


TO: GENERAL COMMITTEE


SUBJECT: OFFICIAL PLAN AMENDMENT TO THE BAYSHORE SECONDARY PLAN TO PERMIT A MEDIUM DENSITY RESIDENTIAL DESIGNATION AT 200C DOCK ROAD

WARD: 10

PREPARED BY AND KEY CONTACT: C. TERRY, M.C.I.P., R.P.P., SENIOR DEVELOPMENT PLANNER EXTENSION #4430

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 INFRASTRUCTURE & GROWTH MANAGEMENT 

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

RECOMMENDED MOTION

1. That the application by Innovative Planning Solutions on behalf of Joseph and Mary Santos to amend Schedule 2 – Land Use of the Bayshore Secondary Plan from a Low Density Residential designation to a Medium Density Residential designation for a 0.47 hectare parcel of land known municipally as 200C Dock Road be denied. (D09-OPA026)

PURPOSE & BACKGROUND

Report Overview

2. The purpose of this staff report is to recommend denial of a medium density designation on the property municipally identified as 200C Dock Road. The intended built form is a 3.5 storey building with 24 residential units and communal facilities.
3. A case file is currently open at the Ontario Municipal Board (OMB) to permit the proposed built-form on the subject property through a site specific appeal of the removal of "rest home" as a permitted use in the Residential Single Detached First Density (R1) with the approval of Zoning By-law 2009-141. The Site Plan application (D11-1534) submitted for the proposed development is also under appeal based on the non-decision of staff within the Planning Act timelines due to non-conformity with the Zoning By-law. The OMB hearing was adjourned at the request of the applicant to submit this application.

Location

4. The property is approximately 0.47 hectares in size and is generally located to the south of Dock Road, on the south shore of Kempenfelt Bay. The property has frontage and access from Plunkett Court.
5. Surrounding uses include:

North

Open Space, Dock Road, residential single detached

East

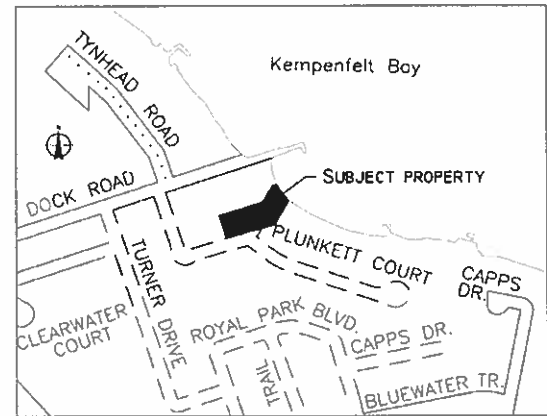
Kempenfelt Bay

South

Open Space, residential single detached (under construction)

West

Plunkett Court, residential single detached



ANALYSIS

6. On June 8, 2009, Council denied applications for a Secondary Plan Amendment for a Medium Density Residential designation in the Bayshore Secondary Plan, and a Zoning By-law Amendment to Residential Medium Density (RM2), to permit a 24 unit walk-up residential apartment building on the subject property. Council Motion 09-G-260 is attached as Appendix "A" to PLN014-13. A detailed review of the proposed medium density development at this location was included in Staff Report PLN022-09, attached as Appendix "B" to Staff Report PLN014-13. The report clearly identifies that both the Bayshore Secondary Plan and the City's Intensification Study do not support increased residential density at this location. The policies of the Intensification Study are now represented in the City's Official Plan.

Medium Density

7. The medium density residential designation identified in the Bayshore Secondary Plan to the north of Lovers Creek has been developed further west on Hurst Drive due to the expansion of the Environmental Protected Area for the Lovers Creek watershed. It may appear to be unutilized for the Bayshore Secondary Planning Area, however the medium density development known as Tollendale Village does exist in that general location. Tollendale Village is an age in place seniors' community with 284 residential units and a 160 bed nursing home.
8. Regardless of the medium density targets for the Bayshore Secondary Planning Area, all policies of the Official Plan and the applicable secondary plan shall be evaluated when determining a change in land use for any given property. The policies of the Official Plan and the Bayshore Secondary Plan do not support increased residential density at this location.

Related Ontario Municipal Board Decision

9. An OMB Decision was issued on August 29, 2012 for file PL091185 that supported Council's denial of an intensification project for townhouses on the property located on the northwest corner of Dock Road and Tynhead Road (D14-1435). The property is in close proximity to the subject

lands at 200C Dock Road. The denial of Council was based on a comprehensive analysis of current policy and the Intensification Study with similar locational considerations to the subject application at 200C Dock Road. These include impacts on the character of the neighbourhood and the limited availability of community services for a higher density residential land use.

ENVIRONMENTAL MATTERS

10. Staff did not examine environmental matters as part of the recommended denial of this application for a medium density residential designation.

ALTERNATIVES

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

Alternative #1

General Committee could approve the amendment to the Bayshore Secondary Plan to permit a medium density residential designation on the property municipally identified as 200C Dock Road.

This alternative is not recommended, as the proposed medium density residential designation for the subject lands does not satisfy the policies of the Official Plan nor the Bayshore Secondary Plan. The identification of a target residential population for the secondary plan area does not negate the consideration of all relevant policies when determining the appropriate location for increased residential density.

FINANCIAL

12. If the subject application is denied by Council, no additional financial implications for the Corporation will result from the proposed recommendation. If the applicant appeals the denial of this application to the OMB, it will be adjudicated with the existing case file for the site specific appeal to Zoning By-law 2009-141 and the Site Plan application (D11-1534). Staff time and an external Solicitor are currently allocated to representing the City in this case. The anticipated legal cost is in the order of \$50,000, however, the timing of the hearing is not yet known. It is anticipated that the funds will be available in the annual business plan, however, if that is not the case, staff will report back to Council with a recommended funding source.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

13. The recommendation included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:

Manage Growth and Protect the Environment

14. Staff have provided a density recommendation based on careful consideration of all relevant policies, including the intensification goals for our community. It is important to maintain a range of housing types throughout the City, including existing and historic neighbourhoods of single detached residential housing.

