



PLANNING AND BUILDING SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL **FILE: D14-1650**

PREPARED BY: C. MCLAREN, RPP, SENIOR PLANNER

FROM: A. BOURRIE, RPP, DIRECTOR OF PLANNING & BUILDING SERVICES

NOTED: D. FRIARY, ACTING GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PROPOSED ZONING BY-LAW AMENDMENT – 152 AND 156 MILLER DRIVE (WARD 5)

DATE: JUNE 11, 2018

Overview

The purpose of this memorandum is to advise members of City Council of the status of an application for a Zoning By-law Amendment submitted by Innovative Planning Solutions Inc. on behalf of Park City Inc. for lands known municipally as 152 and 156 Miller Drive. Given recent changes to the *Planning Act* and the *LPAT Act* (legislation known as Bill 139), Planning staff feel it is necessary to ensure that the information contained in this memorandum forms part of the official record prior to the expiry of the 150 day timeline for Council to make a decision on the application.

The intent of the proposed Zoning By-law Amendment is to permit a residential development consisting of 71 block/cluster townhouse units and 4 semi-detached dwelling units. Planning staff and the City's technical review team are currently working with the applicant to address all of the comments that have been received to date and to make necessary revisions to the proposed site plan submitted in support of the subject application. This collaborative effort is delaying staff in bringing the application forward for Council's consideration at this time. Once the applicant has revised their proposed site plan and provided additional information, Planning staff will schedule a statutory Public Meeting (anticipated in September 2018), which will be followed by a staff report with a recommendation on the proposed Zoning By-law Amendment for Council's consideration.

The Province of Ontario has recently passed Planning legislation known as Bill 139 which has resulted in changes to the review and processing of *Planning Act* applications, as well as the appeal process associated with said applications. According to Section 34 of the *Planning Act*, municipalities are required to make a decision on a Zoning By-law amendment application within 150 days of deeming an application complete. If a decision is not made within the 150 day timeframe, an applicant may appeal the application to the Local Planning Appeals Tribunal (LPAT) for non-decision. In this case, the review period associated with the subject application expires on August 25, 2018. Given the revisions that are required to be made to the application and the Council recess during the months of July and August, a decision will not be made on the subject application until the Fall of 2018. The applicant has submitted a letter to the City (attached as Appendix 'C') acknowledging that the application will not be considered by General Committee on or before August 25, 2018 and confirming that an appeal for a non-decision will not be filed with LPAT given the collaborative effort with staff.

Notwithstanding the voluntary letter agreeing to an extended review timeframe, the Planning Justification Report (PJR) submitted by the applicant's consultant is the only information that forms part of the official record associated with the subject application. If the applicant were to file an appeal on the subject application, the applicant's PJR and associated information are the only documents that would be heard as evidence by the LPAT. To protect the City's interest, this short memorandum documents key planning



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issues associated with the subject application until such as a full staff report can be prepared and brought forward for General Committee's consideration.

Background

The subject application was received and deemed to be complete by the City on March 28th, 2018. The application was circulated to all applicable City departments and external agencies for review and comment. Planning staff have been working collaboratively with the applicant, their consultants and the technical review team through the technical review process associated with the subject application. In doing so, City staff have found success in identifying issues early-on in the Planning process.

The subject lands are located on the west side of Miller Drive, south of Edgehill Drive and have an area of approximately 1.44 hectares (3.56 acres) (see Appendix 'A' – Site Location Map). The subject lands are designated 'Residential' in the City's Official Plan and are zoned 'Residential Single Detached Dwelling First Density' (R1) in accordance with Zoning By-law 2009-141, as amended. The subject lands are not located within a designated intensification area as identified on Schedule I of the Official Plan. The proposed development is considered medium density in accordance with the Official Plan, which restricts block and/or cluster townhouse developments to a maximum density of 53 units per hectare, subject to locational criteria.

