



September 26, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: Schlegel Villages Inc.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Sch-21066**

I am writing to you on behalf Schlegel Villages who owns land that received a Minister's Zoning Order (MZO) on July 26, 2024. The lands are known municipally as 800 Yonge Street and otherwise illustrated on Map 328 in the attached approved MZO.

Schlegel Villages has submitted an application for site plan approval that would permit a four phase development consisting of a 6-storey Long-Term Care Facility containing 192 beds, a 12-storey Retirement Home containing 485 retirement suites and 120 senior's apartment dwellings, and two residential apartment buildings ranging in height from 18 to 26 storey's that will contain 360 units. Development of these lands will occur over four phases, starting with the Long-Term Care Facility for which a building permit application has already been submitted. The construction of the remaining phases will occur over an estimated 10-year period.

Our Client has reviewed the draft new Comprehensive City-Wide Zoning By-law and provides the following comments for your consideration:

1. The By-law contains many urban design 'form-based code' zoning provisions that would not permit the site to be developed as proposed. Examples of non-compliance include, but are not limited to, setbacks, angular planes, ground floor non-residential uses, balcony separation and size requirements, building length restrictions, glazing (window) requirements, and exterior yard parking limitations. Notwithstanding the permissions guaranteed in the MZO, it is noteworthy that the urban design restrictions contained in the proposed By-law would not permit the development of a landmark site that has been reviewed and approved by both City Council (as part of the CIHA Application) and the Minister of Municipal Affairs and Housing.
2. Section 1.10 of the By-law contains transition provisions; however, this section does not appropriately consider phasing and timing of development nor does it recognize instances where a Minister's Zoning Order has been issued, and the corresponding fact that the former By-law, as amended by the MZO, will continue to apply to the lands in perpetuity. We further note the following:
 - a) Subsection 1.10 b) provides a transition window of two (2) years for "an approved Site Plan application" where construction has not yet started. What this section does not appear to contemplate, or at least lacks clarity on, is a situation where

phased construction has commenced on “an approved Site Plan application” but the issuance of building permits for all phases will take much longer than 2 years. The build time for each building is estimated to be 2+ years.

- b) Subsection 1.10 c) recognizes prior approved Special Provisions created as a result of a formal planning process to rezone; however, in this case, the MZO was not the result of a formal rezoning planning process; instead, the MZO was an Order issued by the Minister of Municipal Affairs and Housing.
- c) In order to provide long-term clarity and efficiency going forward for City staff (i.e. Building, Development Services) and the Landowner, Schlegel Villages Inc. requests that a new subsection f) be added to Section 1.10 that would read as follows (refer to text in red):

1.10. Transition

- a) If owner/applicants have an approved Draft Plan of Subdivision but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- b) If owner/applicants have an approved Site Plan application but have not yet started construction when the new By-law comes into effect, a transition window of two (2) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- c) If owner/applicants have completed a formal planning process to rezone under Comprehensive Zoning By-law 2009-141 which granted a Special Provision (SP) that is carried over to the new By-law, the zoning review for new Building Permit applications will continue to apply the former By-law standards only as varied by the SP.
- d) For development that has been fully constructed without an SP, any non-conforming uses or built form standards are considered legal non-conforming. If Building Permits for new construction are submitted, the zoning review will be required to meet the standards of the By-law in effect at the time of Building Permit application.
- e) If owner/applicants have an approved Committee of Adjustment application but have not yet started construction when the new By-law comes into effect, a transition window of one (1) year will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- f) For the portion of lands municipally known as 800 Yonge Street, which have been zoned by way of a Minister's Zoning Order #304-24 on July 26, 2024, By-law 2009-141, as amended by the Minister's Zoning Order, will continue to regulate the use of lands, buildings and structures and the provisions in this By-law will not apply.

As noted above, it is the view of our Client and its consultants that the law supports the position that the MZO, as approved, along with the existing performance standards, definitions and provisions incorporated into the MZO and set forth in By-law 2009-141 will continue to govern the subject lands in perpetuity. Notwithstanding this opinion, we believe the above-noted proposed amendment to the draft Comprehensive City-Wide Zoning By-law will provide for consistency and clarity going forward.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Duhamel', written in a cursive style.

Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
Brad Schlegel, Schlegel Villages

September 27, 2024

Mayor Alex Nuttall and City Council,
c/o City Clerk's Office
City Hall, 70 Collier Street East.
PO Box 400
Barrie, Ontario
L4M 4T5

To Mayor Alex Nuttall and Members of Council,

Re: Proposed Zoning By-Law and Costly Urban Design Provisions

This letter is written on behalf of four architectural firms located in the City of Barrie, Salter Pilon Architecture Inc., McKnight Charron Limited Architects, ISM Architects Inc., and Ted Handy and Associates Inc. . Collectively we have a staff of over 70 and have been responsible for the majority of development in this City over the last 40+ years. Together we have designed over 6,800 units of housing and 3.3M sf of commercial space and 6.8M sf of Institutional space. While we call Barrie home, we work throughout the province and beyond and understand design and planning very well.

