




TO: GENERAL COMMITTEE

SUBJECT: OFFICIAL PLAN AMENDMENT AND REZONING TO OPEN SPACE,
RESIDENTIAL AND ENVIRONMENTAL PROTECTION – 396, 400 AND
408 COX MILL ROAD (WARD 10)

PREPARED BY AND KEY CONTACT: C. TERRY, SENIOR DEVELOPMENT PLANNER, EXTENSION #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, DEVELOPMENT &
CULTURE 

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

RECOMMENDED MOTION

1. That the revised Official Plan Amendment application submitted by Innovative Planning Solutions on behalf of Lovers Harbour Inc. for lands municipally known as 396, 400 and 408 Cox Mill Road (Ward 10), be approved.
2. That a portion of the subject lands be re-designated from Commercial and Residential to Open Space and Environmental Protection as shown in Appendix "A" attached to Staff Report PLN012-12.
3. That the revised Zoning By-law Amendment application submitted by Innovative Planning Solutions on behalf of Lovers Harbour Inc. for lands municipally known as 396, 400 and 408 Cox Mill Road (Ward 10), be approved.
4. That the lands be re-zoned from Commercial (C4) and Residential First Density (R1) to Open Space with Special Provisions (OS-SP), Residential Second Density with Special Provisions (R2-SP) and Environmental Protection (EP). The revisions to the land use schedule are shown in Appendix "B" attached to Staff Report PLN012-12.
5. That the following Special Provisions be referenced in the implementing Zoning By-law for the subject lands:
 - a) (OS)(SP-469)
 - i) A minimum south side yard setback of 0.16m for the existing boathouse and change room shall be permitted.
 - ii) A landscape buffer area and tight board fence is not required.
 - b) (R2)(SP-470)
 - i) No buildings, structures, or site alteration shall be permitted beyond the Total Hazard Limit Allowance (defined as 6m to 11m from top of bank) as identified in the Geotechnical Investigations and Slope Stability Assessment, prepared by GeoSpec Engineering Ltd., dated Dec. 18, 2009 unless required for slope stability and regeneration initiatives as approved by the Lake Simcoe Region Conservation Authority and the City of Barrie.

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6. That pursuant to Section 34 (17) of the Planning Act, no further public notification is required with respect to the amendments as proposed.

PURPOSE & BACKGROUND

7. The purpose of this staff report is to review and provide a recommendation with respect to an Official Plan Amendment and Zoning By-law Amendment for the lands municipally identified as 396, 400 and 408 Cox Mill Road. The proposed Official Plan Amendment would re-designate a portion of the lands from Commercial and Residential to Open Space and Environmental Protection. The proposed Zoning By-law Amendment would rezone lands from Commercial (C4) and Residential First Density (R1) to Open Space with Special Provisions (OS-SP), Residential Second Density with Special Provisions (R2-SP) and Environmental Protection (EP). The requested OPA and Zoning By-law Amendment are required to facilitate a land severance to create potentially nine (9) low density residential lots and a separate lot for the existing marina. The proposed concept plan is illustrated in Appendix "C".

Location

8. The subject lands are located at the north end of Cox Mill Road on an irregular shaped parcel that is adjacent Kempenfelt Bay at the north and Tollendale Creek along the west. The property is approximately 1.19 hectares in size, is part of the South Shore Planning Area and is located in Ward 10. The site is currently occupied by three (3) single detached dwellings, a boardwalk, boathouse, parking lot and accessory structures. As a result of the existing watercourse, the properties also have slope and shoreline features.

