

 <b>GRAVENHURST</b> <small>GATEWAY TO MUSKOKA</small>	<b>THE CORPORATION OF THE TOWN OF GRAVENHURST</b>	
	<b>To:</b>	<b>Planning Council</b>
	<b>From:</b>	<b>Melissa Halford, Director of Development Services</b>
	<b>Date:</b>	<b>February 28, 2023</b>
	<b>Subject:</b>	<b>Background - OPA 01-2022 and ZA 11-2022 (TRG [Cherokee Holdings] – “The Starboard”, Cherokee Lane) Report No. DEV 2023-12</b>

**RECOMMENDATION**

The Director of Development Services recommends:

**THAT** Report No. DEV 2023-12 re: Background - OPA 01-2022 and ZA 11-2022 (TRG [Cherokee Holdings] – “The Starboard”, Cherokee Lane) be received for information.

**PURPOSE**

The purpose of this Report is to provide background information related to Official Plan Amendment Application No. 01-2022 and Zoning By-law Amendment Application No. ZA 11-2022.

These applications were submitted in order to permit a comprehensive mixed-use development on lands within the Muskoka Wharf which includes commercial, restaurant, residential and associated on-water and land-based amenity spaces. The initial development proposal contemplated a mixed-use building of 33.5 metres in height with one level of underground parking as well as a two-story boathouse that projected straight out from the shore into Lake Muskoka. Based on a number of meetings with permanent and seasonal residents in the area as well as feedback received at a public information session that the applicant hosted, as well as the results of the various peer reviews, the applicant has made amendments to the proposal. In summary, the height of the proposed mixed-use building has been reduced to 30 metres (7 storeys), there are now two levels of underground parking proposed which will provide all the parking required for the residential component of the proposed development, and the two-storey boathouse has been realigned to follow the shape of the shoreline instead of projecting straight out into the bay.

## **SUPPORTING INFORMATION**

A number of technical studies were completed by the applicant in support of the concurrent applications. Some of these studies were reviewed by Town and/or District Staff and some were subject to independent, third-party peer reviews. All the initial reports have been posted on the Town’s website, along with a copy of the overall design plans, since the initial Notice of Application was circulated to required persons and agencies in April 2022. The revised proposal, peer reviews of the technical reports and all subsequently updated technical studies were posted on the [Town’s website](#) on the date that the Notice of Public Meeting was circulated, February 7, 2023.

### a) Planning Analysis Report

A Planning Analysis Report, dated March 2022 was completed by Planscape and was subsequently updated in January 2023 to reflect the revised proposal. These reports provide details on the overall development proposal and summarizes the supporting technical studies.

### b) Transportation, Traffic and Parking (TTP) Study

The TTP Study, dated October 2021 was completed by Tatham Engineering. This Report was peer reviewed by Paradigm Engineering on May 16, 2022. A revised TTP Study, dated December 2022 was submitted that both reflected the changes to the proposed development and addressed the comments of the peer reviewer.

### c) Environmental Impact Study (EIS)

The EIS, dated October 2021 was completed by Riverstone Environmental Solutions Inc. and subsequently peer reviewed by Hutchinson Environmental Services Limited (HESL) on November 18, 2022. Riverstone addressed the comments of the peer reviewer in their updated submission dated December 2022.

### d) Geotechnical Report

A Geotechnical Report, dated October 2021 was completed by GEI Consultants. This report was peer reviewed by Palmer on November 17, 2022. GEI addressed the comments made in the peer review and reflected the revised proposal in their supplemental report dated December 2022.

e) Functional Servicing Report (FSR)

The FSR, dated October 2021, was completed by Pinestone Engineering Limited. As a result of the revisions to the proposal, an updated FSR, dated December 2022 was subsequently submitted. These reports are currently being reviewed by both Town Infrastructure and District Engineering Department staff.

f) Archaeological Assessment

A Stage 1-2 Archaeological Assessment, dated November 4, 2021, was completed by Detritus Consulting Ltd and submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries as a condition of licensing in accordance with Part VI of the Ontario Heritage Act.

g) Flood Impact Review

A Flood Impact Review, dated October 27, 2021, was completed by Pinestone Engineering Ltd. (PEL) in support of the development. This study confirms that due to the large surface area of Lake Muskoka, the estimates loss in flood volume and increase in flood depth are negligible. All habitable floor space and openings will be placed at an elevation of 228.00metres ASL providing 1.3 metres of separation above the static flood plain elevation and a factor of safety for any potential wave uprush that may occur.

