
TO: **PLANNING COMMITTEE**

SUBJECT: **APPLICATION FOR ZONING BY-LAW AMENDMENT (ADA CUSTOM HOMES LTD.) – 435 BIG BAY POINT ROAD**

WARD: **9**

PREPARED BY AND KEY CONTACT: **C. KITSEMETRY, RPP, SENIOR PLANNER, EXT. 4430**

SUBMITTED BY: **M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES**

GENERAL MANAGER APPROVAL: **A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT**

CHIEF ADMINISTRATIVE OFFICER APPROVAL: **M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

RECOMMENDED MOTION

1. That the Zoning By-law Amendment application submitted by Innovative Planning Solutions on behalf of ADA Custom Homes Ltd., to rezone the lands known municipally as 435 Big Bay Point Road from Residential Single Detached First Density (R1) to Residential Multiple Dwelling Second Density with Special Provisions (RM2)(SP-XXX) and Environmental Protection (EP), be approved.
2. That the following Special Provisions (SP) be referenced for the Residential Multiple Dwelling Second Density (RM2) zone in implementing Zoning By-law 2009-141 for the subject lands:
 - a) Permit a reduced parking standard to 1.25 spaces per unit, whereas 1.5 spaces per unit is required;
 - b) Permit an increased building height of 12 metres for the stacked townhouse built form, whereas a maximum of 10 metres is permitted;
 - c) Permit a reduced rear yard setback and reduced secondary means of access of 6 metres whereas 7 metres is required;
 - d) Permit an increased density of 45 units per hectare, whereas a density of 40 units per hectare is permitted for block/cluster townhouse development;
 - e) Permit a reduction in the required landscape strip from a minimum 3 metres at the northwest corner to a minimum 1.5 metres at the southwest corner of the block of parking spaces; and
 - f) Restrict the permission of any building located along the south/rear lot line to be:
 - i) A maximum of two storeys in height; and
 - ii) Second floor balconies are not permitted on the rear face of the building.

3. That the written and oral submissions received relating to the application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application, and as identified within Staff Report DEV006-20.
4. That the owner/applicant is required to provide community benefits per Section 37 of the *Planning Act* and City of Barrie Official Plan Section 6.8 Height and Density Bonusing to the satisfaction of the Director of Development Services;
5. That pursuant to Section 34(17) of the *Planning Act*, no further public notification is required prior to the passing of the by-law. (DEV006-20) (File: D14-1668)

PURPOSE & BACKGROUND

Report Overview

6. The purpose of this report is to recommend approval of a Zoning By-law Amendment application submitted by Innovative Planning Solutions, on behalf of ADA Custom Homes Ltd. for lands known municipally as 435 Big Bay Point Road (see Appendix "A" – Draft Zoning By-law Amendment). The effect of the application would be to permit the development of 19 block/cluster townhouse units and future dedication of Environmental Protection lands (see Appendix "B" – Conceptual Site Plan).
7. Staff are recommending approval of the subject application as the lands are considered to be appropriate for this form of residential development in accordance with both Provincial and Municipal policy and are confident with the delineation and protection of the Lover's Creek natural heritage feature.

Site and Location

8. The subject lands are known municipally as 435 Big Bay Point Road, located on the south side of Big Bay Point Road, west of the Lover's Creek ravine in the Painswick South Secondary Planning Area. The site is approximately 0.7 hectares in size with 90.0 metres of frontage on Big Bay Point Road. A single detached residential dwelling is existing and would be removed. The site has access to transit and active transportation options and is in general proximity to major commercial uses and the Barrie Public Library - Painswick branch.

9. The existing land uses surrounding the subject property are as follows:

North: Big Bay Point Road and Residential Single Detached

South: Residential Single Detached

East: Lover's Creek watercourse and ravine feature

West: Residential Single Detached



Existing Policy

10. The subject lands are designated Residential in accordance with the City's Official Plan and are currently zoned Residential Single Detached Dwelling First Density (R1) pursuant to Zoning By-law 2009-141. The predominant use of the Residential Area designation shall be for all forms and tenures of housing. A portion of the lands is also identified on Official Plan Schedule H – Natural Heritage Resources as a Level 2 Natural Heritage Resource. This designation is to represent Lover's Creek and the Lover's Creek ravine system.

Supporting Information

11. In support of the application, the following studies and supplementary information was submitted:
- a) Planning Justification Report (Innovative Planning Solutions, February 2019)
Planning Addendum (Innovative Planning Solutions, May 23, 2019)
Comment Response Matrix (November 5, 2019)
 - b) Urban Design Brief (Innovative Planning Solutions, February 2019)
 - c) Environmental Impact Study (Dillon Consulting, October 2018)
 - d) Functional Servicing & Stormwater Management Report (Pinestone Engineering Ltd., October 30, 2019)
 - e) Tree Inventory and Preservation Plan Report (Kuntz Forestry Consulting Inc., Oct. 3, 2018)
 - f) Geotechnical Investigation, Slope Stability and Erosion Hazard Limit (Peto MacCallum Ltd., June 2017)
12. For additional information with respect to the supporting information submission, please refer to Appendix "C" – Technical Study Descriptions. These studies can be found in their entirety at: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Proposed-Developments/Ward9/Pages/435-Big-Bay-Point-Road.aspx>

Public Consultation

13. A Neighbourhood Meeting was held on May 9, 2019 to present the proposed development concept to the local community. Approximately 30 member of the public were in attendance in addition to the Planning consultant, the Ward 9 Councillor (S. Morales), and Planning staff.
14. A Public Meeting was held on June 10, 2019. A memorandum was provided by Planning staff, and six (6) residents provided verbal comments regarding the proposed redevelopment of this property. Written correspondence has also been received and circulated to staff and members of Council.
15. The comments and concerns expressed by the residents at the Neighbourhood Meeting, the Public Meeting and through correspondence provided to staff in relation to this redevelopment proposal, are outlined in the Public Comment section of Staff Report DEV006-20. This section provides a list summarizing the comments and includes a corresponding response from staff to demonstrate that the issues have been included in the review of this application to the greatest extent possible.

