
TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

PREPARED BY: A. GAMEIRO, B.E.S., PLANNER

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

NOTED: D. FRIARY, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

**RE: PROPOSED ZONING BY-LAW AMENDMENT (FILE NO. D14-1647)
233, 237, 241 AND 245 DUNLOP STREET WEST (WARD # 2)
MDM DEVELOPMENTS**

DATE: JUNE 11, 2018

Overview:

The purpose of this Memorandum is to advise members of Council of the status of an application for a Zoning By-law Amendment submitted by 'Innovative Planning Solutions Inc.' on behalf of MDM Developments for lands known municipally as 233, 237, 241 and 245 Dunlop Street West. 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 allow a built form that is consistent with the Mixed Use Corridor (MU2) zone standards in By-law 2015-097 which was adopted by Council on October 6, 2015. The MU2 zone standards are intended to implement the City's policies and vision for intensification corridors. The Mixed Use By-law was appealed to the Ontario Municipal Board (OMB) for reasons associated with traffic. It is important to note that the actual zone standards were not appealed to the OMB. Therefore, Planning staff encourage new developments along the Dunlop Street Intensification Corridor to be consistent with the MU2 standards in By-law No. 2015-097. Planning staff and the City's technical review team are currently working with the applicant to address all review comments that have been received to date and to make necessary revisions to the proposed site plan in order to address the MU2 zone standards. 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 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 10, 2018. Given the revisions that need 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 (please refer to Appendix C) acknowledging that the application will not be considered by General Committee on or before August 10, 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 interests, this short memorandum documents key planning issues with the subject application until such time as a full staff report can be prepared.

Background:

The subject application was received and deemed to be complete by the City on March 13th, 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 our technical review team through the technical review process. In doing so, City staff have found success in identifying issues early-on in the Planning process.

The subject lands are located on the south side of Dunlop Street West, east of Boys Street South and west of Frances Street South, and have an area of approximately 0.717 hectares (1.77 acres) – please see Appendix A: Site Location Map. The subject lands are designated 'Residential' in the City's Official Plan and are zoned 'Residential Multiple Dwelling Second Density, Special Provision 189 – Hold 112' (RM2)(SP-189)(H-112) in accordance with Zoning By-law 2009-141, as amended. The subject lands are located within a Primary Intensification Corridor as identified on Schedule I of the Official Plan. Primary Intensification Corridors are intended to develop at a target density of 50 units per hectare along the entire corridor.

The applicant is proposing to amend the zoning of the subject lands to 'Residential Apartment Dwelling First Density – 3 Special' (RA1-3)(SP) to permit the development of a 9 storey building with 108 rental condominium units and ground floor commercial uses (Appendix B: Proposed Site Plan, Building Elevations and Architectural Perspectives). The applicant is requesting the following site specific zoning provisions to facilitate the development of the proposed building:

Zoning Standard	RA1-3 Zone	MU2 Zone	Proposed RA1-3(SP)
Front Yard Setback (min.)	7 m	1 m for 75% of the frontage (min.) and 25% of the frontage (max.)	0.57 m
Interior Side Yard Setback (min.)	5 m	3 m (max.)	3 m
Landscaped Open Space (min. % of lot area)	35%	-	0%
Landscape Buffer for Apartment Buildings (min.)	3 m (side & rear lot lines)	3 m (side & rear lot lines)	1.5 m
Gross Floor Area (min. % of lot area)	100%	-	120%
Ground Floor Gross Floor Area for Commercial Uses (min. %)	25% (of ground floor area)	50%	51.5%
Parking (min.)	162 spaces (Residential) 13 spaces (Commercial) TOTAL - 175 spaces (including 7 barrier-free spaces)	108 spaces (Residential) 13 spaces (Commercial) TOTAL – 121 spaces (including 5 barrier-free spaces)	TOTAL – 105 spaces (including 2 barrier-free spaces)
Tandem Parking	Not Permitted	Not Permitted	14 tandem parking spaces proposed

Barrier-free Parking (min.)	7 spaces (4 Type 'A' and 3 Type 'B' Spaces)	5 spaces (2 Type 'A' and 3 Type 'B' spaces)	2 spaces
Lot Coverage (max. % of lot area)	35%	-	37%
Landscape Buffers for Parking Areas abutting a Residential Zone (min.)	3 m (along the side lot lines)	3 m (along the side lot lines)	1.5 m (along the side lot lines)
Building Height (max.)	30 m	16.5 m (min.) 25.5 m (max)	28.9 m
Density (max.)	Official Plan permits a target density of 50 units per hectare along Intensification Corridors	Official Plan permits a target density of 50 units per hectare along Intensification Corridors	157 units per hectare

A Neighbourhood Ward Meeting was held on April 17th, 2018 regarding the proposed Zoning By-law Amendment. A total of twenty-five (25) local residents attended the meeting. Residents raised issues such as:

- Building height;
- Increased density;
- Parking supply;
- Traffic congestion and safety concerns on Dunlop Street West;
- Environmental impacts on Bunker's Creek and Milligan's Pond;
- Shadow Impacts;
- Servicing capacity; and,
- Loss of privacy on adjacent lots.

