A. Recommendations

THAT Council receive Staff Report PDS.20.35, entitled “Wellman Lot 45, Plan 16M-20 – Holding ‘h8’ Removal”;

AND THAT Council enact a By-law to remove the Holding ‘h8’ symbol from those lands legally described as Lot 45, Plan 16M-20 (Dorothy Drive/Barton Boulevard).

B. Overview

The purpose of this report is to recommend that Council authorize the removal of the Holding ‘h8’ symbol from the lands. Site Plan Approval and the execution of a Development Agreement for the lands has occurred. Initiating the removal of the Holding ‘h8’ will allow for a Building Permit to be issued.

C. Executive Summary

Application File # P2795

Application Received Date: Sept. 13th, 2019

Application Deemed Complete Date: Sept. 26th, 2019

Associated File(s) # P2794 - Site Plan/Development Agreement

A25-2019 - Minor Variance

Official Plan Designation: Residential/Recreational Area and Hazard

Zoning Bylaw Designation: Residential One Density Exception 43 (R1-1-43) and Hazard (H)

Location: Dorothy Drive & Barton Boulevard

Short Term Accommodations: Not permitted
D. Background

The purpose of this report is to make a recommendation to Council on the development status of a vacant lot located near the “intersection” of Dorothy Drive and Barton Boulevard (see Figure 1 below).

Figure 1: Subject property

The Owner (Wellwood Properties Inc. c/o Mr. Mike Wellman) has made application for a Building Permit to construct a dwelling on the subject property. As a pre-condition to the issuance of a Building Permit for this particular property it is required to remove the Holding ‘h8’ symbol. This report provides an outline how the Holding ‘h8’ removal conditions have been satisfied.

E. Analysis

Subdivision Agreement

The subject land is a vacant lot (Lot 45) located in a registered plan of subdivision (16M-20) registered on June 26th, 2008 (see Figure 2 below).
At the time the plan of subdivision was registered, this lot was created without direct frontage onto a public road. In this case access and municipal services are provided to Lot 45 via Blocks 48 & 49. Blocks 48 & 49 are owned by the Town but are not yet assumed as part of municipal road allowance. Specific clauses in the Subdivision Agreement and the Holding zone symbol on the property (Lot 45) were established to address what matters need to be addressed prior to building occurring on the lot.

Schedule “I” of the Subdivision Agreement identifies that Blocks 48 & 49 are for a future “public highway” (i.e. municipal road). This municipal road would not only service Lot 45 but also service the vacant lot abutting to the east. This vacant lot has a pocket of Residential/Recreational Area (RRA) designated land that may be developed at a future date (see Figure 3 below). However, development approvals would be required to go through the Planning Act processes and public consultation first.
If this pocket of land is approved for development sometime in the future its developer will be responsible to improve Blocks 48 & 49 to a municipal standard suitable for assumption as a municipal road. Until that time a 0.3m wide road reserve (Block 56) prevents legal access to this pocket of land; and Blocks 48 & 49 continue not to be a municipal road allowance. Rather they are currently blocks of land owned by the Town and are set aside for a potential future municipal road.

Schedule “G” – Part 2 titled Planning Provisions of the Subdivision Agreement provides (in part) that in the event that access to Lot 45 is required in advance of the construction of the public highway; the Owner of Lot 45 may construct a private driveway on Town Block 49.

This permission is subject to the Owner entering into a Site Plan Agreement with the Town. This Agreement will contain clauses related to the necessary permits to construct the private driveway and to indemnify and save harmless the Town related to the driveway usage while located on public land. The Owner of Lot 45 shall also agree to make whatever modifications necessary to the access of Lot 45 should Blocks 48 & 49 become a public highway in the future.

**Zoning By-law**

The subject land is currently zoned Residential One Density Exception 43 (R1-1-43) and Hazard (H). That portion of the subject land that is zoned R1-1-43 is also subject to a Holding ‘h8’ symbol. No development or site alteration is proposed within the Hazard (H) zoned area.

