A. Recommendations

THAT the Director of Planning and Development Services grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of a 444sq.m. addition on the lands municipally known as 90 King Street East, as per the attached Site Plan, Landscape, and Elevation Drawings, and subject to the following conditions:

1) That this approval applies to the development of the lands legally described as Lot 15 and Part Lots 16, 17, and 18 Northeast of King Street, Plan Thornbury, Parts 8 and 10, Plan 16R-9726, Together with an easement over Part Lot 18 Northeast of King Street, Plan Thornbury, Part 11, Plan 16R-9726, in favour of Part 10, Plan 16R-9726, as in GY19607, Town of The Blue Mountains, as detailed in the site plan approved drawings attached hereto and as outlined below:

a) Above Board Construction Inc.
   Project No.: 2018-17
   Name: Site Plan
   Drawing No.: A1.0
   Dated: January 10, 2019 (Revised October 8, 2019)

b) Henry Kortekaas & Associates Inc.
   Project No.: 2019-050
   Name: Landscape Plan
   Drawing No.: L-L1
   Dated: April 3, 2019 (Revised November 8, 2019)

c) Henry Kortekaas & Associates Inc.
   Project No.: 2019-050
   Name: Detail Plan
   Drawing No.: L-D1
   Dated: April 3, 2019 (Revised November 8, 2019)

d) Above Board Construction Inc. (Archxes Design Inc.)
   Name: Addition to Existing Cidery and Brewery Building
2) The owner shall enter into a Site Plan Agreement with the Town, dealing with the general site development and the following additional matters:

   a) That the Owner shall further agree:

      i) That this approval applies to new development occurring on the lands and does not recognize, or instill any form of approval, for any existing encroachments onto abutting land parcels;

      ii) that the owner shall submit detailed construction phasing, mobilization, and lay-down plans to the Town. Three (3) hardcopy sets and a digital set of drawings shall be provided to the Town for review and approval prior to the commencement of any on-site works;

      iii) Notwithstanding any plans required by any conditions otherwise outlined herein, the owner shall submit the following documentation for review and Approval for Construction, in accordance with the Town’s Engineering Standards, prior to the commencement of on-site works:

          - Storm and Sanitary Design Sheet;
          - Removals Plan;
          - Re-grading Plan, if required;
          - Interim Site Access Plan, if required;
          - Plan and Profile Drawings;
          - Storm Drainage Area Plan;
          - Sanitary Drainage Area Plan;
          - Sediment and Erosion Control Plan;
          - Construction Notes and Standard details;
          - Composite Utility Plan; and
          - An updated Functional Servicing Report, as may be required;

      iv) to provide municipal sanitary and water services to the Lands and all buildings in accordance with the Town’s Engineering Standards and the Ontario Building Code, at the sole cost of the Owner except as otherwise outlined herein. The works required to connect to the municipal system shall be designed by a qualified professional engineer and three (3) hardcopy sets and one digital set of all associated drawings, as well as a detailed construction cost estimate, shall be provided to the Town for review and approval. On-site servicing works shall not commence until the cost estimates and all required drawings have been approved by the Town;

      v) that the owner shall submit detailed site grading and drainage drawings to the Town. Three (3) hardcopy sets and one digital set of drawings, as well detailed construction cost estimates, shall be provided to the Town for review and approval prior to the commencement of any on-site grading works;
vi) that the Town will contribute no more than 50% of the financial resources towards the construction of a new sanitary sewer connection to the property line to an upset limit of $50,000.00, in accordance with Council Resolution of December 16, 2019;

vii) that the municipal sanitary service connection design will be based on one of three possible options, being:

Option 1: the provision of a sanitary connection to municipal services within the King Street right-of-way; or

Option 2: the provision of a sanitary connection to municipal services within the Elgin Street right-of-way; or

Option 3: the provision of a sanitary connection through municipally owned lands to existing municipal services on McAuley Street, north of the subject lands. The feasibility of this option shall include field survey along the proposed alignment to produce a ground surface profile, verification of the termination of the manhole and any infrastructure that locates show to be present, such that plan and profile drawings can be prepared to identify available slopes, cover, and connection details. A Tree Preservation Plan shall also be provided to the Town for review and approval. Appropriate tree cutting permits must be obtained prior to any tree removal.