Public Comments

16. Impact on Lover's Creek Ravine system

Staff shared the comment regarding the potential impact of development on the Lover's Creek ravine and note that it is identified as a Level 2 Natural Heritage Resource. The existing zoning and use of the property did not provide formal protection of this identified feature. As part of a complete submission for the Zoning By-law Amendment application, an Environmental Impact Study was required to be submitted for review and approval. The Lover's Creek ravine and top of bank has been delineated and buffered to the satisfaction of the Lake Simcoe Region Conservation Authority (LSRCA) and City staff. The natural heritage feature and buffer will be rezoned to Environmental Protection (EP) as part of the proposed rezoning for the subject lands and will be required to be conveyed to the City at the time of Site Plan Control for protection of this feature in perpetuity.

17. Tree preservation, proposed height and loss of privacy

Staff appreciate the challenges associated with redevelopment of a large lot in an existing developed area. The applicant has submitted a Tree Preservation brief with a clear protection limit for the vegetation associated with the ravine system, as well as boundary trees that will require coordination with, and written consent from, the adjacent land owners. Preservation of existing trees is encouraged throughout a development concept if and as possible. With respect to the development concept, the applicant has agreed to a special provision for the rear lots to restrict the height to 2 stories without second floor balconies to assist with the privacy concerns expressed by existing residents.

18. Increase in traffic

Staff note that Big Bay Point Road is an arterial roadway with 4 lanes at this location, which is intended to carry a significant volume of traffic. The number of units proposed for this property did not require a traffic study to be submitted. Staff have reviewed the access proposed and the cumulative impact of the change in density at this location. Additional measures for traffic control have not identified for this development.

19. Site drainage

Staff note that the detailed design for stormwater management on the site will be required to be completed through the Site Plan Control process. Any development of this property would need to ensure that pre and post water balance is maintained and/or improved through the development process. It is generally anticipated that the controls associated with stormwater run-off and offsite impacts would improve any existing off site impacts from the subject property.

20. Architectural design, neighbourhood character and change in built form

Staff appreciate that the integration of a new development into any community should include elements of transition with the existing neighbourhood character. The applicant has provided an Urban Design Brief to demonstrate the elevations and materials proposed for this townhouse. This brief has been reviewed and generally accepted by Planning staff. With the exception of the stacked townhouse block proposed on the Big Bay Point Road frontage, which has requested a height increase to 12m, the typical zoning standard of 10m in height is being met for the townhouse built form. In addition, the applicant has incorporated a special design consideration for the rear lots to restrict the townhouse block adjacent to the south/rear property line to 2 stories and not to permit second floor balconies to assist with the privacy concerns expressed by existing residents. Staff will complete a detailed review of the design as part of the Site Plan Control process.

21. Fire Safety Plan

Staff coordinate with Barrie Fire and Emergency Service (BFES) for all types of development proposals. As part of the rezoning circulation to allow multiple residential units on this site, BFES has commented that they have no concern with the townhouse development provided the applicant demonstrates defined fire routes and confirm the access and circulation for emergency service vehicles on the site as part of detailed design and the requirements for Site Plan Control.

Department & Agency Comments

22. The application to change the zoning on the subject lands was circulated to staff in various departments and to a number of external agencies for review and comment, including but not limited to:

a) Lake Simcoe Region Conservation Authority (LSRCA)

LSRCA provided comments indicating that the delineation and buffering of the Lover's Creek ravine system is acceptable. They have no objection to the change in residential use and density proposed for the subject lands.

b) City of Barrie Development Services (Approvals Branch)

City staff are satisfied with the findings of the Functional Servicing Report (Pinestone Engineering Ltd., October 30, 2019) that identifies the proposed development can be accommodated by existing municipal infrastructure.

23. If applicable, any comments received from the circulation have been specifically referenced in this report as supporting information. Should Council approve the subject application, all technical matters associated with the development of these lands, including infrastructure design, stormwater management (LID's, water budget, phosphorus loading), and built-form will be examined at the Site Plan Control stage.

ANALYSIS

Policy Planning Framework

24. The following provides a review of the application in accordance with applicable Provincial and Municipal policy documents.

Ontario Planning Act, R.S.O. 1990

25. Section 2 of the *Planning Act* requires that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, shall have regard to, among other matters, matters of provincial interest such as, but not limited to, the protection of ecological systems, including natural areas; the adequate provision and efficient use of transportation, sewage and water services and waste management systems; the adequate provision of a full range of housing, including affordable housing; the resolution of planning conflicts involving public and private interests; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; the promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and the mitigation of greenhouse gas emissions and adaptation to a changing climate. The *Planning Act* can be found in its entirety at the following link: <https://www.ontario.ca/laws/statute/90p13>.

26. The proposed development is consistent with this policy in that it is located within the settlement area of Barrie; will utilize existing and available infrastructure (sewage, water) and public service facilities such as transit and schools; provides for an alternate housing type in this neighbourhood; provides a compact form of development that minimizes impacts to climate change; and is designed with a pedestrian oriented built form with pedestrian connections to the municipal sidewalk to support active transportation. Further, the amended concept plan with special zoning provision for reduced height and restrictions on balcony installation, would in staff's opinion, mitigate the impacts the proposed development may have on the adjacent single detached residential properties.

Provincial Policy Statement (2014) (PPS)

