


TO: GENERAL COMMITTEE


SUBJECT: ZONING BY-LAW AMENDMENT FOR 220 BRADFORD STREET FROM
GENERAL COMMERCIAL TO TRANSITION CENTRE COMMERCIAL

WARD: 2

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

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

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 Celeste Phillips Planning Inc. on behalf of Joscona Ltd. in trust for VitaJoe Ltd., to rezone the lands municipally known as 220 Bradford Street from General Commercial (C4) and Residential Multiple Second Density (RM2) to Transition Centre Commercial with Special Provisions and a Holding Zone (C2-2)(SP-492)(H-124), be approved as illustrated in Appendix "A" to Staff Report PLN021-13 (D14-1555).
2. That two Special Provisions listed as a) and b) below, requested by Celeste Phillips Planning Inc. on behalf of Joscona Ltd. in trust for VitaJoe Ltd., as part of the rezoning application for the lands municipally known as 220 Bradford Street be approved as follows:
 - a) A reduced parking standard for the residential units from 1.5 spaces per unit as required in Section 4.6 of Zoning By-law 2009-141 to 1.2 spaces per unit.
 - b) The stepping provision standards for increased side yard setbacks depending on the height of the main building outlined in Section 6.3.1 of Zoning By-law 2009-141 would not apply to the required side yard setbacks of 3 metres.
3. That the Special Provision requested by Celeste Phillips Planning Inc. on behalf of Joscona Ltd. in trust for VitaJoe Ltd. for a reduced ground floor commercial component in the proposed residential apartment building on the lands municipally known as 220 Bradford Street, from 50% (1,718.1m²) of the lot area as required in Section 6.3.2 of Zoning By-law 2009-141, to approximately 3.63% (124.9m²) of the lot area, be denied.
4. That the By-law for the purpose of lifting the Holding Zone from the Zoning By-law Amendment as it applies to the lands municipally known as 220 Bradford Street, shall be brought forward for approval once the owner provides the following to the satisfaction of the City of Barrie:
 - a) An Air Quality and Noise Report with recommendations that clearly examine the impacts of introducing the proposed residential apartment building into the recommended Ministry of Environment Separation Distance from the City of Barrie Wastewater Treatment Plant (WwTP). The recommendations must include, but not be limited to, construction measures for the proposed building at 220 Bradford Street to mitigate any

- impacts from the WwTP without placing undue hardship on the City or restricting the current and future operations of the WwTP;
- b) The owner shall acknowledge and agree to a warning clause being placed on title, and subsequently placed in all agreements of purchase, sale and lease, to identify that the building is in close proximity to the City's WwTP and from time to time, activities at the plant may impede the enjoyment of the property;
 - c) Acknowledgement that a Record of Site Condition has been accepted by the Ministry of the Environment for the introduction of a sensitive land use on the lands municipally known as 220 Bradford Street;
 - d) Detailed urban design for the site at submission of the Site Plan Control application, including but not limited to, modified stepping provisions, low impact development techniques for stormwater management and exploration of opportunities for non-traditional amenity space such as green roofs; and
 - e) The owner's execution of a Site Plan Agreement with the City.
5. That pursuant to Section 34(17) of the Planning Act, no further public notification is required with respect to this amendment as proposed.

PURPOSE & BACKGROUND

Report Overview

6. The purpose of this staff report is to recommend an application to rezone the lands known municipally as 220 Bradford Street from General Commercial (C4) and Residential Multiple Second Density (RM2) to Transition Centre Commercial with Special Provisions and a Hold (C2-2)(SP-492)(H-125). The property is located in the Urban Growth Centre (UGC) and is in close proximity to the City's Wastewater Treatment Plant (WwTP).
7. If approved as submitted, the rezoning would permit the development of a residential apartment building (proposed for 13 storeys) with a small ground floor commercial component (124.9m²) as shown in the concept provided by the applicant, attached as Appendix "B" to Staff Report PLN021-13. Staff have recommended the approval of the project in principle, with the exception of the significantly reduced commercial component. The proposed development represents an intensification project with a residential density of approximately 294 units per hectare.