Surrounding Land Uses

North

Kempenfelt Bay and Pioneer Park

East

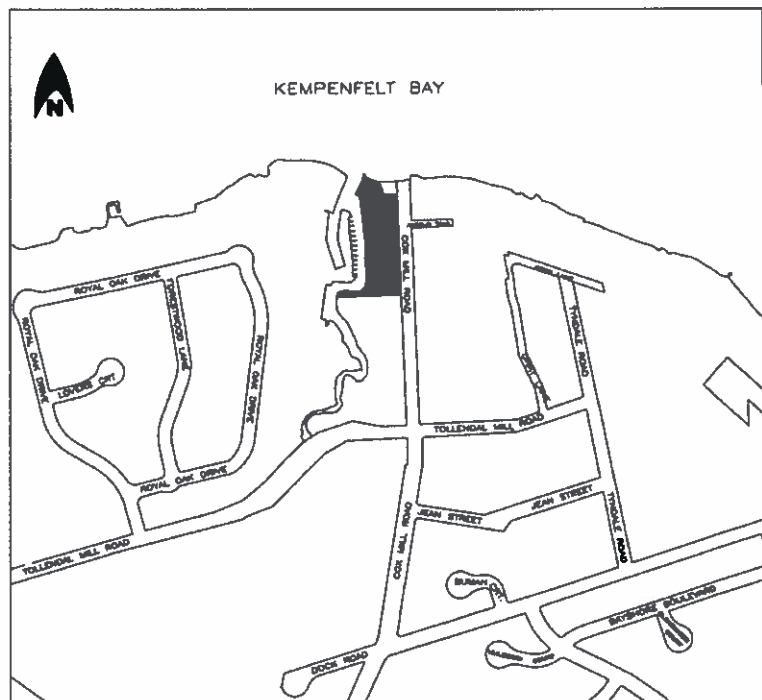
Cox Mill Road, Arbour Trail and existing single detached residential development

South

Existing single detached residential development

West

Tollendale Creek, boat slips and accessory uses associated with Brentwood Marina



Existing Policy

9. The subject lands are designated General Commercial Area and Residential Area by the City of Barrie Official Plan. Land designated General Commercial Area is intended to accommodate commercial uses predominately designed to serve residential areas and the travelling public. Lands designated Residential are intended to be used primarily for residential uses, with all forms of housing permitted subject to locational criteria.

Public Meeting

10. The original applications were presented at a public meeting held on August 29, 2011. No comments were voiced by the public regarding these applications. One written correspondence was received that identified concerns with the proposed residential infill development at this location.
11. The applicant had originally proposed an expansion of the General Commercial designation for the marina use. Staff worked with the applicant to identify the marina and accessory uses as Open Space to better reflect the environmental significance of the shoreline and acknowledge the existing active recreational use.
12. It is staff's opinion that the revised applications do not need a new public meeting to address the proposed change from Commercial to Open Space as the intent of the amendments has not changed. Through this process, the slope, from top of bank to bottom of bank, was also identified as Environmental Protection Area.

ANALYSIS

Provincial Policy

13. The Places to Grow: Growth Plan for the Greater Golden Horseshoe directs municipalities to consider and promote growth in established serviced settlement areas, and supports infill opportunities that utilize existing infrastructure. The proposed infill development has access to municipal services.
14. The Provincial Policy Statement (PPS) also promotes efficient development and land use patterns and a range and mix of residential, employment, recreational and open space uses. This proposal intends to provide for an infill residential opportunity and recognize an active recreational and open space use.
15. In accordance with the hazard land provisions of the PPS, the slope shall not form part of this development. The PPS and the Lake Simcoe Protection Plan promote the preservation and conservation of natural features such as watercourses. The revised proposal includes the designation and zoning of the marina as Open Space and the slope as Environmental Protection area. No development is permitted in the Environmental Protection Area.

Official Plan

16. The subject lands are designated General Commercial Area and Residential Area by the City of Barrie Official Plan. The current Official Plan designation of Commercial does not meet the intent of the City's policies with respect to the importance of the shoreline of Kempenfelt Bay and the Tollendale Creek watercourse. The policies state that the City should attempt to identify stream corridors and the respective slope features as Environmental Protection. Lands designated as Environmental Protection Area are primarily for preservation and conservation.