27. The Provincial Policy Statement (2014)(PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS can be found in its entirety at the following link: <https://www.ontario.ca/document/provincial-policy-statement-2014>
28. Policy 1.1.1 outlines the means by which healthy, livable, and safe communities are sustained. This proposal is consistent with this policy in the following ways:
- a) The use of serviced land, surrounded by developed parcels, promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities for the long term;
 - b) The integration of townhouse units, as proposed, aids in achieving a range and mix of residential development in the area;
 - c) The proposal includes compact, medium to high density development that utilizes serviced lands within the settlement area, thereby promoting cost efficiency and minimizing the consumption of land.
29. Policies 1.1.3.1 and 1.1.3.2 identify settlement areas as the focus of growth and development with land use patterns based on densities and a mix of land uses that efficiently use land and resources, infrastructure and public service facilities, minimizes negative impacts to air quality and climate change, and supports active transportation. The proposed development is consistent with these policies in that it is located within the settlement area of Barrie, will utilize existing and available infrastructure and public service facilities such as transit and schools, provides a compact form of development that minimizes impacts to climate change, and is designed with pedestrian connections to the municipal sidewalk.
30. Policy 1.4.3 identifies that an appropriate range and mix of housing types and densities should be provided, including affordable housing, facilitating residential intensification, directing development to locations where appropriate levels of infrastructure and public service facilities can support the development, and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit. The proposal is consistent with this policy in that it would provide medium density housing adjacent to an existing low density residential neighbourhood, where sufficient infrastructure and public service facilities exist, and is designed with walkway connections to the municipal sidewalk to support active transportation.
31. Policies 1.6.3, 1.6.6.1 and 1.6.6.2 identify the promotion of intensification in areas serviced by existing infrastructure and public service facilities, including municipal sewage and water services. The proposal is consistent with these policies as the subject land will be serviced by existing municipal sewage and water services, and is located in proximity to public service facilities such as the Barrie Public Library – Painswick branch.

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32. Policy 1.8.1 identifies the promotion of energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and climate change adaptation through compact built form, the use of active transportation and transit, and design and orientation that maximizes energy efficiency and conservation, and considers the mitigating effects of additional vegetation. The proposal is consistent with this policy in that it is a compact built form, located on a municipal transit route and is integrating an intensification project into an existing built-area while promoting the protection and preservation of a natural heritage feature in the urban boundary.
33. Policies 2.1.1 and 2.1.2 identify that natural features and areas should be protected over the long term, and that where possible the system should be improved and recognize linkages between and among natural heritage features and areas. The proposal is consistent with these policies as the Lover's Creek ravine has been formally delineated, buffered and protected through the rezoning of the feature to Environmental Protection (EP) thereby maintaining the linkage of this feature to Lake Simcoe, and protecting it in perpetuity by the conveyance of the lands at the time of Site Plan Control.
34. Policies within Section 3.1 Natural Hazards require development to be directed outside of natural hazards. The proposal is consistent with this section as it is not within a natural hazard area, which has been defined and protected through the proposed rezoning.
35. Based on the foregoing, staff are of the opinion that the proposed development is consistent with, or does not conflict with the Provincial Policy Statement (2014).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

36. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (A Place to Grow) is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It provides a framework for implementing Ontario's vision for building strong, prosperous communities by managing growth and it establishes the long-term framework for where and how the region will grow. A Place to Grow can be found in its entirety at the following link: <https://files.ontario.ca/mmah-greater-golden-horseshoe-place-to-grow-english-15may2019.pdf>.
37. A Place to Grow is intended to provide direction for municipalities in areas related to intensification of existing built-up areas with a focus on strategic growth areas, including urban growth centres and major transit station areas. The primary focus of A Place to Grow is on building complete communities that are well-designed to meet people's daily needs, offer transportation choices, accommodate people at all stages of life by providing an appropriate mix of jobs, local services, public service facilities and a full range and mix of housing options to meet various incomes and household sizes.
38. A Place to Grow further requires that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, 50% of all residential development occurring annually within the City must be within the existing built boundary. In addition, the Growth Plan promotes the wise management of resources through the utilization of existing services and transportation infrastructure.
39. The proposed development provides for residential intensification within the existing built boundary and conforms to these guiding principles as it is designed to support healthy and active living and meet people's needs for daily living through the provision of pedestrian connections to the municipal sidewalk. Further, the density of the proposed development results in the efficient use of land with direct access to transit service and provides housing options through townhouse units in a predominately single detached neighbourhood.

40. Staff have reviewed the relevant policies and are of the opinion that the proposed development is consistent with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

Official Plan (OP)

41. The Official Plan provides guidance for the consideration of land use changes, the provision of public works, actions of local boards, municipal initiatives, and the actions of private enterprise. It gives direction for implementing by-laws, guidelines for more detailed planning and the means for controlling growth so that the City's capacity to provide a healthy community environment is not exceeded. The Official Plan can be found in its entirety at the following link: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Official%20Plan%20-%20January%202018.pdf>.
42. As noted above, the subject lands are designated Residential within the City's Official Plan. Lands that are designated Residential are intended to be used primarily for residential uses, with all forms of housing permitted subject to locational criteria. In addition, the identification of the Lover's Creek ravine as a Level 2 Natural Heritage Feature on Schedule H of the Official Plan demonstrates the need for preservation and protection of a significant environmental feature and linkage of this Creek system to Lake Simcoe.
43. There are a number of policies in the Official Plan that support the proposed development. These policies relate to providing increased densities, directing growth to take advantage of existing services and infrastructure and the provision of a range and mix of housing types at appropriate locations.
44. Section 2.3 (d) identifies that there will be a growing need to provide residential densities which are higher, more cost effective, energy efficient, and more environmentally sustainable than previous development in the City. New housing stock is expected to include a growing percentage of multiple family development at medium and high densities in order to provide a complete range of housing options for the City's residents. Further, intensification represents an essential component of the City's growth management strategy to minimize the infrastructure requirements of new development and to utilize existing services including transit, schools and open space. The proposed development is considered to be consistent with this policy in that it proposes a higher density multiple residential development with an alternative housing form from what currently exists in the area, utilizes existing infrastructure and services, and supports the use of public transit.

General Policies

45. Section 3.3.1 encourages complete communities with an appropriate range of housing types; building design and densities which efficiently use land, resources, infrastructure and public service facilities; contributes to safe, vibrant and pedestrian friendly streetscapes; and directs development toward locations where infrastructure and public service facilities are available. The proposed development is consistent with this policy in that it proposes residential intensification in an area where existing infrastructure (water, storm and sanitary services) and transit are available.
46. Sections 3.3.2.1 (a), (b), (c) and (g) of the Official Plan encourage the maintenance of reasonable housing costs by encouraging a wide range of housing opportunities in order to meet identified housing needs where it is recognized to be in accordance with good land use planning principles. The Official Plan further encourages residential intensification in built-up areas in order to support the viability of neighbourhoods and provide opportunities for a variety of housing types at densities consistent with the Official Plan. Residential intensification includes infill development, which refers to the development of vacant or under-used parcels within existing urban areas.