Through the technical review process associated with the subject application, a number of issues were identified such as increased density, insufficient parking, increased building height, establishing limits of development and traffic impacts. A summary of the key issues associated with the subject application have been summarized below.

Density

The applicant is proposing an overall density of 157 units per hectare on the subject property. The proposed development is considered to be high density in accordance with Policy 4.2.2.2 (e) of the Official Plan as it exceeds 54 units per hectare. Medium and high density developments are encouraged to locate within the City's intensification nodes and corridors. However, Policy 4.2.2.3(c) of the Official Plan restricts high density developments in excess of 150 units per hectare to locations within the City Centre unless an Official Plan Amendment has been approved satisfying criteria outlined in Section 4.2.2.3(b) and 4.2.2.6. As such, the applicant will need to reduce the density of the development or submit an Official Plan Amendment application to be considered concurrently with the proposed Zoning By-law Amendment.

Parking

The applicant is proposing a total of 105 parking spaces for the entire development, including 2 barrier-free parking spaces. This represents a total of 0.9 parking spaces per unit for the 108 residential units being proposed and 1 parking space per 50 square metres of gross floor area (GFA) for the proposed ground-floor commercial uses. It is important to note that 14 of the parking spaces are proposed as tandem parking spaces.

According to the Residential zone standards in Zoning By-law 2009-141, a total of 1.5 parking spaces per unit are required for multi-residential developments outside of the Urban Growth Centre (UGC). This represents a total of 162 residential parking spaces for the proposed development. Zoning By-law 2009-141 also requires a minimum of 1

parking space per 24 square metres of GFA for multiple commercial uses. As such, a total of 13 commercial parking spaces are required for the proposed development. In accordance with Zoning By-law 2009-141, an overall total of 175 parking spaces, including 7 barrier-free spaces, would be required for the proposed development. Currently, the proposed development is deficient 65 residential and 5 commercial parking spaces. The proposed development is also deficient 5 barrier-free parking spaces. Planning staff are concerned with the parking supply being proposed and are currently working with the applicant to explore different options.

The MU2 zone standards in By-law 2015-097 permit a parking rate of 1 space per unit for residential uses located in the City's Intensification Nodes and Corridors. Planning and Traffic Operations staff have advised the applicant that parking for the proposed residential units shall be provided in accordance with the MU2 zone standards at a minimum. All required parking spaces on the site are also required to have unobstructed access to a drive aisle so as to not cause unreasonable delays to the future residents and commercial users of the development. Therefore, Planning staff have concerns with the tandem parking spaces being proposed as the said spaces are not being provided in addition to the minimum required by the Zoning By-law. The applicant has also been advised that parking for the proposed commercial uses shall be brought further into conformity with the minimum requirements of the Zoning By-law. Planning staff have also voiced concerns with the reduction in the minimum number of barrier-free parking spaces required for the proposed development. Finally, Traffic Operations staff have confirmed that a Parking Study will be required in support of the subject application if parking is not provided in accordance with the zoning standards noted above. Staff are currently awaiting the submission of this study.

Building Height

The applicant is proposing a maximum building height of 28.9 metres (9-storeys) for the subject lands. The MU2 zone standards of By-law 2015-097 permit a maximum building height of 25.5 metres (8-storeys) for mixed-use developments and 16.5 metres (5-storeys) for stand-alone residential developments. Planning staff have advised the applicant that the height of the proposed development should be in accordance with the standards of the MU2 zone. In reducing the building height, the overall unit count for the proposed development will decrease which will help to address density and parking issues on the site. Furthermore, if the building height is not in accordance with the MU2 zone standards, the Bonusing policies of the City's Official Plan will apply to the proposed development as the subject lands are located within an intensification corridor.

Limits of Development

The subject lands are located within the Lake Simcoe Region Conservation Authority's (LSRCA) regulation area. The proposed development meets the definition of major development within the Lake Simcoe Protection Plan (LSPP), and is within an area of high aquifer vulnerability and a wellhead protection area. A tributary of Bunkers Creek flows south of the subject lands with its flood plain and erosion hazards. Schedule H of the City's Official Plan identifies Bunkers Creek as a Level 1 Natural Heritage Resource.

