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**TO:** GENERAL COMMITTEE

**SUBJECT:** OFFICIAL PLAN AMENDMENT AND REZONING  
PROPOSED MEDIUM AND HIGH DENSITY RESIDENTIAL  
300 ESSA ROAD

**PREPARED BY AND KEY CONTACT:** A. HILL, DEVELOPMENT PLANNER  
EXT. 4719

**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 

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**RECOMMENDED MOTION**

1. That the application to amend the Official Plan submitted by Jones Consulting Group Ltd. on behalf of Essa Residences Inc. to redesignate lands known municipally as 300 Essa Road from General Industrial to Residential and Environmental Protection be approved.
2. That Part A and B of the Official Plan Amendment No. 17, as attached as Appendix "A" to Staff Report PLN005-13, be approved.
3. That the application to amend Zoning By-law 2009-141, submitted by Jones Consulting Group Ltd. on behalf of Essa Residences Inc. to rezone 300 Essa Road from Service Industrial (EM3) to Residential Apartment Dwelling Second Density-2 (Special)(Holding) RA2-2(SP)(H) be approved.
4. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
  - a) A maximum of 413 residential units shall be permitted;
  - b) A maximum of two 12 storey apartment buildings each containing a maximum of 118 residential units with a maximum height of 39 metres;
  - c) A maximum of one 8 storey apartment building containing a maximum of 95 units with a maximum height of 26 metres;
  - d) A maximum of one 4 storey apartment building containing a maximum of 54 units with a maximum height of 15 metres;
  - e) A maximum of 18 units in the form of stacked townhouses with a maximum height of 10 metres;
  - f) A maximum of 10 street townhouse units fronting on a private road with a maximum height of 10 metres;
  - g) That block, cluster, street and stacked townhouse dwelling units be permitted under the Residential RA2-2 zone;
  - h) That a minimum density of 50 units per hectare and a maximum density of 139 units per hectare be achieved over the subject property;
  - i) That a minimum 5 metre building setback be provided from all lands which are zoned Environmental Protection unless provided with a secondary means of access, in which case a setback of 7 metres shall be provided;
  - j) That driveways accessing townhouse garages be a minimum length of 6 metres;
  - k) That all other zoning provisions of By-law 2009-141 shall apply.

5. 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 300 Essa Road, shall be brought forward for approval once the owner/applicant provides the following to the satisfaction of the City of Barrie:
  - a) A Site Plan Agreement with the City.
  - b) The dedication of a 3 metre road widening along the Essa Road frontage.
  - c) The payment of all applicable City of Barrie and local improvements charges.
  - d) The obligation to prepare and implement a public open space trail network plan for the Environmental Protection Lands which shall include the components and funding, all of which are to be approved by the City and the Lake Simcoe Region Conservation Authority.
  - e) The dedication of the environmentally sensitive lands as determined and to the satisfaction of the Lake Simcoe Region Conservation Authority and the City of Barrie.

