


TO: GENERAL COMMITTEE


SUBJECT: AMENDMENT TO THE ZONING BY-LAW – 240 KOZLOV STREET
SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD

WARD: B. WARD, WARD 4

PREPARED BY AND KEY CONTACT: C. McLAREN, DEVELOPMENT PLANNER
EXT. #4719

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P.
DIRECTOR OF PLANNING SERVICES 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH
MANAGEMENT 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the Zoning By-law Amendment Application submitted by the Simcoe Muskoka Catholic District School Board (SMCDSB) to rezone a portion of the lands known municipally as 240 Kozlov Street from Single Detached Residential Dwelling Third Density (R3) to Education Institutional (I-E) be approved (D14-1558).
2. That pursuant to Section 34 (17) of the Planning Act, no further written notice be required.

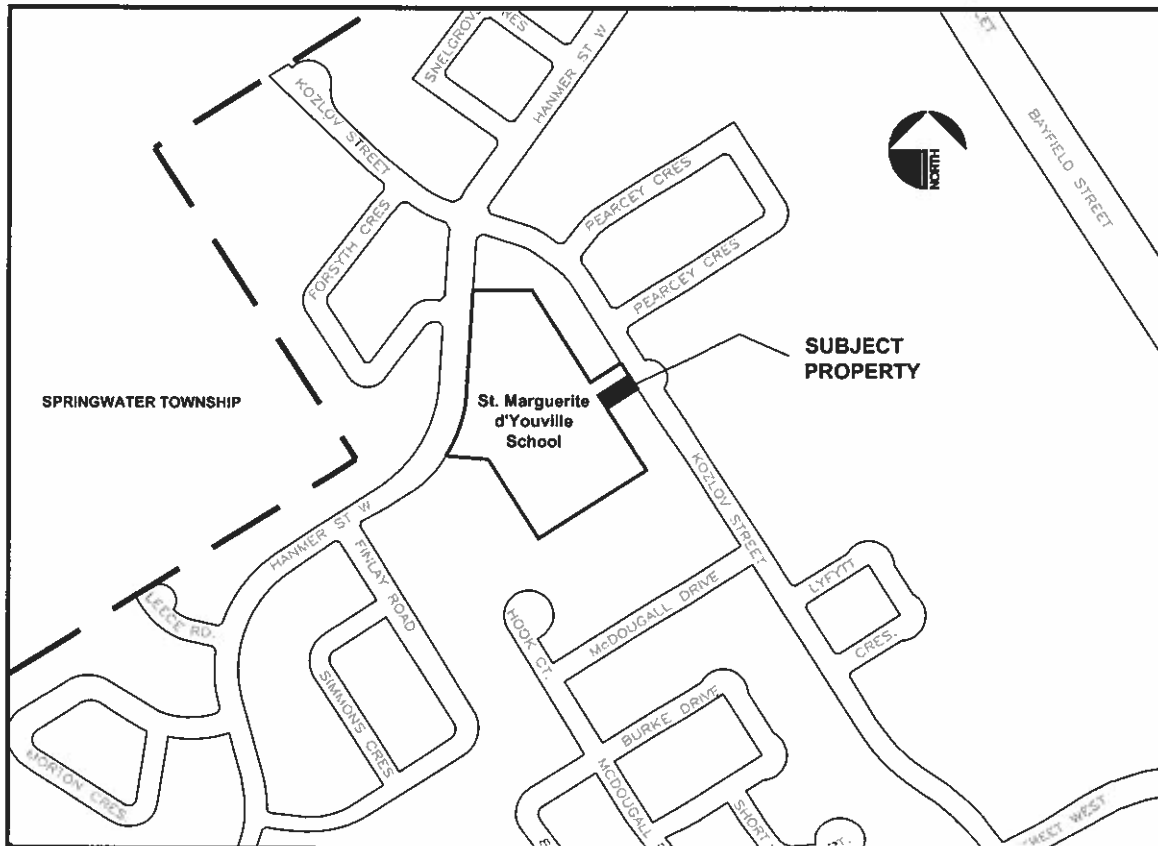
PURPOSE & BACKGROUND

Report Overview

3. The purpose of this staff report is to recommend approval of an application by the Simcoe Muskoka Catholic District School Board (SMCDSB) to amend Zoning By-law 2009-141 for a portion of the property known municipally as 240 Kozlov Street. The subject lands form a portion of the Board's St. Marguerite d'Youville Catholic Elementary School site. Staff are recommending approval of the subject application as the proposed zoning amendment would be consistent with the zoning on the balance of the subject school site. A map illustrating the existing zoning is attached as Appendix "A".

