

Report PDR-PCD-42-14

To: Chair Wright and Members of the Planning and Community Development Committee
From: Randy Scherzer, Director of Planning
Meeting Date: November 13, 2014
Subject: Neighbourhoods at Delphi Point – proposed redline revision – 42-CDM-2007-15
Status: Recommendation adopted by Committee as presented per Resolution PCD125-14; Endorsed by County Council per Resolution CC163-14 November 25, 2014;

Recommendation(s)

WHEREAS Plan of Condominium File No. 42-CDM-2007-15 received draft approval on March 13, 2008 with revisions to the plan approved on May 19, 2009 and October 15, 2013;

AND WHEREAS the County is in receipt of a letter from the Applicant proposing further redline revisions to the draft plan by amending the conditions of Draft Plan approval to include the Phase 2 lands within the draft approved plan and, to remove reference to the phasing line which was originally placed on the plan due to servicing constraints;

AND WHEREAS the majority of the 70 units proposed to be added to the draft approved plan have at some point in time been draft approved and have been subject to technical review over the past several years;

AND WHEREAS the previous servicing constraints no longer exist and therefore the phasing lines are no longer required;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-42-14 be received;

AND THAT in consideration of the redline revisions as requested to the draft plan of condominium and the matters to be consistent with under Subsection 51(24) of the Planning Act RSO 1990 as amended, the Planning and Community

Development Committee hereby approves the redline request for Plan of Condominium File 42-CDM-2007-15 subject to the revised conditions set out in the Notice of Decision.

Background

Plan of Condominium File 42-CDM-20017-15 (Neighbourhoods at Delphi Point) was originally draft approved on March 13, 2008. The original draft approval included a total of 55 residential units (townhouses and singles) as Phase 1 of the development. The original application proposed a total of 137 units. Due to servicing constraints at that time, the County only considered draft approval of the then identified Phase 1 of the plan. On May 19, 2009, the original draft approved plan was rescinded and revised by realigning Phase 1 (essentially switching a majority of the units that were previously identified within Phase 2 and identifying them now as Phase 1). Only a total of 68 residential units were draft approved in May 2009 again due to servicing limitations at that time.

In March 2013 application for a further redline revision was made. That application sought minor lot re-alignment to acknowledge a development approval on the adjacent lands known as Delphi Court (42-CDM-2013-01). It also sought to remove the phasing approach which was put in place as part of the original draft approved plan due to servicing limitations. During the review of the application, County staff identified that the redline request component seeking elimination of the phasing lines was not technically feasible as the Phase 2 units were not included in the most recent draft approved plan.

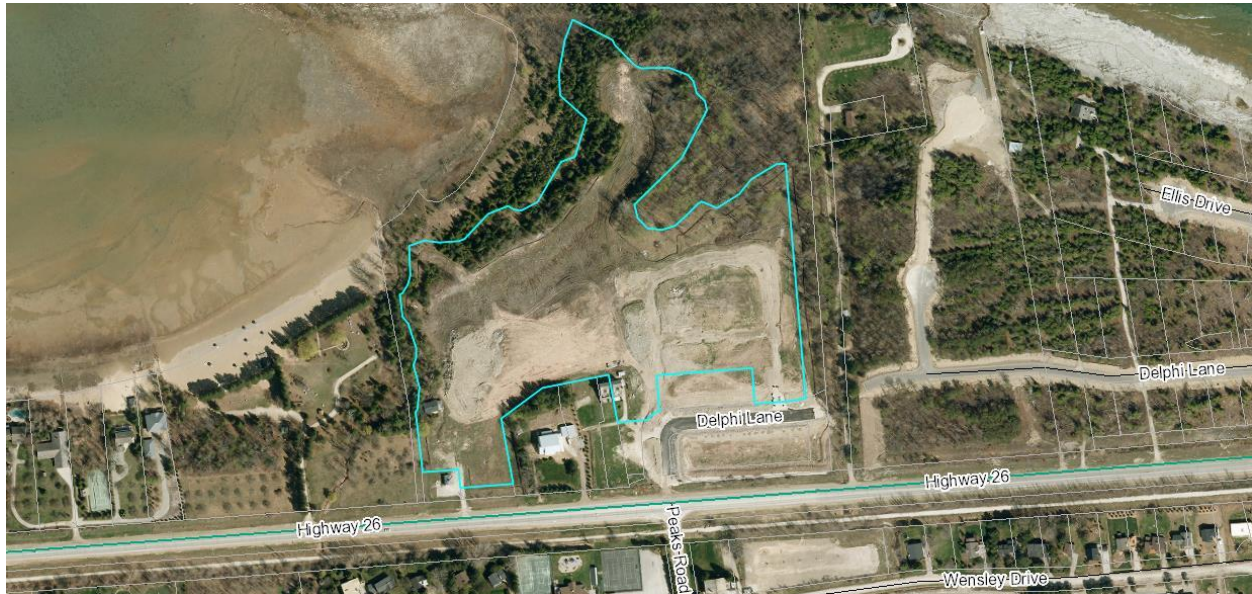
The servicing constraints that existed back in 2008 and 2009 no longer exist and therefore the remaining 70 residential units can be included in the draft approved plan. Given the history of the proposed development (which includes a Board Hearing to create and establish the blocks for the proposed development being 42T-88003 and 42T-95007) and given the extensive technical review conducted on the proposed development over the past few years, both the County and the Town agreed to consider adding the Phase 2 lands as part of a major redline revision.