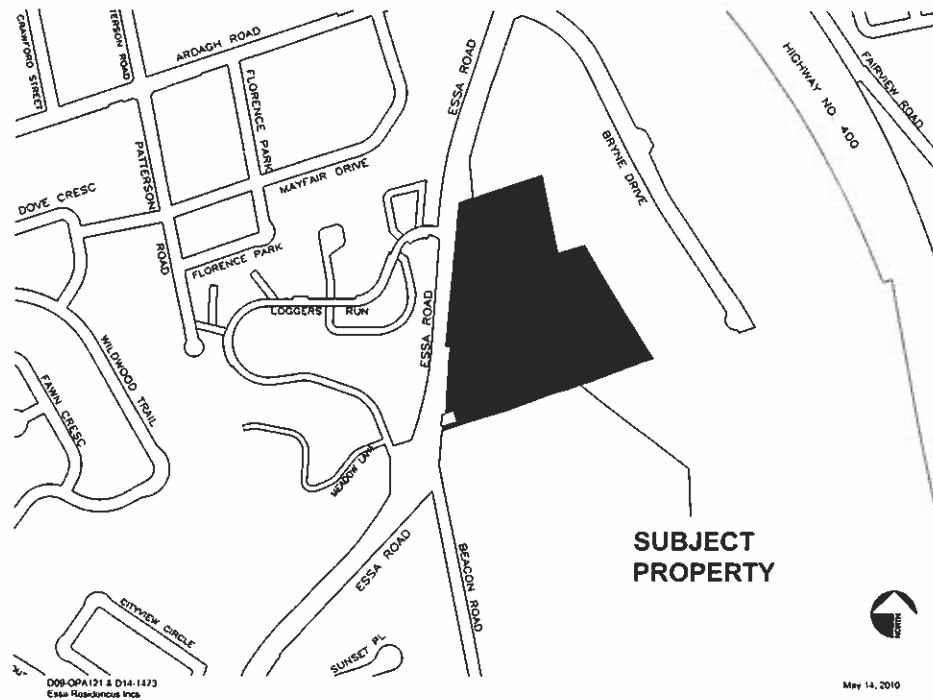
### **PURPOSE & BACKGROUND**

#### Report Overview

6. The purpose of this staff report is to recommend approval of an application for an Official Plan Amendment and a site specific Zoning Amendment submitted by Essa Residences Inc. to permit a multi-unit residential development consisting of:
  - a) 4 apartment buildings, 1 at 4 storeys (54 units), 1 at 8 storeys (95 units) and two at 12 storeys (118 units each) for a total of 385 units;
  - b) 18 stacked townhouse units; and
  - c) 10 townhouse units.
  - d) The application proposes to construct the residential development on a private road that would have one access point to Essa Road, opposite the current Loggers Run which serves the Timberwalk development on the west side of Essa Road, and a second access to Bryne Drive located to the east adjacent to the Days Inn and opposite the Lowes Building Centre main signalized entrance.
  - e) No commercial component is included as part of the subject application.
7. An outline of the proposed development concept is attached as Appendix "B-1" and "B-2".

#### Location

8. The subject lands are located on the east side of Essa Road, west of Bryne Drive, south of the Essa Road Highway 400 interchange and north of Harvie Road in the 400 West Industrial Planning Area. The property is legally described as Part of the North Half of Lot 7, Con 13, Registered Plan 67 and is known municipally as 300 Essa Road. The subject property consists of 8.7 hectares and has 360 metres of frontage on Essa Road.



#### Existing Policy

9. The subject lands are designated General Industrial in the Official Plan. Lands designated General Industrial are intended to be predominantly used for manufacturing, processing, servicing, storage of goods and raw materials, industrial warehousing and similar uses.
10. The property is zoned Service Industrial (EM3), reflecting the general intent and uses of the Official Plan designation, and also permitting a wider range of non-industrial and commercial uses than other Industrial zone categories.

#### Surrounding Land Uses

11. Lands to the north of the subject property consist of a 2.6 hectare parcel occupied by a detached dwelling known municipally as 268 Essa Road. A medium density residential area, known as Timberwalk, is located across Essa Road to the west. Lands to the south are occupied by a television transmission establishment and a stormwater management pond owned by the City of Barrie. Lands to the east consist of additional lands owned by the City of Barrie as well as two hotels, the Days Inn, and Hampton Inn and Suites.

#### Background

12. On March 27, 2009, the City received an application from Rudy & Associates on behalf of the applicant for 5 apartment buildings ranging in height from 15 to 29 storeys, and 5 townhouse live/work units, for a total of 1,097 residential units and 1,260 square metres (13,500 sq. ft.) of office commercial. On May 22, 2009, the application was considered complete and a Notice of Complete Application was published on July 31, 2009.
13. In July 2009, the City received a Supplementary Land Use Planning Report from Rudy & Associates revising the proposal to 4 apartment buildings consisting of two 15 storey buildings, a 22 storey building, and a 24 storey building, totalling 700 high rise, high density apartments, along with 30 townhouse units. The revised proposal was submitted in response to concerns

expressed by City Planning staff over the inconsistency of the original application with the City's Intensification Study, the then (Council approved) Official Plan and staff concerns over excessive density and height. It was determined at the time that this revised application was not materially different than the original application in addressing staff's comments.