17. Planning Services, with the support of Lake Simcoe Region Conservation Authority, worked with the applicant to identify a portion of the site as Open Space rather than Commercial to recognize the existing marina facility and boardwalk, but still reflect the significance of the watercourse and Kempenfelt Bay. The vegetated slope for the Tollendale Creek watercourse has also been identified as Environmental Protection.
18. The proposed Official Plan amendment only affects the marina, boardwalk and slope. The Residential designation will remain on a portion of the properties currently occupied by three (3) single detached dwellings. However, the rezoning of the residential parcels would provide an opportunity for an additional six (6) single detached dwellings fronting on Cox Mill Road.
19. As stated in the Official Plan, residential infill should be permitted if the scale and physical character of the development is compatible with the existing neighbourhood. Although the surrounding properties have greater frontage and area than the proposed parcels, it should be recognized that the neighbourhood is characterized by a variety of lot sizes and housing types. There is not a consistent character to the area. At the Committee of Adjustment stage, if the consent application is approved, a condition will be recommended that requires the applicant to submit a conceptual plan for streetscape and elevations that demonstrates how the proposed urban form fits into the character of the neighbourhood. This is discussed in more detail later in this report.

Zoning Analysis

20. The zoning amendment would delete the Commercial (C4) and some Residential First Density (R1) zoning and replace it with Open Space with Special Provisions (OS-SP) to recognize the existing marina, shoreline and boardwalk. The remaining Residential First Density (R1) zoning would be deleted and replaced with Residential Second Density with Special Provisions (R2-SP) to permit the future infill of the residential properties fronting Cox Mill Road and Environmental Protection (EP) for the slope at the rear of the proposed properties.
21. The Open Space (OS) zone permits a marina and a full range of active recreational uses. The revised proposal, identifying the marina as OS rather than expanding the existing Commercial (C4) zone to incorporate all of the marina lands would not significantly impact the lands use permissions for the marina or the possibility for accessory uses in the future. The OS zone is simply more reflective of the environmental significance of the property location on Kempenfelt Bay and a prominent tributary of the lake.
22. As stated in the PPS, the slope is not permitted to be included as part of the developable lands, therefore limiting the total lot area for the existing residential parcels as well as the potential infill development lots. The slope is proposed to be rezoned to Environmental Protection area which does not permit development, therefore consistent with the PPS.
23. The Residential zone is proposed to be changed from Residential First Density (R1) which requires a minimum lot frontage of 22m and minimum lot area of 900m², to Residential Second Density (R2), which requires a minimum frontage of 15m and an area of 500m². The introduction of smaller residential lots into an established residential area is subject to site specific justification through the required Committee of Adjustment process and evidence that the character of the neighbourhood will be maintained.
24. The property is located at the end of Cox Mill Road and has limited residential neighbours because of the marina and Kempenfelt Bay at the north and Tollendale Creek at the rear of the proposed lots. The surrounding properties are varied in lot frontage and size but generally exceed the Residential First Density (R1) standards.

25. The applicant has proposed the Residential Second Density (R2) zone for the residential lands to accommodate the existing residential properties and provide the appropriate zoning category for additional residential lots to be created. A review of the concept development plan indicates that the minimum R2 lot standards can be satisfied. Notwithstanding, an application to the Committee of Adjustment is required to permit the severance of the marina from one of the residential parcels and permit a potential total of nine (9) residential lots with frontage on Cox Mill Road.
26. To ensure the integrity of the slope and watercourse, an environmental buffer identified as the Total Hazard Limit Allowance, has been included as part of the residential lands. The Total Hazard Limit Allowance demonstrates the 6 metres from top of bank required for the erosion access allowance plus an additional buffer in some locations to a maximum of 11 metres. Through the submission of a *Geotechnical Investigation and Slope Stability Assessment*, the applicant has provided evidence that development can take place in the remaining lands, and the Total Hazard Limit Allowance has been established to the satisfaction of the Lake Simcoe Region Conservation Authority.