47. Staff are satisfied the proposal conforms to these policies of the Official Plan given that the proposed development would contribute to a compact urban form and the efficient use of land and resources, supports transit, optimizes the use of existing infrastructure and services within an existing built-up area of the City and is consistent with the medium density targets of the Official Plan.

Affordable Housing

48. Section 3.3.2.2 identifies the goal that a minimum target of 10% of all new housing units be affordable. In the case of home ownership, the criteria for affordable housing is identified as the least expensive of:
- housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for low and moderate income households; or
 - housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area.
49. Based on the median household income in the City of Barrie (\$79,984.00), the residential housing units would not be considered “affordable” as defined by the 30% household income calculation. However, the target price of \$400,000.00 does meet the criteria of 10% below the average purchase price in the regional market area (\$445,582.00). It is the opinion of staff that the type of units proposed, largely 2-bedroom townhouses, will contribute to a type of residential housing that is more affordable in the City of Barrie.

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Natural Heritage, Natural Hazards and Resources

51. Section 3.5.1 identifies the goal of protecting natural heritage features as well as Section 3.5.2.4 Natural Heritage Resources which outlines the requirements for protection of these resources in the urban area. Part of the subject site is identified as a Level 2 Natural Heritage Resource identified on Schedule H – Natural Heritage Resources of the Official Plan.
52. Level 2 policies state that where features and functions of these areas should be retained, there is potential for development if no negative impact can be demonstrated or mitigated. If demonstrated, the proposed development is permitted within the Residential designation of the Official Plan. Staff are satisfied that this policy is being respected through the submission of an Environmental Impact Study to the satisfaction of LSRCA and the City and that the subsequent recommendations meet the required parameters for protecting a significant component of the Natural Heritage Resource network. The Study has proposed an accepted delineation of the Lover’s Creek ravine feature to be zoned as Environmental Protection (EP) and conveyed to the City at the time of Site Plan Control for protection of this feature in perpetuity.

Land Use Policies

53. Section 4.2.2.6 (d) details the criteria for reviewing a proposed intensification project outside of a designated Intensification Area, which requires the proponent to demonstrate:
- a) That the scale and physical character of the proposed development is compatible with, and can be integrated into, the surrounding neighbourhood;
 - b) That infrastructure, transportation facilities, and community facilities and services are available without significantly impacting the operation and capacity of existing systems;

- c) That public transit is available and accessible;
 - d) That the development will not detract from the City's ability to achieve increased densities in areas where intensification is being focussed;
 - e) That sensitive, high quality urban design will be incorporated into the development including the efficiency and safety of that environment; and
 - f) That consideration is given to the preservation of heritage resources.
54. It is the opinion of Planning staff that the proposed development would satisfy the intensification policies noted above, as it provides for a density of 45 units per hectare through a compact built form that can be integrated into the existing neighbourhood; the project is considered infill development that utilizes existing municipal infrastructure; is adjacent to and supports public transit; will not detract from designated intensification areas; and will enhance and protect the urban environment through the delineation and preservation of the Lover's Creek ravine natural resource feature.

Servicing and Transportation

55. It is a goal of the Official Plan to ensure that all development within the City is serviced by municipal sanitary and storm sewers, municipal water, electrical and other utilities. Policies 5.1.2.1(j), (m), (n), and (o) detail how development of these services will occur. The proposal conforms to these policies as the development will be entirely serviced by municipal and other public utilities.
56. The Official Plan identifies goals to protect and enhance water quality, encourage effective stormwater management, and ensure stormwater management practices minimize stormwater peak flows and other negative impacts. Policies 5.3.2.2(a) and (b), and 5.3.2.3 detail how development shall achieve these goals and outline applicable design criteria. Staff are satisfied that stormwater management for the proposed development can be adequately addressed in accordance with these policies through the Site Plan Control process.
57. The Official Plan further identifies goals to promote healthy communities, activating living, public transit, all forms of active transportation, and the safe integration and connectivity between the various modes of transportation. Policies 5.4.2.3 (a), (c), and (f) detail how new development shall encourage and promote public transit. This development conforms to these policies through the provision of an increased density to support the local transit service, and by providing pedestrian connections to municipal sidewalks.
58. Based on the provisions identified above, staff are of the opinion that the proposed development, if approved, is considered to be consistent with or does not conflict with the City's Official Plan.

Height and Density Bonusing

59. Recent enactment of provincial legislation has changed the manner in which municipalities are authorized to collect funds for community benefits as a result of land use approvals during the planning process. These changes have resulted in the replacement of Section 37 of the *Planning Act* in place of a Community Benefits Charge policy. The draft Regulations to implement the Community Benefits Charge policy have not been finalized, but are anticipated shortly.
60. It is generally understood that municipalities will be required to pass community benefits by-laws, which, among other items, would require municipalities to report on the community benefits being

charged/collected and to which community benefits the funds are allocated. The deadline for this transition is anticipated as January 1, 2021.

61. In the meantime, Section 6.8 of the Official Plan permits the City to negotiate community benefits when considering passing an amending zoning by-law to increase the height and/or density of a development beyond what is currently permitted. The proposed development exceeds the maximum building height and density provisions of Zoning By-law 2009-141, and therefore, the Bonus Policies contained within the Official Plan are applicable.
62. In accordance with Section 6.8 of the Official Plan, upon the City determining that an application that would have the effect of permitting an increase in the height and/or density that exceeds the maximum height and/or density permitted in the Zoning By-law is appropriate, City staff shall also recommend for the provision of community benefits pursuant to Section 37 of the *Planning Act* provided that:
 - a) The development constitutes good planning and is consistent with the goals, objectives and policies of the Official Plan;
 - b) The community benefit provided bears a reasonable planning relationship to the increase in height and/or density of the proposed development having an appropriate geographic relationship to the development; and,
 - c) Adequate infrastructure exists or will be provided by the developer to support the proposed development.
63. The Height and Density Bonus Policy sets out several community benefits that may be secured. These include, but are not limited to the provision of affordable housing units; arts and cultural facilities; public art; streetscape improvements; local improvements to transit facilities; parks facilities and equipment; enhanced on-site tree planting or landscaping; and, amenities for active transportation such as pedestrian or cycling facilities.
64. As noted above, staff are of the opinion that the proposed development is considered to be consistent with or does not conflict with the Official Plan goals and policies as it relates to this proposed infill intensification. Staff are therefore recommending that the applicant proceed with the process to determine applicability of community benefits for this project.