14. All of the applications propose the conversion of employment lands to a non employment use. The applicant was informed that the City must consider the legislative and policy framework under the Provincial Policy Statement (PPS) and Places to Grow (PTG) that requires that municipalities permit the conversion of employment lands to other uses only following the completion of a *municipal comprehensive review*.
15. Staff submitted a report (PLN040-09) to General Committee on August 31, 2009, recommending that the conversion of all employment lands, including 300 Essa Road, be considered premature and held in abeyance until a Municipal Comprehensive Review (MCR), as required in section 2.2.6.5 of the Growth Plan, was completed.
16. On September 28, 2009, Council passed motion 09-G-398, which read in part:  
  
*"That any applications for the conversion (redesignation) of Industrially designated lands to non-employment uses (including a Commercial, Residential or Institutional designation) be considered premature and held in abeyance until such time as the results of the municipal comprehensive review have been considered by Council and any amendments to the City's Official Plan, if required, have been adopted by Council, with the exception of:*
  - a) *The application by Essa Residences Inc. for a redesignation of approximately 8.7 hectares (21.5 acres) of land known municipally as 300 Essa Road from General Industrial to Residential (approximately 10.5 acres of which is proposed as being developable);"*
17. Council approved an Employment Lands Conversion Study to examine land use options for vacant employment lands. The study concluded that most of the lands within the study area should remain in the "employment lands" category, but recommended that lands with significant slopes or environmental features could be considered for redesignation to other uses. The subject lands were one of three properties exhibiting these characteristics which the report concluded could be considered for conversion from employment lands to non employment uses.
18. Consequently, Council exempted the above described property from the municipal comprehensive review.
19. On May 10, 2010, another revised application was submitted, proposing 5 apartment buildings. The buildings were 14 storeys, 15 storeys, 24 storeys and two buildings at 25 storeys each containing a total of 1,130 units. In addition, 31 cluster/block townhouse units were also proposed. A component of the application also included 13,300 square metres (143,000 square feet) of retail, commercial and office space. The development proposed two access points off Essa Road with all of the development fronting on an internal private road. This application was denied by Council in September 2010 (Motion 10-G-375) with the applicant being requested to amend their application again to comply with what is considered to be the developable area versus the environmental protection area as determined by the City of Barrie and the Lake Simcoe Region Conservation Authority. In addition, the applicant was asked to reduce the proposed residential densities and built form of the proposed development to reflect the densities and/or built forms as referenced in the City's Intensification Study.
20. On March 12, 2012, a revised application was submitted by the Jones Consulting Group Ltd. on behalf of the owner, proposing a development in response to the direction of Council Motion 10-G-375. There were three main concerns with the previous proposal. These issues relate to the

area to be used for development versus the area to remain undeveloped and designated Environmental Protection, the proposed density and built form of the development, and finally, traffic impacts on the area and access to the property.

21. These issues were specifically addressed as follows:
- a) The area that is to be designated and zoned Environmental Protection has been significantly increased as a result of discussions and a site walk with the Lake Simcoe Region Conservation Authority (LSRCA).
  - b) The area now identified as being environmentally sensitive and not suitable for development is approximately 5.7 hectares or 65% of the total site area.
  - c) The previous application proposed an environmentally sensitive area of 3.9 hectares or 45% of the total site area.
22. The current application proposes a significant reduction in the density despite the reduced area proposed for development. The scale and form of the development has been significantly altered with some ground related units forming part of the proposal. No commercial component is proposed with the current application. With a single restricted access proposed from Essa Road and the reduced development area now afforded by the current application, a commercial component was seen as problematic from an access, circulation and parking perspective. The proposed residential condominium form of development over the entire site is also intended to avoid the need to separate public traffic that would be accessing any commercial component from the private residential traffic generated by the future residents. Staff are satisfied that no large commercial component is required as part of the subject applications. Staff would note that convenience commercial uses which would serve the residents of an apartment building are permitted as of right in all apartment buildings. This is discussed further below.
23. The application now proposes a density that has been reduced from 243 units per hectare to under 139 units per hectare. This translates into a reduction in actual units from 1,161 units to 413 units or approximately a 65% reduction. The area proposed for development has been reduced from 4.8 hectares to 3.0 hectares, which is a 37% reduction. The development is now proposing two apartment buildings 12 storeys (39 metres) in height, one building 8 storeys (26 metres) in height, one building 4 storeys (15 metres) in height and block/cluster townhouse and stacked townhouse units. The previous proposal included five high-rise apartments ranging in height from 14 to 24 storeys (39 to 67 metres) in height.
24. The third issue, which was to be addressed by a revised application, relates to traffic impact and access. This has been addressed by eliminating one access onto Essa Road and creating a new access to Bryne Drive to the east. The access onto Essa Road would align with Loggers Run to the west and could be designed to accommodate a signalized entrance or be designed to provide right in and right out movements only. The City Engineering Department has indicated their preference for restricted movements rather than a signalized intersection given possible unsafe movements resulting during poor weather winter conditions. The access to Bryne Drive would be located to the south of the Days Inn and align with the signalized entrance to the Lowes Building Centre and Mountain Equipment Co-op. This access would also provide a pedestrian link from the development to shopping opportunities for the residents located on the east side of Bryne Drive.
- Public Meeting
25. A Public Meeting was held on May 7, 2012. One member of the public spoke at the meeting and expressed a concern with the access off Essa Road. He was of the opinion that given the grades

