

STAFF REPORT:**Planning & Building Services Department**

REPORT TO: Planning & Building Committee
DATE: May 3, 2010
REPORT NO.: PL.10.38
SUBJECT: Application for Draft Plan Approval –
Plan of Subdivision and
Common Elements Condominium
Grey County File No. 42T-2006-04
and Zoning By-law Amendment
Blue Mountain Villas
Town Plot Lots 37, 38, 39 and
Part Lot 36 King Street E/S
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning & Building Committee receive Staff Report PL.10.38 “Application for Draft Plan Approval – Plan of Subdivision and Common Elements Condominium Grey County File No. 42T-2006-04, Blue Mountain Villas, Town Plot Lots 37, 38, 39 and Part Lot 36 King Street E/S, Town of The Blue Mountains”; and

THAT Council support a recommendation to the County of Grey to grant Draft Plan Approval of Subdivision File No. 42T-2006-04, subject to the Draft Plan Conditions attached to this report; and

THAT Council enact a Zoning By-law to rezone the subject lands from the Development ‘D’ Zone to the Residential ‘RM1-h’ Zone, and to establish a minimum exterior side yard setback of 6.0 metres.

B. Background

The purpose of this report is to consider a request by Matesa Enterprises Inc. to amend the Town of Thornbury Zoning By-law in order to permit a 17 unit townhouse development located on the north-east corner of King St and Lansdowne St. The 17 town homes are divided into four blocks. The three easterly blocks contain four units each and the westerly end block contains 5 units. The townhouse units each include a detached garage and are accessed as walk up units from King Street, and vehicle access is across a private internal laneway off of Lansdowne Street. Between the internal laneway and northerly side lot line is a 7.0 metre wide planting strip which includes a proposed 1.5 metre high berm and densely planted with 3.0 metre high Colorado Blue Spruce trees.

The Plan of Subdivision proposes to create 17 separate lots for each townhouse unit and includes the front yard space, rear yard space, detached garage and driveway parking.

The Common Elements Condominium includes the internal laneway, landscaping areas and the surrounding area around the 17 townhouse lots.

The Zoning By-law Amendment proposes to rezone the subject lands from the Development 'D' Zone to the Residential 'RM1-h' Zone, and to establish a new exterior side yard setback of 6.0 metres from the King Street lot line.

Supporting these applications, the applicant has provided a justification report, site plan, elevation plan, landscape plan, preliminary servicing and stormwater report, soils report, and a Ministry of Environment D-4 study and methane monitoring report.

The subject lands have a lot area of 0.7796 ha with 52.1 m of frontage on Lansdowne St and 149.5 m of frontage on King St. There are no existing buildings or structures on the property, with orchard grasses and scrub vegetation covering most of the lands. The lands slope downward south to north.

The lands are located within the built up area of the Town of Thornbury. Immediately surrounding the site are established residential uses (mainly single detached units) and some additional vacant lands. South of the site is the Georgian Trail and some additional vacant land fronting on to King Street and Highway 26.

Municipal water and sanitary sewer services are located at the intersection of Huron Street and Lansdowne Street.

This development proposal was first heard by Council during the July 2006 Public Meeting. Since the original submission was made, a major issue was raised by Town Staff dealing with servicing capacity at the Thornbury Wastewater Treatment Plant. The 2005 Year End Servicing Report had just been released and identified in Section 4.3.3 that there was no "reserve" capacity available at the Plant, and that the Town should proceed with the design of the planned expansion. No further capacity should be "reserved" until the design is completed and approvals are granted. Based on this recommendation, no new Draft Plan Approvals that were not otherwise previously committed would be available within the Thornbury Wastewater Treatment Plant Service Area. This 'Development Freeze' affected a small number of developments within the Thornbury Service Area, and restricted any new applications from coming forward.

