A. Recommendations

THAT Council receive Staff Report PDS.18.63, entitled “Information Report - Thornbury Gas Station Site Plan Application Re-Activation (40 Arthur Street W)” for information purposes;

B. Overview

The purpose of this report is to provide information to Council regarding the reactivation of a site plan application for an automobile service station on lands municipally known as 40 Arthur Street West.

C. Executive Summary

Application File #: P1666

Application Received Date: May 23, 2013

Application Reactivation Date: Re-Activation Fee Received April 23, 2018

Official Plan Designation: Downtown Area

Zoning Bylaw Designation: General Commercial Exception 49 (C2-49)

Location: Downtown Thornbury – 40 Arthur Street West

The Town has received a request to reactivate a site plan application to establish an automobile service station on the lands municipally known as 40 Arthur Street West. The property received conditional site plan approval in September of 2015 and the submitted drawings were previously accepted for construction by Planning and Development Services. A change in ownership of the lands has delayed execution of the site plan agreement and the current conditional approval is set to lapse on September 8, 2018, should building permits not be issued for the lands. The existing draft agreement requires revision to reflect the change in ownership in order for it to be executed and registered on-title in accordance with the existing conditions of site plan approval.
D. Background

The initial application submission for the proposed development consisted of concurrent site plan and zoning by-law amendment applications, received on May 23, 2013 and August 22, 2013, respectively. The applications proposed development of the lands for an 8-pump automobile service station (gas bar) and an associated commercial retail building.

Location

The subject lands are municipally known as 40 Arthur Street West and are legally described as Town Plot, Part Lot 30, Arthur E/S. The property is a corner lot within the settlement boundary of Thornbury and is currently vacant. Surrounding land uses include:

- North: existing low density residential use (R2-8);
- East: existing low density residential use (R2);
- West: vacant commercial lands (C2);
- South: existing commercial uses (C2);

Current Planning Status

Amending By-law No. 2014-82 was passed by Council on December 19, 2014, and re-zoned the property to the General Commercial Exception (C2-49) zone providing site-specific performance
standards applicable to the proposed service station use. Amending By-law No. 2014-82 remains in full force and effect.

The site received conditional site plan approval on September 8, 2015, as per Staff Recommendation Report PDS.15.76. The current conditional approval is set to lapse on September 8, 2018, if building permits have not been issued. The conditions of site plan approval include:

1. That prior to the onset of construction of the building(s)/structures, the owner(s) shall enter into the Site Plan Agreement pursuant to Section 41 of the Planning Act with the Town, to satisfy all financial, legal, architectural, landscaping, civil engineering, and electrical engineering matters, and any other requirements of the Town.

2. That the Owner conveys to the Town the gratuitous daylighting triangle at the intersection of Arthur/Elma (3.0 metres by 3.0 metres) for the purposes of widening the highway, as part of the land dedication obligations of the Site Plan Agreement.

3. That the Owner shall pay to the Town, nine thousand three hundred dollars ($9,300) cash-in-lieu of parkland equivalent to 2% of the four hundred sixty-five thousand dollar ($465,000) value of the subject lands, for an eight pump automobile service station (gas bar) and retail commercial development, prior to issuance of a Building Permit, in accordance with the Planning Act and Town By-law 2003-31, as part of the financial obligations of the Site Plan Agreement.

4. That road and infrastructure improvements shall be constructed on Elma Street North prior to the operation of the business, at the Owner’s sole cost as part of the provisions of the Site Plan Agreement, to the satisfaction of the Town.

5. That the Owner shall pay to the Town a cash contribution of one thousand five hundred dollars ($1,500) for Arthur Street West line painting, in order to achieve a centre turn lane which the Town will carry forward easterly to the intersection of Bruce Street, as part of the financial obligations of the Site Plan Agreement.

6. That the Owner shall pay to the Town a cash contribution of one thousand dollars ($1,000) for the public sidewalk extension across the remaining flank of the subject lands, in order to achieve the future installation of a public sidewalk along the length of the subject lands, as part of the financial obligations of the Site Plan Agreement.

7. That the Owner shall provide the Town detailed full scale elevation drawings, so as to update and approve Drawings CD-3C and CD-4C, to depict in full colour the cladding treatment of the canopy with a detailed summary letter as to how the proposed modifications complements the subject lands and other significant commercial building features within the Town and how the proposed updates are addressing the Town’s Community Design Guidelines, as amended time to time, to the satisfaction and clearance of Town’s Planning Division of the Planning and Development Services
Department prior to the construction and/or any modification to the canopy, as part of the special provisions of the Site Plan Agreement.

8. That the Owner shall have a pre-construction meeting with the Town to discuss in detail the concrete curb and gutter outlet design for Elma Street North road construction and all other public works prior to the commencement of the road construction and public works, to the satisfaction of the Town, as part of the special provisions of the Site Plan Agreement.