on Essa Road at the proposed access, that there should not be an access and that the access off Bryne Drive should only be considered.

26. Comments of Council related to the placement of the buildings to Essa Road, pedestrian routes through the site and to the shopping opportunities to the east and the opportunity to provide a lay-by lane on Essa Road for transit use given the expected use generated from this development.
27. A number of reports and plans have been submitted in support of the application. These are summarized in Appendix "C".

Internal and Agency Circulation

28. Circulation responses have been received from a number of departments and agencies.
29. The Engineering Department recognized that the lands would be subject to site plan control. They identified the need for a 3 metre road widening adjacent to the development lands along the Essa Road frontage which will not impact on the layout of the development. This has been confirmed by the owner's consultant. The access to Bryne Drive over City property at the northerly limits of the Days Inn lands is generally acceptable. The location of the access to the site on Essa Road is acceptable, which is opposite Loggers Run. This access would be restricted to right-in/right-out movement only and would not be signalized for full movements. The owner will be required to confirm that any outstanding local improvements or City of Barrie Act Charges have been paid. The Engineering Department reviewed the various reports submitted in support of the applications and indicated that they were generally acceptable. The technical matters outlined in the reports and implementation would occur at the time and as a component of site plan approval.
30. The Transit Department has indicated that public transit would not be provided through the development given the width of roads and the private nature of the development. Transit service for the residents is currently along Essa Road.
31. Parks Planning noted that the Environmental Protection lands should be dedicated to the City. This should occur prior to the removal of the Holding provision. The development of the public trail system proposed by the owner would be secured prior to the removal of the Holding Provision. Implementation of the trail system would be on the basis of a Master Plan prepared by the owner and approved by the City and the Lake Simcoe Region Conservation Authority. This Master Plan would include phasing and details concerning the various components including but not limited to, clean up, access, fencing, material and timing of the works. The owner will be required to provide the City with a clearance letter pertaining to the Endangered Species Act which relates to flora and fauna identified by the Act, prior to any site works occurring.
32. Building Services, Zoning Branch advised that the concept plan generally conformed to the standards of By-law 2009-141, however, there would be the need of a site specific by-law to permit the stacked and cluster townhouse development to be constructed within the Residential RA2 zone that is requested. A more detailed review of the development would occur at the time of site plan approval.
33. The Lake Simcoe Region Conservation Authority has advised that the limits of the Environmental Protection Area are acceptable and that these lands are to be dedicated to the City to ensure their ongoing protection and preservation. They have also advised that findings and recommendations of the Edge Management Report are acceptable subject to minor revisions.

