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Staff Report

Planning & Development Services – Planning

Report To: Committee of The Whole
Meeting Date: March 13, 2017
Report Number: PDS.17.26
Subject: Open Space Blocks 32 & 33, Registered Plan 16M-23 – Peaks Bay East
Prepared by: Michael Benner, Director Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.17.26 “Open Space Blocks 32 & 33, Registered Plan 16M-23 - Peaks Bay East”;

THAT Council deem Block 32, Registered Plan 16M-23, and portions of Block 33, Registered Plan 16M-23 to be surplus to the needs of the Corporation in accordance with the Town’s Sale and Other Disposition of Land Policy;

THAT Council authorize Town staff to proceed with the giving of notice of the proposed conveyance of Block 32, Registered Plan 16M-23, and portions of Block 33, Registered Plan 16M-23;

THAT Council authorize the conveyance of Block 32, Registered Plan 16M-23, as set out in this Report, to the owners of Lots 16 & 17, Registered Plan 16M-23, with such conveyance being at no cost to the Town;

THAT Council authorize the conveyance of portions of Block 33, Registered Plan 16M-23, as set out in this Report, to the owners of Lots 18 & 19, Registered Plan 16M-23, with such conveyance being at no cost to the Town;

That Council direct that the remainder of Block 33, Registered Plan 16-23, being the north/south portion of Block 33 that abuts Lots 18, 19 & 20, Registered Plan 16M-23 and the east/west portion of Block 33 that abuts Lots 16 – 18 and 20 – 24, be retained by the Town;

THAT Council not require an appraisal for the subject lands as the lands are proposed to be re-conveyed to the Developer or its’ successor; and,

THAT Council authorize the Mayor and Clerk to sign those documents necessary to give effect to the conveyances noted above.

B. Overview

The purpose of this Report is to seek Council's direction with respect to the conveyance of Block 32 and portions of Block 33, Registered Plan 16M-23 within the Peaks Bay East plan of subdivision to the adjacent lot owners with this conveyance being at the sole cost and expense of the adjacent lots owners or the Developer, being PB Holdings Limited; and, the retention by the Town of the balance of Block 33, Registered Plan 16M-23.

C. Background

At its meeting of January 9, 2017, the Committee of the Whole considered Staff Report PDS.17.10 "Peaks Bay Agreement" and adopted the following recommendations:

B.10.3 Peaks Bay Agreement, PDS.17.10

THAT Council receive Staff Report PDS.17.10 "Peaks Bay Agreement";

THAT Council authorize the Mayor and Clerk to sign an amending agreement to the Peaks Bay Development Agreement as included as Attachment "2" to this report;

THAT Council authorize staff to pursue the early assumption of Block 29 of the Peaks Bay East development; and

THAT Council authorize staff to pursue the disposal of Blocks 32 and 33 of the Peaks Bay East development, Carried.

On January 23, 2017, Council considered the recommendation of the Committee of the Whole and, in light of concerns expressed by an adjacent lot owner at the Council Meeting, Council determined to defer consideration of the disposal of Blocks 32 and 33, Registered Plan 16M-23. The concerns expressed by the adjacent lot owner included:

1. The potential negative impact on the site lines/views/vistas on the as-constructed dwellings at Lots 20 and 21, given that the permissible building envelopes on Lots 16 – 19 and 22 – 24 will change;
2. Portions of Block 33 are utilized by the owners who abut Block 33 for recreational purposes; and,
3. The conveyance of Block 33, specifically the east/west connectivity to the lands to the west and connectivity to Delphi Lane, is not consistent with the Town's vision for the open space blocks as expressed through previous planning approvals.

Town staff have considered the concerns expressed by the adjacent lot owner and agree that a more detailed review of the connectivity of the open space blocks within Peaks Bay and the

lands to the west is warranted. This review will be undertaken as part of the Parks Management Plan being developed for the area.

Town staff also met with the agent for the developer of the Peaks Bay East Plan, and the adjacent landowners on March 6. From that meeting, it was agreed that the conveyance of all of Block 32 and portions of Block 33 to the adjacent lot owners would not impact the potential east/west connectivity, and would not have an impact on the more detailed review undertaken through the Parks Management Plan. The proposed conveyance of Block 32 and parts of Block 33 is graphically set out in "Attachment 1" to this report.

D. Analysis

Blocks 32 and 33, Registered Plan 16M-23, contain treed and scrub areas, originally intended as Open Space Blocks, and are included within the area noted as a Tree Preservation Area on the Peaks Bay "Accepted for Construction" Drawings. These Blocks were previously reviewed by Town staff and determined to be a potential long-term maintenance and liability issue. In light of the presentation of an adjacent lot owner, Town staff are in agreement that a more detailed review of the east/west portion of Block 33 and that portion of Block 33 giving access to Delphi Lane is warranted. This review can take place as part of the Town's Parks Management Plan being prepared by the Town's Community Services Department for this area.

With respect to the Town's Sale and Other Disposition of Land Policy, it will require that Council deem the land to be surplus to the needs of the Corporation at a Council Meeting and to give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.

