildings, each 3 storeys in height, comprised of commercial units on the ground floor and residential units above. The proposal would require a reduced setback abutting King Street West and Bruce Street North so as to bring the structures closer to the street; increase the maximum building height to allow for a third storey; and establish reduced parking and loading space provisions; amongst other matters.



The subject lands are located on the southwest corner of the intersection between Bruce Street and King Street with a civic address of 10 and 16 Bruce Street North and 11 King Street West.

It should be noted that the subject lands have municipal water and sewer service fronting along the roads, being in the Thornbury West service area. The subject lands are currently used for commercial purposes in the existing Harbour Mews Building and residential purposes with the existing dwelling on King Street West (see Attached Item #1).

The Applicant and Owner is Harbour Mews Inc, who owns the lands comprised of 3857 square metres.

The surrounding uses include:

- To the South:
 - commercial lands of the laundromat
 - commercial and institutional uses of the Canada Post Office, Massage Therapy, Pool and Spa, Naples Pizza
- To the West:
 - residential use with an existing single detached dwelling
 - institutional use of the Canada Post Office
- To the North:
 - Residential use with an existing single detached dwelling
 - Commercial use of Gyles Marine
- To the East:
 - Mixed use of commercial and residential uses in former residential homes
 - Residential uses with an existing single detached dwellings

Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

The PPS-2005 supports this proposal under Section 1.1.3 which states that “*settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted*”, as the subject lands are within the Thornbury Urban Area, a designated settlement area within the Town.

It is the intent of the PPS-2005 to focus growth within settlement areas through intensification and re-development, by utilizing existing land inventory and existing infrastructure.

Under Section 1.1.3.3, it states that:

Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Further under Section 1.1.3.7, it states that:

New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Urban within the County of Grey Official Plan. Section 2.6.3 of the Official Plan states that it defers more detailed land use policies and development standards to the local Official Plan.

Therefore the Official Plan supports this proposal, as the urban designation is applied to existing urban settlement areas, like the community of Thornbury, allowing

for a full range of land uses; and to where growth is to be concentrated in the County.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Commercial within the Thornbury Urban Community.

The Commercial designation in Thornbury consists of two distinct areas – the Bruce Street core and the Arthur/King Street corridor. This proposal would be within the Bruce Street core.



The Bruce Street core is primarily a retail area, but a diverse range of commercial uses are promoted; and residential uses as accessory functions. This promotes the commercial use as the primary function, with the residential use as the secondary function to the commercial use.

Under Section 3.20 of the Official Plan, it states that the maximum height of all buildings and structures in the municipality shall generally be 11 metres, except the Village at Blue Mountain in site-specific land use policies. It further states that residential, commercial and industrial buildings shall generally not exceed three storeys, unless Council is satisfied that the proposal would be compatible with nature and character of the area.

Planning Staff note that the proposal is within the downtown core of Thornbury on the 'Main Street' as seen in small town Ontario. As noted under Section 3.3 of the Official Plan, the Thornbury Commercial designations represent the primary local retail and service centre for the Municipality. Intensification of the core area is vital to keep the core vibrant and on a sustainable path and promotes walk-ability striving away from the service commercial type uses that are automotive dependent.

Therefore, it would appear that the proposed zoning by-law amendment meets the general intent and conforms to the policies of the Official Plan for this proposal.

Zoning By-law

The subject lands are zoned General Commercial C2 Zone and Residential Multiple RM1 Zone within the Town of Thornbury Zoning By-law 10-77.

As noted in the figure to the right, the lands to the west of the existing dwelling unit, with a civic address of 11 King Street West is where the Residential Multiple RM1 Zone is located, as the remainder of the lands are zoned General Commercial C2 Zone.

