Minutes: Planning & Building Committee

MEETING DATE: October 1, 2013
MEETING TIME: 7:00 p.m.
LOCATION: Council Chambers, 32 Mill Street
Planning & Building Services

A. Call to Order

Chair Gail Ardiel called the meeting to order at 7:00 p.m. with Councillors Michael Martin, John McKean, R. J. Gamble and Deputy Mayor Duncan McKinlay in attendance.

Also in attendance were David Finbow, Director Planning & Building Services, Bryan Pearce and Shawn Postma, Planners and Troy Speck, CAO.

Chair Gail Ardiel confirmed that the Planning & Building Committee Members are:
Councillor Gail Ardiel (2013 Chair)
Councillor R. J. Gamble
Councillor John McKean
Deputy Mayor Duncan McKinlay

In accordance with the Town’s Procedural By-Law 2009-59, as amended, all Planning and Building Committee members have voting privileges. Other members of Council, who are not members of the Committee, are entitled to attend Planning and Building Committee meetings, enter into debate, but do not have voting privileges or the privilege of raising new business or adding matters to the Agenda.

The Head of Council shall be an ex-officio member of all Town Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof and shall have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.

Approval of Agenda

Moved by: Duncan McKinlay Seconded by: John McKean

THAT the Agenda of October 1, 2013 be approved as circulated, including any items added to the agenda, CARRIED

Chair Gail Ardiel confirmed that Staff Report C6 has been pulled from the agenda this evening.
• Declaration of Pecuniary Interest

Councillor R. J. Gamble declared a Declaration of Pecuniary Interest with respect to public meeting B.1.

• Approval of Consent Agenda at Agenda Items D.1 to D.6
  (Information Reports and/or Correspondence that do not require action)

Moved by: John McKean  Seconded by: R. J. Gamble

With the adoption of the Consent Agenda, those information reports and/or correspondence that do not require action are deemed to be received by the Committee and therefore will be forwarded to Council for information purposes only, CARRIED

• Previous Minutes

Moved by: R. J. Gamble  Seconded by: Duncan McKinlay

THAT the minutes of September 3, 2013 be approved as circulated, including any revisions to be made, CARRIED

B. Public Meetings/Deputations/Presentations

Under the authority of the Municipal Act, 2001 and in accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town’s website and or/ made available to the public upon request.

Although we will not be making a decision on any of the proposals this evening, your input tonight will assistant Planning Staff in developing a recommendation for Town Council’s consideration and aid in Council’s decision making process.

It is important to note that if a person or public body does not make oral submissions at tonight’s meeting or make written submissions to the Town before the consent is passed, the person or public body is not entitled to appeal the decision of The Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the OMB, unless in the opinion of the Board there are reasonable grounds to do so. Given this, please state your name and provide your contact information so that our records are complete.

If you wish to be informed of the decision of Town Council, please ensure that you advise the Town Planner or Clerk in writing of this.
B.1 Application for Zoning By-law Amendment  
Part Lot 30, Northeast of Arthur Street  
2341040 Ontario Limited

Councillor R. J. Gamble vacated the meeting and did not participate in any discussion with respect to this application.

Chair Gail Ardiel introduced this Application for Zoning By-law Amendment.

The purpose and effect of this Application for a Zoning By-law Amendment would be to develop the subject lands as an automobile service station (gas bar) and commercial retail development, whereby the commercially zoned site would need to be rezoned to apply an exception to modify provisions of the zoning by-law for the proposed development, amongst other matters.

The subject lands of these Planning Applications are owned by 2341040 Ontario Limited, with Krystin Rennie of Georgian Planning Solutions being the authorized Agent on these Planning Applications. The Agent has submitted a planning justification report, traffic impact study, servicing and storm water management report, and spill control procedure in conjunction with these Planning Applications, along with proposed design drawings for the development proposal. The subject lands are legally described as Part of Lot 30, Northeast of Arthur Street, Town Plot of Thornbury; Town of The Blue Mountains. These subject lands are locally described as being located on the northwest corner of the intersection of Arthur Street West and Elma Street North.


Bryan Pearce confirmed the chronology with respect to this application as follows:
- Pre-consultation with the Town in September 2012
- Planning Applications received in May and August 2013
- Application Fees received in May and August 2013
- Technical Review of the Site Plan (First Submission) in July 2013
- Updated Submission received by the Town in August 2013
- Complete Application Letter issued by the Town on September 03, 2013
- Notice of Public Meeting released by the Town on September 04, 2013
- Technical review of the site plan (Second Submission) sent out September 04, 2013, currently being reviewed by the Town’s Engineering Division.
- Public Meeting October 01, 2013

Bryan advised that the Agent has submitted the Planning Justification Report, Traffic Impact Study, Servicing and Storm water Management Report, Spill Control Procedure and Design drawings which can all be found on the website.