Attachments: Appendix "A" – Council Motion 09-G-260
Appendix "B" – Staff Report PLN022-09

APPENDIX "A"

Council Direction 09-G-260

TO: Director of Planning
Director of Legal Services

FROM: Dawn McAlpine, City Clerk

DATE APPROVED
BY COUNCIL: June 8, 2009

**09-G-260 OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION FOR PROPOSED
MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AT 200C DOCK
ROAD/PLUNKETT COURT**

1. That the application by the Jones Consulting Group Limited c/o Rick Jones on behalf of Joseph Santos to amend Schedule 2 – Land Use, of the Bayshore Secondary Plan from a Low Density Residential designation to a Medium Density Residential designation for a 0.47 ha parcel of land located on the south side of Dock Road, west of Kempenfelt Bay known municipally as 200C Dock Road be denied.
2. That the associated rezoning application to amend Zoning By-law 85-95 from One-Family Detached Dwelling First Density (R1) to Multiple-Family Dwelling Second Density (RM2) for the 0.47 ha property known municipally as 200C Dock Road also be denied (D14-1452).
3. That Schedule D of the Official Plan be amended to redesignate Plunkett Court from a "Future Collector" to a "Local Road" as part of the update to the Official Plan. (PLN022-09) (File: D14-1452)

Direction:

Director of Planning – note
Director of Legal Services – note

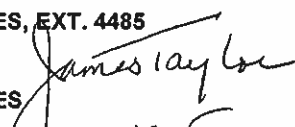
APPENDIX "B"


Staff Report PLN022-09

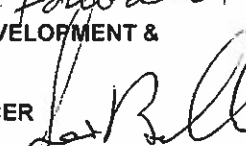
TO: GENERAL COMMITTEE

SUBJECT: OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION FOR PROPOSED MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AT 200C DOCK ROAD/PLUNKETT COURT

PREPARED BY AND KEY CONTACT: J. TAYLOR, M.C.I.P., R.P.P., MBA
DIRECTOR OF PLANNING SERVICES, EXT. 4485

SUBMITTED BY: J. TAYLOR, M.C.I.P., R.P.P., MBA
DIRECTOR OF PLANNING SERVICES 

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

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the application by the Jones Consulting Group Limited c/o Rick Jones on behalf of Joseph Santos to amend Schedule 2 – Land Use, of the Bayshore Secondary Plan from a Low Density Residential designation to a Medium Density Residential designation for a 0.47 ha parcel of land located on the south side of Dock Road, west of Kempenfelt Bay known municipally as 200C Dock Road be denied; and
2. That the associated rezoning application to amend Zoning By-law 85-95 from One-Family Detached Dwelling First Density (R1) to Multiple-Family Dwelling Second Density (RM2) for the 0.47 ha property known municipally as 200C Dock Road also be denied (D14-1452); and
3. That Schedule D of the Official Plan be amended to redesignate Plunkett Court from a "Future Collector" to a "Local Road" as part of the update to the Official Plan.

PURPOSE & BACKGROUND

Purpose

4. The purpose of this Staff Report is to consider an Official Plan Amendment and rezoning application to permit the development of a 24-unit 3 storey walk-up apartment building on the subject lands in the Bayshore Planning Area.
5. The owner applicant, Joseph Santos, is proposing to amend Schedule 2 – Land Use of the Secondary Plan for the Bayshore Planning Area to permit a medium density development under a medium density RM2 zone at this location.
6. A rezoning application has been submitted concurrently with the Official Plan Amendment application, to amend the zoning of the subject lands from One-Family Detached Dwelling First Density (R1) to Multiple Family Dwelling Second Density (RM2) to permit a proposed 3 to 4 storey, 24-unit walk-up apartment building.

Location

7. The property is approximately 0.47 hectares in size and is generally located to the south of Dock Road, on the south shore of Kempenfelt Bay, with frontage on a local municipal road allowance known as Plunkett Court in a low density residential subdivision now under construction.

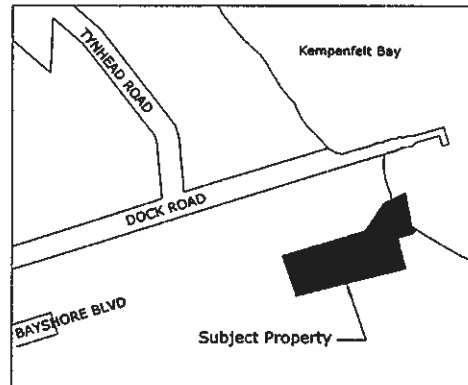
8. Surrounding Uses include:

North - Open Space, Dock Road, Single Family Residential

East - Kempenfelt Bay

South - Open Space, Single Family Residential

West - Single Family Residential



Existing Policy

9. The subject lands are designated Residential in the City of Barrie Official Plan. The policies that are applicable to the subject property were established through the Bayshore Secondary Plan which was adopted as Official Plan Amendment No. 29. The policies of the Secondary Plan prevail in the event that any development provisions are in conflict with the City's Official Plan document.

10. Zoning By-law 85-95 identifies the subject lands as One Family Detached Dwelling First Density (R1) which permits a single family residential dwelling on a large lot with a minimum frontage of 22m.

Background

11. The Official Plan Amendment and rezoning applications were submitted by Rick Jones of the Jones Consulting Group Limited on behalf of the owner Joseph Santos. On April 4, 2008 the applicant was advised by written correspondence that the applications were considered complete for the purpose of holding a public meeting, however, it was noted that additional supporting information may be required to further consider the proposal.

12. The applicant held an open house for the proposed development on May 22, 2008 conducted by his planning consultant at the Southshore Community Centre. The open house consisted of a presentation and display of the plan for a proposed (3 to 4 storey) walk-up apartment building on the subject lands.

