

January 5, 2023

Town of Gravenhurst
3-5 Pineridge Gate
Gravenhurst, Ontario
P1P 1Z3

Attention: Adam Agar, Manager of Planning Services

Dear Mr. Agar:

Re: Application by Renaissance Leisure Group (1994) Inc. (the “Applicant”) for certain zoning by-law amendments for lands located at 1209 Muskoka Beach Rd.; Zoning By-law Amendments and Conditions of Approval

We are writing to you on behalf of the Muskoka Lakes Association and the South Muskoka Lake Community Association (“SMLCA”). We respectfully request that the following changes be made to the proposed Zoning By-law Amendments and that the following Conditions of Approval be included in the site plan agreement.

Key:

1. Suggested changes to Zoning By-law Amendments in **red**; and
2. Comments in **green**.

A. Zoning By-law Amendments

1. Appendix “B” to By-law 10-04 of the Town of Gravenhurst, as amended, is hereby further amended by replacing Property Detail Schedule No. 8 with the revised Property Detail Schedule No. 8 attached as Schedule A-1 to this by-law.
2. Exception No. 188 of Appendix “C” to By-law 10-04 of the Town of Gravenhurst, as amended, is hereby further amended by replacing the Regulations of Section (ii) of the Special Provisions with the following:

(g) the maximum number of **individual** rooms in a tourist establishment shall be 183 and shall be located in Block “D” as shown on Schedule Number 8 of Appendix “B”;

[Official Plan, Section C7.8.1.2 a) refers to each “individual” room in a hotel. The applicant has acknowledged that each room is to be counted. Please also see our room count letters dated July 13, 2022 and dated the date hereof.]

(n) the maximum height of buildings shall be 11.0 metres, **except within Block “D” as shown on Schedule Number 8 of Appendix “B”, where the maximum height of tourist establishment buildings (inclusive of any mechanical penthouse) shall be * metres for Building 1, * metres for Building 2, * metres for Building 3 and * metres for Building 4, all as set forth on Appendix “B-1”;**

[The maximum height of Building 1 is not to exceed the height of the existing East Wing. The maximum height of the other buildings are not to exceed the lesser of the heights set out in the applicant’s plans and 15 m. The intent is not to grant “as of right” permissions for the entirety of Block “D”, including the “stepped down” buildings, to be increased in height to that of Building 1 at some future time. We understand Planning Staff have the tools to implement this, for example, by attaching a photo or a property detail schedule to the by-law.

We further note that, since the subject property is located in the Urban Resort Commercial Area and within the Urban Resort Commercial Area-Taboo Expansion, pursuant to Section C7.8.3.2 i) of the Official Plan, the maximum building height shall in no case exceed 15 m. We submit that this section of the Official Plan is applicable for the following reasons:

- a. Section C7.8.3.2 is comprised of additional General Development Policies applicable to the Urban Resort Commercial Area and are not inconsistent with the General Policies for such area set out in Section C7.8.1.1 (for example, height is not mentioned in Section C7.8.3.1, but is mentioned in Section C7.8.3.2i)). There is nothing to suggest that these general policies do not apply to the subject lands, including in Section C7.8.3.1).
- b. Section C7.8.3 specifically refers to the “Taboo Resort” and the “hotel complex”, which undoubtedly refers to and includes the subject lands. For example, the first sentence of Section C7.8.3.1 states that: “The following policies shall establish the basis under which the **Taboo Resort** (emphasis added) will expand.” Section C7.8.3.2a) states, in part, that: “The minimum setbacks from the normal or controlled high water mark for the **hotel complex** (emphasis added) shall be detailed in an implementing Zoning By-law.” There is no other hotel complex on or proposed for the Taboo Southern Resort Node or the lands comprising the Taboo Northern Resort Node. In addition, the Taboo Northern Resort Node lands are not on the waterfront, which would make the reference to a setback from the high water mark nonsensical, if it did not apply to the Taboo Resort/Block “D” lands.
- c. The General Policies in Section C7.8.3.1 are very general in nature and are meant to apply to resorts generally in any Urban Resort Commercial Area, such as the Taboo Resort and the Muskoka Bay Resort. The more specific General Development Policies set out in Section C7.8.3.2, with respect to the Taboo Expansion, refer to the Taboo Resort and, arguably, any expansion thereof.