Bryan Pearce, Planner outlined the proposal with respect to the application. Bryan outlined the Official Plan designation as being Commercial (COM) within the Thornbury Urban Area and the Zoning By-law designation as being Existing -
General Commercial Zone. The following are the Proposed - General Commercial Exception 49 Zone

“49 Notwithstanding anything to the contrary, the following shall apply for these lands:

a) Minimum Front Yard Setback from Retail Store Building (Arthur Street) – 38.2 metres.
b) Minimum Rear Yard Setback from Retail Store Building – 3 metres.
c) Parking space(s) shall be permitted within the front yard of the Retail Store Building, abutting Arthur Street, with a minimum setback of 30.4 metres.
d) Loading space(s) shall be permitted within the front yard of the Retail Store Building, abutting Arthur Street, with a minimum setback of 27.4 metres.
e) Minimum lot frontage for an automobile service station – 41.3 metres.
f) Minimum Front Yard Setback for Automobile Service Station (Arthur Street) – 11.0 metres.
g) Minimum Side Yard Setback abutting a public street from Automobile Service Station (Elma Street) – 4.3 metres.
h) Maximum width of a curb ramp at the street line – 11.0 metres.
i) Minimum driveway setback to a side lot line – 0.5 metres.”

Bryan advised that the deadline to receive additional comments on this proposal is October 11th, 2013. A staff report will come back to Committee of the Whole with respect to this proposal.

Bryan advised that Krystin Rennie, landowner and Transportation Eng. Were in attendance to answer questions.

Krystin Rennie, Agent made a presentation on behalf of the applicant.

Krystin advised that the proposal is for a 181 square metre commercial building, with an 8 pump gas bar, 10 parking spaces with 1 being accessible with an access onto Highway 26 and Elma Street. Krystin showed the landscape and architectural design feature proposed for Elma Street and Arthur Street.

Krystin confirmed that the Site Plan has been reversed due to sight lines on the property, the flow on site and confirmed the gas pump and parking is adjacent to residents at the north.

Krystin showed renderings of a commercial building with a red/brown brick. Krystin advised that the Community Design Guidelines were looked at and showed renderings of the canopy details, landscape details and signage.

Chair Gail Ardiel asked the Committee for questions or comments on this application.

Deputy Mayor Duncan McKinlay asked Bryan Pearce if we had anything on a land acquisition at the front to allow for turning lanes into businesses as there is public concern with respect to access in and out of Tim Horton’s. Duncan further advised that Bryan can address these questions in a further Planning Report.

Duncan further asked if the soils and the water table are compatible for underground tanks.
Councillor Michael Martin suggested that there might be benefit if Bryan were to explain the 9 issues that require relief in detail.

1. **Minimum Front Yard Setback from Retail Store Building (Arthur Street) – 38.2 metres.**

   Bryan noted that the orientation of the site, shortest frontage along street dictates the front lot line – Highway 26/Arthur Street. Requested relief is 38.2 metres.

2. **Minimum Rear Yard Setback from Retail Store Building – 3 metres**

   The By-law requires a 7.5 metre setback for a retail store building.

3. **Parking space(s) shall be permitted within the front yard of the Retail Store Building, abutting Arthur Street, with a minimum setback of 30.4 metres.**

   Parking spaces shall be permitted in the front yard based on a retail store building with a 30.4 metre setback with parking.

4. **Loading space(s) shall be permitted within the front yard of the Retail Store Building, abutting Arthur Street, with a minimum setback of 27.4 metres.**

   Their request is to have in the front yard setback with a setback distance of 27.4 metres.

5. **Minimum lot frontage for an automobile service station – 41.3 metres.**

   Bryan confirmed the Zoning By-law required 45 metres and the frontage along Arthur Street is 41.3 metres. Recognizes this as an existing lot of record and the application has included recognizing existing lot frontage.

6. **Minimum Front Yard Setback for Automobile Service Station**

   The Minimum setback from a canopy to the front lot line is proposed at 11 metres which the by-law states 15 metres.

7. **Minimum Side Yard Setback abutting a public street from Automobile Service Station (Elma Street) – 4.3 metres.**

   Bryan confirmed the canopy to the lot line is proposed at 4.3 metres. They are proposing 11 metres from Elma Street entrance to the street line and the By-law states 9 metres.

8. **Maximum width of a curb ramp at the street line**

   Bryan confirmed that the entrance at Elma Street is proposed at 11.0 metres and the By-law required a maximum of 9 metres.
9. Minimum driveway setback to a side lot line
Bryan confirmed the driveway setback to the lot line on the westerly portion of the site for parking and loading spaces requires a 1.2 metres setback and they are requesting a 0.5 metre setback.

Michael Martin advised that he will reserve his further comments until he hears the public comments.

Chair Gail Ardiel asked members of the public for questions or comments on this application.

Linda McGraw, 43 King Street West advised that she does not agree with this proposal and would like to suggest an alternative proposal to the applicant. She suggested that they move to the motel/restaurant at 207190 Highway 26 in the Municipality of Meaford.