**PROPERTY INFORMATION**

a) Lot Dimensions

Lot Area (all four parcels): 9,226 square metres  
Lot Frontages: 71.8 metres (water frontage of two shoreline lots)  
76.8 metres (roadside frontage of two shoreline lots)  
44.8 metres (road frontage of two non-shoreline lots)

b) Servicing

Municipal water supply and sewer system.

c) Access

Municipally owned and maintained street (Cherokee Lane) and Lake Muskoka.

d) Fish Habitat

The property includes shoreline fish habitat on Lake Muskoka that has been identified as Type 1 and Type 2. The EIS submitted in support of the proposed development addresses this matter the applicants have submitted a Request for Project Review to the Department of Fisheries and Oceans (DFO) for their advice/authorization.

e) Site Inspection and Characteristics

A site inspection was conducted on February 16, 2023, by Melissa Halford and Cheryl Wilson.

The subject lands are currently developed with a single-family home and associated accessory structures, including a shop and docking at the shoreline. A drainage feature runs along the northern boundary of this lot, at the base of a large rockcut, providing drainage for Cherokee Lane and the surrounding lots on the east side of the street to the lake. Much of the vegetation between the dwelling and the water's edge is manicured lawn, with the exception of a few trees in the centre of the lot.

Surrounding Land Uses

The Muskoka Wharf, with its mix of commercial, restaurant, parking and personal service uses, is directly adjacent to the subject lands. To the north, on the top of a large rock cliff, is the Town's Lookout Park, which has a staircase that extends down to the water adjacent to these lands. Across Cherokee Lane is a mix of vacant lands and residential lots. The lot immediately across the street from the proposed mixed use building fronts on Greavette Street (to the east of the subject lands) and does not use Cherokee Lane for access.

f) Shore Road Allowance

Not applicable; two lots are not located along Lake Muskoka and the two that do are waterlots, meaning they extend into the water.

**ANALYSIS**

Policy Documents and Regulations

Staff has conducted an initial review of the application against the following planning documentation, policies and regulations. A more detailed policy analysis will be provided as part of a future Recommendation Report.

a) Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) promotes healthy, liveable and safe communities through efficient development and land use patterns that consider the natural, built and social environment. The policies contained under Section 1.1.3 of the PPS support Settlement Areas as being the focus of development to maximize the efficient use of land, services and infrastructure. It further states that a range of uses and opportunities for intensification and redevelopment shall be provided for in Settlement Areas and that new development should be located adjacent to existing built-up areas where existing infrastructure and service facilities are present, shall be compact in form and shall have a mix of uses and densities.

Section 1.7 goes on to state that long-term economic prosperity should be supported maintaining, and where possible, enhancing the vitality and viability of downtown and main streets and encourages a sense of place, by promoting well-built form and cultural planning, and by conserving features that help define character.

Lastly, Section 3 states that development shall be directed away from areas of natural or human-made hazards, such as flooding, where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. In this case, the subject lands are located on Lake Muskoka, which is Muskoka’s only large inland lake for the purposes of this section of the PPS. Section 3.1.2 states that development and site alteration shall not be permitted within areas that are rendered inaccessible to people and vehicles during times of flooding, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. The applicants have considered the flood line elevation as part of the overall development plan and have submitted technical reports that support the location and extent of the overall development proposal.

b) Official Plan Policies

The property is designated Urban Mixed Use Waterfront Area which falls within the Commercial Designation, as identified in the Town of Gravenhurst Official Plan. This designation allows for the development of a mix of medium and high density residential uses as well as commercial uses serving the resident and tourist markets. More specifically, Section C7.7.6 states that higher density residential development shall not exceed 40 units per gross hectare and that the actual density of development shall be established in the implementing Zoning By-law. As outlined above, an amendment to the Official Plan has been applied for that would permit an increase in residential density on the site.

Section C7.7.1 articulates that the lands within this designation are known as the Muskoka Wharf, located on Lake Muskoka. This area is intended to development as a mixed-use area including a range of commercial uses servicing the residential and tourist markets as well as medium and high-density housing.

Section C7.7.2 states that lands within this land use designation are also required to maintain and enhance the natural character of the shoreline of this part of Lake Muskoka and requires the submission of an Environmental Impact Statement that confirms that the proposal will not negatively impact the shoreline environment.

Section C7.7.4 states that water related tourist commercial development will be encouraged in this designation provided such commercial development requires a water access location for operation of the activity or is a resort commercial activity (hotel or dining establishment) that will take advantage of the locational characteristics of the waterfront. Section C7.7.5 also articulates that commercial development may project over the water, provided the mass and bulk of the building is in proportion to its site and the proposed use and the development of the property is environmental sound. Development shall be designed to complement the surrounding area, and where practical, should development on the basis of a unique or historic theme. Consideration shall also be given to the visual impact of the development when viewed from lands outside the Urban Mixed Use Waterfront Area.