Location

4. The subject lands are located on the west side of Kozlov Street, east of Hanmer Street, within the West Bayfield Planning Area and can be legally described as Part 1, 51R-23339, Lot 1 and Block 216, Registered Plan 51M-416, City of Barrie. The property is known municipally as a portion of 240 Kozlov Street.



D14-1554
204 KOZLOV STREET

Surrounding Land Uses

5. North: Mix of Low and Medium Density Residential, zoned Single Detached Residential Dwelling Second Density (R2), Single Detached Residential Dwelling Third Density (R3), Single Detached Residential Dwelling Fourth Density (R4) and Multiple Residential Dwelling (RM1)
- South: Low Density Residential zoned Single Detached Residential Dwelling Third Density (R3) and City Parkland, zoned Open Space (OS)
- East: Low Density Residential, zoned Single Detached Residential Dwelling Second Density (R2) and Single Detached Residential Dwelling Third Density (R3)
- West: Mix of Low and Medium Density Residential, zoned Single Detached Residential Dwelling Second Density (R2), Single Detached Residential Dwelling Third Density (R3), Single Detached Residential Dwelling Fourth Density (R4) and Multiple Residential Dwelling RM1

Existing Policy

6. Given the proximity of the Education Institutional designation on the abutting lands to the north and west, an Official Plan Amendment is not required given the flexibility provided by the interpretation policies in Section 7.0 (a) of the City's Official Plan. The property is therefore considered to be designated Educational Institutional within the City's Official Plan.

7. The subject lands are currently zoned Residential Single Detached Dwelling Third Density (R3) in accordance with Zoning By-law 2009-141.

Background

8. The St. Marguerite d'Youville school site was originally made up of 3 individual parcels that were created through registered plans of subdivision and severance in the late 1980's/early 1990's. The portion of land subject to the current zoning by-law amendment application was created through a Plan of Subdivision that was registered on July 5, 1989 and is described legally as Lot 1, Plan 51M-416. Lot 1 was originally intended to be developed as a single detached residential dwelling and as such, was zoned Single Detached Residential Dwelling Third Density (R3).
9. The southern portion of the subject school site was also created through Registered Plan 51M-416 in 1989. In order to facilitate development of the St. Marguerite d'Youville Catholic Elementary School, additional lands were required from the abutting lands to the north and as such, the northern portion of the school site (Part 1, 51R-23339) was severed in October of 1992.
10. A Deeming By-law application was received from the SMCDSB to deem the above noted parcels out of registration and merge them on title as one lot. Two of the three parcels were deemed on June 24, 2013 and the remaining parcel (Lot 1, Plan 51M-416) was deemed on August 26, 2013.
11. In January of 1993, the SMCDSB received Site Plan Approval for the St. Marguerite d'Youville Catholic Elementary School (D11-881). At the time of this approval, Hanmer Street was not yet constructed and both school bus and vehicular access to the site was to be temporarily provided for from Kozlov Street. In order to facilitate the development of the 'temporary' access, the SMCDSB acquired the lands subject to this application; a vacant residential lot (Lot 1, Registered Plan 51M-416) fronting Kozlov Street. The original site plan approval contemplated that once Hanmer Street was constructed, the Kozlov Street access would be eliminated and the said residential lot would be sold for residential development. Access, including a separate school bus lay-by lane, would then be provided for from the Hanmer Street frontage.
12. When the final road design of Hanmer Street was completed through the draft plan approval of the abutting Mooregate subdivision (D12-366) to the north/east, sufficient room for the anticipated school bus lay-by lane was no longer available on the subject lands where originally proposed. As a result, Staff have been working with the Board for a number of years to address the separation of the school bus and vehicular traffic of the subject school site following the completion of the Hanmer Street road construction.
13. In order to facilitate the bus and vehicular access and parking requirements of the school, the SMCDSB has proposed that all school bus and staff access/parking be provided for from Hanmer Street, while all visitor access/parking be maintained from the existing Kozlov street entrance. To address this proposal, an application for site plan approval (D11-1633) has been received and reviewed by staff. Preliminary Site Plan Approval was granted on June 3, 2013. A copy of the approved plan is attached as Appendix "B" to this report.
14. Given that the subject site plan application is intended to formalize the existing entrance from Kozlov Street over the current R3 portion of the lands, Planning advised that the subject rezoning application would be required to rezone this portion of the lands in accordance with the balance of the subject property.
15. As identified in the Public Meeting Notice for the subject application, the SMCDSB had originally requested a site specific provision to permit a portion of the visitor parking area off Kozlov Street to be located within the required 20m setback of a residential zone. Given that timing is of the essence for the Board to complete the required site works over the summer months, the Board, through consultation with the Planning Department, determined that a Committee of Adjustment