13. In support of this application, the following studies were submitted:
- a) **Planning Justification Report** (Dec. 2007) provides a review of the property characteristics and surrounding lands as well as the planning policy basis and opinion of Jones Consulting for the applications to be approved as residential intensification. A detailed design proposal was included as an Appendix to the report.
 - b) **Geotechnical Investigation** (Nov. 2007) related to slope stability and structural requirements for foundation design through the analysis of borehole samples taken from the subject property. The study recommends that a 20m setback from the proposed apartment building to the shoreline. This is a technical background study on the prospect of building at this location, however, does not address the environmental impacts associated with the proposed development on the Lake Simcoe shoreline.
 - c) **Functional Servicing Brief** (Feb. 2008) proposing that water and sewer connections be through the municipal services constructed on Plunkett Court in the low density residential subdivision known as 'Lakeside Cove'. The subject lands have frontage and access on Plunkett Court for the purpose of development. Storm water management and retention is proposed on site with release into Lake Simcoe.
 - d) **Traffic Impact Statement** (Feb. 2008) summarizes intersection activity and projected trips generated by the proposed apartment complex. The report concludes that no adverse impacts will result from this development.

Public Meeting

14. A Public Meeting was held on June 2, 2008 for the applications. Rick Jones of Jones Consulting Group presented the proposed development concept.
15. Mr. Jones predicated his support for the application based on the policies of three main planning documents, including the Provincial Policy Statement (2005), Places to Grow (2006) and the City of Barrie Official Plan. In brief, the presentation included reference to the following:
- a) The Provincial Policy Statement which promotes strong community development with a focus on compact urban form and promoting the use of existing infrastructure.
 - b) Places to Grow which emphasizes the creation of a complete communities including diversity of housing types and mixed uses.
 - c) The Bayshore Secondary Plan which identifies limited medium density residential development in the Secondary Plan Area in the range of 15% in comparison to 85% low density residential development.
 - d) The amendment to Zoning By-law 85-95 for the design and placement of the proposed 24-unit apartment building complies with the setback, lot coverage and parking provisions for the Residential Multiple Family (RM2) Zone.
16. Numerous comments were received from the public by written correspondence, and verbally by representation at the Public Meeting. The most prominent concerns include the following:
- The opinion of Jim Lethbridge, a professional planner retained by the developer of Lakeside Cove, the low density residential subdivision by which the subject lands gain their local road access and municipal servicing. In Mr. Lethbridge's opinion the subject applications do not

meet Places to Grow policy. In his letter of May 22, 2008, Mr. Lethbridge commented as follows:

"The area is planned as a low density residential community which generally anticipates single family detached units adjacent to Kempenfelt Bay.

It has been suggested that the subject site is an appropriate site for intensification in response to the Provincial Policy Statement. In my opinion, the Provincial Policy Statement is not intended to ignore issues of compatibility and protection of community character. The proposed apartment building and large surface parking area dramatically contrasts to the surrounding existing and planned community in terms of built form massing and on-site activities and therefore is not compatible. A more appropriate location for this type of development may be within the Proposed Downtown Barrie Urban Growth Centre as defined by the Spring 2008 Technical Paper of the Ontario Growth Secretariat but not at this residential low density location".

17. Other comments received in writing or at the public meeting included:
- Purchasers of lots in the adjacent Lakeside Cove who had researched the planning policy and the existing and intended low density residential character of the area purchased their homes on that basis. The increase in density does not meet the intent of the Bayshore Secondary Plan.
 - The proposed development is not suitable for the waterfront area or compatible with the single-family residential neighbourhood.
 - Approving increased density in this location may create a precedent for other development in the area.
 - Increased traffic, noise, and noise pollution from service vehicles for waste and recycling.
 - The applicant is not party to the Hewitt's Creek Cost Sharing Agreement for the provision of sanitary sewer services to the site.
 - With the location of the property adjacent to parkland on both the north and south, the subject property should be rezoned for parkland and continue that land use to preserve the shoreline in City ownership.
 - Larger buildings may obstruct the view of natural areas and waterfront.
 - Concern with the general environment including impacts on Lake Simcoe water quality, shoreline protection, loss of wildlife, less greenery and potential for water pollution from gardening chemicals.
 - Two speakers at the public meeting were in support of the applications citing the need for higher end condominium developments in the City of Barrie due to people moving from the GTA and the opportunity for seniors' homes.
18. Of the responses received for this application, including six public meeting presentations and approximately thirty-five written submissions, 95% of the respondents were in opposition to the applications and 5% in favour of the project in this location.

Agency Circulation

19. The Lake Simcoe Region Conservation Authority (LSRCA) advised that they will not comment until the appropriate studies are submitted for review, including a coastal engineering study.
20. The Engineering Department advised that if approved, the rezoning should have a holding symbol (H) until the applicant addresses a number of site servicing conditions including a detailed Hydrogeological Study due to the high ground water table.

Ontario Municipal Board Appeal

21. The Official Plan and rezoning applications for the subject site were appealed to the Ontario Municipal Board on December 24, 2008 because the City had not made its decision on the proposal within 120 days of the application being considered complete.
22. At the time of submission of this application the City was in the process of undertaking a study to develop a comprehensive Intensification Strategy. The applicant was advised by correspondence dated October 3, 2008 that a staff report and recommendation on the subject application would be submitted to General Committee following Council's consideration of the Intensification Study.

POLICY PLANNING FRAMEWORK

23. The following provides a review of the applicable provincial policies, as well as the City's Official Plan, the Bayshore Secondary Plan and the Intensification Strategy.

Provincial Policy

24. Provincial policy initiatives for intensification include provisions in the Provincial Policy Statement (2005) and in Places to Grow (2006). The Provincial Policy Statement (2005) defines Intensification as the development of a property, site or area at a higher density than currently exists through:
 - a) Redevelopment, including the reuse of brownfields sites;
 - b) The development of vacant and/or underutilized lots within previously developed areas;
 - c) Infill development; and
 - d) The expansion or conversion of existing buildings.
25. The "Places to Grow – Growth Plan for the Greater Golden Horseshoe" was released by the Ministry of Public Infrastructure Renewal in 2006. In brief, the goals of the Growth Plan include a reduction in urban sprawl by providing opportunity for intensification in existing built-up areas. The intent of these policies is to protect significant environmental features and agricultural lands, and promote the wise management of resources through utilizing existing services and transportation infrastructure.
26. The Places to Grow Act requires affected Municipal Official Plans to be brought into conformity with the Growth Plan. The implementation of this Plan requires municipalities to identify intensification areas that can support the defined intensification targets for the community, and managing that growth by focusing intensification in the areas identified.