The applicant is proposing to amend the zoning of the subject lands to 'Residential Multiple Dwelling Second Density – Special' (RM2)(SP) to permit the development of 71 block/cluster townhouse units and 4 semi-detached dwelling units (see Appendix 'B' – Concept Site Plan). In doing so, the applicant is requesting the following site-specific zoning provisions:

Zoning By-law Standard	Required		Provided	
	RM2 Zone	Semi-detached Dwellings in the RM2 Zone	Total Site	Semi-detached Dwelling
Lot Area (min.)	720 m ²	300 m ²	14,398 m ²	255.3 m ²
Lot Frontage (min.)	21 m	9 m	54.9 m	10.2 m
Front Yard Setback (min.)	7 m	4.5 m	6 m	6 m
Side Yard Setback (min.)	1.8 m	1.2 m	2.2 m	2.2 m
Rear Yard Setback (min.)	7 m	7 m	7 m	7 m
Lot Coverage (max.)	35%	45%	29.5%	37.4%
Density (max.)	40 units/hectare	N/A	53 units/hectare	N/A
Gross Floor Area (max % of lot area)	60%	N/A	75.1%	N/A
Dwelling Unit Floor Area (min.)	35m ² + 10 m ² per bedroom	70 m ²	136 m ² /unit	167 m ² /unit
Amenity Space (min.)	900 m ² (12 m ² /unit)	N/A	1,113.5 m ² (14.8 m ² /unit)	N/A
Landscaped Open Space (min.)	35%	N/A	42%	N/A
Parking (min.)	107 spaces (incl. 5 barrier-free)	4 spaces (1 space/unit)	150 spaces + 10 visitor spaces	8 spaces (including garage)
Barrier-free (BF) Parking (min.)	2 - Type A 3 - Type B Barrier Free Spaces	N/A	0 spaces	N/A



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Parking Space Dimensions (min.)	2.7 m x 5.5 m (Standard) 3.4 x 5.5 m (Type A BF) 3.1 m x 5.5 m (Type B BF) All BF spaces shall have a 1.5 m access aisle	2.7 m x 5.5 m (Standard)	2.7 m x 5.5 m (Standard)	2.7 m x 5.5 m (Standard)
Tandem Parking	Not Permitted	Permitted	Proposed for the 71 Townhouse Units	N/A
Parking Coverage in Front Yard (max.)	60%	60%	N/A None proposed	29.1%
Building Height (max.)	10 m	10 m	11 m (Townhouses)	8.5 m
Secondary Means of Access (min.)	7 m	N/A	6 m (Townhouses)	N/A
Driveway Length (min.)	6 m	N/A	6 m	N/A
Private Road Width (min.)	6.4 m	N/A	6.4 m	N/A

***Site specific zoning provisions are noted in bold text and highlighted**

A Neighbourhood Meeting was held on May 15, 2018, regarding the proposed Zoning By-law Amendment. Planning staff, Ward Councilor, Peter Silveira, the applicant and their consultants, and approximately fifty-five (55) local residents were in attendance at this meeting. The questions/concerns expressed at this meeting relate to the following:

- The site-specific zoning provisions being requested;
- Increased density;
- Increased height;
- Capacity of existing services in the area;
- Grading and stormwater management;
- Compatibility of the proposed development with the surrounding neighbourhood;
- Tree preservation/removals and compensation plantings;
- Increased Traffic;
- Extension of Miller Drive sidewalk;
- Insufficient parking;
- Adverse effects on property values;
- Local school capacity;
- Access;
- Snow storage/removal;
- Refuse programming;
- Tenure (rental vs. ownership); and
- Affordability

While the technical review process is still underway, a number of issues have been identified by staff to date, relating to the proposed density, establishment of appropriate development limits, environmental impacts on adjacent Provincially Significant Wetland, the location and configuration of the proposed amenity



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area and the preservation of existing mature boundary trees on-site. A summary of the key issues associated with the subject application has been provided below:

Development Limits

The subject property is regulated by the Nottawasaga Valley Conservation Authority (NVCA) given its wetland features and associated buffers. The location of the proposed drainage outlet and outdoor amenity area as identified on the site plan (see Appendix 'B' - Concept Site Plan) appear to be located in an area that is designated as a Provincially Significant Wetland. As such, the development limits of the subject lands need to be established through an Environmental Impact Study (EIS) in consultation with the NVCA as it relates to wetland features and associated buffers. Identifying the development limits of the subject lands is critical in determining the density, design and layout of the proposed development. All undevelopable lands shall be zoned to 'Environmental Protection' (EP) and may be required to be conveyed to the City of Barrie as a condition of development approval of the lands.