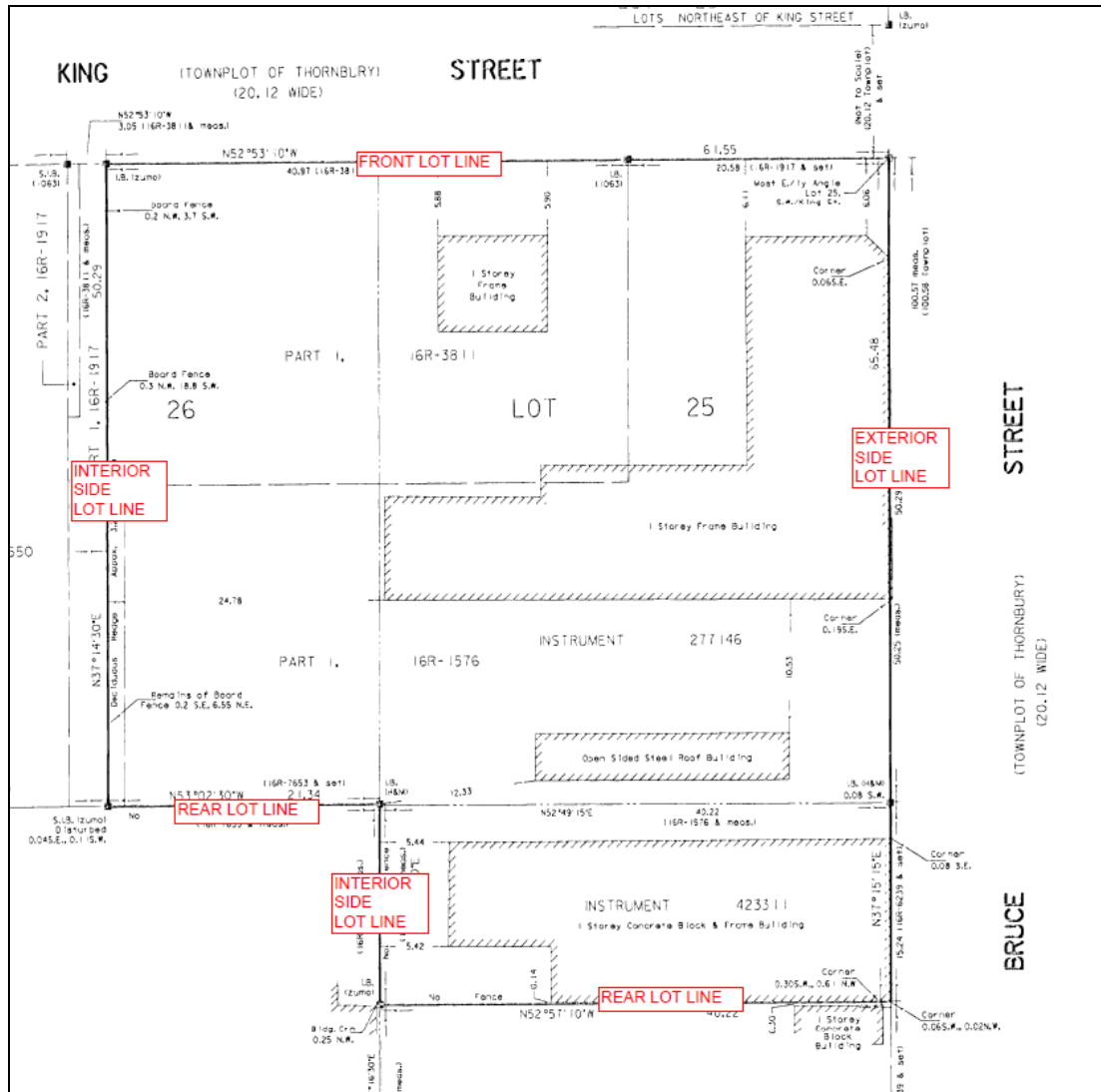


As noted in the Town of The Blue Mountains Official Plan, the long-term plan is for these lands to be of commercial use. Hence, the proponent has requested to rezone the property to a Core Commercial C1 Zone with an exception – similar to what is seen on the Bruce Street South core area for zone regulations.