The applicant has confirmed in its submissions and otherwise that it is not relying on any legal non-conforming buildings regarding height approvals. We are not, nor to our understanding is the applicant, aware of any prior zoning by-law amendments or site plan agreements which document any height approvals in excess of 11 m with respect to the subject property.

The applicant’s height request is for 20 m (66 feet) for **All** of Block “D”, being the Taboo Resort lands, **excluding the mechanical penthouse** (emphasis added). The Comprehensive Zoning

By-law 2010-14 permits a maximum height of 11 m and, if we are reading the Official Plan correctly, it provides for a maximum height of 15 m for the subject property. The request does not indicate the maximum height for any mechanical penthouse, maximum square footage or location. We suggest that it be a maximum of 3 m in height, be limited to some appropriate maximum amount of square meters/square footage and that, to the extent feasible, it be located away from the waterfront side of the building. We suggest a full additional storey should not be permitted and would be concerned that this could morph into storage space or other habitable uses.]

3. Exception No. 188 of Appendix “C” to By-law 10-04 of the Town of Gravenhurst, as amended, is hereby further amended by adding the following to Section (ii) of the Special Provisions:

(u) pursuant to Section 6.1.1 (i) of By-law 10-04, a minimum of 287 parking spaces with respect to off-street parking requirements shall be located on-site within Block “D” and, notwithstanding Section 6.1.1 (ii) of By-law 10-04, additional off-street parking requirements shall be accommodated at the Taboo Golf Course on the east side of Muskoka Beach Road opposite the lands shown in Schedule A-1.

[The applicant’s planning report, on page 30, states there are 276 existing parking spaces on-site and 11 new parking spaces proposed on-site, for a total of 287. It should ONLY be the additional 90 required parking spaces that can be located across the road at the golf course. The language proposed by the applicant would have permitted ALL off-street parking requirements to be located at the golf course. This was clearly not the intent.

In addition, we suggest that zoning by-law amendment language should be mandatory, such that “may be accommodated across the road at the golf course” should read “shall be accommodated across the road at the golf course”. Otherwise, there may be no parking requirement whatsoever.]

4. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990. Chapter P.13.

B. Conditions of Approval

We suggest it is necessary and appropriate for the conditions of approval with respect to the proposed by-law amendments, which will find their way into the site plan agreement, be set out in the decision of Planning Council on this matter. This is especially true, since the public will not otherwise have the opportunity to provide any input into the terms of the site plan agreement. In addition, as a result of the relatively recent passage of provincial legislation, Council has been required to delegate its authority to negotiate, finalize and sign site plan agreements to staff. Therefore, this may also be the last opportunity for Council to provide any guidance to staff with respect to the site plan agreement.

1. Pursuant to Section 6.1.1(iv) of By-law 10-04, the owner of Block “D” and the owner of the golf course shall enter into an agreement with the Town to be registered against the title of both the lot upon which parking is to be provided (Taboo Golf Course) and the lot

containing the use for which the parking is required (Block “D”). The agreement shall guarantee that the land required for parking by By-law 10-04 shall continue to be so used only for such purpose until the owner provides alternate parking space in conformity with the regulations of such by-law.

[This language is drawn directly from Section 6.1.1(iv) of By-law 10-04 and is in response to a question raised by a Councillor at the public meeting on June 28, 2022 and referred to and confirmed by Ms. Halford at that time.]

2. The applicant shall submit a dark sky lighting plan acceptable to the Town and which shall be included in the site plan agreement.

[Dark sky lighting is one of the key concerns of the community. We refer to Section C7.8.3.2 o) of the Official Plan, which we contend is applicable, which states that: “All lighting related to the development shall be installed to minimize impact on the night sky. More detailed specifications for lighting will be incorporated in the site plan.” We also note that Section 8 of Schedule “C” to the site plan agreement dated February 25, 2003, with respect to this property and which is registered on title, states as follows: “The Owner agrees that all surface lighting to be constructed on the site shall be positioned so as focus light internally so as not to impact on neighbouring uses. The Owner acknowledges that a portion of the Torrance Barrens Dark Sky Preserve is located within the Town of Gravenhurst and agrees that any outdoor lighting facilities, including those in the parking and loading areas shall be sensitive to the protection of the night sky (full cut off lighting) and all lighting shall be located and designed in such a manner so as to direct and deflect the light inwards and away from the adjacent residential property.”