viii) that the Owner shall enter into a Sewer Use Agreement prior to connection to the municipal sanitary sewer system, in a form satisfactory to the Town;

ix) that occupancy for the building will not be granted until the sanitary and water services are installed and connected to the municipal system, to the satisfaction of the Town;

x) that all works to be installed on municipal lands must be completed following the issuance of a Municipal Land Use Permit by the Town’s Operations Department or the Community Services Department, as appropriate;

xi) that the owner shall apply for appropriate approvals and authorizations if road closures/obstructions are required for construction purposes. Such approvals and authorizations will be required to be approved a minimum of fourteen (14) days in advance of the anticipated occurrence;

xii) that the owner shall provide the Town with securities, or an acceptable form of letter of credit, for 100% of the cost of all internal stormwater and grading works, landscaping works, and for 100% of the cost of any servicing works to be completed on public lands. Securities shall be posted prior to the Town’s consideration of executing the Site Plan Agreement; and

xiii) that the recommendations contained in the Odour and Best Management Practices Report (prepared by Arcadis, dated June 2019) be implemented in the standard operation of the facility. Furthermore, that if any odour issues arise that, at the sole discretion of the Town, negatively impact air quality
on surrounding lands, the Owner shall commission an updated Odour and Best Management Practices Report within ten (10) days of notice from the Town regarding same. The updated report shall contain recommendations for mitigation. Upon review and approval of the updated report by the Ministry of Environment Conservation and Parks and the Town, the Owner shall implement any and all odour mitigation measures that may be required by the Ministry of Environment and Climate Change and/or the Town.

3) That a Site Plan Agreement shall be executed by the Applicant by February 7, 2020. If a site plan agreement is not executed by the Applicant by the aforementioned date, all site operations/construction shall cease until the Agreement is executed;

4) That occupancy shall not be granted until such a time that the operator of the propane refilling station located at 64 King Street has confirmed that its risk management plan has been appropriately updated, as may be required.

B. Overview

Staff received an application for Site Plan Approval for the construction of a 444sq.m. addition to the existing building on the subject lands on July 24, 2019. An associated Minor Variance application was received on June 21, 2019, which was approved by the Committee of Adjustment on July 17, 2019. The appeal period for the minor variance lapsed on August 6, 2019, and the conditions of the minor variance have been addressed through the site plan review process, to the Town’s satisfaction. Site plan approval is the final condition to be addressed in order for the variance to come into full force and effect.

The proposal includes the construction of a 444sq.m. addition to the existing cidery building intended to be utilized for additional brewing and production space in order to incorporate the brewery operations of Colio Estates into the existing Cidery building.

C. Executive Summary

Application File # P2772

Application Received Date: July 24, 2019

Application Deemed Complete Date: Not Applicable

Official Plan Designation: Downtown Area

Zoning Bylaw Designation: General Employment (M1)

Location: 90 King Street East, Thornbury
D. Background

Planning Services received a Site Plan Approval application on July 24, 2019, for the lands municipally known as 90 King Street East. The applicant proposes to construct an addition to the existing industrial building in order to expand the current brewing and production operations taking place on the lands. The new addition will centralize the cidery production and brewing operations of Thornbury Cider into one building. Various site improvements are included in the proposal, including the provision of an additional parking area and landscape features. New municipal service connections are proposed along the King Street frontage.

Location

The subject lands are located on the north side of King Street East. Surrounding land uses include lands zoned for residential uses to the north, with lands predominantly zoned for commercial uses to the east, west, and south.

Figure 1: Aerial Photo of Subject Lands

In support of the application, the Town received a site plan drawing and complete engineering drawings, as well as an Odor Assessment Report. The "Approved for Construction" site plan, landscape, and elevation drawings are attached hereto as Attachment #1.

E. Analysis

The Town of The Blue Mountains Official Plan, 2016

The Town of The Blue Mountains Official Plan, 2016, designates the subject lands as Downtown Area. It is the general intent of the Downtown Area to maintain and promote downtown Thornbury and Clarksburg as the focal points for commerce in the Town. The maximum use of existing buildings for a wide range of uses is encouraged, while also encouraging the establishment and maintenance of a streetscape which is geared to the pedestrian.

The Official Plan further provides strategic goals with respect to Economic Development within the Town. These policies aim to create a competitive and positive business climate within the Municipality and provide for the retention of existing businesses wherever possible through the land use planning process.
The proposed development maintains the general intent of the Official Plan as it pertains to the expansion of an existing business to promote its longevity and continued contribution to economic development within the Town. The proposed development maintains the intent of the Downtown Designation to maintain focus of the downtown area as a focal point of commerce and also includes pedestrian scale façade treatments and site improvements.