Official Plan – City of Barrie

27. The subject lands are designated as Residential in the City's Official Plan. This Plan includes the following goals and policies:

4.2.1 Goals

- *To guide the formation of residential planning areas which foster a sense of neighbourhood and belonging for their residents.*

The subject lands are situated at the north westerly periphery of the Bayshore (Secondary) Planning Area, below the Algonquin Ridge – glacial shoreline of Algonquin Lake. The Algonquin Ridge is designated as "Open Space and Environmental Protection Area" on the Land Use Schedule 2 of the Bayshore Secondary Plan (Figure 1). This land use designation has been recognized in the subsequent approvals of plans of subdivision in the Bayshore Planning Area and can be seen in the attached Figure 2.

This area has been planned for via the Residential Low Density designation per Schedule 2 of the Bayshore Secondary Plan and is characterized by the existing and approved low density residential area as illustrated in Figure 3. Any of the residents who selected this area as their neighbourhood after researching and relying on the City's planning documents, would have been advised of the area's planned and intended character as Low Density residential.

4.2.2.3 LOCATIONAL CRITERIA

- (a) *Provided all other policies of the Official Plan are addressed, medium density development should locate close to parks, schools and local commercial facilities and along arterial or collector roads or where access is not obtained through a local roadway. (Emphasis added)*

The subject lands have frontage on a local cul de sac road (Plunkett Court), designed as part of the Melia (Lakeside Cove) subdivision, upon which are located larger frontage waterfront lots (homes to be constructed) and single detached residential R2 lots, the largest serviced residential lot zone in the City of Barrie. Approval of the subject application for medium density residential would not be in keeping with the intent of this policy, which has been adhered to elsewhere in the Bayshore Secondary Plan area.

4.2.2.4 GENERAL DESIGN POLICIES

- (d) *Council will continue to encourage the maintenance and improvement of the character, and appearance of existing residential areas.*

The character of the existing residential area in which the subject application has been made is shown in Figures 2 and 3. Maintaining the low density residential character of this area is best achieved through the consistent application of a single detached low density (R2) zoning on this last remaining residential property to be integrated with the surrounding and adjacent low density subdivision.

4.2.2.7 SECONDARY PLANNING AREAS

- (a) *BAYSHORE SECONDARY PLANNING AREA (Official Plan Amendment 29 as approved by the Ministry of Municipal Affairs July 11, 1988)*

Development in this Secondary Planning Area will be allowed to proceed in accordance with the Bayshore Secondary Plan.

This is the City planning document that would serve as the basis of information made available to those enquiring about the planned development in the Bayshore Secondary Plan area. The subject lands are designated on the Land Use Schedule (2) the Secondary Plan as "**Residential Low Density**". The location of the 2 planned Medium Density designations are shown on the Land Use Schedule of the Secondary Plan as being located on either side of the now constructed Arterial Road, known municipally as Hurst Drive.

As shown on Figures 2, 3 and 4 (Existing Zoning), development has proceeded on the basis of the land use designations and policies contained in the Secondary Plan. Approval of the subject application for Medium Density would be contrary to the intent of the Secondary Plan.

Bayshore Secondary Plan

28. The purpose of the Bayshore Secondary Plan

"is to establish development policies for the orderly development for the Bayshore Planning Area." As well as guidelines and policies for development, land use patterns, densities of residential development, the transportation system and servicing scheme."
29. The Concept Plan designates 2 **Medium Density** locations in keeping with the locational characteristics of being on an Arterial Road.
30. Each of the 2 Medium Density designations in the Secondary Plan are located on either side of the Hurst Drive arterial road and have been developed in keeping with their designation in the Secondary Plan and the Plan's locational characteristics for medium density residential.
31. The first Medium Density designation is situated on the west side of Hurst Drive (Bruce Crescent), zoned Multiple Family Residential RM2, and now occupied by townhousing, which is served by a small convenience commercial plaza abutting to the north. This site is serviced by 2 Barrie Transit routes, the Hurst and Bayview bus routes.
32. The second Medium Density designation is situated on the east side of Hurst Drive and west of Lover's Creek, zoned Multiple Family Residential RM2, and now occupied by Tollendale Village, an aging in place retirement community, consisting of some 443 residential units and long term care beds. The Tollendale Village medium density site is recognized in the supporting Planning Justification Report prepared by Jones Consulting in the comment that "The Santos property is compatible with two other smaller areas dedicated as 'Residential Medium Density' to the west because the original Secondary Plan devoted a minimal amount of land to this designation, these areas have long been developed" – Pg 8. The Tollendale Village site is serviced by Barrie Transit's Hurst bus route.
33. The 2 existing medium density sites are a kilometre removed from the subject lands and as such are not considered material to the more relevant question of compatibility with the policies and characteristics of the neighbourhood in which the subject lands are located.
34. With respect to the subject (Santos) application, Planning staff are of the opinion that the orderly development envisaged by the Bayshore Secondary Plan is best realized through retaining the long standing, existing Low Density Residential land use designation, recognizing the transportation system which the subject lands access is a local cul de sac road.

2.2 GOALS AND OBJECTIVES

General

- a) *To ensure that the plans of subdivision and development/redevelopment proposals for the Bayshore Planning Area are designed in accordance with an accepted community structure and effectively integrated with existing development to minimize disruptions to present residents.*
35. The proposed introduction of a medium density apartment at this location with direct access to the local road system is inconsistent with the planned and as built community structure of low density residential.