Section C.7.8 also articulates the types of technical reports that are required where development is proposed on a site within this designation, which includes environmental, water quality and impact mitigation, transportation studies, as well as an overall development concept plan. In this case, the proponent has provided all these required elements, and they were each peer reviewed to ensure all matters are addressed.

Section J.3 of the Official Plan address sewage and water services. In this case, the proposed development will be serviced with full municipal water and sewer services, with connections coming from Cherokee Lane. To address the requirements of this Section, as well as those of the District of Muskoka, a Functional Servicing Report was submitted and reviewed by both Town Infrastructure and District Engineering and Public Works Department Staff.

c) Zoning By-law 10-04

Current Zoning: Commercial Special Purpose (C-4), Special Provisions 294 (S294) and 800 (S800)

Proposed Zoning: Commercial Special Purpose (C-4), subject to Special Provision 1269 (S1269), Holding Provision 22 (H22) and Holding Provision 23 (H23).

The proposed amending Zoning By-law includes a site-specific provision that would permit the development of a multiple residential and mixed-use development containing 1,536 square metres of non-residential/commercial space and a maximum of 165 high density residential units on some of the few remaining undeveloped lands within the Urban Mixed Use Waterfront Area (Muskoka Wharf Area). The amendment would also include additional permitted uses in line with those currently permitted on the other Muskoka Wharf lands, including Beverage Brewing/Distilling, Art Gallery/Studio, Commercial Recreation, Museum, and Market Place.

The proposed amendment also includes two Holding (H) provisions; one would only be permitted to be lifted provided a number of conditions have been met, such as the submission of a Hydrogeological Report completed by a qualified professional to the satisfaction of the Town of Gravenhurst and that the recommendations of that Report are implemented through site plan, the requirement to enter into a servicing agreement with the District of Muskoka, and that the Ministry of the Environment, Conservation and Parks and the Department of Fisheries and Oceans issues approvals for the work. The second Holding (H) would require that should the proponent wish to develop a beverage brewing/distilling establishment, they would need to enter into an Extra Strength Surcharge Agreement related to effluent released into the District’s wastewater treatment system before the Holding could be lifted.

## **COMMUNICATIONS**

Notification has been provided and the Concurrent Public Meeting has been scheduled in accordance with the Planning Act, R.S.O. 1990, as amended

## **CONSULTATION**

The subject property has been posted. Additionally, all neighbouring property owners within 120.0 metres of the subject lands and appropriate agencies have been circulated for comment, as per the requirements of the Planning Act, R.S.O. 1990 as amended.

At the writing of this report, the following comments have been received:

- Chief Building Inspector – All work will be required to meet or exceed Ontario Building Code requirements.
- Director of Infrastructure Services – Detailed comments were provided related to turning circle (or other appropriate means of turning around) requirements for Cherokee Lane, future road reconstruction plans for Cherokee Lane, the use of site plan control to implement the requirements of the supporting technical studies, the need for a standard drainage easement over the subject lands and additional information requirements related to parking.

- Fire Department – No concerns provided that a number of fire safety standards are met in accordance with the Ontario Building Code.
- District of Muskoka – No concerns (as Staff have included the Holding (H) provision as it relates to District water and sewer services).
- Elexicon – No concerns.

To date, we have received 16 letters in support of the proposed development. These comments cite the positive economic impact to not only the Muskoka Wharf area but also the wider Town, through an increase in employment opportunities, commercial and restaurant establishments servicing local and seasonal residents as well as visitors, and that the proposal will assist with the overall revitalization efforts at the Muskoka Wharf.

One letter of opposition has been received to date citing concerns with the proposed height of the development, a high lot coverage percentage, the length of the proposed boathouse and dock, number of new boat slips, development proposed below the flood line elevation and increased parking demand.

### **CLIMATE CHANGE IMPLICATIONS**

This Report does not contribute to meeting the intentions of the Climate Change Declaration.

### **ATTACHMENTS**

1. Attachment A – Key Map
2. Attachment B – Draft Site Plan
3. Attachment C – Draft Zoning By-law Amendment
4. Attachment D – Draft Official Plan Amendment

### **RESPECTFULLY SUBMITTED BY:**

Administrators: Nicole Kelly, Planning Administrator II, and Cheryl Wilson, Planning Technician  
Authored and approved by: Melissa Halford, Director of Development Services