Howard Kitchen, 4 Pyatt Court questioned if they consider the landscape buffer at the rear and east side of the property adequate for the benefit of the neighbouring property owners. Howard noted they propose a landscape buffer with a fence design to be wrapped around the right hand corner and questioned why they would want to hide the facility. Howard indicated that where the landscape buffer is needed is down the Elma Street side for the residents on that street. Howard suggested there is not a lot of room behind the building to provide a buffer to the existing residence behind the proposed building.

Sarah Newton, 25 King Street West felt that the pollution noted in her letter to the municipality was underestimated when read. She would like it well documented that levels of benzene are elevated in close proximity to gas stations. She recognizes this is gas sonic to humans and she has concerns with this development. She advised that there are several studies where benzene is linked to childhood leukemia. She indicated that the minimum buffer to residents is 15 metres and suggested it should be 100 metres in these studies. She hopes the rest of the concerns raised in her letter will be addressed.

Mae Lanktree, 12 Elma Street North advised that she is concerned with the noise, fumes and the trucks coming in late at night. Mae advised that Elma Street is already a busy corner and indicated the need for a stop light. Mae suggests that if the gas station is allowed to locate there, it will become twice as busy and suggested it would be better to have the gas station up the road further than around her corner.

Sylvia Ridgley, 80 King Street West advised that approximately five to seven years ago she sent a letter to Council regarding the Elma Street north and south crossing on Arthur Street West. At that time she asked the Town to put a pedestrian crossing across the road there to stop traffic coming along. She was told this was a Provincial Highway and the municipality was not allowed to put markers on the road. She confirmed that a gentleman has already been killed along this highway. Sylvia suggested that with the gas bar at this location, you would see more and more people trying to cross and there is still no protection for pedestrians crossing.
Ruth Kitchen, 4 Pyatt Court suggested that when you look at the map and see an arrow entrance/exit onto the highway and you see a bigger opening onto Elma Street, she indicated that it should be the other way around. She also questioned if there would be widening of the road in this area. Ruth asked how or did this applicant know about the other application and asked why two gas stations are needed within a block on this piece of highway.

Raffi Fulton, 22 King Street West questioned the size and spacing of this proposal and questioned why did they not buy the lot beside it. Raffi advised that she does not want the gas station and questioned why the density is so tight and why they are using a residential street which has a massive entrance there and only a little entrance onto Arthur Street. She suggested that this intersection would require lights.

Jenny Jones, owner of vacant lot to the west indicated that the driveway along the west of the land is 0.5 metres from the property line and she objects to this. The driveway should not be closer than 1.2 metres to the property line and the tank is also too close to her property line. She feels that a gas station will distract from future development of their lot.

Krystin referred back to the amendments being requested and advised they tried to comply with the zoning in place by putting the gas pumps to the rear of the property as there are no rear setbacks for canopies in the current zoning by-law. The building was moved towards the back to create a buffer to the residential use. Krystin advised that she has been in communication with the residential property owner to the north to create a landscape buffer and is hoping to work with the landowner to make it the best for them.

Krystin advised that with respect to the environmental concerns, they are regulated by the TSSA and their mandate is to look at environmental issues.

Council John McKean asked if the TSSA monitors gas station sites after they are built.

Krystin does not know about benzene and confirmed there are checks of tanks on an annual basis. Krystin confirmed that the tanks today are highly technical with sensors for leakage and advised that technology has advanced in this area.

Sarah Newton advised that Ontario Regulation 455/94 – Recovery of Gasoline Vapour in Bulk Transfers. She further confirmed that all gas stations in this area of the Province are exempt from this regulation and they do not have to have vapour recovery systems in place.

Michael Martin suggested that with this site, given the existing zoning and parameters for the nine relief issues, it looks like we are trying to shoehorn something in that does not belong. Michael questioned if this use is compatible with the existing uses and suggested there are problems with the drive in uses that we currently have. Michael further noted that all uses on this street are
traffic generators. Michael advised that a gas bar in this location is not the best use and suggested that if it does not fit, it does not belong.

Michael questioned the government regulated leakage in the Sunrise issue in Toronto with respect to fueling and refueling of these trucks. Michael felt there is potential for a disaster that could occur and asked if we have the fire capability to handle this. Michael would like to see the Fire Department comment on this for the staff report.

Michael questioned the exit on Elma Street which is onto a residential street and expressed that people having difficulty backing out onto Arthur Street already.

Michael asked if they would operate on a 24 hour basis, wondered who the numbered company is and questioned if they are prepared to fund a traffic signal. Michael asked what the economic impact is on other facilities in town as we did have 3 and are now down to 1 with new pumps in Meaford also.

John McKean advised that if it is onerous on developments in the southern part of the Province to have a vapour recovery system, John felt it should be installed at this location and asked if the applicant would be prepared to have one installed at this location.

Deputy Mayor Duncan McKinlay advised that he has no position until there is a further staff report dealing with the questions asked.

Duncan asked if Bryan would review the process going forward so members of the public would know what the process is for going forward for further engagement.