Location

8. The subject property is known municipally as 220 Bradford Street. The site is currently vacant and is approximately 0.34 hectares in size with 31.6 metres of frontage on Bradford Street. The previous use of the property was for automotive sales and service.

Surrounding Land Uses

9. The property is generally surrounded by the following:

North

Residential single detached and commercial conversions of single detached dwellings.

East

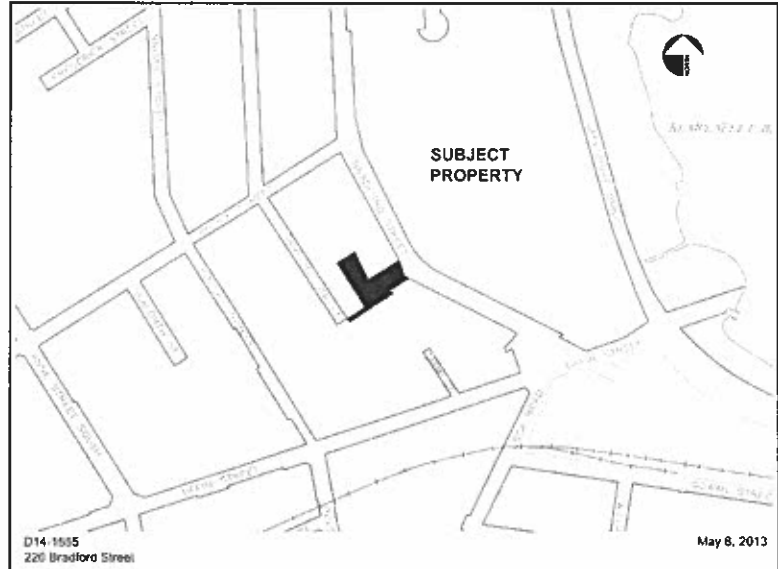
Bradford Street, City of Barrie Wastewater Treatment Plant (WwTP).

South

Hotchkiss Creek, service commercial uses

West

Single detached residential development zoned RM2.



Existing Policy

10. The property is designated City Centre Area in the City's Official Plan. This designation encourages residential and mixed use development. The Official Plan policies for the UGC promote the City Centre's continued growth and vitality as a multi-functional centre serving the City of Barrie and the broader region, including the establishment of a strong and diverse residential population base.
11. The majority of the property is currently zoned General Commercial (C4), which permits a wide range of commercial uses defined in the City's Zoning By-law. Residential uses are permitted as accessory to the main commercial use, however large scale residential developments such as that proposed are not permitted as-of-right in the General Commercial zone.

Background

12. The submission was considered complete for circulation on May 6, 2013.
13. To date, the applicant has provided the following studies and reports in support of the subject application:
- a) Planning Justification Report (January 31, 2013), Letter Update (September 6, 2013)
 - b) Air Quality and Noise Assessment (May 3, 2013)
 - c) Functional Servicing Report (January 23, 2013)
 - d) Preliminary Stormwater Management Report (February 1, 2013)
 - e) Traffic Impact Study (January 23, 2013)
 - f) Phase 1 Environmental Assessment (November 30, 2012)
 - g) Shadow Impact Study (January 2013)

Public Consultation

14. The application was presented to General Committee at a public meeting held on June 10, 2013. Several inquiries and written submissions were received by staff, and two citizens spoke at the Public Meeting. The concerns raised included traffic generation and the height of the building.