Comprehensive Zoning By-law 2009-141

65. As noted in the recommendation for this application, as well as identified in previous sections, the applicant has proposed a rezoning of the subject lands from Residential Single Detached First Density (R1) to Residential Multiple Second Density with Special Provisions (RM2)(SP-XXX) and Environmental Protection (EP). Zoning By-law 2009-141 can be found in its entirety at the following link: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Zoning-Bylaw/ZONING%20BY-LAW%202009-141%20CONSOLIDATION%202018-12-31.pdf>

Revised Conceptual Site Plan (January 31, 2020)

66. Based on the comments and correspondence from residents, as well as discussions with City staff, a revised concept has been provided. The revised Conceptual Site Plan (February 19, 2020), attached as Appendix "B" to Staff Report DEV006-20, illustrates 19 block/cluster/stacked townhouses, a private road, amenity space, visitor parking, a sidewalk and lands to be dedicated to the City as EP associated with the Lover's Creek ravine and watercourse feature.

67. Through public consultation and detailed review by Planning staff, changes have been made to the site specific special permissions (SP) requested to the zoning by-law in the original application, including:
- a) the removal of the request for tandem parking in favour of a reduced parking ratio of 1.25 spaces per unit;
 - b) reducing the requirement for a 3m landscape strip for a parking area of more than 4 spaces adjacent residentially zoned lands to 1.5m at the southwest pinch point of the block; and
 - c) adding special design considerations for a 2 storey maximum without upper floor balconies for the proposed townhouse block adjacent the single detached units at the rear of the property.

Zoning Rationale for Special Provisions (SP)

68. As noted above, the applicant has requested to rezone the subject lands to Residential Multiple Second Density with Special Provisions (RM2)(SP-XXX) and Environmental Protection (EP). The site specific provisions (SP) discussed below have been requested to implement the proposed development concept and would allow for a built form that is consistent with the Official Plan.

- a) Permit a reduced parking standard to 1.25 spaces per unit whereas 1.5 spaces per unit is required;

This variation to the parking standard takes the place of the request by the applicant for tandem parking. The variance for tandem parking permits each unit with a garage to be counted as 2 spaces, being 1 in the driveway and 1 in the garage. When calculated for this development, staff accept that the required parking is exceeded as 2 spaces are technically available to all units with a garage, however no visitor parking was provided. In coordination with staff, it was determined that the tandem parking provision would not be recommended, but a minimum parking ratio of 1.25 parking spaces per unit would be required.

This parking ratio would require 5 additional parking spaces, targeted for visitors, to be incorporated into the final design for this development. An option for the placement of spaces has been reflected on the revised Conceptual Site Plan attached to Staff Report DEV006-20 as Appendix "B", which will be evaluated and confirmed through the Site Plan Control process.

- b) Permit a reduced rear yard setback and reduced secondary means of access of 6m whereas 7m is required;

This variation is generally a result of the irregular shape of the parcel and the road network proposed. The additional design standards for those units in proximity to existing residential units is anticipated to diminish any potential impact of the reduced setback.

- c) Permit an increased height to 12m for the stacked townhouse built form whereas 10m is permitted;

This request for variation in height is for the stacked built form only, which is illustrated for one block located with frontage to Big Bay Point Road. Staff do not consider this variance to be significant as it is generally to accommodate architectural detail.

- d) Permit an increased density of 45 units per hectare whereas a density of 40 units per hectare is permitted for block/cluster townhouse development;

As the general permitted density for the townhouse built form is 53 units per hectare, staff do not consider this variance to the standard to be significant, and support the increase from a general intensification perspective.

- e) Permit up to a 1.5m landscape strip at the southwest pinch point of the parking area of more than 4 spaces whereas 3m is required;

This variation is generally a result of the irregular shape of the parcel. The block of parking is required to service the stacked townhouse units and required visitor parking stalls for this development. The parking spaces will not be perpendicular to the property line, rather the southwest corner of the parking space block would be the most significant encroachment. The pinch point would be permitted a reduction to 1.5m which would increase to the required 3m at the northwest corner.

and,

- f) Restrict the permission of any building located along the south/rear lot line to be:
- i) a maximum of 2 storeys in height; and
 - ii) 2nd floor balconies are not permitted on the rear face of the building.

The additional design standards have been included as a result of public consultation.

69. The Conceptual Site Plan, attached to Staff Report DEV006-20 as Appendix "B" does not, in the opinion of staff, require significant variations to the zoning standards of By-law 2009-141 and more specifically, the Residential Multiple (RM2) zone.

Site Plan Control

70. The concept plan and preliminary reports submitted in support of the subject application provide a general indication of how the property would be developed. Should the subject Zoning By-law Amendment application be approved, the applicant would be required to submit a Site Plan Control application as per Section 41 of the *Planning Act* and in accordance with By-law 99-312. Site Plan Control addresses the detailed design and technical development of the proposed development in accordance with current policy, standards and design guidelines.
71. Through the Site Plan Control process, staff will require confirmation and/or resolution of the following details to implement the proposed zoning for this property to redevelop through lands outside of the defined environmental protection area for medium density residential uses:
- a) Adequate municipal infrastructure capacity;
 - b) Appropriate fencing, confirmed delineation and dedication of lands to be zoned as Environmental Protection (EP);
 - c) Detailed stormwater management;
 - d) Acceptable internal traffic movement and location for visitor parking;

- e) Demonstrated ability for emergency vehicles to access and service the units; and,
- f) Design and accessibility of the shared amenity space.