## ANALYSIS

### Provincial Policy

34. The Provincial Policy Statement (PPS) and Places to Grow promote economic development through the conservation of employment areas.
35. The Provincial Policy Statement (PPS), Section 1.3.2 states that:  
  
*"Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion."*
36. The Growth Plan for the Greater Golden Horseshoe (Places to Grow) sets out a similar policy framework in planning for employment lands as previously cited.
37. Planning staff are satisfied that the Municipal Comprehensive Review (MCR) as defined by the Growth Plan has been complied with through the completion of the Employment Lands Municipal Comprehensive Review prepared by Watson and Associates, dated November 2011. This study was prepared as part of the Planning exercise for newly annexed lands at the south end of Barrie. This document recommended that the subject lands be considered for conversion from employment to residential lands. The proposed amendment to redesignate the subject lands from Industrial to Residential is considered to be in accordance with Section 2.2.6.5 of the Growth Plan.
38. Planning staff are satisfied that the proposed development is consistent with provincial policies in as much as the new development will occur adjacent to an existing built-up area, will have a compact form, and will take into account planned and public service facilities to accommodate projected needs.
39. The proposed development will result in the creation of residential units, adding to the mix of units in the area and will utilize existing infrastructure in the area without the need for additional cost of upgrading facilities. The future residents will have access to public transit, convenient shopping and outdoor amenity area which are all consistent and in accordance with provincial policy.

### City of Barrie Official Plan

40. There are a number of policies in the Official Plan that generally supports the proposed development. Sections 2.3 Assumptions, 3.1 Growth Management and 5.3 Housing relate to providing increased densities, consideration of the conversion of employment lands to non employment lands and the efficient use of land and the provision of a range and mix of housing types at appropriate locations.
41. The Residential Section 4.2 of the Official Plan encourages the creation of complete communities (4.2.1 (b)); the development of densities that would support transit (4.2.1 (c)); high quality linked open spaces (4.2.1 (d)); and new development in the medium and high density categories within intensification areas (4.2.1 (g)). The development proposes a density of approximately 139 units per hectare over the lands considered to be suitable for development. This is considered to be high density. This density includes all of the forms of housing proposed for the property. When taking into account the entire property, 8.7 hectares, the density would be approximately 48 units per hectare.

Intensification

42. The subject property is located on an intensification corridor as identified on Schedule I of the City of Barrie Official Plan.
43. Section 4.2.2.3 outlines locational criteria which are to be used to guide medium and high density development. This form of development is encouraged to locate in the Intensification Nodes and Corridors and generally adjacent to arterial and collector roads, in close proximity to public transit, schools, parks and commercial development and where services and facilities are adequate. The property is located between and will have access to Essa Road and Bryne Drive, which are both arterial roads. The property will be served by public transit that is available on Essa Road and is in close proximity to schools, parks and major commercial development.
44. The Intensification Policies, Section 4.2.2.3, indicates that a density of 50 units per hectare along corridors and 50-120 units per hectare within Intensification Nodes. Planning staff are of the opinion that the subject property has merit in considering a higher density consistent with an Intensification Node given its locational attributes. These relate to the site's close proximity to the Highway 400 and Essa Road interchange, commercial and employment uses and its location between two arterial roads.
45. The provision of a development of this nature within a topographically challenging property will inject a housing type that is not otherwise provided in the area with minimal impact on the surrounding existing development while still ensuring the preservation of significant environmentally sensitive lands.
46. The development, if approved, would be considered a site specific density increase as opposed to a new intensification node. In Planning staff's opinion, the development will serve to implement the policies of the Official Plan, Section 4.2.2.6 and the Intensification Study, dated April 2009 which now forms part of the City's Official Plan.
47. The Intensification policies as noted above were a carryover from the City of Barrie Intensification Study that was completed in 2009. Generally this study or strategy set out the framework that would "*encourage new development in the higher density categories in various appropriate locations throughout the municipality while continuing to support the integrity of stable neighbourhoods.*" Intensification projects are intended to be located within the Urban Growth Centre, at major traffic nodes, along major traffic corridors or within major transit station areas and be of a higher standard of urban design. The development, if approved, will serve to address many of the criteria outlined in this intensification strategy.

Environmental Protection

48. The subject property contains a significant environmentally sensitive area which represents approximately 52% (5.7 hectares) of the total property (8.7 hectares). The protection of these lands shall be ensured through their dedication to the City. The development also proposes to incorporate the natural topography of the property into the site design by strategically locating the structured parking in the valley areas. The protection and attention to design and location of the buildings on the site is consistent with Section 3.5 Natural Heritage, Natural Hazard of the Official Plan.
49. The application included the provision of an Environmental Impact Study which outlined the basis for determining the limits of the lands which are suitable for development and the interface to be used adjacent to the environmentally sensitive lands which are not suitable for development. The established interface will ensure that no negative impact between the proposed development and the natural features or ecological functions contained on the property are affected, which is in accordance with Section 4.7 Environmental Protection areas of the Official Plan. Subject to some



minor revisions to the report, the Lake Simcoe Region Conservation Authority and the City's Forestry section is satisfied with the planned interface treatment proposed.