Density

The applicant is currently proposing an overall building density of approximately 53 units per hectare, whereas the Zoning By-law permits a maximum density of 40 units per hectare for block/cluster townhomes in the 'Residential Multiple Dwelling Second Density' (RM2) Zone. Given that the subject property is located in a low density residential area that is not identified as a designated Intensification area within the Official Plan, Planning staff have concern with the proposed density and are exploring the option of reducing the density so as to bring the development further into conformity with the City's Comprehensive Zoning By-law 2009-141. Once the development limits of the subject lands have been established, the applicant may be required to reduce the unit count which would in turn reduce the overall density of the proposed development.

Amenity Area

As noted above, the proposed amenity area appears to be located within an area that is regulated by the NVCA given the presence of wetland features and associated buffers. Once the appropriate development limits are established, the proposed amenity area may be required to be relocated. This may result in substantial changes to the overall design and layout of the proposed development.

Next Steps

The applicant and their consultants are currently in the process of addressing the concerns expressed by residents at the May 15, 2018 Neighbourhood Meeting and the comments provided by the City's technical review team to date. In doing so, the applicant has identified that revisions to the proposed concept site plan are forthcoming. Additional information and/or updates to the original technical studies submitted in support of the subject application may also be required through the remainder of the technical review process and upon receipt of a revised development proposal.

After discussions with the applicant's Planning consultant, it was agreed that the proposed June 11, 2018 Public Meeting would be postponed in order to provide the applicant with sufficient time to revise their concept plan and prepare any additional information and/or studies in support of the application. Planning staff feel that it is appropriate to resolve the issues noted above to the greatest extent possible and revise the proposed site plan accordingly prior to the application being brought forward to a Public Meeting. The hope is that the proposed site plan will not change from the time of the Public Meeting to that of when a staff report is brought forward for General Committee's consideration. In doing so, Council may feel more confident in making a decision on the application and residents may be able to see if/how the applicant has addressed their concerns expressed through the oral and written submissions provided.

As a result of Council's recess during the months of July and August, a Public Meeting regarding the subject application will not be scheduled until September 10, 2018, following which a staff report would be brought forward for General Committee's consideration. In the interim, Planning staff and the City's technical review



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team, will continue to work closely with the applicant and their consultants to identify and address any additional issues prior to the application being brought forward for General Committee's consideration in the Fall.

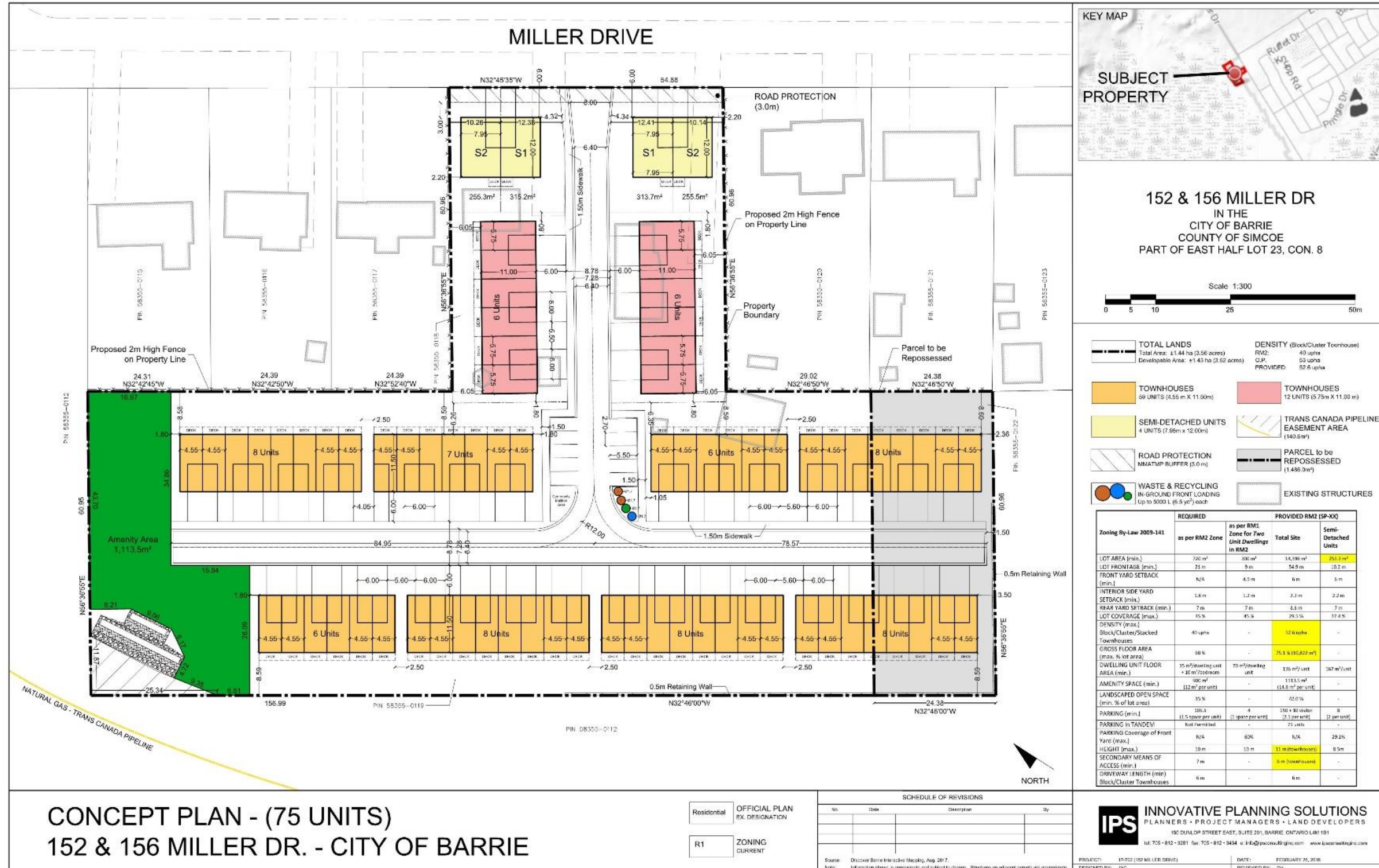
If you have any questions, please contact the Planning file manager, Carlissa McLaren at 705-739-4220 extension 4719.