2.2.2 OBJECTIVES

- a) *To protect the character and identity of existing residential areas.*
36. As can be seen from Figure 3, the character of the existing and planned residential area including the Melia (Lakeside Cove) registered residential plan of subdivision is low density. The area has been planned pursuant to the Secondary Plan policies and their implementation, through detailed design, to create a character and identity of low density, large serviced residential lots.
37. Approval of the subject applications would not meet the intent of this Secondary Plan policy.
38. The subject application is located in an existing and registered large serviced lot subdivision, which is the planned and appropriate housing type and density for this area, offering that housing choice in addition to the other planned and available housing types elsewhere in the City.

2.2.3 CONCEPT PLAN

- a) *The Bayshore Planning Area will be primarily a low density residential community with selected multiple housing areas. The Land Use designations are shown on Schedule A to the Amendment.*
39. The Bayshore Secondary Plan gave consideration to the appropriate locations for medium density housing in the preparation of the approved Land Use Schedule (Figure 1) and designated 2 *Medium Density* sites as previously described on either side of the Hurst Drive arterial road.
40. Once the appropriate location of a medium density site is determined there are specific residential policies in the Bayshore Secondary Plan related to design matters (2.4.1.2 g), i) and m).
41. To the extent that additional sites are proposed in the Bayshore Secondary Plan area, the evaluation of their site specific merits should include the locational characteristics of medium density as referenced in the Official Plan.
42. As noted in the Intensification Strategy, Planning staff anticipate consideration of intensification applications outside of the 4 areas of focus as defined in the Provincial Growth Plan. Such consideration is dependent on their site specific merits and locational characteristics. The City has recently received another OPA and rezoning application in the Bayshore Secondary Plan Area, for intensification at the intersection of Hurst Drive and Big Bay Point Road (both arterial roads) for a redesignation from General Commercial to Medium Density Residential and rezoning to Multiple Family Residential RM2 for a proposed 58 unit townhouse development. The latter application is scheduled for a public meeting to be held on June 1, 2009. The above application serves as an example of the City's ongoing willingness to consider applications outside of 4 areas

of focus as identified in the Intensification Strategy, subject to the consideration of their site specific merits.

2.2.4 LAND USE POLICIES

2.4.1.1 General Residential Policies

- b) *A range and variety of dwelling unit types shall be encouraged to accommodate the income groups expected in the Bayshore (Planning) Area including retirement dwellings. The approximate housing mix shall be as follows:*

<i>Low Density Residential</i>	<i>1824</i>	<i>85.1%</i>
<i>Medium Density</i>	<i>320</i>	<i>14.9%</i>

The current low and medium density count (%) in the Bayshore Area is as follows:

Low Density Residential 1981 81.7%

Medium Density Residential

i) Tollendale Village (medium density units only)	210 units
Tollendale Village Phase 5 – long term care	160 beds
ii) Bruce Crescent townhouses	73 units
Total units/% (including long term care beds)	443 (18.3%)

43. The existing unit counts have exceeded the Secondary Plan's anticipated mix. Even if that were not the case, as reported in the Intensification Strategy, it does not fall to a sheer mathematical exercise, where the last few remaining properties in a Secondary Plan area are somehow entitled, by default, to approval of a higher density housing form than envisaged by a Secondary Plan's land use designations and policy framework.

2.4.1.2 Specific Residential Policies

- c) *New residential development shall recognize the existing pattern of development.*

44. The existing pattern of development is clearly established in the form of the low density residential development as constructed in the Bayshore Phase 3 subdivision abutting to the west of the Melia subdivision and in the continuation of this low density residential in the registered Melia (Lakeside Cove) under construction. This is in fulfilment of the intent of the Bayshore Secondary Plan area.

The subject Santos application would not satisfy the intent of this policy.

- o) *In recognition of their wooded characteristics and proximity to natural open space the area north of the Algonquin ridge and the areas east and west of the Hewitt's Creek Valley shall develop at a lower density than the balance of the Secondary Plan area which is devoid of any vegetation and is in close proximity to the railway.*

45. This is a pivotal policy of the Bayshore Secondary Plan as evidenced by the character of this area including the existing built and approved residential form and the unique circumstance of a "no cut" zone along 0.5 kilometres of Dock Road.
46. Figures 2 and 3 clearly illustrate the implementation of this policy with the lower density residential development evident below the Algonquin ridge in both the as built Bayshore Ridge Phase 3 subdivision as prepared by the Jones Consulting Group and the registered Melia (Lakeside Cove) subdivision.
47. The staff report on the Bayshore Ridge Phase 3 subdivision (PD(P)083/97 dated December 8, 1997) contained the following statements and conditions:

"Based on information provided by the Jones Consulting Group, the proposed draft plan appears to be in full conformity with the policies of the Secondary Plan. The plan proposes a residential density of 27.5 units per gross residential hectare. The plan proposes 11.6 units/net residential hectare. The secondary plan requires a density of between 27 – 29 units per gross residential hectare and a maximum of 20 units/net residential hectare" – para 49.

"The secondary plan requires specifically that the lots having direct frontage on Dock Road all have a minimum frontage of 18.3m (60 ft.). The subdivision plan reflects these required frontages" para 50.

"The secondary plan requires that a continuous open space linkage be provided along the Algonquin Ridge"- para 51. One of the special conditions of subdivision approval requires "any lots abutting lands zoned Environmental Protection EP to have a minimum lot frontage of 15m, a minimum lot area of 750m and a minimum rear yard of 10m." Another of the special conditions is "that the owner pays \$50,000 for the purpose of implanting of the no-cut zone."

48. The above statements and conditions demonstrate that the Bayshore Ridge Phase 3 subdivision was designed and constructed in fulfilment of the Bayshore Secondary Plan policy 2.4.1.2 o) that the area north of the Algonquin ridge be developed at a lower density. This has been characterized by larger lots as noted and special attention to preserving the no-cut zone that establishes a unique treed buffer along the northern periphery of the Bayshore Phase 3 subdivision.
49. The staff report on the Melia subdivision (PLN027-06 dated June 12, 2006) contained the following under Analysis:

"The plan of subdivision is comprised of all low density development which is compatible with the existing low density development surrounding the property. The plan of subdivision proposes a gradation in the low density development by containing the larger lots to the waterfront with the progressively smaller lots (15m frontage) radiating out to the area of existing development" – para 32.