We have reviewed Draft #3 of the proposed new zoning by-law for the City of Barrie and are concerned that the urban design requirements will increase the cost of construction and make an already complex approval process more inflexible and time consuming.

We look forward to continuing to work with staff and Council in the continued growth and development of our City. With that goal we have several suggestions that we believe will make the by-law function in a manner conducive to good design and affordable construction.

A good architect designs a building within three key contexts – the site, the purpose and the ultimate users. Each of these elements is hugely varied and encompasses the complete range of human activity and this City's geography. Equally important is the need for our buildings to be built within a finite capital budget and in a manner such that that their operation remains financially feasible.

Balancing these elements within the City approval process currently involves meshing our client's interests with the City interests. This is done through the site plan approval process, a process that involves a negotiation and compromise available to both parties.

Draft #3 introduces elements of building design into zoning. Zoning by-laws in Ontario are the least flexible form of planning control. There is no compromise in zoning as a matter of law. While the Official Plan contains policies that set out general goals and the site plan process is a negotiation, zoning is a blunt tool that can only be varied by following a lengthy Planning Act process involving notification of neighbours, public hearings/meetings, a staff report, Committee recommendation and a Council decision. All of these take time and introduce uncertainty – both of which increase the cost of these projects which is in not in the public or private interest, least of all for those who may ultimately live in these buildings. This proposed by-law is not conducive to a developer's ability to work within the parameters that are conducive to building cost and budget efficiency, and will only serve to drive up costs and deter potential development.

Based on our collective experience we believe these standards are arbitrary, and while they may express one view of what is good design they are not appropriate in a zoning by-law. Below is the list of zoning regulations in Draft #3 which will increase costs and reduce flexibility in building design. None of these are in the current zoning by-law.

1. The location, height, spacing or number of entrances and the direction that pedestrian entrances face.
2. The size of a floor plate, the length of a building and/or the length of a podium.
3. How much of a building frontage is required to be certain type of use.
4. Exterior finishes.
5. The minimum or maximum height of a podium, tower storey setbacks and maximum floor plate size.

In summary we believe that these design regulations:

1. Are arbitrary and unsupported by any study or rationale that relates to the context in which they are proposed to be used.
2. Lack legislative support in the Planning Act. In other words, the enabling legislation for zoning does not contemplate regulation of this nature.
3. Will increase the cost of construction of both housing and commercial buildings.
4. Would make our urban fabric generic while taking away the ability of architects to design meaningful and contextual buildings to add to the overall urban fabric of our city.

For discussion purposes, the recommendation to Council could be:

1. Direct staff to progressively update the current by-law rather than preparing a form based code by-law.

2. Remove many of the urban design 'form based code' requirements and report on what has been removed.
3. Provide detailed rationale for each remaining urban design 'form based code' provisions that includes the following:
 - a. How the requirement implements the City OP objectives and Council strategic priorities.
 - b. Whether the requirement impacts on density / yield.
 - c. Whether the requirement impacts on construction cost.
 - d. Whether the requirement is authorized under Section 34
4. Prepare a detailed report explaining how many lots would become legal non-conforming/non-complying and the implications of same.

If you have any questions, feel free to contact us to discuss it further.

Yours truly,



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From: La Ivsins
Sent: Friday, September 27, 2024 3:09 PM
To: cityclerks <cityclerks@barrie.ca>
Cc: New Zoning Bylaw <newzoningbylaw@barrie.ca>
Subject: Zoning By-Law Draft

Good day.

Unfortunately I will be unable to attend Tuesday's Public Meeting with regards to the proposed Zoning By-Law Draft.

Therefore I would like to share my thoughts in terms of protecting Allandale Station Park. This last refuge on Barrie's shores should stand as a testament to what was, and that is a naturalized, passive space for residents and visitors alike to enjoy.

It is my understanding that it is currently zoned Open Space, and the Draft Proposal recommends it be changed to Greenspace.

Having lived in Barrie since 1981, I have witnessed lands designated EP or Greenspace be overturned for development.

Therefore I ask that Council and City Staff designate Allandale Station Park as a Nature Conservancy, or as an Area of Natural and Scientific Interest.

The area should never be developed and only be used for environmental conservation, have ecological management measures installed, include naturalized buffers, be used for educational and passive purposes only including signage, nature trails, benches and lookout points. Establishing a Tall Grass Prairie and an Oak Savanna supplemented with other native plant species would only enhance this area's natural habitat, including wildlife.

Respectfully,
Arnie Ivsins