Committee of Adjustment

27. The creation of the proposed infill residential lots as well as the separation of the marina and associated use from the residential parcel will require severance approval through the Committee of Adjustment. Additional provisions to maintain the environmental integrity of the proposed residential parcels will be provided at the Committee of Adjustment stage to reinforce the importance of the bank of Tollendale Creek and to ensure that the character of the neighbourhood is maintained through individual site design.
28. If this application is approved, Planning Services would request that the following conditions be included in the Committee of Adjustment decision:
- a) That the applicant must submit a conceptual plan for streetscape and elevations that demonstrate how the proposed urban form fits into the character of the neighbourhood to the satisfaction of City of Barrie Planning Services prior to issuance of a building permit.
 - b) That a condition be placed on title advising that no buildings, structures or site alteration is permitted beyond the Total Hazard Limit Allowance (defined as 6-11 metres from top of bank) as identified in the *Geotechnical Investigations and Slope Stability Assessment* prepared by GeoSpec Engineering Ltd., dated Dec. 18, 2009 unless required for slope stability and regeneration initiatives as approved by the Lake Simcoe Region Conservation Authority and the City of Barrie.

Lake Simcoe Region Conservation Authority

29. Planning Services worked closely with the Conservation Authority to ensure adequate protection was provided with respect to conformity with the Lake Simcoe Protection Plan and general environmental principles of shoreline development. The Open Space and Environmental Protection designation, with the residential development restrictions as outlined in the proposed rezoning, have been reviewed and approved by the Conservation Authority.
30. The Lake Simcoe Region Conservation Authority also identified comments to be included at the Committee of Adjustment and/or development agreement stage, such as:
- a) Permit approval under Ontario Regulation 179/06;
 - b) The implementation of low impact development techniques as a means to help achieve sustainability as it relates to water resource management; and

- c) The preparation of a detailed vegetation enhancement plan in accordance with environmental studies submitted by the applicant in support of the Official Plan and Zoning By-law amendments.

Engineering

31. Servicing information has been provided to satisfy the principle of development at this location. Additional works are required to properly analyse the capacity of the downstream sanitary sewer system. If this application is approved, this issue can be addressed at the Committee of Adjustment stage prior to infill development being considered.

ENVIRONMENTAL MATTERS

32. The following environmental matters have been contemplated in the development of the recommendation:
- a) It is important to identify shoreline resources in a land use designation that maintains permissions for active recreational uses while recognizing the significance of environmental features.
- b) Development permissions can be granted in the vicinity of environmental features provided appropriate study is completed and development limits are identified.

ALTERNATIVES

33. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could deny the application for Official Plan Amendment and Rezoning, thereby maintaining the existing property designations of Commercial (C4) and Residential (R1).

This alternative is not recommended as staff have worked closely with the applicant to identify the existing marina and shoreline as Open Space to reflect the environmental significance of the area, but also to represent the active recreational use in Tollendale Creek. The designation of the slope as Environmental Protection is in accordance with current policies and the applicant has provided acceptable studies in support of additional residential development at this location. If approved, the zoning designation would more appropriately reflect the existing conditions and permit infill residential development that is appropriate and desirable.

FINANCIAL

34. There are no financial implications for the Corporation resulting from the proposed recommendation, as the proposed lots are not being created through this application. The infill development potential would be realized through the severance of the residential and open space parcels. This will occur through future application to the Committee of Adjustment.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

35. The recommendations included in this staff report support the following goals identified in the 2010-2014 City Council Strategic Plan:

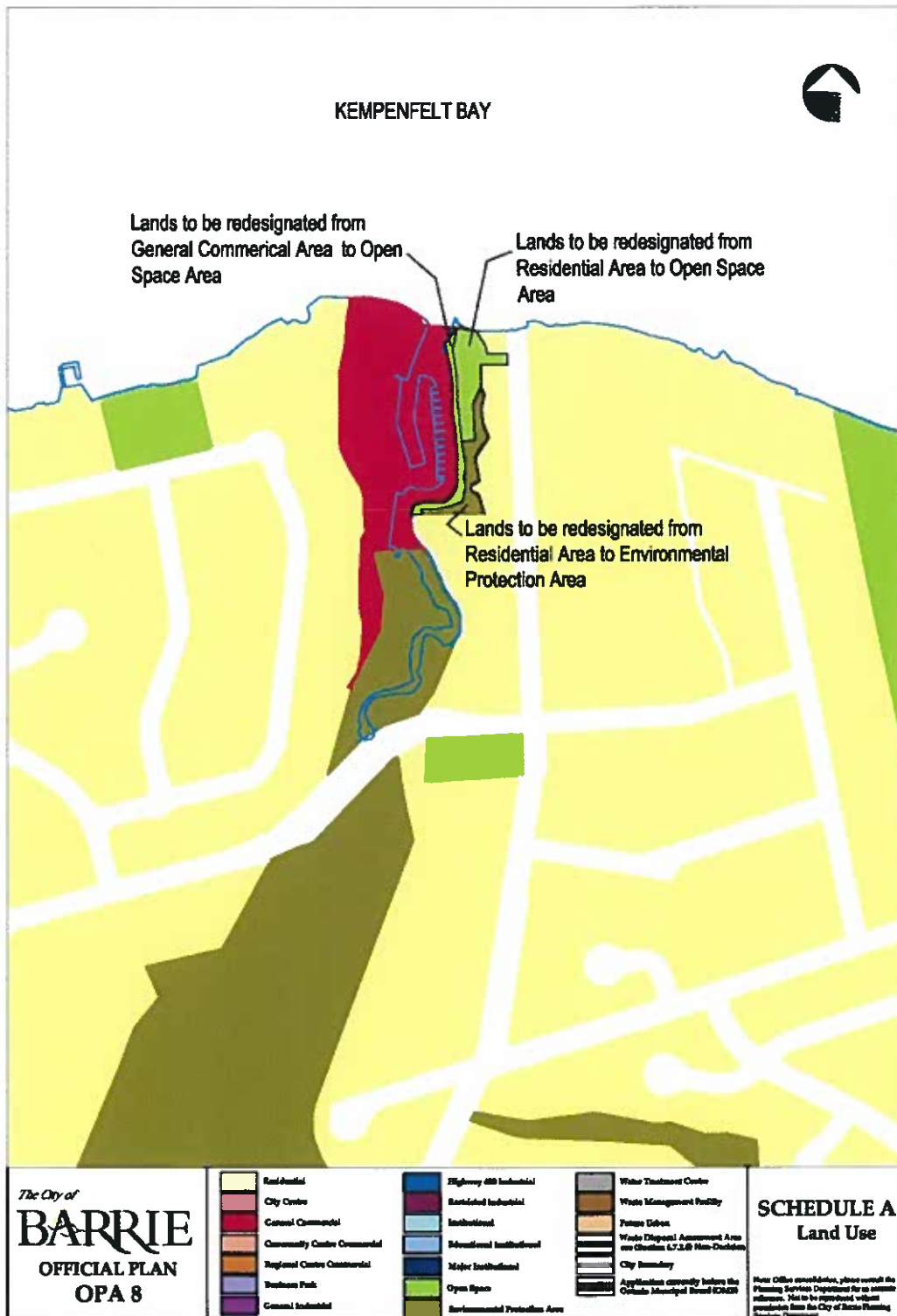
Manage Growth and Protect the Environment

36. The re-designation of the properties in this location is a good example of balance between the environment and future growth. Staff have accepted the applicant's request for infill in this location subject to certain environmental conditions. In addition, the designation of the marina facilities and boardwalk as Open Space rather than Commercial acknowledges the importance of the shoreline without restricting the active recreational uses that currently take place on and around the site.