An Environmental Impact Study, Slope Stability Assessment and a Stormwater Management Report were previously submitted and reviewed by the LSRCA as part of a former development concept for the subject lands in 2012. Relevant information from these studies can be used to support the proposed Zoning By-law Amendment application, however, the LSRCA requested that some of the information be updated in order to fully address the issues with proposed development. For example, the LSRCA requested an updated Slope Stability Brief to identify the location of the top of bank for Bunkers Creek and identify an appropriate building setback for the proposed development. Following the review of the proposed application, the LSRCA confirmed that the Slope Stability Brief submitted in support of the development proposal was not satisfactory. As such, the applicant was instructed to make revisions to the Slope Stability Brief and resubmit it to the LSRCA for review. It is critical that the applicant identify the location of the top of bank of Bunkers Creek and establish an appropriate building setback as it will determine the development limits of the site. It is critical that this issue be resolved as it will have an impact on the layout of the site and dictate how the subject lands are developed.

Traffic Impacts

From the time a pre-consultation meeting was held with the City to the formal submission of the subject Zoning By-law Amendment application, the applicant increased the unit count for the proposed development and included ground-floor commercial uses. As such, the City's Traffic Operations staff have requested that the applicant submit a Traffic Impact Study (TIS) in support of the subject application. A TIS is required when a development contains more than 75 units and/or when a mix of residential and commercial uses are being proposed on a site. The TIS is an important component of the subject application as it will determine whether the proposed development will generate negative impacts on the flow and function of traffic along the Dunlop Street corridor. The TIS will also identify potential design measures that may be considered to mitigate traffic impacts that the proposed development may generate on the Dunlop Street corridor.

Next Steps:

The applicant and their consulting team are currently in the process of addressing all comments that have been provided by Planning staff, the City's technical review team and the Lake Simcoe Region Conservation Authority (LSRCA). In doing so, the applicant is making revisions to the proposed site plan and preparing additional information and/or studies in support of the subject application. This will result in changes to the development proposal, which may address many of the comments that were provided by the City's technical review team and the concerns expressed by local residents at the Neighbourhood Meeting.

After discussions with the applicant and their Planning consultant, it was agreed that the proposed May 7th Public Meeting would be cancelled in order to give the applicant enough time to revise their concept plan and prepare additional information and/or studies in support of the subject application. Planning staff feel that it is appropriate to resolve the issues noted above to the greatest extent possible and revise the concept plan accordingly before the application is brought forward to a Public Meeting. The hope is that the concept plan will not change from the time of the Public Meeting and when a staff report is brought forward for General Committee's consideration. In doing so, Council can feel more confident in making a decision on the application and residents will be able to see that the applicant has made an effort to address their concerns. This work is ongoing and given the Council recess during the months of July and August, a Public Meeting regarding the subject application will not be scheduled until September 10th, 2018, followed by a staff report for General Committee's consideration.

In the interim, the applicant has decided to submit a Site Plan Control application to be considered concurrently with the subject Zoning By-law Amendment application. The applicant is doing so at their own risk and understands that this in no way constitutes Council's approval of the proposed Zoning By-law Amendment application. This will give the applicant an opportunity to work through the detailed design of the development with Planning staff and the City's technical review team over the summer months. In doing so, the applicant will be able to identify and resolve any technical design issues early on in the Planning process.

If you have any questions, please contact the Planning file manager, Andrew Gameiro at 705-739-4220 extension 5038.

Appendix 'A'