Summary

72. Staff have reviewed the comments received and considered the proposed Zoning By-law Amendment application, having regard to conformity with relevant Provincial Policy and the City's Official Plan. In staff's opinion, the protection of the natural heritage features and development of 19 residential townhouse units on the subject lands at the density proposed, is considered appropriate and would conform to relevant Provincial Policies and the City's Official Plan, while being respectful of the existing single detached residential development in the area. The proposed development represents an appropriate form of residential infill development in this area. Should the application be approved, Planning staff are satisfied that the detailed design elements would be adequately addressed through the subsequent Site Plan Control process.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

73. The subject lands are within and directly adjacent to the Lover's Creek watershed system. This Natural Heritage Resource was evaluated through an Environmental Impact Study and associated review to the satisfaction of staff from the Lake Simcoe Conservation Authority and the City of Barrie. The feature and the required natural resource buffer have been delineated and proposed to be zoned as Environmental Protection (EP) as part of this application. The EP lands, illustrated on Appendix "B", will be conveyed to the City as part of the Site Plan Control process for protection in perpetuity.

ALTERNATIVES

74. The following alternatives are available for consideration by General Committee:

Alternative #1

Planning Committee could refuse the subject Zoning By-law Amendment application and maintain the current Residential Single Detached (R1) zoning over the subject lands.

This alternative is not recommended as the size and location of the subject lands provide an opportunity for a more dense development type and therefore a more efficient use of land and municipal infrastructure, as well as offering protection to the Lover's Creek watershed through the identification, preservation, and dedication of the feature as Environmental Protection (EP).

Alternative #2

Planning Committee could approve the subject Zoning By-law Amendment application without the requested Special Provisions (SP).

This alternative is not recommended as the applicant has responded to the comments received through the technical review process and staff are satisfied that the proposed special provisions are appropriate for the subject lands as they relate to the irregular shape of the property and considerations for adjacent residential development.

FINANCIAL

75. The proposed rezoning of the subject parcel would permit the development of 19 townhouse units. The annual property tax revenue based on the average selling price of approximately \$400,000.00 for the proposed development is \$81,415.00. The current tax revenue from the

- existing property is \$5,328.00. Therefore the estimated municipal property tax increase would be approximately \$76,087.00. (2019 rate)
76. Cash in lieu of parkland dedication per unit is calculated at a maximum of \$5,597.00 per unit, which represents a total contribution of \$106,343.00 for the 19 units proposed. (2020 rate, subject to an annual inflation adjustment on January 1st of each year).
77. Building permit application fees as an average are estimated to be in the order of \$2,480.00 per unit which would represent a total fee of approximately \$47,120.00 for the 19 units proposed. (2019 rate, subject to an annual inflation adjustment on January 1st of each year).
78. Current development charges for a townhouse unit is \$52,212.00 for each dwelling unit, therefore the development charge revenue is estimated to be \$992,028.00 for the 19 units proposed. (2020 rate, calculated at time of building permit issuance, subject to an annual inflation adjustment on January 1st of each year).
79. The Education levy is currently costs associated with \$2,959.00 per unit, which represents a total levy of \$56,221.00. (2020 rate)
80. As there is an existing single detached residential dwelling on the subject parcel, a redevelopment Development Charge rebate (credit) may be available provided the dwelling is demolished and building permits are issued within 60 months of the date of demolition permit issuance.
81. Given that the subject lands, when developed, will be subject to Site Plan Control, all costs associated with the approval and development of the site would be the applicant's responsibility. The applicant would be responsible for all capital costs for any new infrastructure required within the development limits and any of the frontage costs associated with upsizing to municipal water and sewer mains already installed, if required. Costs associated with the ongoing maintenance and operational costs of the new internal infrastructure, snow removal, landscape maintenance and site lighting would be the responsibility of the applicant as the internal road is proposed to be private.

LINKAGE TO 2018-2022 STRATEGIC PLAN

82. The recommendations included in this Staff Report support to the following goals identified in the 2018-2022 Strategic Plan:
- ☒ Building Strong Neighbourhoods
 - i) Build walkable, diverse neighbourhoods that encourage community connections;
 - ii) Grow Responsibly
83. In accordance with Council's goals, the proposed development would provide for a compact form of development that would maximize the use of the subject lands, utilize existing services and infrastructure, supports public transit use and active transportation. The proposal integrates with the existing residential development, and is in direct proximity to commercial uses and public facilities thereby promoting a complete community.

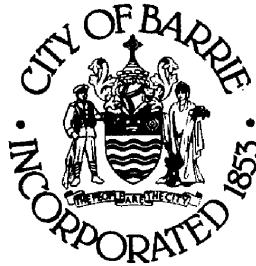
Attachments: Appendix "A" – Draft Zoning By-law Amendment

Appendix "B" – Conceptual Site Plan

Appendix "C" – Technical Study Descriptions

APPENDIX "A"

Draft Zoning By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2020-XXX

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to rezone lands known municipally as 435 Big Bay Point Road, as shown on Schedule "A" to this By-law, from Residential Single Detached (R1) to Residential Multiple with Special Provision (RM2)(SP-XXX) and Environmental Protection (EP).

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 20-G-XXX.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** the zoning map is amended to change the zoning of 435 Big Bay Point Road from Residential Single Detached First Density (R1) to Residential Multiple Second Density with Special Provisions (RM2)(SP-XXX) and Environmental Protection (EP) pursuant to Zoning By-law 2009-141, in accordance with Schedule "A" attached to this By-law being a portion of the Zoning Map Schedule.
2. **THAT** notwithstanding the provisions set out in Section 4.6 of By-law 2009-141, a minimum parking ratio of 1.25 spaces per unit is permitted in the (RM2)(SP-XXX) zone;
3. **THAT** notwithstanding the provisions set out in Table 5.2 of By-law 2009-141, a minimum rear yard setback of 6m is required from the property line in the (RM2)(SP-XXX) zone;
4. **THAT** notwithstanding the provisions set out in Table 5.2 of By-law 2009-141, a maximum height of 12m is permitted for the stacked townhouse built form in the (RM2)(SP-XXX) zone;
5. **THAT** notwithstanding the provisions set out in Section 5.2.5.1 a) of By-law 2009-141 a density of 45 units per hectare is permitted for block/cluster/stacked townhouse development in the (RM2)(SP-XXX) zone;
6. **THAT** notwithstanding provisions set out in Section 5.3.3.2 d) of By-law 2009-141, a setback of 6m for secondary means of access is permitted in the (RM2)(SP-XXX) zone;