Again the proponent wishes to rezone the subject lands from the General Commercial C2 Zone and Residential Multiple RM1 Zone to Core Commercial Exception 42 Holding C1-42-h Zone. By rezoning it from the C2 to the C1 Zone – it is removing the automotive dependent service commercial type uses seen along the Highway 26 connecting link corridor and narrows the scope of the commercialized uses permitted to be located on the lands. The Table below outlines the change from a C2 Zone to a C1 Zone.

<u>Permitted Uses</u>	<u>C1</u>	<u>C2</u>
Retail Uses	✓	✓
Business and Professional Offices	✓	✓
Service Commercial Uses	✓	
Restaurants	✓	✓
Financial Institutions	✓	
Institutional Uses	✓	✓
Minor Parks	✓	
Open Space Areas	✓	✓
Personal Service Shops		✓
Service Shops		✓
Drive-in and take-out Restaurants		✓
Places of Entertainment		✓
Motels		✓
Hotels		✓
Automotive Sales and Service Establishments		✓
Automotive Service Stations		✓
Gas Bars		✓
Building Pressing Shops		✓
Farm Implement Sales and Service Establishments		✓
Garden Centre		✓
Medical Centres		✓
Commercial Schools		✓
Funeral Homes		✓
Car Washing Establishments		✓
Public and Private Recreational		✓
Residential uses (ancillary)	✓	
Residential uses (accessory)		✓
Uses, buildings and structures (accessory)	✓	✓

With respect to site performance standards in the zone classification, the following regulations are applied to the subject lands, as denoted below:



Site Performance Regulations

	C2	C1
Maximum Lot Coverage	40%	70%
Maximum Gross Floor Area	50%	120%
Minimum Front Yard Setback	3m	9m
Minimum Interior Side Yard Setback	3m	0m
Minimum Interior Side Yard Setback abutting a residential zone	9m	9m
Minimum Exterior Side Yard Setback	1-6m	4.5m
Minimum Rear Yard Setback	7.5m	0m
Minimum Rear Yard Setback abutting a residential zone	10m	10m
Maximum Building Height	10m	10m

Relief is requested to the following zoning provisions:

1. minimum front yard setback (King Street West)
2. minimum exterior side yard setback (Bruce Street South)
3. maximum height
4. parking provisions
5. load space provisions

With regards to item #1 and #2, due to the lot shape and orientation, the Zoning By-law would require relief to the setbacks abutting the public streets.

Planning Staff completed a town-led comprehensive zoning by-law amendment initiative in 2008 for the C2 Zone. The goal was to achieve a number of goals including having attractive streetscapes, by moving buildings in the downtown, closer to the street with parking away from the street. This will calm traffic, stimulate active transportation and encourage the development of a vibrant multi use downtown core. Planning Staff note that same is achieved in this proposal, with the request to reduce the setbacks abutting the street, as detailed below.

1. King Street West – Front Yard Setback

The existing zoning by-law has a minimum exterior side yard setback of 4.5 metres when abutting a public street, therefore due to the orientation of the lot with King Street West being defined as the front yard, the zoning by-law required a minimum front yard of 9 metres.

To be consistent with the commercial setback works completed in 2008, Planning Staff would request that a minimum front yard setback of 3 metres be implemented as utilized currently in the C2 Zone.

2. Bruce Street – Exterior Side Yard Setback

The existing zoning by-law has a minimum front yard setback of 0 metres when abutting Bruce Street southwest of Arthur Street. To have the same effect on the subject lands, relief is requested from the minimum exterior side yard setback of 4.5 metres, to a minimum exterior side yard setback of 0 metres.

Again as noted above, this would achieve the principle of the town-led works completed in 2008 in the C2 Zone by bringing structures closer to Bruce Street, encouraging the existing streetscape and character of the downtown and with what is seen with the site location of the existing harbour mews building.