application to address the subject variance may result in a more timely approval of same given Council's summer recess schedule. That said, on June 26, 2103, the Committee of Adjustment heard and approved, with modifications, the Board's request for the subject variance and therefore the site specific zoning provision is no longer required.

Public Meeting

16. A Public Meeting was held on August 12, 2013 and no comments were received.

Internal and Agency Circulation

17. The subject application was circulated to staff in various departments for review and comment. The Engineering Department provided comments indicating that they had no concern with the proposed rezoning.

ANALYSIS

Official Plan

18. The subject lands are designated Education Institutional in accordance with the City's Official Plan. The primary use of lands designated Institutional shall be for various forms of public and/or private educational, health, cultural, recreational, religious or charitable institutions or uses providing a public service.
19. The Official Plan further establishes location criteria for Education Facilities and requires that these facilities are to be located adjacent to public parks and central to the neighbourhoods in which they serve. Their location should reinforce their role as a vital part of the community and minimize the hazards associated with children crossing major roads. Further, Institutional uses will be located to minimize any potential conflict between these uses and adjacent land uses, particularly residential areas. Appropriate visual screening, planning and/or fencing measures shall be provided between the institutional use and the nearby residential area.
20. As noted above, the lands subject to the current zoning by-law amendment application form a portion of an existing and longstanding school site that meets the locational criteria of the City's Official Plan as it is located adjacent to a public park and central to the neighbourhood in which it serves. Matters related to screening/buffering from the abutting residential area have been addressed through the previous and concurrent site plan applications.

Zoning Rationale

21. Planning staff are of the opinion that the subject Zoning By-law Amendment application is considered to be a technical amendment as these lands are owned by the SMCDsB, located immediately adjacent to the existing school site and have been utilized for access purposes to the St. Marguerite d'Youville school since its original construction in the early 1990's. The proposed rezoning from Single Detached Residential Dwelling Third Density (R3) to Education Institutional (I-E) will result in a zoning that is reflective of the existing and longstanding use of the subject lands and in staffs' opinion, will not result in any negative impacts to the existing residential neighbours on Kozlov Street with respect to noise, traffic, etc. The proposed zoning will be consistent with the zoning on the balance of the school property.
22. The property is subject to Site Plan Control and in this regard, the Board's proposal to formalize the existing parking area with asphalt and curbing and install a solid board fence and landscaping along the east property boundary would result in improvements to the existing parking area and interface between the adjacent residential area. These matters have been successfully addressed

through the concurrent Site Plan and Committee of Adjustment Applications and therefore Planning Staff have no concerns with the proposed zoning by-law amendment.

ENVIRONMENTAL MATTERS

23. There are no environmental matters related to the recommended motion.

ALTERNATIVES

24. The following alternative is available for consideration by General Committee:

Alternative #1 General Committee could refuse the proposed Zoning By-law Amendment and maintain the existing Single Detached Residential Dwelling Third Density R3 zoning on the property.

This alternative is not recommended as the subject application would be in keeping with the existing use and the zoning on the balance of the school property.

FINANCIAL

25. There are no financial implications for the Corporation resulting from the proposed recommendation as the school is existing, no additional development is proposed, and the property is currently exempt from taxation.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

26. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

Attachments: Appendix "A" – Existing Zoning
Appendix "B" – Proposed Site Plan

APPENDIX "A"

Existing Zoning