The “Exception 43” component of the R1-1-43 zone classification provides that;

- One (1) single detached dwelling may be permitted on these lands. *The Owner has applied for a Building Permit to develop the subject property for one (1) single detached dwelling.*

- A private driveway agreement on Town owned lands executed between the owner and the Town shall be deemed to meet the By-law requirements for direct access and frontage onto an improved public street. *The Owner has executed an Agreement with the Town for the construction of the private driveway consistent with Schedule “G” – Part 2 titled Planning Provisions of the Subdivision Agreement.*

Presently the Holding ‘h8’ symbol remains in place on the R1-1-43 zone. In order to remove the Holding ‘h8’ symbol the following three (3) conditions have been completed to the satisfaction of Council;

1. Granting of Site Plan Approval. *The Director of Planning and Development Services has delegated authority from Council to grant a Site Plan Approval for the subject lands. The Director has granted Site Plan Approval based upon; a) the proposed use of a single detached dwelling is permitted in the R1-1-43 zone, and b) the Site Plan drawings submitted by the Owner conforms to the applicable provisions of the Town’s Zoning By-law, are consistent with the Grading Plan for this Subdivision and provide the engineering details for the extent of the external site work improvements to permit the construction of the private driveway proposed on Town owned Block 49, Plan 16M-20.*
2. Execution of Development Agreement. The Director of Operations has delegated authority from Council to enter into Land Use Agreements on behalf of the Town. The Director has executed the Land Use Agreement for the external site work improvements for the private driveway at this time based upon; a) the Town’s legal services has prepared a Land Use Agreement consistent with the required provisions of the Subdivision Agreement, b) the Owner has executed this Land Use Agreement and has provided the associated documents (the insurance policy, the securities, the Driveway Entrance Grading Plan, the Town’s fees) and c) that the Land Use Agreement includes a Driveway Entrance Grading Plan that has been vetted and “Approved For Construction” by the Town’s Development Engineering staff. This Agreement will be subsequently registered onto the title of Lot 45.

3. Identification of a suitable building envelope in consultation with the Grey Sauble Conservation Authority (GSCA) and Niagara Escarpment Commission (NEC). The GSCA did issue its Permit No. GS19-147 for the subject property on October 21st, 2019, and as such, are satisfied with the proposed building envelope and site grading. In her email dated October 23rd, 2019 Ms. Judy Rhodes-Munk, Senior Planner advised that the NEC has no objection to the removal of the Holding symbol and the development within the building envelope as shown on the prepared grading plan.

Conclusion

Based on the above analysis Planning Staff recommend that it is now appropriate for Council enact and pass a By-law to remove the Holding ‘h8’ symbol from the subject lands. This in turn will allow for the issuance of the Owner’s Building Permit.

F. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #2 Increase the Range of Housing Choices and Promote Housing Affordability

G. Environmental Impacts

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

H. Financial Impact

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

I. In consultation with

John Metras, Solicitor, Legal Services
Brian Worsley, Manager of Development Engineering
Shawn Carey, Director of Operations


J. **Public Engagement**

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Pursuant to Subsection 36(4) of the *Planning Act* a public meeting is not required prior to Council passing a by-law to remove a holding “h” symbol. This plan of subdivision and the original zoning by-law amendment (By-law 2006-40) which facilitated the creation of this lot occurred by OMB order in 2006.

Comments regarding this report should be submitted to Trevor Houghton, Manager of Community Planning, at thoughton@thebluemountains.ca

K. **Attached**

1. Attachment 1 – Draft Holding “h” Removal By-law

Respectfully submitted,

_____________________________
Trevor Houghton, RPP, MCIP
Manager of Community Planning

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

For more information, please contact:
Trevor Houghton
thoughton@thebluemountains.ca
519-599-3131 extension 308
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Town of The Blue Mountains Zoning By-law";

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. 2018-65;

And Whereas pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. The Zoning By-law of the Town of the Blue Mountains being By-law No. 2018-65, is hereby amended by removing the Holding ‘-h8’ symbol from the lands lying and being in The Town of The Blue Mountains comprised of Lot 45, Plan 16M-20, Town of the Blue Mountains, as indicated on the attached key map Schedule ‘A-1’.

2. Schedule “A-1” is hereby declared to form part of this By-law.

Enacted and passed this 13th day of July, 2020.

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Alar Soever, Mayor

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Corrina Giles, Clerk