**Zoning By-law 2018-65**

The Town of The Blue Mountains Zoning By-law 2018-65 zones the subject lands as General Employment (M1) and General Commercial (C1). The existing and proposed structure is located within the M1 portion of the lands. The current structure on the subject lands is considered to be legal non-conforming to the provisions of the Zoning By-law. Minor Variance A17-2018 was granted by the Committee of Adjustment on July 17, 2019, and provides for the following relief from the Zoning By-law in order to facilitate the proposed building expansion:

1) To permit a front yard setback of 1.0m, whereas a minimum of 15.0m is required in the M1 zone;
2) To permit an interior side yard setback of 3.0m, whereas a minimum of 5.0m is required in the M1 zone;
3) To permit a rear yard setback of 4.3m, whereas a minimum of 9.0m is required in the M1 zone; and
4) To permit a minimum of 33 required parking spaces, whereas a minimum of 38 spaces are required for the proposed addition.

Through detailed review of the applicable zoning provisions, Planning Staff are satisfied that the proposal complies with the provisions of Zoning By-law 2018-65.

**Additional Site Plan Considerations**

**Community Design Guidelines**

Due to the unique history and industrial character of the existing building, the proposed addition mainly incorporates commercial design elements, as outlined by the Town’s Community Design Guidelines, however, also incorporates industrial design elements, such as colored metal façade treatments, in order to balance and complement the existing character of the site. In review of the Community Design Guidelines, Staff are satisfied that the proposal incorporates appropriate design elements and is consistent with the general intent and direction of the guidelines.

**Securities**

The applicant will be required to provide an acceptable form of security for all site grading and landscaping works as well as for any proposed servicing works to be completed on municipally owned properties. In this regard, the Town will require that 100% of the cost of all site grading and landscaping works and external works be provided and that the Site Plan Agreement includes appropriate provision for posting and release of securities.
Servicing

Services for the lands are not included in the recommendation for site plan approval at this time. Through the site plan process, servicing challenges were identified that have yet to be definitively resolved by the applicant. Three potential servicing solutions have been identified as preferable options, which include the provision of a municipal sanitary service connection to existing services located within the King Street right-of-way, the provision of a sanitary connection to existing services located within the Elgin Street right-of-way, or to install a sanitary sewer through Town owned lands to the north of the subject property, ultimately connecting to the sanitary service located within the McAuley Street right-of-way. This recommendation for site plan approval is provisional on the basis that a completed detailed engineering submission, including drawings and a functional servicing report, must be prepared and submitted by the applicant prior to the commencement of any on-site servicing works. These drawings shall include details regarding connections to municipal water services and detailed site grading plans.

Municipal Sewer Use Agreement

The applicant shall enter into a Municipal Sewer Use Agreement prior to connecting to the municipal sewer services. The Sewer Use Agreement shall include appropriate provisions pertaining to sewer charge rates and pre-treatment requirements, as well as any other matter as deemed appropriate, to the satisfaction of the Town.

Municipal Land Use Permit

The applicant will be required to obtain a Municipal Land Use Permit prior to initiating any approved works on Town owned lands.

F. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #1 Retain Existing Business
Objective #3 Promote a Diversified Economy
Objective #5 Improved Visibility and Local Identity

G. Environmental Impacts

No adverse environmental impacts are anticipated as a result of this application.

H. Financial Impact

A maximum of 50% of the cost of a new sanitary connection, to an upset limit of $50,000.00, has been approved by Council for this project. There are no other adverse financial impacts anticipated as a result of this application.
I. In consultation with

Internal departments through the Town’s Planning and Development Review process. It is noted that the Operations Department will continue to be engaged in the development of a Sewer Use Agreement to be entered into by the Applicant.

J. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Travis Sandberg, Planner I, planning@thebluemountains.ca.

K. Attached

1. Attachment 1 – Site Plan Approved Site Plan, Landscape, and Elevation Drawings

Respectfully submitted,

Trevor Houghton, MCIP, RPP
Manager of Community Planning
In accordance with Delegated Authority By-law 2012-46, I hereby grant site plan approval pursuant to Section 41 of the Planning Act for the construction of a 444sq.m. addition on the lands municipally known as 90 King Street East, as per the Approved for Construction Drawings, and subject to the conditions outlined in Staff Report PDS.19.132:

Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Travis Sandberg, Planner I
planning@thebluemountains.ca
519-599-3131 extension 283