9. That the Owner shall confirm in writing with updated plans and drawings to the Town, if the Molok Waste Collection System design model M-5000 is being modified from what is approved by the Town on the plans and drawings, as further referenced in the Site Plan Agreement, so the Town can approve the updated plans and drawings prior to the installation and/or any modification of the molok waste collection system, to the satisfaction and clearance of the Town’s Planning Division of the Planning and Development Services Department, as part of the special provisions of the Site Plan Agreement.

10. That the Owner shall post financial securities to the Town in the amount of three hundred six thousand five hundred forty-two dollars ($306,542), as part of the financial security obligations of the Site Plan Agreement.

11. That the Owner shall pay to the Town, fifteen thousand two hundred forty-three dollars ($15,243), based on a 4% works fees of the three hundred seventy-eight thousand five hundred seventy-one dollar ($378,571) cost estimate and the additional engineering review fee of one hundred dollars ($100), as part of the financial obligations of the Site Plan Agreement.

12. That the Owner shall participate in a shared Arthur Street West entrance access with the abutting land owner to the west, so as to limit the number of entrance accesses onto the street, should the abutting land owner to the west wish to participate in a shared entrance access, with the necessary reciprocal access easements, to the satisfaction of the Town, as part of the special provisions of the Site Plan Agreement.

To-date none of the conditions of approval have been satisfied and the previous land owner sold the property prior to executing the draft site plan agreement. Conditions of approval pertaining to financial obligations were determined through the initial review process in 2015 in consultation with the appropriate municipal departments through the development review process. The costs and financial obligations defined in the conditions of site plan approval are not subject to change. The applicant has provided updated estimated construction costs that will be included in the updated site plan agreement as securities. The site plan agreement will also contain provisions to ensure the conditions of site plan approval are appropriately addressed prior to initiating any site works. No further public meetings or consultation is required for the proposed development.
E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #2: Attract New Business

F. Environmental Impacts

No adverse environmental impacts are anticipated by the proposed development.

G. Financial Impact

The addition of a commercial land use contributes to the municipal tax base.

H. In consultation with

Michael Benner, Director of Planning and Development Services.

I. Attached

1. Previously Accepted for Construction Site Plan;
2. Amending By-law 2014-82;

Respectfully Submitted,

Travis Sandberg, BA Geography
Planner I

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Travis Sandberg
planning@thebluemountains.ca
519-599-3131 extension 283
NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. 2014–82 on the 24th day of November, 2014 under Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the 18th day of December, 2014 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required $125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this 28th day of November, 2014.

Corrina Giles
Clerk
Town of The Blue Mountains
P.O. Box 310
32 Mill Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131
townclerk@thebluemountains.ca

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is 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 effect of this By-law is to rezone the commercially zoned lands to General Commercial Exception 49 C2-49 Zone. Exception 49 modifies the minimum front and rear yard setbacks of the retail store building; allows for parking within the front yard of the Retail Store Building abutting Arthur Street West; modifies the minimum lot frontage for an automobile service station (gas bar); and modifies the front and exterior side yard setbacks of the automobile service station (gas bar).

The subject lands of this By-law are comprised of Part of Lot 30, Northeast of Arthur Street, Town Plot of Thornbury; Town of The Blue Mountains.
THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2014 - 82

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 and 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 of the Planning Act, R.S.O. 1990,
c. P.13, the By-law may be amended by Council of the Municipality;

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 to General Commercial Exception 49 C2-49 Zone for those lands lying and
being in the Town of The Blue Mountains, comprised of Part of Lot 30, Northeast of
Arthur Street, Town Plot of Thornbury; Town of The Blue Mountains; 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:

“49 Notwithstanding the regulations in the General Commercial C2 Zone of this
By-law to the contrary, within the General Commercial Exception 49 C2-49 Zone,
the following shall apply for these lands:

a) The main wall of the retail building opposite Arthur Street West
shall be located no greater than 39.0 metres from the front lot line.
b) The Minimum Rear Yard Setback for Retail Store Building shall be
3.0 metres.
c) The 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) The Minimum lot frontage for an automobile service station shall be
41.3 metres.
e) The Minimum Front Yard Setback for Automobile Service Station
(Arthur Street) shall be 11.0 metres.
f) The Minimum Side Yard Setback abutting a public street for
Automobile Service Station (Elma Street) shall be 4.3 metres.”

3. 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 24th day of November, 2014.

Ellen Anderson, Mayor

Corrina Gies, Clerk
I hereby certify that the foregoing is a true copy of By-law No. 2014-82 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 24th day of November, 2014.

DATED at The Blue Mountains

this 24th day of November, 2014.

Signed:

Corrina Giles, Clerk
Town of The Blue Mountains
Key Map Schedule A-1
By-Law No. 2014 - 82

Area To Be Rezoned from General Commercial C2 To
General Commercial Exception 49 C2-49 Zone