Bryan advised that additional comments could be submitted until October 11th, 2013 to either himself or the Town Clerk. Staff would consider the comments and come back with a consideration for Council down the road. Bryan confirmed that Council meetings and Committee of the Whole would start a three week rotation in November with the first Committee of the Whole meeting being on November 13th, 2013. Bryan further advised that the agenda is posted on the website 5 days prior to the meeting for public to view and be informed what will be discussed at these meetings.

Chair Gail Ardiel declared the Public Meeting to a close at 8:08 p.m.

Councillor Gamble returned to the meeting.

B.2 Application for Zoning By-law Amendment
Lot 35 and Part Lot 36 northeast of Arthur Street and Part Lots 35, 36 and 37, southwest of King Street, Town Plot of Thornbury – Parts 1 and 2, RP 16R-2841
King & Brookeast Inc.

Chair Gail Ardiel introduced this Application for Zoning By-law Amendment.
The purpose and effect of this Application for a Zoning By-law Amendment would be to develop the subject lands as an automobile service station (gas bar) and commercial retail development, whereby the commercially zoned portion of the lands on the site would need to be rezoned to apply an exception to modify provisions of the zoning by-law for the proposed development, amongst other matters.

The subject lands of these Planning Applications are owned by King & Brookeast Inc., with Susan Borst of Armoclan Engineering Ltd. being the authorized Agent on these Planning Applications. The Agent has submitted a planning justification report, architectural design brief, scoped environmental impact assessment report, traffic impact study, brief functional servicing report, and storm water management report in conjunction with these Planning Applications, along with proposed design drawings for the development proposal. The subject lands are legally described as Lot 35 and Part of Lot 36 Northeast of Arthur Street and Part of Lots 35, 36 and 37 Southwest of King Street, Town Plot of Thornbury; Parts 1 and 2, RP 16R-2841; Town of The Blue Mountains. These subject lands are locally described as being bounded by the north side of Arthur Street West, west side of Victoria Street North, south side of Georgian Trail, with a civic address of 72 Arthur Street West for the existing single detached residential dwelling.

The Clerk read correspondence from County of Grey, Planning & Development, Grey Sauble Conservation Authority and Grey Bruce Health Unit along with 408129 Ontario Limited and Edith Ruth Kitchen requesting Notice of Decision on this application.

Bryan Pearce, Planner outlined the proposal with respect to the application.

Bryan confirmed the Chronology with respect to this application as follows:
- Pre-consultation with the Town in August 2011
- Planning Applications received in June 2013
- Application Fees received in July 2013
- Incomplete Application Letter issued by the Town on July 23, 2013
- Updated Submission and Planning Applications received by the Town in August 2013
- Updated Fees received in August 2013
- Complete Application Letter issued by the Town on September 03, 2013
- Notice of Public Meeting released by the Town on September 04, 2013
- Technical Review of the Site Plan (First Submission) sent out September 04, 2013 to be reviewed by the Town's Engineering Division at their Technical Review Committee Meeting on October 15, 2013
- Public Meeting October 01, 2013

Bryan outlined the proposal with respect to the application. Bryan outlined the Official Plan designation as being Commercial (COM) within the Thornbury Urban Area and the Zoning By-law designation as being Existing - General Commercial, General Commercial Holding, and Hazard Zone.

The Zoning By-law: Holding –h Symbol utilized on north parcel when rezoned in 2011 (through amending By-law 2011-74) on the commercially zoned portion of the lands:

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 Residential “R3” Zone to the General Commercial “C2-h” Zone and Hazard “H” Zone for those lands lying and being in the Town of The Blue Mountains, comprised of TOWN PLOT PT LOTS 35 AND 35 N ARTHUR ST PT LOTS 35 TO 37 S KING ST RP 16R2841 PART 2; as indicated on the attached key map Schedule “A-1”.

   a. The removal of the Holding “-h” symbol on all, or a portion of the subject lands in accordance with Section 36 of the Planning Act shall be conditional upon Site Plan Approval and the execution of a Site Plan Agreement.

The Zoning By-law: Hazard Zone restricts the usage of land as it relates to the natural hazard of the watercourse:

**SECTION 25: HAZARD H ZONE**

No person shall, within any Hazard H Zone, use any land or erect, alter or use any building or structure except in accordance with the following provisions:

**25.1 PERMITTED USES**

Forestry and conservation uses, outdoor recreation uses, agricultural and horticultural uses, public or private parks, flood and erosion control structures.

**25.2 REGULATIONS FOR USES PERMITTED IN SUBSECTION 25.1**

Notwithstanding any other provisions of this By-law to the contrary, no buildings or structures shall be erected within the Hazard H Zone other than those required for flood or erosion control purposes or habitable boat houses or docks on lots with frontage on Nottawasaga Bay.

The Proposed – Rezone the Commercial Zoned land to General Commercial Exception 48 Zone; and Hazard Zone to remain:

Exception 48 proposed to create special provisions for the following:

"48 Notwithstanding anything to the contrary, the following shall apply for these lands:
a) Minimum Front Yard Setback for Retail Store Building #1 (Arthur Street) – 12.9 metres.
b) Minimum Front Yard Setback for Retail Store Building #2 (Arthur Street) – 61.2 metres.
c) Minimum Front Yard Setback for Retail Store Building #3 (Arthur Street) – 62.3 metres.
d) Minimum Front Yard Setback for Automobile Service Station (Arthur Street) 12.8 metres.
e) Minimum Side Yard Setback abutting a public street for Automobile Service Station (Victoria Street) – 11.9 metres.