Departmental and Agency Comments

15. The application and supporting studies have been circulated to the required agencies and departments for comment.
16. Engineering:
Preliminary comments include requirements for detailed investigation of servicing and stormwater management through the Site Plan Control process. The site is within the 2 year Wellhead Protection area and is therefore subject to Source Water Protection policies. In addition, a road widening may be required along Bradford Street to implement the recommendations of the Multi-Modal Active Transportation Master Plan which is expected to be considered by Council before the end of 2013. This Master Plan currently identifies that a road allowance widening in the order of 6.0 metres +/- in width at the most northerly limit of property of the subject property, tapering to the south limit, will be needed. Transportation Engineering has confirmed that only one access to the site will be permitted from Bradford Street.
17. Environmental Operations:
The Environmental Operations Department provided a review of the Phase 1 Environmental Assessment submitted by the applicant due to the proposed change in land use for the site. The former use of the property for automotive service triggers the requirement for a Record of Site Condition to be submitted to the Ministry of the Environment. The submission of a Record of Site Condition is required for the removal of the Holding zone on the Zoning By-law.
18. Lake Simcoe Region Conservation Authority (LSRCA):
A portion of the site falls within the regulated area of the LSRCA due to the buffer area and floodplain associated with Hotchkiss Creek. If approved, the owner will be required to demonstrate at the Site Plan Control stage that all new buildings will be directed away from the floodplain and submit a Species at Risk Inventory. The property is also identified as a significant groundwater recharge area and will require an Environmental Impact Study and urban design report that incorporates low impact development techniques for stormwater management. The demonstration that low impact development techniques have been integrated into the design of the site has been recommended as part of the removal of the Holding zone.

ANALYSIS

Provincial Policy Framework

19. The Provincial Policy Statement (PPS) has been reviewed in the context of this application. Staff are satisfied that the application is consistent with the policies of the PPS respecting development in the form of infilling and intensification in the built-up area, and the utilization of existing servicing and transportation infrastructure.
20. Places to Grow policies encourage intensification in the built-up area, and in particular areas highlighted for intensification. The City Centre has been designated as an Urban Growth Centre (UGC) in the Growth Plan and is intended to achieve a minimum density target of 150 persons and jobs per hectare. The subject application proposes 100 apartment units on 0.34 hectares of land for a density of 294 units per hectare. The limited amount of commercial area proposed as part of this development is not anticipated to add substantially to the number of jobs in the UGC.

Official Plan

21. The City of Barrie has incorporated the policy framework of the Growth Plan into the City's Official Plan. The Official Plan highlights the designated Urban Growth Centre (UGC) as an area that should represent the highest densities of residents and jobs per hectare within the City. The subject property is located in the UGC and designated as City Centre in the Official Plan. The proposed development can be supported by the intensification objectives of the City for increased residential density in the downtown and is in close proximity to transit and the Allandale GO Station.

Minimum Distance Separation

22. The Ministry of the Environment Guideline D2: Compatibility between Sewage Treatment and Sensitive Land Use recommends a separation distance of 150 metres between a sensitive land use, such as a residential building, and the City of Barrie Wastewater Treatment Plant (WwTP) which is located directly east of the subject site. This separation distance cannot be achieved because of the location of the subject property.
23. The City is required to mitigate odour and noise from the WwTP at the property line as part of the Environmental Compliance Approval (ECA) from the Ministry of the Environment to operate the Plant. However, the introduction of a 13 storey residential building was not contemplated by the City in past compliance reports.
24. As part of a complete application, the applicant has submitted an Air Quality and Noise Assessment to evaluate the potential impacts of the WwTP on the subject site and the applicability of the D2 Guideline for minimum separation distance. The assessment provided opinion that the distance separation was not needed in this instance because the Plant is currently operating in compliance with Ministry of Environment requirements. However, the assessment also indicated that noise from the plant may exceed permitted levels with the proposed increase in height for the residential apartment building.
25. Through this process, it is important for the owner to acknowledge and agree that the costs of any mitigation required for the introduction of this residential building in close proximity to the WwTP is the responsibility of the owner, not the City of Barrie. Prior to the release of the Holding zone, the owner will be required to submit an Air Quality and Noise Report with recommendations supported by detailed engineering that specifically identify any construction materials needed to mitigate potential noise and odour from the plant. The mitigation measures shall include, but not be limited to, a warning clause being placed on title, and in all agreements of purchase, sale and lease, to identify that the WwTP is in close proximity to the site and may, from time to time, interfere with the enjoyment of the residential units at 220 Bradford Street.
26. In principle, staff remain concerned that the introduction of additional residents in such close proximity to the WwTP may impact the future operation of the plant. When the City needs to renew or revise the ECA for any change or expansion to the operation of the WwTP, a public process is required, and complaints from the public are taken into consideration by the Ministry of the Environment. However, from a technical perspective, engineering opinion has been provided to state that any potential noise and odour from the plant could be mitigated using construction materials for the proposed apartment building.