APPENDIX 'A'

SUBJECT PROPERTY



APPENDIX 'B'
Concept Site Plan





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APPENDIX 'C'

Letter from the Applicant



INNOVATIVE PLANNING SOLUTIONS

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Friday May 19th, 2018

City of Barrie
70 Collier Street
Barrie, Ontario
L4M 4T5

Attention: Carlissa McLaren, MCIP, RPP
Planner

Re: Application for Zoning By-Law Amendment (D14-1651)
Park City Inc., 152-156 Miller Drive
City of Barrie, County of Simcoe

On behalf of Park City Inc, Innovative Planning Solutions is please to provide the following correspondence with respect to the above noted file relative to a proposed Zoning Bylaw amendment application. It is noted that the subject application was deemed complete by the City of Barrie.

Under new Planning Act legislation, specifically the Local Planning Tribunal Act, 2017 which took effect on April 3, 2018, municipalities are required to make a decision on a proposed Zoning Bylaw Amendment application within 150 days of a complete application otherwise the applicant has the right to appeal a "non-decision".

Understanding this timeline and in consideration of a number of factors including ongoing discussions with the City to resolve issues identified at the neighbourhood meeting and future comments provided at the upcoming public meeting, with Council's pending summer recess, we appreciate that this timeline cannot be accomplished as there is limited opportunity for a Staff Report to be presented to General Committee/ Council for a decision prior to the 150 day timeframe expiring.

As a result, we hereby advise and agree that Park City Inc will not appeal a non-decision of the proposed Zoning bylaw Amendment application, File D14-1650, for a period of 190 days from the date the application was deemed complete. Should a decision not be rendered by such date, the applicant will retain their right to appeal a non-decision.

It is noted that this letter is not intended to suggest or intimate that an appeal of a non-decision is pending or being considered at this time. The intent of this letter is to provide an extended timeframe for a decision to be rendered in light of new Planning Act timeframes, the pending Council summer recess and the limited opportunity for a

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Staff report to be presented to General Committee and Council for a decision on the application within 150 days of the date the application was deemed complete.

Trusting this is satisfactory; please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

INNOVATIVE PLANNING SOLUTIONS

A handwritten signature in black ink, appearing to read "D. Vella".

Darren Vella, MCIP, RPP
President & Director of Planning

A handwritten signature in black ink, appearing to read "Tim".

Tim Mouzafarov
President

On the behalf of Park City Inc.