Bryan advised that the deadline for additional comments on this proposal is October 11th, 2013. A staff report will come back to Committee of the Whole with respect to this proposal.

Bryan advised that Susan Borst and Andrew Wong from Armoclan Engineering, the landowner and a representative from Mac’s are here tonight to answer questions.

Susan Borst and Andrew Wong from Armoclan Engineering made a presentation on this application on behalf of Mac’s.

Susan confirmed they have 6535 square metres of lot area and advised that there is currently residential use to the north and east along King Street West. Susan confirmed that a left hand turn lane into the site will be required.

Andrew Wong advised that 4.27.3.2 Commercial COM
(1) The predominant use of land in the commercial designation shall be for all forms of retail and service commercial uses, business and professional offices, restaurants and places of entertainment, public administration buildings and other uses that would not interfere with the primary purpose of the area as a place of commerce. The Commercial area consists of two functionally distinct areas, each exhibiting its own special character. These are the Bruce Street core and the Arthur/King Street corridor.

(7) Uses such as automobile sales and service, retail stores, restaurants and other prepared food outlets, motels, service stations, offices offering commercial or institutional services and other commercial uses which, due to space and parking requirements, do not suite the Bruce Street area shall be directed to this area on their need for a greater lot area based and on-site parking requirements.

(7) Arthur/King Street Corridor
v. Council shall encourage the clustering of smaller commercial uses in order to best utilize the available land area and provide for the sharing of parking areas and access location minimizing the danger to vehicular and pedestrian traffic.

Section 15: General Commercial C2 Zoning:
5.1 Permitted uses
a) Retail Stores, business and professional offices, personal service shops, service shops, restaurants, drive-in and take-out restaurants,
places of entertainment, motels, hotels, financial institutions, automobile sales and service establishments, automobile service stations, gas bars, building supply sales in wholly enclosed buildings, cleaning and pressing shops, farm implement sales and service establishments, garden center, medical centres, commercial schools, funeral homes, car washing establishments, public and private recreational, open space uses and Institutional uses *1.

Andrew detailed the proposed setback amendments
a) Minimum Front Yard Setback for Building #1 (Arthur Street) – 12.9 m
b) Minimum Front Yard Setback for Building #2 (Arthur Street) – 61.2 m
c) Minimum Front Yard Setback for Building #3 (Arthur Street) – 62.3 m
d) Minimum Front Yard Setback for Automobile Service Station (Arthur Street) – 12.8 m
e) Minimum Side Yard Setback abutting a public street for Automobile Service Station (Victoria Street) – 11.9 metres.

Susan detailed the landscaping proposed on the site along with the rendering proposals of the buildings. The proposal is to have a gas bar on the southerly portion along with a canopy and 8 pumps, a Mac's store on the westerly portion of the site. Additional commercial units, one fronting along Victoria Street and another at the north west corner of the site is also proposed. They are proposing 49 parking spots with 3 barrier free spots and 3 loading spots. The site plan notes pedestrian safety and safe linkages to the proposed commercial store frontage. Susan advised that their landscaping is a total of 32 trees and a variety of shrubs which will provide a sufficient buffer to the north of the property and along Victoria Street. Susan confirmed they are following the Community Design Guidelines with cultured stone and brick, a pylon sign and canopy columns to be consistent throughout the site. A patio is shown outside the Mac's store and a pedestrian sidewalk to accommodate pedestrian flow.

Chair Gail Ardiel asked the Committee for questions or comments on this application.

Deputy Mayor Duncan McKinlay asked Bryan Pearce if we had anything on a land acquisition at the front to allow for turning lanes into businesses as there is public concern with respect to access in and out of Tim Horton’s. Duncan further advised that Bryan can address this question in a further Planning Report.

Duncan further asked if the soils and the water table are compatible for underground tanks.

Duncan further asked how accessibility from the Georgian Trail is addressed and asked if there would be public washrooms for the Georgian Trail use.

Bryan Pearce advised the Georgian Trail, which is located on the north was discussed and linkage improvements directly to the north with direct linkages of the site. Currently they are proposing King Street and Victoria Street access with public sidewalk connectivity along the westerly portion of Victoria Street to get to the Georgian Trail. Bryan confirmed he will address Duncan’s questions in his staff report.
Duncan asked will the Georgian Trail users will be able to access the convenience store without going through cars or the other commercial areas on the property, would there be access at Victoria to get into the site and would the washrooms be located at the end of the building.

Bryan confirmed Duncan’s questions would be explored further with the agent.

Councillor Michael Martin questions the economic impact this retail space, which is 20% of the downtown retail space, will have and asked if there was any justification for this.