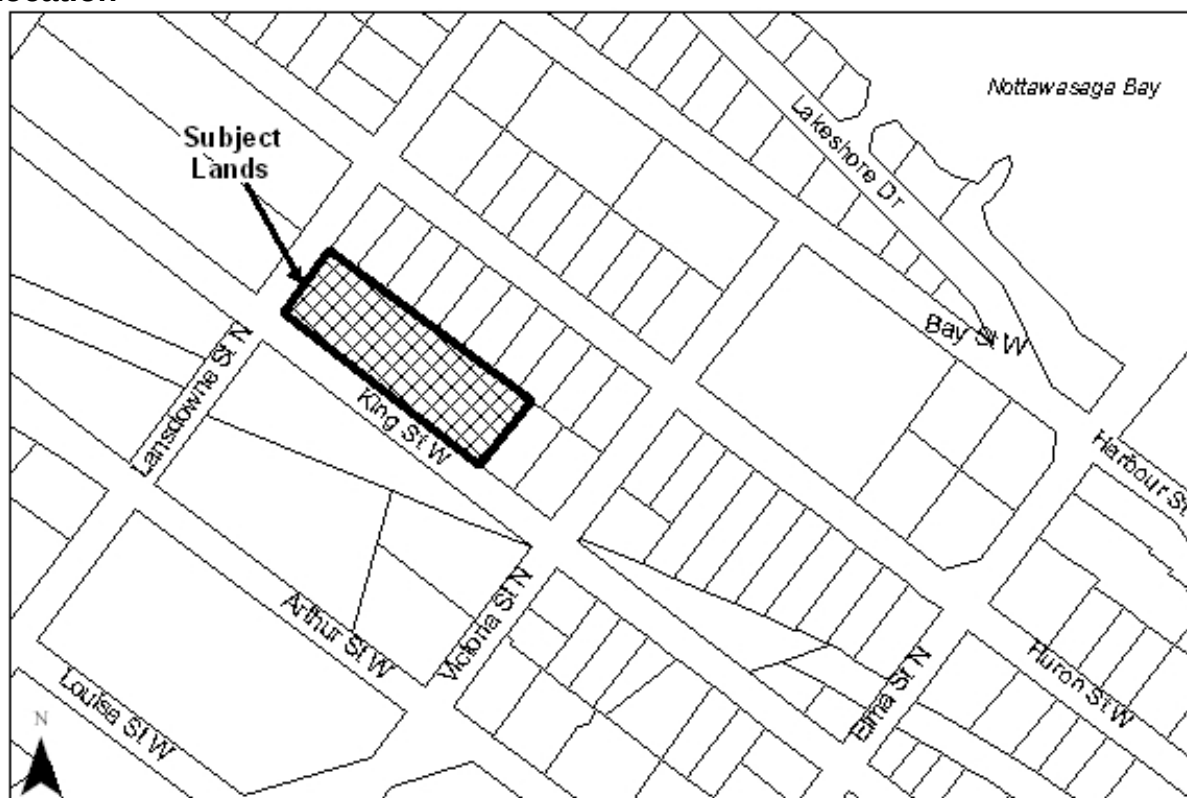
The Blue Mountain Villas project was included in the development freeze, but proceeded to actively pursue the other development issues affecting the property with the intent of seeking approvals as soon as "reserve" capacity became available. In October 2006 a Draft Report was completed for the Blue Mountain Villas development, but based on lack of sewer servicing, was never taken forward to Council for consideration.

Now that the County of Grey and the Ministry of Environment have accepted a different means of calculating the capacity of the Thornbury Waste Water Treatment Plant, the Town can finalize comments to the County of Grey on Draft Plan Applications. It is noted that plant allocation is not confirmed until a development has paid the required

Development Charges, including the sewer component for the Thornbury Wastewater Treatment Plant.

The intent of this report is to provide a recommendation to Council based on the 2006 development submission, including the revisions made to date.

Location



Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Focusing growth in settlement areas and using land more efficiently can lead to more lively and vibrant communities. To accomplish this, land shall be efficiently used, with consideration for intensification, redevelopment, an appropriate mix and range of residential uses and densities to ensure appropriate development will take place.

The proposed 17 unit townhouse development would appear to provide a new mix in housing form within the Thornbury built up area. The Townhomes provide a more efficient density on existing vacant land which are all consistent with the Provincial Policy Statement.