3. Maximum Height

The existing zoning by-law has a maximum height of 10 metres in C2 and C1 Zones. The proponent has requested relief to the maximum height to be able to achieve a 3 storey design on the subject lands. The proponent has requested up to a maximum

height of 12 metres to allow for the modern architectural design of a building, as modern designs have higher ceiling heights as it relates to each storey.

Planning Staff note that to rationalize the increase in height to a maximum of 12 metres, that it be recommended that the maximum height be limited to a flat roof design and an increased setback be applied to buffer the residential zoning from the commercial zoning. These two items are addressed further below.

With respect to the flat roof design, it has benefits to the downtown by continuing the character of the mixed-use buildings that is seen in the core. The visual impacts of a pitched roof would be alleviated with a flat roof design, as the way the zoning by-law measures height is to the mid-point between the peak and eaves.

With respect to the residential zone buffer to the commercial building setback, the existing zoning by-law has a minimum setback of 9.0 metres to the residential zone. Planning Staff note that to increase the height an additional 2.0 metres, the setback to the residential zone should also be increased to address the compatibility between the commercial and residential use at a rise to run ratio of 1:3. Therefore, Planning Staff recommend that an additional 6.0 metre setback be applied as a separate distance to the residential zone, for an overall minimum setback distance of 15.0 metres.

4. Parking Provisions

The parking requirements under Section 6.9 of the zoning by-law is dependent upon the type of use on the subject lands and is broken out below into 2 categories of commercial and residential below.

Commercial Parking

For commercial uses, the zoning by-law ranges from the least intensive commercial use of 27 square metres of floor space per parking space to most intensive commercial use of 14 square metres of floor space per parking space.

The proponent has requested to utilize a blended rate of 20 square metres of floor space per parking space, as it would be an average.

Planning Staff note that without a site plan approval application filed for the subject lands in conjunction with this zoning by-law amendment application, it would be premature to adjust the commercial parking standards without knowing the detailed type of commercial usage on the site, as the usage all could be at the extremes.

Residential Parking

For residential uses, the zoning by-law requires 1.5 parking spaces per unit for apartment(s) ancillary or accessory to a commercial or industrial use.

The proponent has requested to utilize a reduced rate of 0.75 parking spaces per unit for the residential component, based on the fact that with increased intensification it is indirectly proportional to the dependency of the automobile and will attract more affordable housing needs, namely targeting the demographics of the younger generation or the aged.

Planning Staff note that without a site plan approval application filed for the subject lands in conjunction with this zoning by-law amendment application, it would be premature to adjust the residential parking standards without knowing the detailed type of residential usage on the site, as with the increased number of bedrooms and increased size of the residential units is directly proportional to the parking demands for that residential use.

Planning Staff note that the Town is currently working a comprehensive new zoning by-law for the entire jurisdiction in the municipality. It is anticipated that a modernization of the parking standards will occur on the matter, updating the two existing zoning by-laws in the municipality, being the Town of Thornbury Zoning By-law 10-77 and the Township of Collingwood Zoning By-law 83-40.

5. Load Space Provisions

The load space requirements under Section 6.6 of the zoning by-law are dependent upon the gross floor area of buildings and structures of the non-residential use. The current zoning by-law regulates them as noted below:

<u>Gross Floor Area</u>	<u>Minimum Loading Space</u>
280 square metres or less	1
280-2300 square metres	2
2300-7400 square metres	3
7400 square meters or more	4

The proponent has requested only one load space be required on the subject lands. Planning Staff note that without a site plan approval application filed for the subject lands in conjunction with this zoning by-law amendment application, it would be premature to adjust the standard. The non-residential gross floor area would be detailed with the site plan application, which then can relate the demand for the load spaces on that premise.

Overall Zoning Comments

Planning Staff note that the holding symbol (-h) will also be utilized under the Amendment to obtain Site Plan Approval amongst other matters, for the detailed layout of the subject lands, prior to the commencement of construction through the building permit process.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; Grey Bruce Health Unit (GBHU); and Grey Sauble Conservation Authority (GSCA). These comments are summarized below.