Michael also questioned the loading areas for buildings 2 and 3 and further noted that the entrances off Highway 26 are the smallest entrance with the larger entrance being off Victoria Street. Michael suggested that with Sobeys across the street, this area will generate a lot of traffic.

Michael questioned the precedent with retail located behind the gas station uses and asked how they will work together. Michael questioned how a Service Centre use coincides with the Sustainable Path.

Chair Gail Ardiel noted that the first proposal spoke about spill control and this application has not and asked if it was a requirement with the submission.

Bryan confirmed that the first applicant had submitted this information and the second applicant did not submit one. Bryan further confirmed that spill control is not a requirement.

Gail questioned the type and height of the trees proposed on site. Susan confirmed there will be 32 trees in total, 15 will be Little Leaf Lyndon and 17 will be Honey Locus trees with a height when planted of 6’ if not taller.

Gail asked if buildings 2 & 3 will be multiple stores in separate buildings.

Susan confirmed they do not have firm floor plans so she cannot answer that question at this time.

Gail asked if this was the first drawing with the Mac’s sign and asked if they could look at other concepts for the sign.

Susan confirmed that they are currently looking at a different sign orientation on the signage and are proposing a new colour which will change from a blue background to a white background.

Gail confirmed that she looks forward to better signage on the property with a naturalized element, like other signs in Thornbury (i.e. Tim Horton’s sign).

Chair Gail Ardiel asked members of the public for questions or comments on this application.
Ruth Kitchen, 4 Pyatt Court and questions why the buildings are not at the street instead of at the rear of the property. Ruth indicated that there is not a vision for nice retail along this street and suggests that this is needed.

Sylvia Ridgley, 80 King Street West advised that she looks across King Street to the Georgian Trail. She is concerned about the sidewalk on the western side of Victoria Street.

Bryan confirmed that a sidewalk is proposed on the westerly side of Victoria Street to the Georgian Trail.

Sylvia is also concerned with the water course on the west portion of the development proposal. She is concerned about spillage from the gas station going into the watercourse.

Sylvia advised that the ditch on the side of the Georgian Trail does have water in it in the spring. She asked if the sewage line from King Street to Huron Street can become affected by an accident on this property.

Sylvia advised that traffic is also a concern in this area.

Larry Duchscher from Mac's addressed some comments from the meeting and advised they will have public washrooms which will not be for their customers only and will be open to the public.

Larry advised that the environmental impact with respect to spillage is not a concern because the technology has changed in the past 25 years from the old steel tanks. The tanks are now double walled and connections. Any leakage outside or inside the tank will be monitored through the interior space of the tank and if the pressure drops or increases there will be alarms that sound and the systems shuts down.

Larry confirmed the equipment used will leakage going into sumps and they have liability insurance which they can provide if necessary. They carry one million dollar rider liability insurance and are self-insured and the equipment is also insured by the Vendor. Larry advised that Mac's is the second largest convenience store chain and they do have deep pockets to handle these situations.

Larry advised they can discuss the building at the front of the site with planning staff.

The drainage ditch limits putting the building towards Arthur Street to meet the regulations.

Larry advised they have added in a nice patio and walkway where the users of the Georgian Trail can sit down and relax.

Councillor Bob Gamble noted the convenience store encourages pedestrian traffic and asked if they could switch the plan and put the store out at the corner
and the gas pumps to the west. Bob suggested this would eliminate some of the petroleum traffic onto Victoria Street. Bob asked if this has been looked at and suggested that 50% of the existing Mac’s Convenience store is pedestrian traffic.

Duncan asked if there would be a summary of a Traffic Impact Study and the recommendations.

David Finbow, Director Planning & Building Services advised that a Traffic Impact Study has been sent for a peer review to the Town’s Engineering Consultant.

Duncan asked if there are any special requirements for a refueling station compared to non-petroleum commercial use with regards to spills.

David suggested storm water management septors and confirmed this would be addressed in the planning report.

Michael asked when the Traffic Impact Study got sent out he hoped it would address the impact of the Sobeys development also and not be isolated to this project only to understand the traffic growth issues in the community.

David confirmed that it will take in the two gases bar applications and the Sobeys application and all three applications were sent to one peer review consultant and everything will be considered.

Duncan anticipates a full urban standard along Victoria Street.

David advised it will be a rolled curb with a wide boulevard and a sidewalk to Highway 26.

Bryan confirmed there will be a left hand turn lanes for east bound traffic into the site for connectivity and improvements on Arthur Street for the design consideration. Bryan advised that Sobeys will also require a left hand turn lane for west bound traffic and will continue the public sidewalk connectivity.

Duncan asked Bryan what was the process was going forward with this application.

Bryan advised that additional comments could be submitted until October 11th, 2013 to either himself or the Town Clerk, Corrina Giles. Staff would consider the comments and come back with a consideration for Council down the road. Bryan confirmed that Council meetings and Committee of the Whole would start a three week rotation in November with the first Committee of the Whole meeting being on November 13th, 2013. Bryan further advised that the agenda is posted on the website 5 days prior to the meeting for public to view to be informed what will be discussed for these meetings.