Historic Land Use

27. A Phase 1 Environmental Site Assessment has been submitted as part of this application. The Assessment identifies the possibility of contamination on the property due to the past automotive service related activities. A Record of Site Condition accepted by the Ministry of the Environment

to confirm the site has been mitigated and/or is suitable for residential land use, is required to be submitted prior to the release of the Holding zone.

Zoning – Special Provisions

28. The applicant has requested 3 exceptions to the zoning by-law standards required for the Transitional Centre Commercial zone (C2-2). The special provisions requested by the applicant are in part to implement the alternative design standards for intensification projects identified in the Intensification Urban Design Guidelines, such as reduced parking and setbacks. An additional provision for a reduced commercial floor space requirement has also been requested by the applicant.
29. The first special provision is a reduction in the standard for residential parking to 1.2 spaces per unit from 1.5 spaces per unit. If approved a total of 120 residential parking spaces would be required as opposed to 150. Reduced parking standards are intended to limit the number of personal vehicles on site to encourage the use of public transit and alternative modes of transportation. The parking reduction is consistent with the recommendations of the Intensification Urban Design Guidelines for the UGC and is supported by staff.
30. The second special provision is that the minimum side yard setback of 3 metres apply to the site. In accordance with section 6.3.1 of Zoning By-law 2009-141, greater than 3 metre side yard setbacks are required at a rate of 0.5 metres for every 2 metres over 11 metres in height. In this case the required side yard setbacks could be up to 10 metres. Providing a building envelope on the irregular shaped lot, with a frontage of 31.6 metres, would be significantly compromised by a 10 metre setback on each side of the main building. A modified stepping of the building height has been demonstrated in the concept provided by the applicant. Staff are supportive of a plan for the site that incorporates a modified stepping design as it relates to the development of the site specific concept. This design element is required to be demonstrated through the Site Plan Control process, prior to the lifting of the Holding zone.
31. The third special provision is the reduction in the required standard for ground floor commercial floor space. The applicant has requested a reduction from 50% (1,718.1m²) of the lot area as required in Section 6.3.2 of Zoning By-law 2009-141, to approximately 3.63% (124.9m²) of the lot area. This provision has not been supported by staff and is discussed in more detail in the following section.

Ground Floor Commercial

32. In the Recommendations for Staff Report PLN021-13, staff have recommended denial of the applicant's request for a reduced ground floor commercial component. The Zoning By-law identifies that 50% of the total lot area in the Transition Commercial zone (C2-2) must have ground floor coverage for commercial uses. The concept proposed by the applicant has included a commercial area of 124.9 square metres, which is approximately 3.63% of the total lot area.
33. The development of the property at 220 Bradford Street for a 100 unit apartment building will introduce a significant residential population into an area that is not in close proximity to existing commercial uses. As well, ground floor commercial use contributes to the interface of the building with the streetscape and pedestrian realm. Staff feel that the reduction in commercial space from 1,718.1 square metres to 124.9 square metres is significant and does not represent the long term vision for Bradford Street as a corridor into the Downtown.
34. Staff met with the applicant and planning consultant to discuss the potential for an alternative design, with a moderate increase in commercial use. Through these discussions it was recognized that the property is irregular in shape and does not have a significant amount of

frontage for commercial activity. However, staff maintain that an almost 93% reduction in the required commercial standard cannot be supported.