"All of the assessment and analysis to date is intended to support the proposed plan for development in terms of the protection and preservation of Kempenfelt Bay and the adjacent existing waterfront vegetation and slopes. In addition, the Draft Plan conditions provide for protection of existing vegetation along Dock Road and the re-establishment of tree species in the Stormwater Management area of the Plan. The Melia Corporation proposal is intended to meet the 'Natural Features Policies' of the Secondary Plan" – para 42.

"The no-cut zone along Dock Road that would be adjacent to proposed residential development, with lots 81, 82, 35 and 36 being zoned Environmental Protection EP. This area is not considered as part of the parkland dedication and as such would have the EP zone. This is to serve as a continuation of the existing treed buffer along Dock Road" – para 54.

50. The above statements demonstrate that the Melia subdivision was designed and will be constructed in fulfillment of the Bayshore Secondary Plan policy 2.4.1.2 o), with larger lots and a continuation of the treed buffer area that serves as the entrance to Plunkett Court – a unique low density cul-de-sac characterized by the larger waterfront lots on the north side of Plunkett and minimum 15m frontage lots on the south side of the street.
51. The subject application would not satisfy either of the special residential policies 2.4.1.2 c) or 2.4.1.2 o) recognizing the planned and existing pattern of development.

Intensification Strategy

52. The Planning Department has prepared an Intensification Strategy as part of the City's overall growth management plan as one measure of conformity with the Provincial Policy Statement and the policies of the Growth Plan.
53. The Draft Intensification Study was presented at the General Committee Meeting on October 28, 2008. The Intensification Strategy was approved by Council on May 4, 2009.
54. The City recognizes the need under Provincial documents and its own Official Plan to provide a planning framework to enable the provision of a full range and variety of housing types, from large single detached houses in planned and established low density residential neighbourhoods to high rise apartment buildings in its Urban Growth Centre. The City has a demonstrated record in having provided a range of housing from the low density residential category to the high density residential category in all quadrants of the City and has supported densities at and beyond the Zoning By-law's existing maximum medium and high density limits. The City's subdivision, site plan and building permit activity illustrate this point.
55. At the same time the City needs to plan for and maintain low density residential areas/neighbourhoods, characterized by single detached housing, sometimes with historic larger lots, and often with the typically largest, serviced, single detached housing R2 zoning (minimum 15 metre frontage). These areas are intended to offer the choice of being able to buy a home in such an area with an expectation of some stability in its built form and character. This approach enables existing and future residents the opportunity of selecting a housing form and tenure suited to their income and expectations of their living environment.
56. As can be demonstrated through a review of the City's Zoning By-law, its history of planning and development application approvals, and the Intensification Strategy, the City has provided for the full range of housing types and densities, ranging from large serviced lot subdivisions, mixed density residential areas, through to mixed use areas including high rise, high density residential in the Urban Growth Centre with planning permissions for buildings of up to 25 storeys. This has enabled a choice in the character and identity of the City's residential planning areas.
57. The Planning Justification Report proposes the subject application as residential intensification.
58. The Intensification Strategy as approved by Council identifies specific Intensification areas of focus in keeping with the Provincial Growth Plan. Where residential intensification is proposed, outside these areas the merits of these applications will be evaluated on the basis of the Planning Policy Framework of the PPS, the Growth Plan, the City's Official Plan and Secondary Plans as appropriate. The Intensification Strategy includes policies that will assist in evaluating these types of development applications by directing them to suitable areas and establishing criteria for evaluating applications outside of the identified areas of focus.
59. The Vision Statement for intensification in the City of Barrie as contained in the Intensification Strategy is as follows:

The City of Barrie will encourage new development in the higher density categories in appropriate areas throughout the municipality while continuing to support the integrity of stable neighbourhoods. It is anticipated that the majority of residential and employment intensification will occur within the City's Urban Growth Centre with additional intensification occurring in appropriate nodes and corridors. Higher density uses will be of a high quality design and will encourage a mix of uses.

Statement of Principles

- *The City's focus on intensification will be directed to the four categories of the Urban Growth Centre (UGC), Intensification Nodes, Intensification Corridors and Major Transit Station Areas.*
 - *Where intensification projects are proposed outside the areas identified in the Official Plan, these projects will be assessed on their site specific merits based on the locational criteria in the Official Plan and their impact on surrounding land uses. Evaluation criteria include:*
 - i) The scale and physical character of the new proposed development and its integration with the character of the surrounding area/neighbourhood.*
 - ii) The adequacy of physical infrastructure, transportation facilities and community services.*
 - iii) The availability of public transit.*
 - iv) The impact of approving an intensification application on the ability to achieve increased densities and associated benefits elsewhere in the City where it is being focused.*
 - v) Sensitive high quality urban design.*
 - vi) The long term liveability and sustainability of the housing project.*
 - vii) The preservation of heritage resources.*
60. The subject lands are significantly removed from the City's Urban Growth Centre (UGC), the intensification nodes and corridors network and the Major Transit Stations Area as identified on Schedule A of the Intensification Strategy. Therefore a review of the application will be based on its locational characteristics, being on the periphery of the Bayshore Secondary Planning Area.
61. The 2 existing medium density residential sites in the Bayshore Planning Area satisfy the Intensification Strategy's locational characteristics of being located adjacent to an arterial road system supported by public transit.
62. The subject application proposes the development of a higher density residential development in an area that has been planned and developed for over a decade as a predominately lower density residential area. The subject application does not comply with the intent of the Intensification Strategy for the favourable consideration of residential intensification applications outside of the intensification areas of focus.
63. The nearest linkage to a transit route is on Hurst Drive, over 1 km from the subject site which is not considered to be in close proximity. The intent of providing opportunities for higher density development along transit routes is to encourage ridership of public transit thereby increasing efficiencies for this service, reducing public dependence on the automobile and reducing the associated impacts on the environment. This application will fail to achieve any of these goals.
64. The Provincial Policy Statement, Growth Plan and the Intensification Study also encourage mixed use communities to give people the opportunity to live, work, shop and play within their own neighbourhoods. Neighbourhood commercial uses are not in the vicinity of the proposed development and higher order commercial uses, such as a grocery store, would likely require vehicular transport as they are approximately 2.5 km from the property. The absence of public transit routes or pedestrian and bicycle linkages in this area further detract from this use.