County of Grey Official Plan

The subject lands are designated Urban in the County of Grey Official Plan. Section 2.6.3 of the County Plan identifies that the Urban designation applies to existing major urban settlement areas throughout the County and that land use policies and development standards shall be in accordance with local Official Plans.

The County Plan promotes the development of the Urban designation for a full range of residential, commercial, industrial, recreational and institutional land uses.

Provided that the townhouse development complies with the Town of The Blue Mountains Official Plan, it would appear that the proposed development will comply with the County of Grey Official Plan.

Town of The Blue Mountains Official Plan

The subject lands are designated Residential within the Thornbury Urban Community of the Town of The Blue Mountains Official Plan. The General Development policies for the Thornbury area recognize the unique small town feel and character of the community. That character shall be an inherent feature of all new development forms, including maintaining the low height profile and low density feel. Full municipal services are required including municipal water, sewer, paved roadways and sidewalks.

The Residential designation permits a wide range and mix of residential development ranging from single detached units to low rise apartments generally not exceeding three storey's. Townhouse development is included and units should generally be developed at 25 – 40 units per hectare and directed to areas where there will be direct access or minimal distance to a collector or arterial street, removing the potential for traffic movement through lower density areas. Sufficient buffering in the form of vegetation, distance separation, fencing, and other methods are required in order to minimize potential land use conflicts with adjacent land uses and to ensure compatibility with the visual character of the community.

The proposed 17 unit townhouse development would appear to maintain the intent and direction of the Town of The Blue Mountains Official Plan. The proposed development is located approximately 150 metres from Highway 26, which will direct a majority of traffic away from the existing residential areas.

The proposed site plan identifies that the development will be adequately buffered from surrounding residential development and the street. The existing single detached dwellings which front on Huron Street will be separated by distance and by a 7.0 m wide planting strip and 1.5 metre high vegetative berm including tree plantings. Additional trees and vegetation is also proposed around the development along internal property lines as well as along King St and Lansdowne St. The additional plantings are intended to integrate the townhouse development with the surrounding character of the area. Conceptual landscaping details have been provided on the Site Plan, with a detailed Landscaping Plan to be provided to the Town for approval as part of the detailed design.

The density of the proposed development is 22 units per hectare (17 units / 0.7796 ha). This density generally reflects the intended requirement of 25-40 units per hectare, while taking into consideration the existing low density areas to the north and east of the property.

Zoning

The subject lands are zoned Development 'D' within the Town of Thornbury Zoning By-law 10-77. The Development 'D' zone recognizes the vacant undeveloped lands. One single detached dwelling may be permitted on the property, but it is intended that the Development 'D' zone be used as a holding zone requiring a Zoning By-law Amendment should additional development be considered.

A Zoning By-law Amendment has been submitted that proposes to rezone the subject lands to the Residential Multiple 'RM1' zone. The RM1 zone permits residential uses ranging from semi-detached units to townhouse units. Below is a summary of the required By-law provisions, and what is provided.

By-law Regulation	Required	Provided
Maximum Lot Coverage	35.0 %	26.1 %
Maximum Dwelling Units (1 per 278 sq m of lot area)	28 units	17 units
Minimum Front Yard	7.5 m	9.0 m
Minimum Rear Yard	10.0 m	18.0 m
Minimum Int. Side Yard	4.5 m	10.1 m
Minimum Ext. Side Yard	7.5 m	6.07 m
Maximum Height	3 storeys	2 storeys
Parking	26 (at 1.5 spaces per unit)	68 (4 spaces per unit)

It would appear that the proposed development will meet the Townhouse requirements under the Town of Thornbury Zoning By-law, except for the minimum 7.5 metre exterior side yard setback (setback distance from King Street property line) for two of the four townhouse blocks. The two townhouse blocks are proposed at 6.07 metres and the other two townhouse blocks are proposed at 7.66 metres. The By-law requires a 7.5 metre exterior side yard setback which is consistent with the front yard setback for adjacent single detached uses along King Street. The intent is to be able to provide sufficient space for parking in the front yard, and to establish a general setback for a consistent streetscape. It would appear that the proposed reduction from 7.5 metres to 6.0 metres would have no impact on parking as these are walk up units from King Street with parking at the back, and visually the varying setbacks of all the townhouse blocks from King Street would appear to be setback consistent with the visual character of the street reinforced with the proposed landscaping along the streetline.