Site Location Map



Proposed Site Plan, Elevation Plans and Architectural Perspectives

PROPOSED RENTAL CONDO
IN GRND FLR COMM
BLDG AREA 1229.55 TM2

LOT 17
E3 DEDICATION LAND

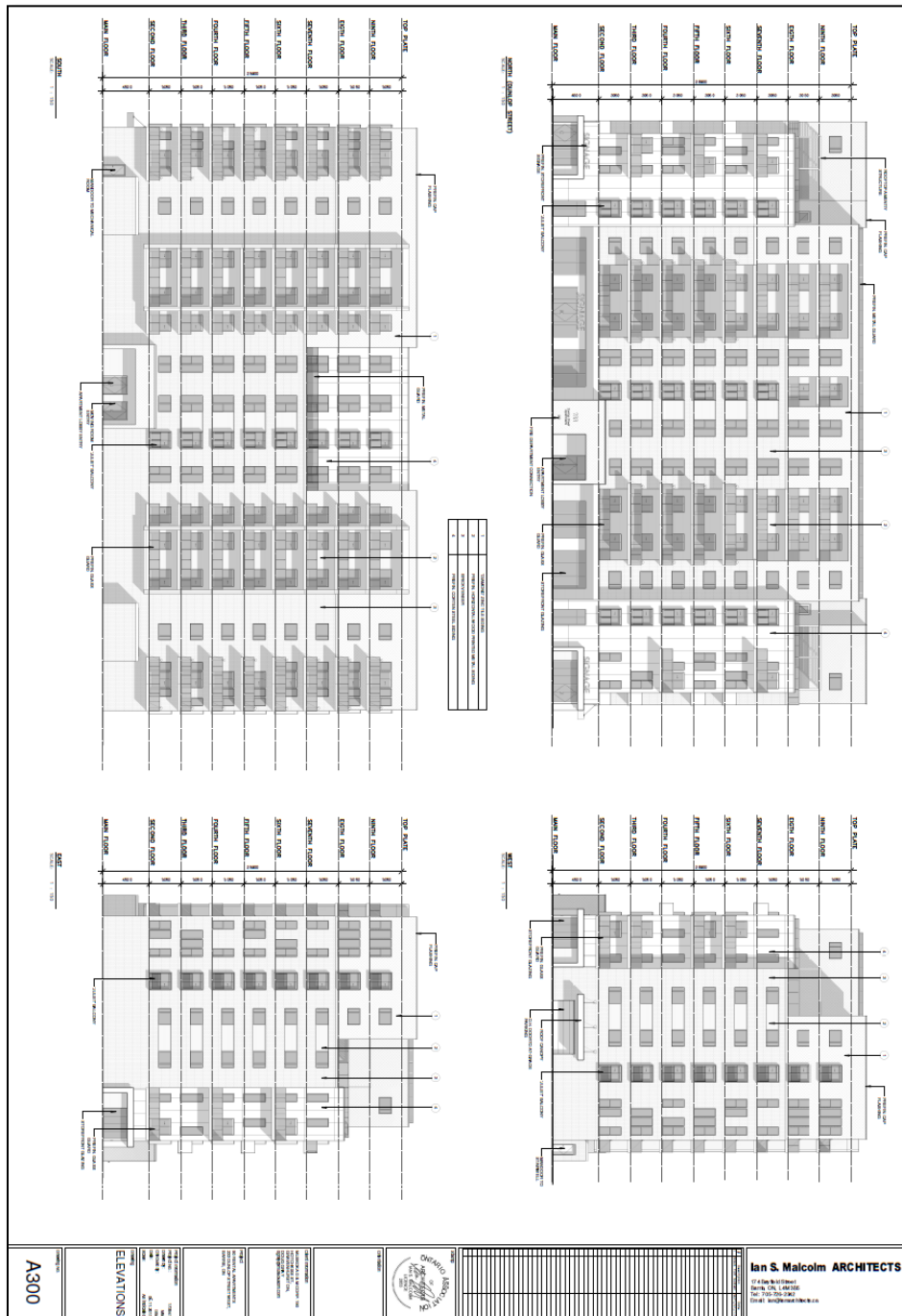
LOT 18

LOT 19
PART 2
SUBJECT TO EASEMENT
AS IN PD135554
PART 3

STREETS: ELIZABETH STREET, PERRY STREET, SOUTH PERRY STREET

TABLE 1: AREA CALCULATIONS

ITEM	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. M.)
1	LOT 17	1229.55	113.70
2	LOT 18	1229.55	113.70
3	LOT 19	1229.55	113.70
4	PROPOSED CONDO BUILDING	1229.55	113.70
5	PARKING SPACES	1229.55	113.70
6	STREET FRONTAGE	1229.55	113.70
7	STREET FRONTAGE	1229.55	113.70
8	STREET FRONTAGE	1229.55	113.70
9	STREET FRONTAGE	1229.55	113.70
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75	STREET FRONTAGE	1229.55	113.70



Architectural Perspectives



North East Street View
N.T.S.



North West Street View
N.T.S.



South East Interior Site View



South West Interior Site View

Appendix 'C'

Letter from the Applicant



INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

Friday May 19th, 2018

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

Attention: Andrew Gameiro
Planner

Re: Application for Zoning By-Law Amendment (D14-1647)
233, 237, 241 & 245 Dunlop Street West
City of Barrie, County of Simcoe

On behalf of MDM Developments 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 MDM Developments will not appeal a non-decision of the proposed Zoning bylaw Amendment application, File D14-1647, 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

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