Alternative Development Concept (as prepared by City Staff)

65. Figure 5 illustrates conceptually how the subject lands could be developed for more than a single family residence on the subject lands under the Residential Second Density Zoning (R2) which is the minimum zoning category in the Melia (Lakeside Cove) subdivision.
66. Staff note that this alternative has been prepared for illustrative purposes and would require consideration of a formal consent application to the Committee of Adjustment to determine the actual number and configuration of lots.

Servicing

67. Any residential development of the subject lands would require construction of and connection to municipal services available via Plunkett Court in the Melia (Lakeside Cove) subdivision to the west. A Functional Servicing Brief was submitted with the applications, however, it was determined that more detailed information would be required for a full evaluation of stormwater management including the impact on the Lake Simcoe shoreline. It should also be noted that municipal sewer works would be provided per Hewitt's Creek Sanitary Sewer system. The applicant would need to coordinate and contribute to this cooperative venture before permissions were granted for connection.
68. The subject lands have site access on the local municipal road allowance identified as Plunkett Court. In accordance with the City of Barrie Official Plan (2006), Plunkett Court is designated as a "future collector road". Plunkett Court was developed as part of the adjacent Melia (Lakeside Cove) plan of subdivision and the lotting pattern associated with the Melia development prevents the extension of Plunkett Court south to meet Crimson Ridge Road as demonstrated on Schedule D of the City's Official Plan. Staff have verified that without a connection between these two roads, the "future collector" designation is negated. It is therefore recommended that the future collector road designation be removed from Plunkett Court.

Minutes of settlement – Melia OMB Hearing (February 13, 2007)

69. Melia referred its subdivision and rezoning applications to the OMB. Santos initially sought party status and later withdrew from the hearing having satisfied their interests with respect to a land exchange between the City and Santos, access to Street One (since named Plunkett Court) and future servicing of the Santos lands via Plunkett Court. The minutes of settlement between the City of Barrie and Santos make several references to the Santos lands being used "as a single family residence". The reference to the Santos lands being approved for "redevelopment beyond use as a single family residence" specifically includes the word "**if**" (**emphasis added**).
70. Nowhere in the minutes of settlement is it intimated or somehow conveyed that there is an entitlement of medium density development in the form of the subject application or another form. The minutes of settlement did not relieve Santos of the requirement to follow due process and file an application under the Planning Act. Staff note that the creation of an additional single detached lot through a consent application to the Committee of Adjustment could technically satisfy the wording of the minutes of settlement for "redevelopment beyond use as a single family residence."

ENVIRONMENTAL MATTERS

71. The following environmental matters have been considered in the development of the recommendation:
 - a) Additional policies in the Provincial Policy Statement, Section 3.3.1, refer to hazard lands, and the restrictions to be placed on development within and in proximity to significant

features such as shorelines. An environmental analysis of the site, including a coastal engineering study to the satisfaction of the Lake Simcoe Region Conservation Authority is required before the Authority is able to comment on the subject Official Plan Amendment and Rezoning applications per the letter from LSRCA dated May 28, 2008.

- b) The Lake Simcoe Protection Act (2008) is the most recent legislation to be released for the protection of Lake Simcoe. The corresponding Plan is still in the draft stage, however, a 30m setback from the shoreline is proposed for building and construction. The concept plan submitted in support of the application identifies the proposed building setback as only 20m. In addition, through this evaluation, the property under whatever development is eventually realized could be subject to a dual zoning that includes Environmentally Protected (EP) lands currently identified as shoreline protection by the LSRCA.

ALTERNATIVES

72. There are two alternatives available for consideration by General Committee:

Alternative #1

General Committee could approve the proposed Official Plan and Zoning By-law permissions for increased density on the subject site.

This alternative is not recommended as the subject applications are not considered to satisfy the Policy Planning framework as described in this staff report.

Alternative #2

General Committee could refer the proposed recommendation back to staff for further investigation.

This alternative is not recommended as the application has been appealed to the Ontario Municipal Board, with a hearing date set for July 6, 2009 and the City needs to have a position on the development applications prior to the hearing taking place.

FINANCIAL

73. As this application has been appealed to the Ontario Municipal Board, legal costs and staff time would be needed to represent the recommendation of Council at the hearing.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

74. The recommendations included in this Staff Report support the following City Council's Strategic Priority:

- Ensure a Balanced Approach to Growth Management

Attachments: Figure 1 – Schedule 2 Land Use
Figure 2 – Site Area
Figure 3 – Subject Lands & Existing Lot Pattern
Figure 4 – Existing Zoning
Figure 5 – Low Density Concept Plan