Lastly, although Blocks 32 and 33 have assessed values of \$264,000 and \$409,000 respectively, they are not "developable" in themselves and, given that they were originally conveyed to the Town in 2008 at no cost to the Town, are designated and zoned as Hazard, and the Town has determined that the lands are surplus to the Town's needs, it is recommended that the lands be conveyed to the adjacent land owners at no cost but the adjacent land owners or the Developer, as the case may be, be responsible for all costs associated with the conveyance.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Goal #3: Support Healthy Lifestyles

F. Environmental Impacts

The ultimate environmental value of portions of Block 33 to be retained in municipal ownership will be determined through the Parks Management Plan.

G. Financial Impact

There should be minimal financial impact to the municipality as costs associated with the conveyance of lands will be the responsibility of the receiving parcels.

H. In consultation with

Director of Community Services

PB Holdings Limited

Adjacent landowners.

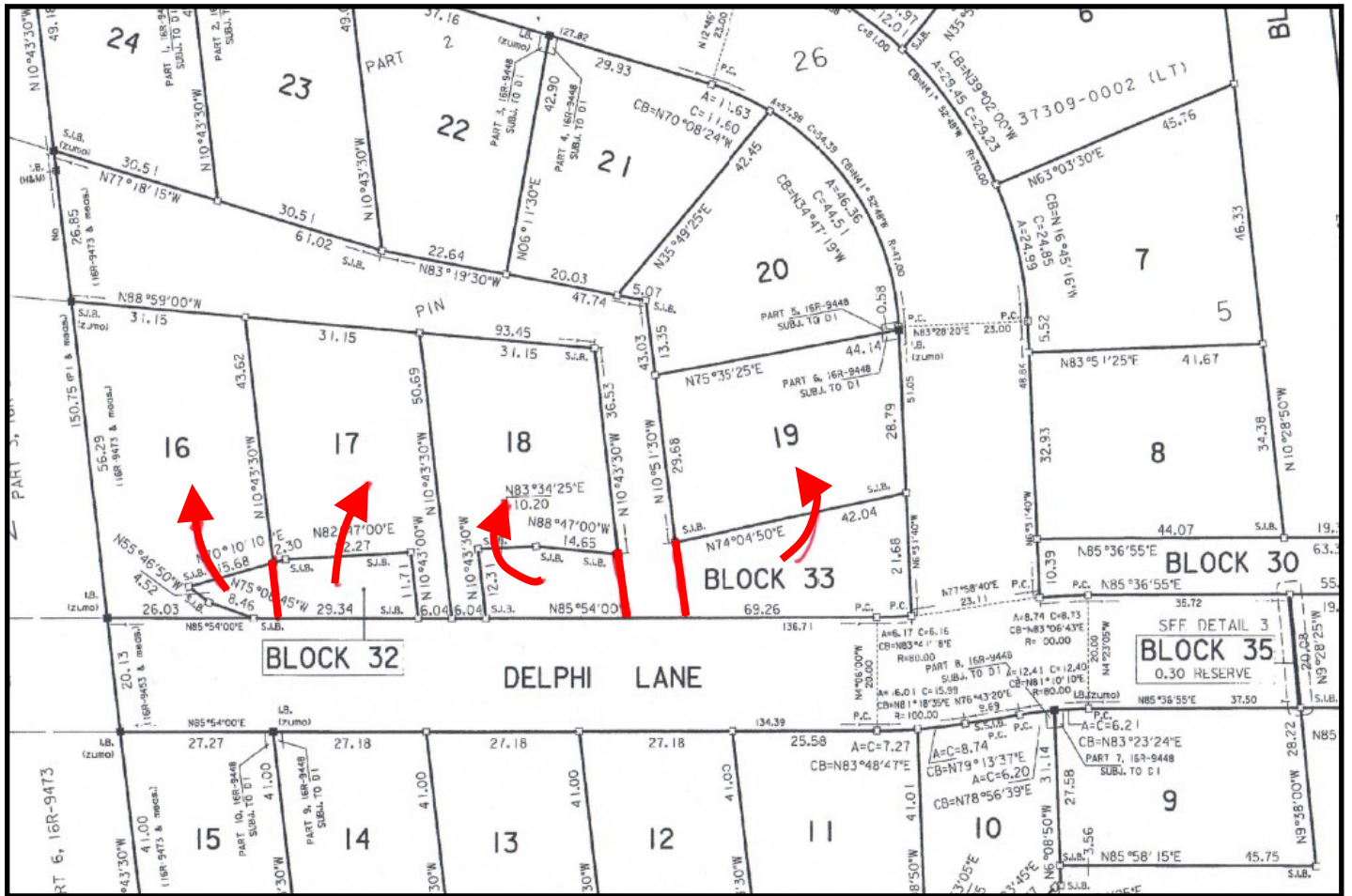
I. Attached

I.1 Blocks 32 and 33 Conveyance Graphic

Respectfully submitted,

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Conveyance to adjoining lot

Block split line