Attachments: Appendix "A" – Proposed Official Plan Amendment
Appendix "B" – Proposed Zoning By-law Amendment
Appendix "C" – Conceptual Site Plan

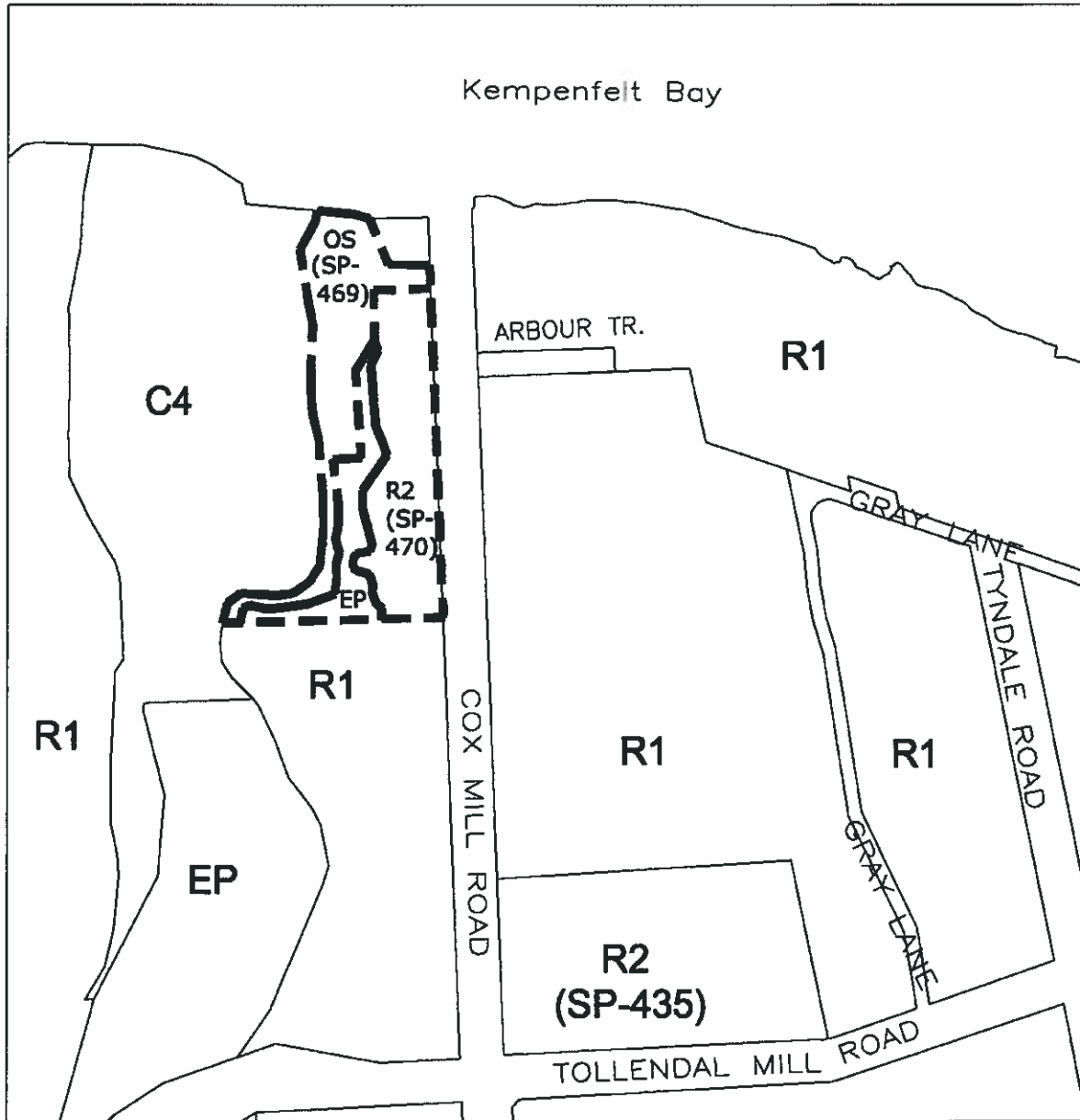
APPENDIX "A"

Proposed Official Plan Amendment



APPENDIX "B"

Proposed Zoning By-law Amendment



D14-1514
March 15, 2012

APPENDIX "C"

Conceptual Site Plan



SITE PLAN (9 LOTS)
CITY OF BARRIE