A concern over the permitted height under the Residential RM1 Zone has been identified. The By-law permits a maximum height of 3 storeys, where height is calculated by measuring the vertical distance from the average finished grade at the *front elevation* to a point midway between the eaves and the ridge. The subject lands slope down towards the rear of the property allowing for walk out basements and the appearance of an additional storey when looking at the property from the rear lot line. In keeping with the policies of the Official Plan to ensure that new development remains in character with the surrounding low density residential uses, and to reduce the overall visual impact, the height itself or the visual prominence of the height of the townhomes should be decreased. To accomplish this The Zoning By-law may restrict the maximum height of the townhouse units to a maximum of 1 ½ storeys, where the walkout basement level is not considered a storey. This reduced height requirement will permit a front elevation with a 1 ½ storey look and the rear elevation with a 2 ½ storey look reducing the overall height impact on surrounding low density residential uses.

The Holding ‘-h’ symbol should be included with the Zoning By-law Amendment to ensure that the development completes all conditions of approval prior to development taking place on the lands.

Public Meeting

In July 2006 the Public Meeting was heard on both the Applications to the Town and the County for the required approvals. A presentation by the owners agent and engineer was made outlining the proposed development. A large number of surrounding property owners were present at the meeting noting a number of potential negative impacts, as well as providing general comments on the overall design. The predominant concerns include:

- Drainage – existing watercourse, drainage patterns, stormwater flows
- Height – walk out basements create an extra storey appearance from the rear lot line
- Density – appropriateness of 17 townhomes among mainly single detached units
- Access – restricted sight lines from Lansdowne St driveway entrance
- Parking – on street parking on King Street
- Garage Location – consideration to relocate with existing entrance
- Parkland Dedication – provisions for parkland and/or cash-in-lieu

Public Comments are further described and reviewed later in this report.

Additional comments were received from public agencies who generally have no objections to the proposed development. The Grey Sauble Conservation Authority does note that the watercourse through the property may contain fish habitat and that authorization may be required from the Federal Department of Fisheries and Oceans (DFO). The stormwater concept plan was also reviewed and has been accepted. Subsequent to the comments received by the Conservation Authority, a DFO permit has been granted to enclose a portion of the watercourse with off-site compensation works to be completed at the Tomahawk Recreation Lands owned by the Town. Authorization was granted in 2009 and is valid until September 2010.

Additional Comments

The Town of The Blue Mountains Development Review Committee reviewed the proposed development in 2006 and a number of changes to the original plan were completed, or added as conditions to approval. It should be noted that this development is still subject to detailed engineering review through the Technical Development Review Committee process. Some of the key requirements through DRC includes the location and connections to storm and sanitary sewers, upgrade of King Street and Lansdowne Street road frontages to the urban municipal standard and the provision of sidewalk linkages.

Technical Development Review Committee (Tech. DRC) is required after a development receives Draft Plan Approval. The purpose of the Tech. DRC is to confirm all detailed engineering, and to ensure the conditions to Draft Plan Approval can be met. It should be noted that other modifications to this development may be required as a result of this process.

Comments from the Public Meeting have been reviewed and addressed by the applicant. Substantial work has been completed on the existing watercourse, resulting in DFO permits and Grey Sauble Conservation Authority support. The Density of development has been reviewed against Official Plan Policy and is found to be well within the range for appropriate development. Access and restricted sightlines has been reviewed by a traffic engineer on behalf of the applicant. The result of the study included a revision to the internal driveway so that Lansdowne Street becomes an “in only” access and a link to King Street provides the “out” access. Final details on the internal laneway design will be confirmed through the Tech. DRC process. Parking concerns would not appear to generate an adverse impact as each residential unit includes parking for four vehicles. (two in garage and two in front of garage) 1.5 spaces are required per townhouse unit under the By-law. Consideration to relocated the proposed detached garages in order to provide additional separation between the internal laneway and residential uses to the north. The applicant was not supportive of relocating the garages, and, in order to address the visual impact of the laneway from the surrounding properties an increased separation distance was proposed including substantial plantings and berming.