Duncan informed the public that Council has undertaken a change in the way they are operating with standing committees that report to Council. Council will now deal with Committee of the Whole and will deal with all committees on the
same day. Duncan advised that the public will not see a scheduled Planning and Building committee meeting and you will see a Committee of the Whole meeting where this report will come back to.

Chair Gail Ardiel declared the Public Meeting to a close at 9:08 p.m. and advised there would be a recess for 10 minutes.

C. Staff Reports as circulated

C.1 Application for Consent B03-2013 and Deeming By-law – PL.13.105
Lot 19, 20, 21, Plan 104 – 127 Leming Street
Paul & Virginia Green

Moved by: Duncan McKinlay Seconded by: John McKean

THAT Council receive Staff Report PL.13.105 “Application for Consent B03-2013 and Deeming By-law, Paul and Virginia Green, Lot 19, 20, 21 Plan 104, 127 Leming Street, Town of The Blue Mountains”, and

THAT Council grant Application for Consent B03-2013 subject to the following conditions:

1. That a Deeming By-law is enacted to deem lots 19, 20 and 21 of Plan 104 as not being separate lots within a registered plan of subdivision.
2. That part of Lot 20 is deeded as a lot addition to Lot 19 to the north-east.
3. That part of Lot 20 is deeded as a lot addition to Lot 21 to the south-west.
4. That any existing mortgage commitment on Lot 20 be extended to cover the whole, newly created parcels.

AND THAT Council enact a Deeming By-law so as to deem lots 19, 20, and 21 of Plan 104 as not being separate lots within a registered plan of subdivision, CARRIED

C.2 Grey Condominium Corporation 37 Mountain Springs – PL.13.106
Information Report – 796468 Grey Road 19

Moved by: John McKean Seconded by: Bob Gamble

THAT Council receive Staff Report PL.13.106 “Grey Condominium Corporation 37, Mountain Springs, Information Report, 796468 Grey Road 19, Town of The Blue Mountains” for information purposes, CARRIED

Duncan McKinlay advised that they did host a public meeting on September 3rd and asked what is next on this application.

Shawn confirmed this is an information report for the Committee; he will go back and review the merits of the application, work with applicant and report back to the committee with a final report and recommendations.
C.3 Rural Condition of Consent – Acknowledgement of Potential Inconvenience from Adjacent Farm Operations – PL.13.111

David Finbow, Director Planning and Building Services suggested a potential condition of consent for creation of lots within the rural countryside. An agreement would be registered on title and would have the owner of the created lot acknowledge inconvenience potential. This practice was discontinued some time ago and it appears that it happened prior to amalgamation.

Duncan thought it was appropriate to bring this back to this Council to determine if they want to look at a condition like this for rural consent. The condition of consent would have to reference a policy. David advised that the number of lots created is in the magnitude of 1 or 2 per year. The Agreement will be prepared, executed and registered when the lot is created. David suggested we would charge a fee for this and suggested that $500.00 would be the maximum cost.

Chair Gail Ardiel advised that other municipalities are preparing Development Agreements for Rural Severances for farmers who undertake an active farming operation (i.e. pig cow/calf, apple orchards or cash cropping) for the running of equipment at night or whatever. Gail suggests this is a good fit for our agricultural community and provides protection to the homeowner also that they know what happens when they move here.

Councillor John McKean appreciates Gail’s comments but questions the need for another level of government deal with these issues. John suggested that common sense should dictate this.

Deputy Mayor Duncan McKinlay recalled this was discontinued due to doubts of the ability of the municipality to force the agreement or perform any remedies on the agreement.

David advised that he did discuss this with John Metras and noted this could be a problem. David advised this could be appealed to the Ontario Municipal Board and the municipality would look at this at that time.

Gail advised this is happening now with some farm operations where you have people moving in and complaining about the different machinery being used at different times and different hours.

Duncan advised he was concerned 25 years ago with this and suggested there is still a need for some kind of awareness. Duncan agrees with Councillor McKean’s comments about setting another layer of government rules to deal with this and suggested that we need to have some education or an awareness program in place. Duncan suggested that 13 severances in 7 years is not going to catch very many of the opportunities that might happen in the rural community and will not catch them with the turnover of the property. Duncan suggested you can sell your whole farm and your neighbour could combine soy beans and there is nothing you can do about it. Duncan agrees with the concept and suggests we look at working with OMAFRA, the local fruit growers or the Ag Advisory Committee for a communication program as opposed to having this in place.
Gail advised that she is aware this is happening.

Duncan confirmed that he agrees with the idea that the public should be made aware of what they are buying into with respect to farming happening next door to the farm.

Councillor Michael Martin suggested it would be helpful before this goes to Council if we could look at a draft of the agreement. Michael agrees that people should be made aware of the potential of what happens in the agricultural area. Michael advised that in the early 90’s they beefed up the right to farm act and asked how this will be addressed. Michael is not opposed to this as city folk need to know what happens in the rural area but questioned if this is the right tool.