35. The applicant subsequently requested that the application proceed as submitted. In support of the consideration of the reduced commercial component, the applicant and consultant have provided additional comments. These comments have identified that the lot configuration and general decline of Bradford Street as a commercial corridor are justification for reducing the zoning standard from 50% of the lot area to 3.63%.

Height

36. If approved, the proposed change in zoning for the site will permit a height of up to 45 metres, compared to the existing C4 zone which is 9 metres. The proposed height has been investigated in terms of the current City policy, the Intensification Urban Design Guidelines and draft Policies for Tall Buildings. The subject site is not within a key vista corridor for the waterfront and the Shadow Study submitted in support of the application identifies that the site will not interfere with the enjoyment of public spaces.
37. Detailed urban design will be required for the site at submission of the Site Plan Control application. Provided stepping provisions, such as those included in the concept attached to Staff Report PLN021-13 as Appendix "B", are incorporated into the design, staff are confident that a building can be incorporated into the site. Site design through the Site Plan Control process is a requirement for the removal of the Holding zone for this property.

Site Plan Control

38. The project is subject to Site Plan Control, and will be required to go through a detailed design review at the time of the Site Plan submission. Staff will be looking for a final site design that incorporates:
 - a) Stepping provisions for the building to transition into the adjacent residential neighbourhood;
 - b) An enhanced pedestrian interface that would encourage walk-ability and integration of the building into the streetscape;
 - c) Low Impact Development techniques for stormwater management;
 - d) Potential for non-traditional amenity space for the building residents, such as green roofs;
 - e) Detailed engineering and recommendations for on-site mitigation measures that may be required due to the separation distance from the WwTP; and
 - f) Detailed engineering for municipal services, landscaping, vehicular access, parking and road allowance widening requirements.
39. The execution of the Site Plan Agreement by the owner is required for the release of the Holding zone.

Holding Zone

40. The Recommendations included in Staff Report PLN021-13, recommend that the rezoning for the subject site be approved with special provisions, but placed in a Holding zone. The Holding zone provides an opportunity for the applicant to get the support of the City in principle, with the caveat that additional requirements are necessary for final approval of development on the subject lands. If approved the Holding zone will remain in place until the following is completed to the satisfaction of the City of Barrie:
 - a) An Air Quality and Noise Report with recommendations that clearly examine the impacts of introducing the proposed residential apartment building into the recommended Ministry

of Environment Separation Distance from the City of Barrie Wastewater Treatment Plant (WwTP). The recommendations must include, but not be limited to, construction measures for the proposed building at 220 Bradford Street to mitigate any impacts from the WwTP without placing undue hardship on the City or restricting the current and future operations of the WwTP;

- b) The owner shall acknowledge and agree to a warning clause being placed on title, and subsequently placed in all agreements of purchase, sale and lease, to identify that the building is in close proximity to the City's WwTP and from time to time, activities at the plant may impede the enjoyment of the property;
 - c) Acknowledgement that a Record of Site Condition has been accepted by the Ministry of the Environment for the introduction of a sensitive land use on the lands municipally known as 220 Bradford Street;
 - d) Detailed urban design for the site at submission of the Site Plan Control application, including but not limited to, modified stepping provisions, low impact development techniques for stormwater management and exploration of opportunities for non-traditional amenity space such as green roofs; and
 - e) The owner's execution of a Site Plan Agreement with the City.
41. Once the City is satisfied that the applicant has fulfilled these requirements, a By-law to remove the Holding zone from this property will be forwarded to Council for approval.