The County of Grey - Planning and Development Department has no issues of concern, provided that positive comments are received by the Ontario Ministry of Transportation (MTO) due to the close proximity to Highway 26. Planning Staff note that within the community of Thornbury, this section of road is a connecting link within the provincial highway system and therefore MTO has no jurisdiction on the matter.

The GBHU has no issues of concern, but notes that the Town should consider and investigate the following for the development:

1. the use of pervious parking and hardscaping surface materials in efforts to reduce surface and groundwater degradation from on-site runoff.
2. Sufficient bicycle parking for residents, guests and main floor commercial use customers.
3. Benches for residents, guests and main floor commercial customers.

Planning Staff note that these items can be considered when the proponent makes application for site plan approval, as part of the site detail review on the subject lands.

The GSCA has no issues of concern, but notes that the stormwater quality from the site be maintained at the existing level or enhanced through the required stormwater management plan to the satisfaction of the Town; and that sediment controls be put in place when construction occurs to minimize runoff impacts on fish habitat in the Beaver River.

Planning Staff notes that the Town's Engineering and Public Works Department will need to be satisfied on stormwater issues, amongst other matters, through the site plan approvals process, prior to the commencement of construction.

Interdepartmental Comments

Comments were received from Engineering and Public Works Department, having no issues of concern with the proposal, provided that the proponent will have regard for corner site lines during the on-site details through site plan approvals process.

Planning Staff note that no other interdepartmental comments have been received on these applications; and therefore no further issues of concern have been raised for this proposal.

Public Meeting Comments

Based on the site visit conducted on February 24th, 2010, the placards for zoning by-law amendment was posted as required under the *Planning Act*, along with a mail out circulation of the Notices to area assessed property owners and publication in the February 3rd, 2010 edition of The Courier-Herald Newspaper.

The public meeting was held on March 1st, 2010, as required under the *Planning Act*. Additional comments were received through the Committee with the public in attendance at the public meeting. Below are the issues of concern raised at the public meeting with the proposal:

Parking

Planning Staff note that the impacts of parking are addressed above in zoning by-law comments.

Noise

Planning Staff notes that the municipality in both the Town of Thornbury Zoning By-law 10-77 and the Township of Collingwood Zoning By-law 83-40 requires a minimum landscaping buffer width of 3.0 metres when a non-residential use abuts a residential use, as a mechanism to address compatibility of the uses.

Furthermore, Planning Staff note that the Town's Noise By-law is the mechanism that regulates noise disturbances across the municipal jurisdiction. This can be enforced through the Town's Building & By-law Division.

Vehicular and pedestrian traffic

Planning Staff note that with redevelopment of the site through the site plan approvals process, the drawings of the site detail would address a management plan of the vehicular and pedestrian traffic and the functions in and around the subject lands, improving upon the current situation on the subject lands.

Pollution

Planning Staff note that development of the site could increase the density, mixed land use, intensification and redevelopment of the site. This would be supportive of active and alternate modes of transportation, while potentially decreasing the use of personal automobiles by encouraging the walkability of the downtown core of the community of Thornbury.

The Town also has endorsed an anti-idling initiative to encourage everyone in their day-to-day actions to mitigate their affects on the environment.

Intensification

Again, the direction from the province is clear - to focus growth within settlement areas through intensification and re-development, by utilizing existing land inventory and existing infrastructure.

Planning Staff note that the existing zoning by-law standards are underutilized on the site as of today with the existing Harbour Mews building and existing dwelling. This proposal further propagates the overall notion of the Official Plan to intensify the downtown core to keep the core vibrant and on a sustainable path and promotes walk-ability, striving away from the service commercial type uses that are automotive dependent found in the C2 Zone.

Written Correspondence Received From The Public

Seven (7) items of correspondence were received from the public, two (2) in general support and five (5) in general opposition of this application.