Michael asked if this would be registered on both properties or registered on the severed part. If the owner were to change, who would benefit from this agreement?

David advised you would attach the conditions to property being created. David advised that on Page 35 there is wording that John Metras and David looked at and confirmed this would be the extent of the agreement.

Duncan wondered about referring this to Ag Advisory Committee for them to recommend to Council any other action that the Town can take to promote the kind of education and discussion talked about tonight.

John suggested that it is all right to ask them but suggested they have to understand the rights of the individuals coming up here. John indicated this is not to his liking.

Moved by:  Duncan McKinlay  Seconded by:  John McKean

THAT the Planning & Building receive Staff Report PL.13.111 respecting “Rural Condition of Consent – Acknowledgment of Potential Inconveniences from Adjacent Farm Operations” for information and that no further action will be taken at this time, CARRIED

C.4  Zoning By-law Parking & Loading Standards Review – PL.13.112

Moved by:  Duncan McKinlay  Seconded by:  John McKean

THAT Council receive Staff Report PL.13.112 respecting “Zoning By-law Parking & Loading Standards Review” and that Council direct that a 2014 Budget Operating Sheet be created for consideration as part of the 2014 Budget Process, CARRIED

Councillor Bob Gamble asked if we are requesting a golf course have 12 parking spaces per fare way and suggested this is too high.
David Finbow, Director Planning & Building Services advised that the new Zoning By-law talks about 8 to 12 spaces per hole.

C.5 Draft Plan Extension Requests & Delegation of Council’s Powers – PL.13.113

Moved by: John McKean Seconded by: Duncan McKinlay

THAT Council receive Staff Report PL.13.113 respecting “Draft Plan Extension Requests & Delegation of Council’s Powers” for information purposes and that Council amend its Delegation by Council of Powers and Duties Policy by amending Procedure “o)” so as to change the period of time from which the granting of a Draft Plan extension would be delegated to the Director, Planning & Building Services, CARRIED

C.6 Site Plan Agreement Security – PL.13.114

This staff report was pulled from the agenda and will be considered at an upcoming meeting.

D. Consent Agenda
   (Information Reports/Correspondence/Minutes)

That the Planning & Building Committee recommends that Council receive the following Staff Reports and/or Correspondence for information purposes:

D.1 Building Permit Activity – August 2013 – B.13.33
D.2 By-law Enforcement Activity – August 2013 – B.13.34
D.3 By-law Enforcement: Short Term Accommodation Activity – August 2013 B.13.35
D.5 Delegated Authorizations – August 2013 – PL.13.109
D.6 Committee of Adjustment Minutes - June 20, 2013

E. New and Unfinished Business

E.1 Planning & Building Services Pending Business List – PL.13.110

David Finbow, Director Planning & Building Services advised that two items have been removed from this list, one being the Blue Mountain Resorts unopened road allowance and the second one being the AMO case study. David advised he will talk to Randy Scherzer and work with County of Grey for their input.

F. Correspondence
F.1  Letter to AECOM from Reg Russwurm – Highway 26 Transportation Study – Georgian Triangle Area – Feedback from The Blue Mountains.

David Finbow, Director Planning & Building Services talked about Reg Russwurm’s comments to AECOM after their presentation to Council and outline a very important vision of this community. Reg has good comments after his dialogue with Council and the Infrastructure and Recreation Committee.

David advised the connecting link is regional in nature and they need to help with our issues here in the short term as it talks about being regional traffic. David suggested we need to get help from the Province for a short term solution through Thornbury.

David noted the second thing is that AECOM is talking about a 4 or 5 lane highway from Thornbury to Collingwood with lack of connectivity. David questioned an 80 km. highway between Thornbury and Collingwood with 5 lanes.

David noted there is a lack of further consideration 4 to 5 lanes of Highway 26. Highway 26 could be 2 or 3 lanes and felt these were good points for the community as we move into the EA process.

Councillor John McKean asked David if the EA will look at a different solution i.e.: if we give them one scenario, they can only look at one thing). AECOM need to ensure that options of an alternative route needs to be looked at.

F.2  Food & Water First brochure – Gael wondering if we want a presentation on this.

Moved by: John McKean  Seconded by: Duncan McKinlay

THAT the Planning & Building Committee refer the Food & Water First brochure to the Agriculture Advisory Committee, CARRIED

F.3  Nottawasaga Valley Conservation Authority Updated Regulation Mapping Public Open House – Tiffin Centre for Conservation, 8195 8th Line, Utopia, Ontario on October 10, 2013 from 1:00 to 4:00 p.m. and 6:00 to 9:00 p.m.

Deputy Mayor Duncan McKinlay asked if we have been involved with respect to this mapping.

David Finbow, Director Planning & Building Services confirmed that there has been good dialogue with them on the maps.

G.  Next Meeting Date

Planning & Building Committee will now be part of the Committee of the Whole meeting which will meet on November 13, 2013.

H.  Adjournment
Moved by: John McKean

THAT the Planning & Building Committee do now adjourn.

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Ellen Anderson, Mayor                      Corrina Giles, Town Clerk