ENVIRONMENTAL MATTERS

42. The following environmental matters have been considered in the development of the recommendation:
- a) A Record of Site Condition is required for the change in land use from commercial to residential; and
 - b) The implementation of Low Impact Development techniques for stormwater management due to groundwater recharge on site.

ALTERNATIVES

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

Alternative #1 General Committee could maintain the existing commercial zoning permissions with respect to the development of the property at 220 Bradford Street (i.e. Status Quo).

This alternative is not recommended as it does not promote the intensification objective of providing an increased residential presence in the Urban Growth Centre.

Alternative #2 General Committee could alter the proposed recommendation by granting approval for the Transition Centre Commercial Zone (C2-2)(SP-492)(H-125) for the residential and commercial development at this location with all of the special provisions requested by the applicant, including the approval of a 3.63% (124.9m²) ground floor commercial space.

Although this alternative is available, the special provision for such a significant reduction in commercial space is not supported by the Intensification Urban Design Guidelines. Staff met with the owner and consultant to discuss potential consideration of a moderately reduced commercial component, however, the applicant chose to keep the application as currently proposed.

FINANCIAL

44. The estimated annual property taxes for 100 residential apartment units is \$125,200. That is an increase of \$117,300.17 from the current taxes (2013) of \$7,899.83. The Development Charges for 100 residential units is \$1,776,600 and \$22,383.25 for the proposed 124 square metres of commercial space for a total of \$1,797,983.25 at current rates. The Building Permit fees are estimated at \$205,802.85 for the residential construction, and \$1,686.40 for the commercial component, for a total of \$207,489.25 at current rates.

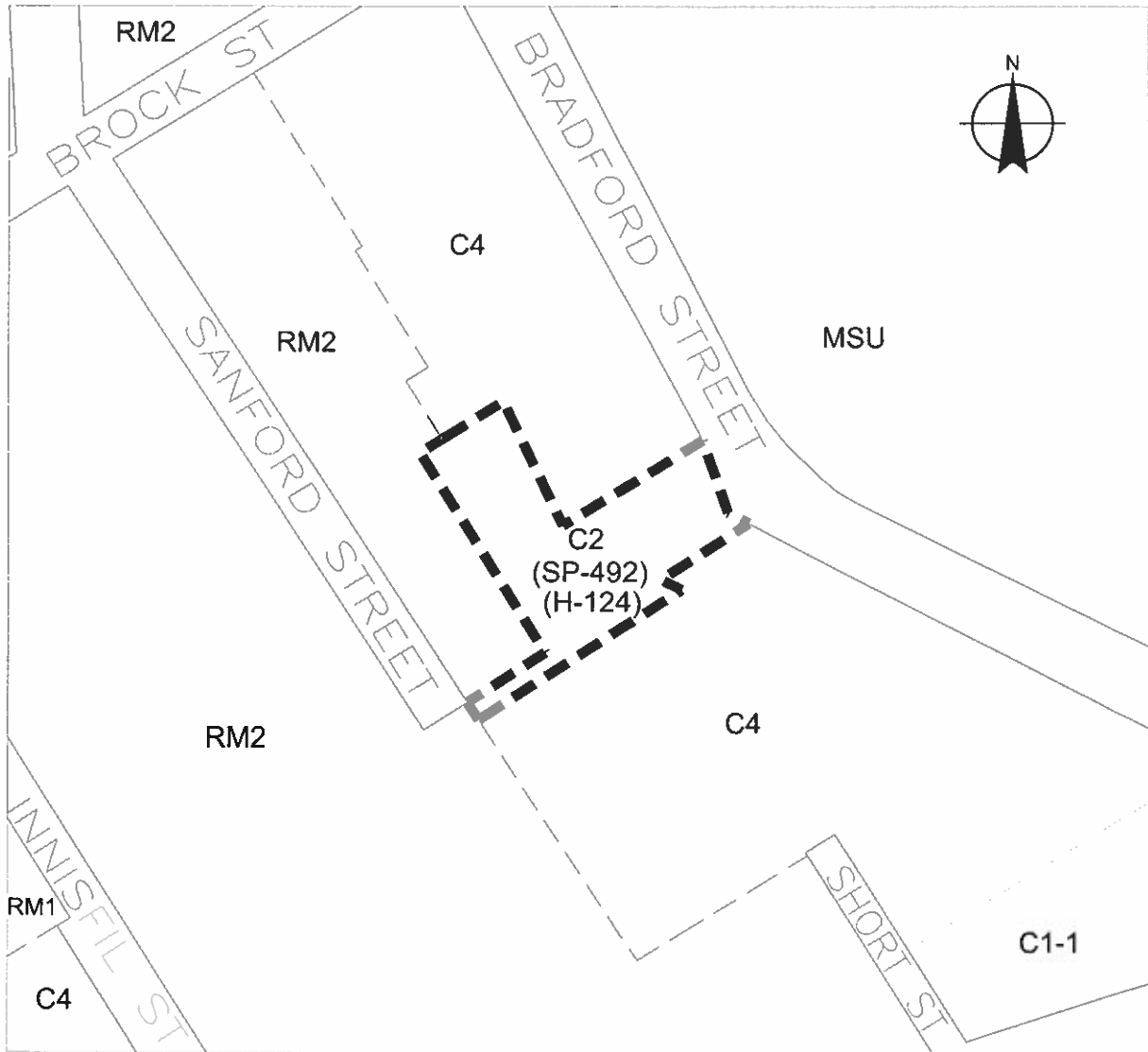
LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