Some soil remediation has been recommended through the Arsenic Report submitted for the Lands. The soils clean up should be added as a condition to Draft Plan Approval.

The Planning Act allows the Town to collect up to 5% of the land for parkland purposes. Alternatively, where land is not desired, the Town can collect up to 5% of the value of land as cash-in-lieu. For this proposed development, land is not desired, and cash-in-lieu should be added as a condition to approval.

The Planning Act permits the Town to impose a condition that up to 5% of the land (or cash-in-lieu of land) to be developed must be dedicated to the Town for park purposes.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Plan of Subdivision, Plan of Condominium and Zoning By-law Amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan, the County of Grey Official Plan, is consistent with the Provincial Policy Statement and represents good planning. Therefore Planning Staff support Draft Plan Approval of Draft Plan of Grey County File No. 42T-2006-04 subject to the attached conditions.

C. The Blue Mountains' Strategic Plan

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

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

D. Budget Impact

Nil

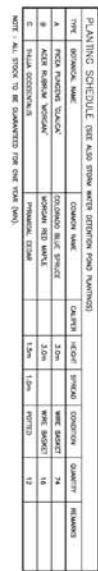
E. Attached

1. Site Plan – Ian S. Malcolm Architects SP7
2. Conditions for Draft Plan of Subdivision 42T-2006-04
3. Draft Zoning By-law Amendment

Respectfully submitted,

Shawn Postma, Planner II
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.248
1-888-258-6867
F: 519-599-3018
spostma@thebluemountains.ca

David Finbow, Director, Planning & Building Services
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.246
1-888-258-6867
F: 519-599-3018
dfinbow@thebluemountains.ca

TOWNHOUSE SITE PLAN
1-250

MATESA ENTERPRISES INC.
17 FREEHOLD TOWNHOUSES THORNBURY

**IAN S. MALCOLM
ARCHITECTS**
126 Wellington St. W. Suite 207
Barrie, Ontario L4N 8J6
Telephone 705/726 2342

Conditions for Draft Plan of Subdivision –42T-2006-04

The conditions have been listed under the following general headings:

General Planning Requirements
Servicing, Grading and Road Requirements
Landscape, Fencing and Streetscape Requirements
Park and Open Space Requirements
Miscellaneous Requirements

General Planning Requirements

1. The final plan shall be redlined to conform to the latest revised Townhouse Site Plan prepared by Ian S. Malcolm Architects.
2. A Subdivision Agreement shall be entered into and executed by the applicant, and the Town of The Blue Mountains to satisfy all financial, legal, and engineering matters, including landscaping and the installation of municipal services, and other requirements of the Town of The Blue Mountains and the County of Grey including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-law
3. The applicant shall support an appropriate amendment to the Zoning By-law to permit the development of these lands in accordance with the Draft Plan of Subdivision including the use of the holding 'h' provision under the Planning Act.
4. Prior to registration, the Zoning By-law implementing the subject plan shall be approved under section 34 and 36 of the Planning Act.
5. The internal private laneway shall be named to the satisfaction of Council.
6. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation along with the applicable application fee and a resolution from the local municipality must be received.

Servicing, Grading and Road Requirements

7. Prior to the initiation of any site grading or servicing and prior to the registration of the plan, submit for the approval of the Town Engineer, Grey Sauble Conservation Authority, and the County of Grey, the following:

- a. A detailed engineering and drainage report which describes the stormwater drainage system for the proposed development on the subject lands. The report should include:
 - i. Plans illustrating how the drainage system will tie into the drainage of surrounding properties
 - ii. The stormwater management techniques which may be required to control minor or major flows
 - iii. How external flows will be accommodated and the design capacity of the receiving system
 - iv. Location and description of all outlets and other facilities which may require permits
 - v. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction

It is recommended that the developer or his consultant contact the Town Engineering and Public Works Department and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development.