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7. **THAT** notwithstanding the provisions set out in Section 5.3.7.1 of By-law 2009-141, the required landscape strip can be reduced from a minimum 3m at the northwest corner to a minimum 1.5m at the southwest corner of the block of parking spaces located on the west side of the private road in the (RM2)(SP-XXX) zone.
 8. **THAT** notwithstanding the provisions set out in By-law 2009-141 a building located along the south/rear lot line of the property known municipally as 435 Big Bay Point Road, shall not be more than 2 storeys in height, and shall not be permitted 2nd floor balconies on the rear face of the building in the (RM2)(SP-XXX) zone.
 9. **THAT** the owner/applicant is required to provide community benefits per Section 37 of the *Planning Act* and City of Barrie Official Plan Section 6.8 Height and Density Bonus to the satisfaction of the Director of Development Services.
 10. **THAT** the remaining provisions of By-law 2009-141, as amended from time to time, applicable to the above described lands generally shown on Schedule "A" to this By-law, shall apply to the said lands except as varied by this By-law.
 11. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this **date** day of **month**, 2020.

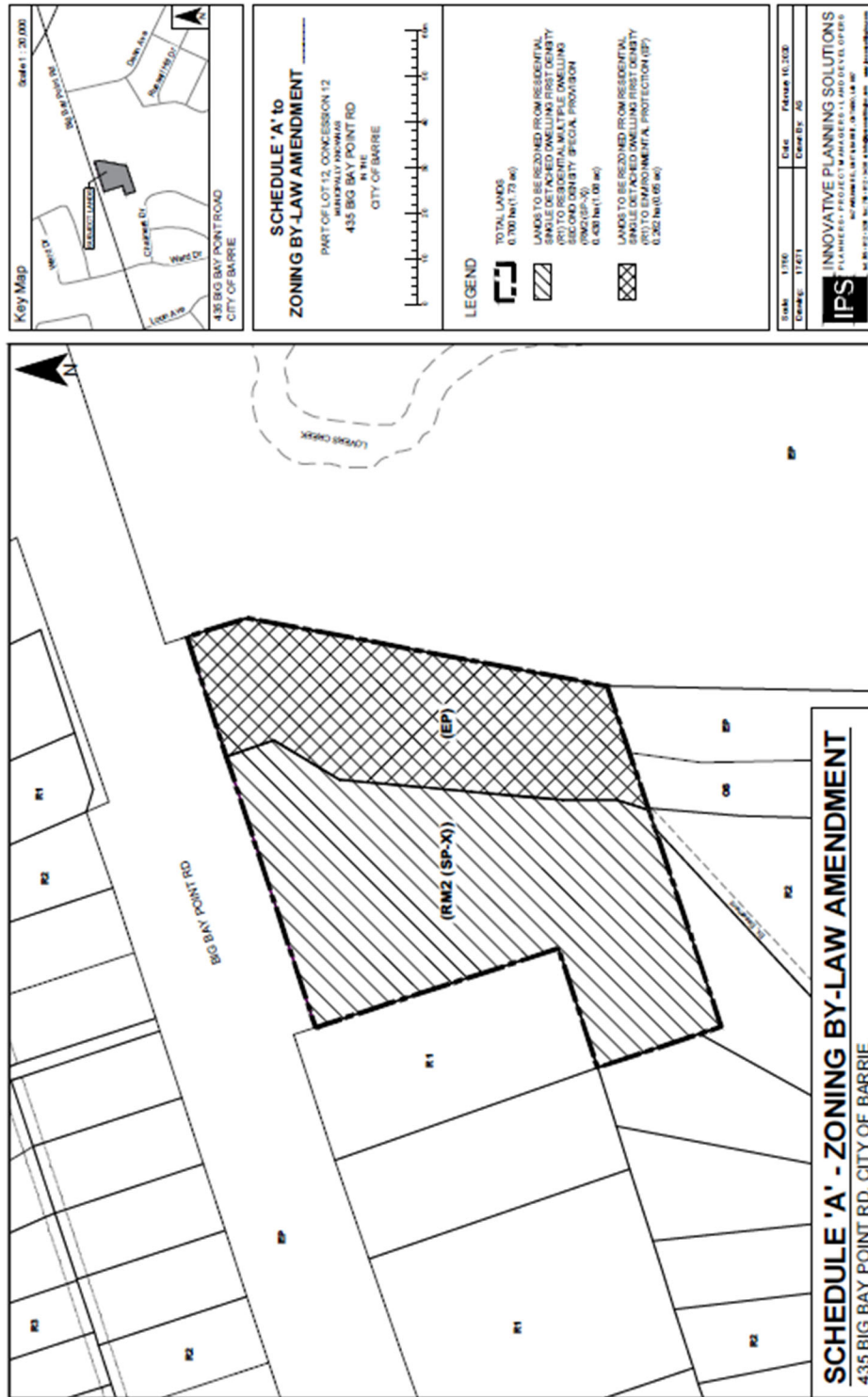
READ a third time and finally passed this **date** day of **month**, 2020.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