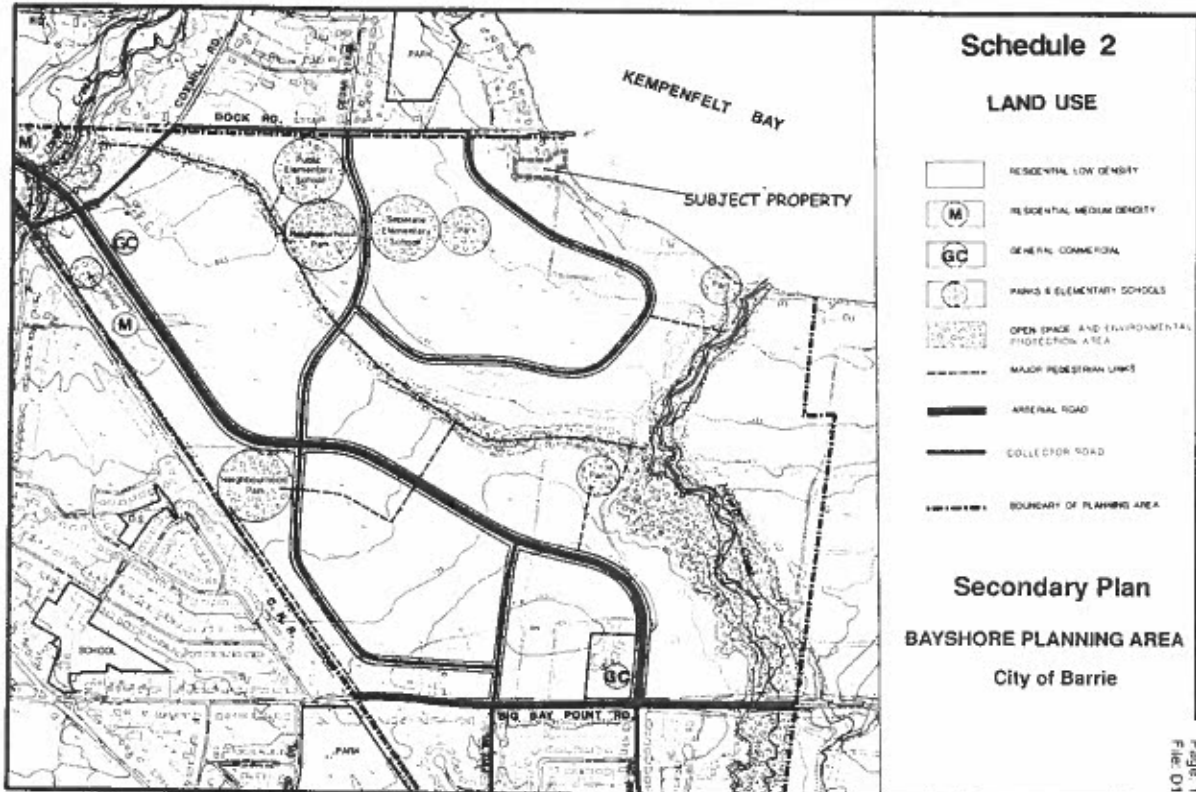


FIGURE 1

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Figure 2

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Site Area





Figure 3

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Subject Lands &
Existing Lot Pattern
of the Mella
(Lakeside Cove
Registered
Plan)



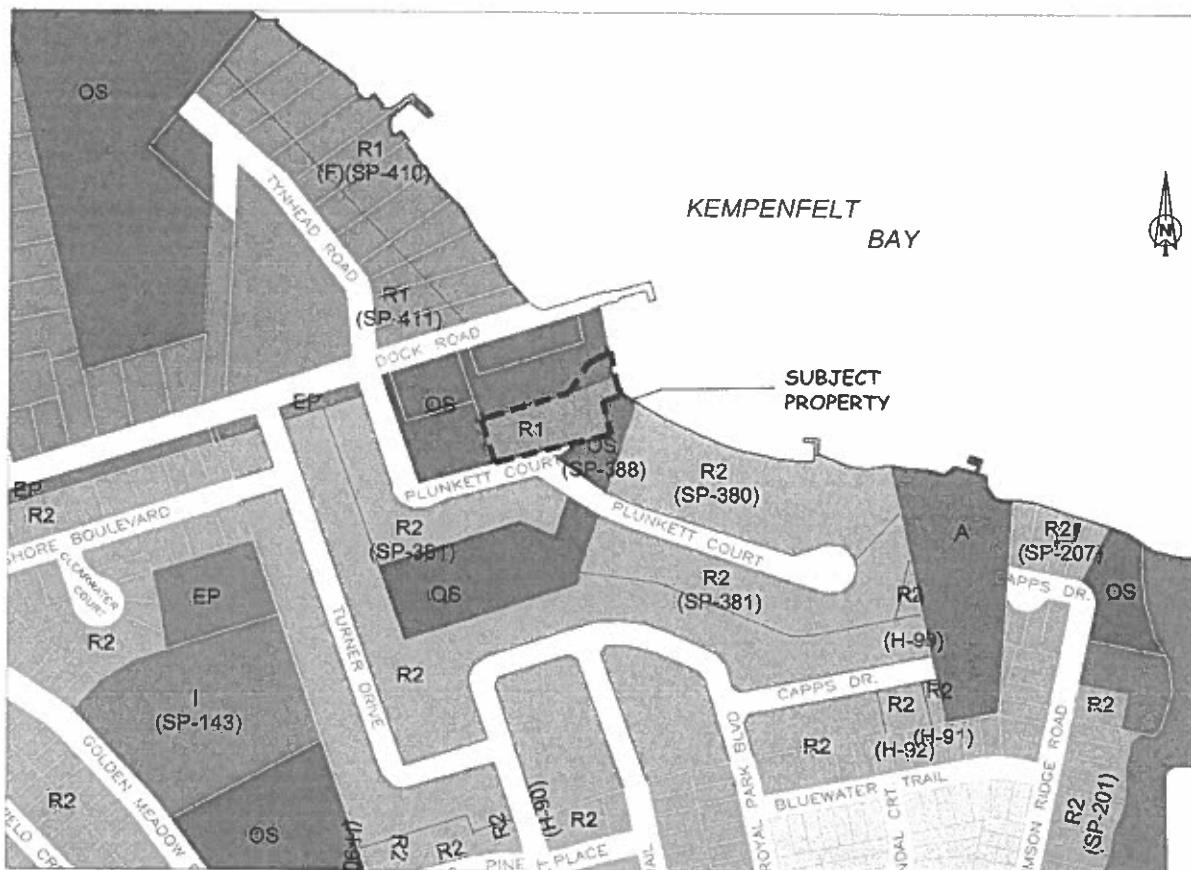


FIGURE 4-Existing Zoning

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Santos 200C Dock Rd




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Figure 5

**Low Density
Concept Plan**

-  Conceptual Lot Configuration
-  Subject Property
-  Shoreline Set-back LSRCA