A similar provision is contained in the site plan amending agreement dated April 28, 2016.

The applicant acknowledged in an email dated August 5, 2022 that dark sky lighting will be addressed and a Lighting Plan will be included in the site plan submission.

Please also refer to our letter regarding dark sky lighting dated August 17, 2022.]

3. The applicant shall submit a landscaping plan acceptable to the Town, which shall be included in the site plan agreement.

[The applicant acknowledged in an email dated August 5, 2022 that a Landscaping Plan will be included in the site plan submission.]

4. The approval for the proposed 45 unit townhouse project shall be revoked or withdrawn and the applicant agrees to demolish the one block of such townhouse units which has been constructed (out of a total of seven blocks).

[The applicant is seeking approval to increase the number of rooms in the tourist establishment/hotel from 109 to 183, with reference to By-law 10-04. The applicant refers to Official Plan Section C7.8.1.2, which would permit 102 townhouse units and 183 rooms in the tourist establishment/hotel, for a total of 285 units. However, the applicant has obtained approval (and, per the applicant’s planning report (page 8), there is site plan approval) for an

additional 45 townhouse units (one block of which has been constructed). Either these 45 townhouse units are dealt with as proposed above or the number of rooms should be reduced by 45 from 183 to 138.

We also note the Staff Report dated June 28, 2022, under the heading Consultation, states that: “Chief Building Official-no objection, however the existing townhouse on the subject lands will require a demolition permit.”]

5. The applicant agrees to install and maintain “green roofs” on the tourist establishment buildings.

[The applicant agreed to provide green roofs in its submission. It is not only the installation of a green roof, but also the maintenance of same. There is not much point to installing a green roof if the plants die a year later.]

6. In accordance with Sections 5, 6 and 7 of Schedule “C” of the site plan agreement dated February 25, 2003, the applicant confirms that there will be no marina on site.

[Section 5 of the site plan agreement dated February 25, 2003 referred to in Section 2 above states, in part, that: “The operation of a marina is specifically not permitted. As such, docking slips shall not be leased or used by parties other than condominium owners or the hotel and its guests.” Section 6 states that: “The Owner acknowledges and agrees that Zoning By-law 94-54, as amended by Special Provision 188 (S188), does not permit a marina operation on the site. As such, the following uses shall not be permitted on the site nor the backshore property: a) The installation of gas pumps or the selling of gas for boating on the Muskoka Sands site; b) Winter storage of boats; c) Maintenance or mechanical facilities; and, d) Pump-out facilities. Section 7 states that: “The Owner agrees that the outer southwest edge of the breakwall is to be posted with signs stating “NO DOCKAGE”.

We understand that gas pumps have been installed on-site in contravention of this agreement.]

7. The applicant agrees to ensure that any mechanical building and/or mechanical room noise is directed away from the waterfront and that an appropriate noise attenuation plan will be put in place.

[SMLCA members and neighbours have long been complaining that the noise from the existing mechanical building is directed towards the waterfront and neighbouring properties. The applicant has agreed to address this issue.]

8. The applicant agrees not to rent boats or personal watercraft/sea-doo's.

[Boats and, in particular, Sea-Doo rentals have been a concern of SMLCA members and neighbours due to noise and inexperienced operators. The applicant has confirmed that it does not, and has no plans to, rent boats or personal watercraft/Sea-Doos.]

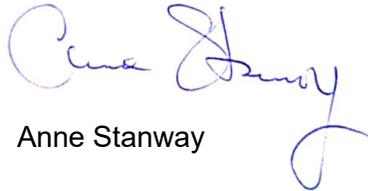
We greatly appreciate if this could be reflected in your staff report.

All of which is respectfully submitted,



Ken Pearce

Director, Vice-President and
Secretary
Muskoka Lakes Association



Anne Stanway

President
South Muskoka Lake
Community Association

cc. Melissa Halford, Director of Development Services
Stephen Fahner, Northern Vision Planning Ltd.
Susan Eplett, President, Muskoka Lakes Association
Laurie Thomson, President, Friends of Muskoka
Town of Gravenhurst Councillors