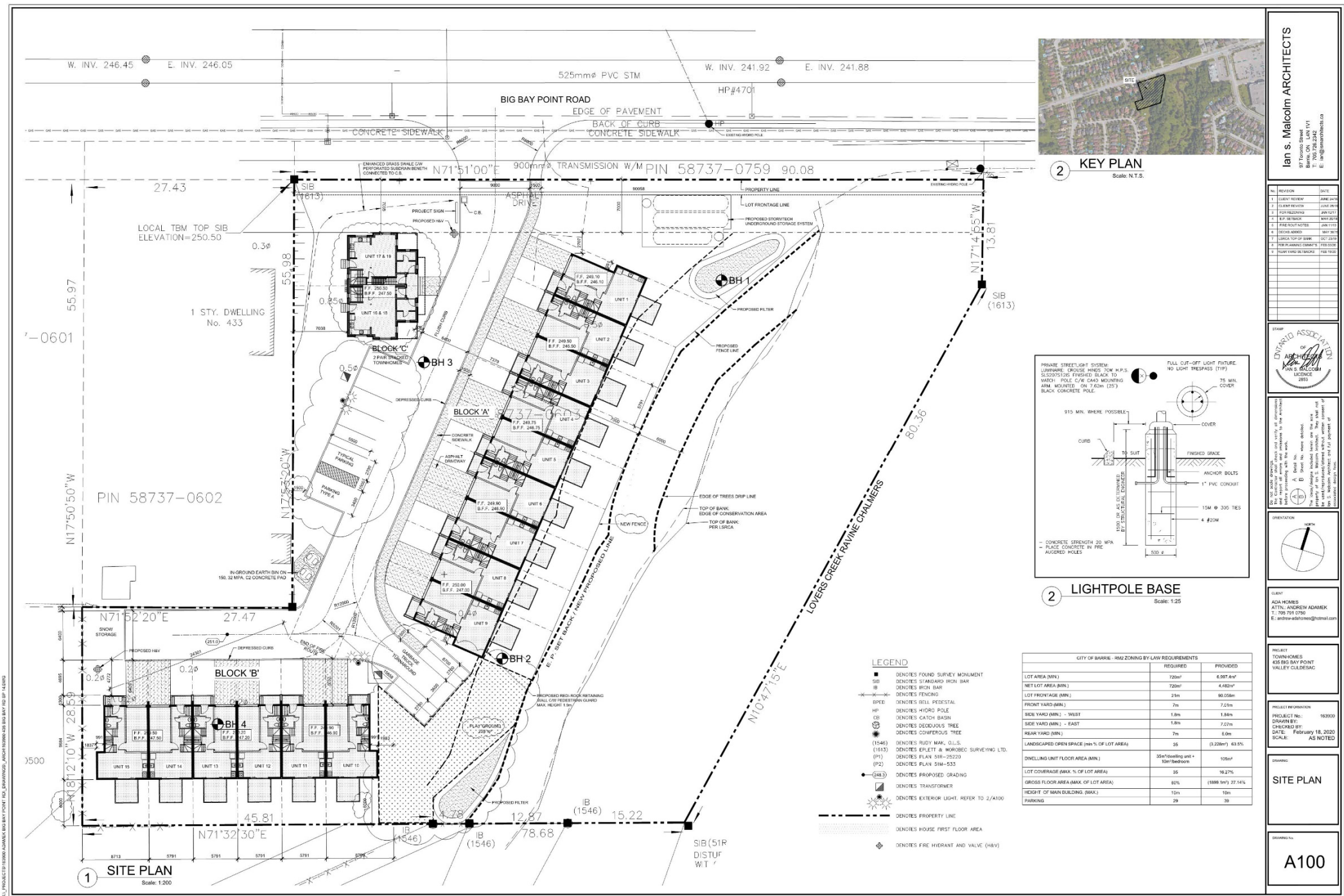
CITY CLERK – WENDY COOKE

Schedule "A" attached to By-law 2020-XXX



APPENDIX “B”

Conceptual Site Plan



APPENDIX "C"

Technical Study Descriptions

a) **Planning Justification Report** (Innovative Planning Solutions, February 2019)

The Planning Justification Report provided to the City in support of this project, provides a review of the property characteristics and surrounding lands, description of the proposed development as well as the planning policy basis and opinion of Innovative Planning Solutions, that the proposal represents good planning as it conforms or is consistent with the applicable policies reviewed in the *Planning Act*, Provincial Policy Statement, A Place to Grow, and the City of Barrie Official Plan.

Through the review and analysis of the proposal, supplementary information was provided including a Planning Addendum (Innovative Planning Solutions, May 23, 2019) and Comment Response Matrix (November 5, 2019) with regard to technical comments, the special provisions requested to the Zoning By-law and additional design considerations.

b) **Urban Design Brief** (Innovative Planning Solutions, February 2019)

The Urban Design Brief provides an overall review of the built form and the design elements of the development and provides the opinion of Innovative Planning Solutions that the site is appropriate for this form of residential intensification as the proposed design can be successfully integrated into the urban fabric of the existing neighbourhood.

The architectural detail originally proposed is contemporary in nature. Planning staff anticipate the design will be updated through the Site Plan Control process to be more reflective of the neighbourhood character.

c) **Environmental Impact Study** (Dillon Consulting, October 2018)

The Terms of Reference for the Environmental Impact Study (EIS) were approved by the Lake Simcoe Region Conservation Authority (LSRCA), and the report completed to the satisfaction of City and LSRCA staff, including but not limited to providing a detailed review of the Lover's Creek ravine feature, vegetation inventory and species review. The natural heritage resource feature and buffer recommendations outlined in the EIS are demonstrated in Appendix "A" - Draft Zoning By-law of Staff Report DEV006-20, as the proposed Environmental Protection (EP) zone. The EIS provides the support to establish a development limit for the project to the satisfaction of LSRCA and City staff.

d) **Functional Servicing & Stormwater Management Report** (Pinestone Engineering Ltd., October 30, 2019)

The Functional Servicing and Stormwater Management Report reviewed the existing infrastructure to service the proposed change in land use and density at this location. The consulting team concluded that capacity in the water, sewer and wastewater infrastructure is available without needing improvements to the municipal system. Further detail and examination of the provision of services, water balance, phosphorous loading and the potential for using Low Impact Development techniques for stormwater management will be completed as part of the Site Plan Control process if the recommendation in Staff Report DEV006-20 is approved.

e) **Tree Inventory and Preservation Plan** (Kuntz Forestry Consulting Inc., Oct. 3, 2018)

The Tree Inventory and Preservation Plan provided an evaluation of all vegetative communities on the site. The majority of the trees and tree groupings within the site development limits will not be retained post development, however mitigation measures, including a 6m dripline buffer, will be included in the preservation limits. In addition, the applicant is required to preserve all boundary trees, failing which, owner authorization to remove or impact same would be required from any adjacent landowner.

f) **Geotechnical Investigation, Slope Stability and Erosion Hazard Limit** (Peto MacCallum Ltd., June 2017)

A Geotechnical report was prepared to examine the subsurface soil and support capabilities for the future development of the site, including top of bank, toe of slope, slope stability and potential for erosion setback as part of the feature delineation. The report concludes that development can be supported as the feature is outside of the proposed development limit and soil conditions can provide foundation support.