45. The recommendations included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:
- Manage Growth and Protect the Environment
 - Create a Vibrant and Healthy City Centre
46. This project advances the intensification goals for the UGC and facilitates an increased residential presence in the downtown.

Attachments: Appendix "A" – Proposed Zoning By-law Amendment
Appendix "B" – Draft Concept Plan

APPENDIX "A"

Proposed Zoning By-law Amendment



D14-1555
220 BRADFORD ST

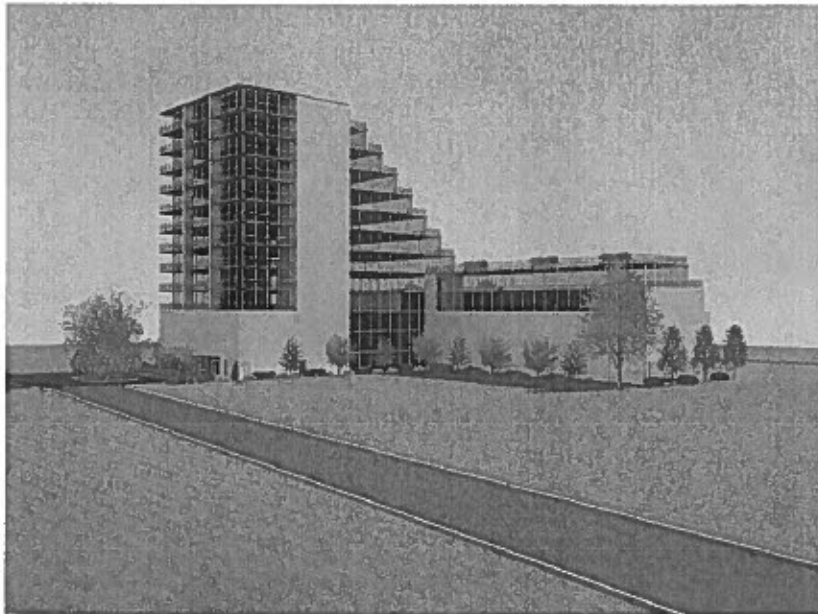
APPENDIX "B"

Draft Concept Plan

JOSCONA LTD.

PROPOSED COMMERCIAL/RESIDENTIAL DEVELOPMENT

220 BRADFORD ST., BARRIE, ON



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