In support of this application, there were two (2) general letters of support with one noting questions on:

1. If the residential units would be rental or condos for purchase
2. Amount of residential units and varying size
3. If any opportunities to have a portion of the residential units offered at below market value

Planning Staff note that the zoning by-law's focus is land use planning and does not address how the tenure of the lands is to be utilized. This detail would come forth as part of the detailed design of the site at site plan approval stage, where:

- the residential units could be under a plan of condominium to allow for individual ownership to the units or could be residential units for rental
- the number of residential units and size would be identified

Planning Staff note that there are no controls that would make a developer have any portion of the residential units offered at below market value. But with intensification of the site, this promotes more efficient uses of municipal services on the site and with creating small residential units would promote a more attainable value for the residential usage component.

In opposition of this application there was five (5) general letters that addressed issues of concern with the following:

Noise

Planning Staff notes that this is addressed above in the public meeting comments.

Residential to Commercial Rezoning

Planning Staff notes that the Official Plan designates the long term use of the lands in the municipality. It identifies that the intent is for commercial use on the property. Again the zoning by-law, provides regulations to buffer the commercial use from the residential use in this scenario, as well as the whole municipality.

Height

Again, as noted above in the zoning comments, the existing C1 and C2 Zones allow for a maximum building height of 10 metres. By proposing an increase in maximum building height to 12.0 metres, the subject lands are bounded by Bruce and King Street which are 20 metre road allowances, predominately across from commercial zones that allow for a maximum height of 10 metres and residential zones permitting up to a maximum of 2.5 storeys. To address the compatibility of abutting residential zones of the subject lands, it is justifiable to increase the minimum setback as detailed in the zoning comments above.

Summary

Based on the foregoing, it is the opinion of Planning Staff that the proposed zoning by-law amendment to rezone the subject lands from C2 Zone and RM1 Zone to C1-42-h Zone; conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support this application for zoning by-law amendment as noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.10.35 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 aids in creating a sustainable downtown core through the implementation of smart growth principles, which refers to land use and development practices that municipalities can use to help create more liveable communities by reducing sprawl while utilizing municipal resources more effectively.

E. Budget Impact

N/A

F. Attached

1. Aerial Photograph of the Subject Lands, May 2006
2. Draft Zoning By-law Amendment

Respectfully submitted,

Bryan Pearce, HBA, CPT
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SCALE
1:1,500

BNP
Created: March 1/10

Harbour St

Huron St W

Bruce St N

Bridge St E

King St W

Hester St

Subject
Lands

Bruce St S

Elma St N

Arthur St W

Louisa St W

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2010 - _____

Being a By-law to amend Zoning By-law No. 10-77
which may be cited as "The Town of Thornbury
Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Schedule 'A' to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by rezoning the subject lands from the General Commercial C2 Zone and Residential Multiple RM1 Zone to Core Commercial Exception 42 Holding C1-42-h Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Lot 25 and Part Lot 26 southwest of King Street and Part Lot 25 northeast of Arthur Street, Town Plot of Thornbury; Part 1, 16R-1576; Part of Part 1, 16R-1917; as indicated on the attached key map Schedule "A-1".
2. Section 26 to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, as amended, is hereby further amended by adding a new Exception as follows:

"42 Notwithstanding any provision of this by-law to the contrary, the following shall apply for these lands:

Minimum Front Yard	-	3.0 metres
Minimum Side Yard abutting a public street	-	0.0 metres
Maximum Flat Roof Building Height	-	12.0 metres
Minimum Side Yard abutting a residential zone	-	15.0 metres"
3. In accordance with Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, the holding '-h' symbol shall not be removed from the whole or part of the lands until such time as:
 - a. Site Plan Approval has been granted under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, including the execution of a Site Plan Agreement.
4. Schedule "A-1" is hereby declared to form part of this By-law.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____th day of _____, 2010.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2010 - _____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the _____th day of _____, 2010.

DATED at _____

this _____ day of _____, 2010.

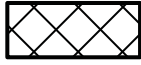
Signed: _____
Corrina Giles, Clerk

DRAFT

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. 2010 - _____



Area To Be Rezoned To Core Commercial Exception 42 Holding C1-42-h Zone