The County is now in receipt of a proposed redline revision to recognize the Phase 2 lands (70 units) and to remove reference to the phasing line now that the servicing constraints no longer exist.

The draft approved subdivision is located on lands legally described as Part Lot 26, Concession 5 and 6, Town of The Blue Mountains (see Map 1 below). The subject lands are located on the north side of Highway 26. The Georgian Peaks Ski Club is south of the subject lands across Highway 26 (see Map 1 below).

The applicant submitted a Functional Servicing Report, Stormwater Management Implementation Report Update and Plans, and a proposed revised plan in support of the redline revision request.

Map 1: Neighbourhood at Delphi Point Subject Lands



The proposed redline revisions were circulated to various agencies for review and comment. Below is a link to the proposed revised plan:

[42-CDM-2007-15 Proposed Revised Plan](#)

Agency Comments Received

Grey Sauble Conservation Authority (GSCA) – In correspondence dated October 9, 2014, GSCA indicates that they generally have no objection to the redline revisions. They request that a note be added to the draft plan approval indicating that a portion of the subject lands are affected by Ontario Regulation 151/06 and as such permits are required from the GSCA prior to site alterations and/or construction within the affected area. A note has been added as requested.

Ministry of Transportation Ontario (MTO) – The MTO in correspondence dated September 17, 2014 indicates that they have no objection to the approval of this application which represents a technical adjustment to site plans that have been subject to review and analysis since 2007. The MTO has no concerns to remove the reference to phasing lines as Highway 26 and intersection improvements have already been completed. The comments indicate that the owners should be aware that permits are

required from the Ministry before any grading/construction commences. A note has been added to the conditions to address MTO's comments.

Rogers Communications – In a letter dated September 18, 2014, Rogers Communications Inc. indicates they have no concerns regarding this proposed revision and request notice of the decision.

Canada Post – In a letter dated September 23, 2014 Canada Post indicates that the mail delivery to the subdivision will be through centralized Community Mailboxes and that several will need to be installed. They note that the location of the community mailboxes will be identified on the site plan in the near future.

Niagara Escarpment Commission – In a letter dated October 3, 2014, the NEC recommends that the draft plan of subdivision conditions approved by the Board on April 27, 2007 for 42T-88003 and 42T-95007 requires revisions as the condition does not reflect the current site conditions as the trees have been removed and fill placed on the site presumably under a pre-servicing agreement. The NEC also notes that the proposed grading and stormwater management plans require the majority of the site to be raised with the placement of fill which precludes the preservation of most of the trees. The NEC does note that there remains some potential for tree preservation on the north and west outer edges of the lots and around the inner marsh area.

In further correspondence from the NEC dated October 28, 2014, the NEC indicates that they will require restoration/naturalization through planting of indigenous species to be included in the Tree Preservation/Landscape Plan (Condition of Approval 8b) and therefore the NEC indicates that they no longer see a need to revise the conditions.

Town of The Blue Mountains – In correspondence dated October 7, 2014, the Town of The Blue Mountains are satisfied that the proposed redline revision is appropriate for the subject lands and that they have no objections to the following proposed changes:

1. That draft plan condition 2 be modified to apply to all 138 residential units, road allowances and blocks identified on Draft Plan of Condominium 42-CDM-2007-15 prepared by Zubek, Emo, Patten and Thomsen Limited dated January 21, 2008.
2. That the phasing lines as identified on the above noted Draft Plan be deleted.

Analysis of Planning Issues:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Within Grey County they must also make decisions that conform to the County of Grey Official Plan.