- b. Overall grading plans for the subject lands
 - c. Agree in the subdivision agreement, in wording acceptable to the Town of The Blue Mountains and the Grey Sauble Conservation Authority:
 - i. To carry out, or cause to be carried out, all the works referred to in condition 7(a) above
 - ii. To obtain the necessary permits from the Grey Sauble Conservation Authority
 - iii. Prior to the initiation of any grading or construction on the site, to erect any silt fence as referred to in condition 7(a)(v) above.
8. Prior to the registration of the Plan, arrangements shall be made to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the developers expense.
9. Stormwater overland flow routes shall be kept within roads or approved walkways only.

10. Prior to registration, the works as required by the Federal Department of Fisheries and Oceans (DFO) shall be completed in accordance with a DFO permit.
11. To upgrade King Street and Lansdowne Street to the Municipal Urban Standard for those portions fronting on to the site to the satisfaction of the Town Engineer.
12. Prior to the initiation of any site grading or servicing and prior to registration of this plan, submit for the approval of the Town Engineer a detailed soils investigation of the site prepared by a qualified geotechnical engineer. A copy of this report shall also be submitted to the Town's Chief Building Official.
13. Soil Remediation to be completed in accordance with the recommendations contained within the Arsenic Report dated August 25, 2006
14. Prior to the initiation of any site grading or servicing and prior to the registration of this plan, submit to the Town:
 - a. A Phase 1 Environmental Site Assessment
 - b. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 Environmental Site Assessment
 - c. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment, and
 - d. A copy of a Record of Site Condition and confirmation of the filing of the Record of Site Condition in the Environmental Site Registry.
15. Prior to the initiation of any site grading or servicing, the applicant shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations
16. Completion of a Ministry of Environment D4- Study to the satisfaction of the Town.
17. The horizontal and vertical alignments of all roads and underground services including their intersection geometrics shall be designed to the Town of The Blue Mountains Engineering Standards. In this regard, minor revisions to the road pattern and intersection alignments may be required
18. Prior to the approval of any engineering drawings, arrangements shall be made to the satisfaction of the Town for a suitable construction traffic route.

19. The street lighting system on all roadways for this subdivision shall be designed and constructed in accordance with the Town of The Blue Mountains Engineering Standards or as otherwise approved by Town.

Landscape, Fencing and Streetscape Requirements

20. Prior to the registration of the Plan, the applicant shall complete a Landscape Plan to the satisfaction of the Town.
21. The applicant shall save and/or remove any trees and vegetation on the subject lands as required by the Landscape Plan.

Park and Open Space Requirements

22. The applicant shall pay cash-in-lieu for parkland required in accordance with the Planning Act.

Miscellaneous Requirements

23. The applicant shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority
24. The applicant shall make satisfactory arrangements with Canada Post and the Town's Engineering and Public Works department, for the method of mail delivery and/or installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The applicant shall further provide the following for the Community Mailboxes if required:
- a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access.
 - b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.
25. Prior to the signing of the final plan by the County of Grey, the Town is to be advised that all Draft Plan conditions have been carried out to the Town's satisfaction.

END

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

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

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 of the Planning Act, 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 from the Development 'D' zone to the Residential 'RM1-h' zone for those lands lying and being in the Town of The Blue Mountains, comprised of Town Plot Lots 37, 38, 39 and Part Lot 36 King E/S, as indicated in cross-hatching on the attached key map Schedule "A-1".
2. Notwithstanding the maximum height provisions of Section 11.5(g) to the By-law 10-77, the maximum height for all townhouse dwellings shall be 2 ½ storeys. For the purposes of this By-law a basement or cellar shall be counted as a storey for those lands identified in Section 1 to this By-law.
3. Notwithstanding the Minimum Side Yard provisions of Section 11.5(e)(ii)(1) to the By-law, the minimum side yard setback abutting a public street shall be 6.0 metres for those lands identified in Section 1 to this By-law.
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 _____ day of _____, 2010.

Ellen Anderson, Mayor

Corrina Giles, Clerk

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

DATED at _____

this _____ day of _____, 2010.

Signed: _____
Corrina Giles, Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. _____



AREA AFFECTED BY THIS AMENDMENT