Provincial Legislation – The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development in a healthy natural environment within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act.

The proposed redline revisions have regard for matters of Provincial Interest under *the Planning Act*.

Provincial Policy Statement (PPS)

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development and intensification. The condominium development is located within a settlement area designation. The proposed development would also be serviced with municipal water and municipal sewage services. The previous conditions of draft approval along with the recommended revised conditions/notes address the policies contained within the Provincial Policy Statement.

It can be concluded that the proposed revisions to the draft plan of subdivision, with the recommended conditions of draft approval, is consistent with the PPS.

County of Grey Official Plan

The County Official Plan designates the subject lands as ‘Recreational Resort Area’ which is considered to be a designated settlement area. Appendix B of the County Official Plan identifies Significant Woodlands on the subject lands, however the majority of the trees have been previously removed from the site during pre-servicing. The conditions require that a Tree Preservation and a Landscape Plan be prepared to preserve as many trees as possible that remain standing and to provide for some replanting of trees /natural vegetation. The proposed revisions to the draft plan of subdivision conform to the County Official Plan, subject to the conditions of draft approval being addressed.

Financial / Staffing / Legal / Information Technology

Considerations

At this point there are no financial, staffing, legal or IT considerations beyond those normally encountered in processing a redline revision. The County has collected an application and associated fee for the proposed redline revision.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Permitting residential growth in a settlement area, which efficiently uses municipal infrastructure, and provides for a range of housing opportunities, could be considered sound land use planning.

Respectfully submitted by,

Randy Scherzer
Director of Planning

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision under Subsection 51(45) of the Planning Act

Draft Plan Approval was given by the County of Grey on March 13, 2008 and was rescinded and replaced with a draft approved plan on May 19, 2009 which was later revised on October 15, 2013. A request has been made to further revise the draft plan. **Revised** Draft Plan Approval is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of subdivision 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 group.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Grey to the Ontario Municipal Board by filing with the Director of Planning and Development of the County, or her delegate, a Notice of Appeal.

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Applicant: Neighbourhoods at Delphi Point Inc.

File No.: 42-CDM-2007-15 (Revised)

Municipality: Town of The Blue Mountains

Location: Part of Lot 26, Concessions 5 and 6 (Geographic Township of Collingwood), Town of The Blue Mountains, County of Grey

Date of Decision:

Date of Notice:

Last Date of Appeal:

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.

ADDRESS FOR NOTICE OF APPEAL

County of Grey

595-9th Avenue East

OWEN SOUND, Ontario N4K 3E3

Attention: Mr. Randy Scherzer, MCIP RPP

Director of Planning & Development

Plan of Condominium File No. 42-CDM-2007-15 was granted draft approval on May 19, 2009 and later revised on October 15, 2013. The draft plan is hereby further **Revised**. The County's conditions of approval for this draft Plan of Subdivision are amended as follows:

No. Conditions

1. Condition 2 of the original conditions of draft approval given on May 19, 2009 and revised on October 15, 2013 is hereby deleted and replaced with the following:

“That this approval applies to the draft Plan of Condominium File No. 42-CDM-2007-15, prepared by Zubek, Emo, Patten & Thomsen Limited dated January 21, 2008, as revised, showing a total of one hundred and thirty eight (138) residential units comprising of Units 1 to 138 (55 single detached units and 83 townhouse units), four road allowances shown as Streets “B”, “C”, “D” and “E”, on lands described as Part of Lot 26, Concession 5 and 6 (geographic Township of Collingwood), Block 7, RP 16M-37, in the Town of The Blue Mountains, County of Grey.”

2. That all other conditions of draft approval as granted on May 19, 2009 and revised on October 15, 2013 remain in effect.
3. That the following Notes to Draft Approval as included in the original conditions of draft approval given on May 19, 2009 be revised:

- a. That Note 3 be deleted and replaced with the following:

- 3. That permits are required from the Ministry of Transportation Ontario before any grading/construction commences. The owner should contact Corridor Management Officer, Corridor Management Section - Owen Sound (1450 Seventh Avenue, Owen Sound, Ontario N4K 2Z1 - Phone: 519-372-4045) to discuss MTO's permit requirements and obtain the necessary applications.**

- b. That Note 5 be deleted and replaced with the following:

- 5. A portion of the subject lands are affected by Ontario Regulation 151/06: Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulation. As such permits are required from the Grey Sauble Conservation Authority prior to site alterations and/or construction within the affected area.**