50. The environmentally sensitive lands include a sizable deciduous forest in the easterly and southern portions of the property and an area that supports the discharge/recharge function for groundwater over the property. These features are to be designated and zoned Environmental Protection and dedicated to the City to ensure their ongoing protection and preservation. Additional environmentally sensitive lands to the south, in the City's ownership, would be combined to create one large parcel that represents a significant passive open space area that could incorporate a natural pedestrian path system.

#### Servicing and Transportation

51. Development of the property would conform to the applicable policies of Section 5.0 of the Official Plan, Servicing and Transportation. The development would be connected to full municipal services and have access points to both Essa Road and Bryne Drive. The owner will be responsible for all costs associated with the provision of the driveway/access to Bryne Drive including traffic signal modifications to the timing at this access point onto Bryne Drive. These matters would be reviewed and approved in greater detail as part of a future site plan application.
52. The Engineering Department is generally satisfied that the lands can be serviced from the existing infrastructure in the area. Any upgrading of services to accommodate the development would be the responsibility of the owner and would be determined through the site plan approval process. The owner is proposing to retrofit the existing storm pond located to the east to address the management of future flows resulting from the development. The Engineering Department has advised that the retrofit of the existing pond will require that it comply with Ministry of Environment standard. Failing this, an alternate design to manage stormwater would be required. The owner's consultant has advised that this can be achieved and that stormwater management would be in compliance with Ministry of Environment and City of Barrie standards which would be detailed as a component of their future site plan submission.
53. The required 3 metre road widening will assist in bringing Essa Road up to its ultimate width of 36 metres from the current 33 metre width. This road has been designed and built to accommodate significant volumes of traffic given its major arterial status. Redevelopment of the subject property is not expected to impact on the level of service this road is intended to accommodate. The second access from the site to Bryne Drive along with the restricted turning movements onto Essa Road from the site will all assist in distributing the traffic movements generated as a result of the site development. It should be noted that the subject property falls outside of the expected area of reconstruction works that are to occur between Ardagh Road and Anne Street.
54. The Engineering Department advised that the City will be making its' best effort in accordance with Council Motion 08-G-359 (Appendix "D") to recover financial contributions from any new developer in the area that benefits by the infrastructure improvement works undertaken and that these contributions be reimbursed to the original contributor of the works on a pro rata basis. In the case of the subject application this would relate to the Essa Road interchange and the future Harvie Road interchange. The implementation of motion 08-G-359 would be addressed prior to and as a condition of site plan approval.

#### Urban Design

55. Similarly, policies outlined in Section 6.5, Urban Design Guidelines, would be implemented at the time of site plan approval. To ensure that the concept proposed by the owner is realized, staff are recommending that the approval be tied to the concept provided by the owner. The concept plans propose an alteration of the site such that the buildings would have a presence along the Essa Road frontage while still ensuring that an appropriate landscape treatment is provided in

this area. Despite the expected site alteration which will be necessary to accommodate the proposed buildings within the limits of the development area, the concept plans reflect a sensitivity in their design and layout that should minimize the disruption of the natural features afforded on the property which is in accordance with Section 6.5.1(c) of the Official Plan.

56. The property, given its location on Essa Road, an intensification corridor, will be subject to the Intensification Area Urban Design Guidelines which are currently in draft form. These guidelines will provide further detailed design direction for developments to ensure that the built form and matters related to the quality of the built form and provision and quality of public open space areas are appropriately addressed. The concept plans to date generally appear to conform to the direction suggested in the draft guidelines. The concept plans reflect a variety of building types and scale of development with both public and private open space areas. The unique topography and the building form should create a visible landmark on the City's' landscape, while still providing the opportunity for a unique public open space area given the significant environmentally sensitive land feature afforded by the property which is to be dedicated to the City. These are just a few of the matters that are addressed by the development which is consistent with the Intensification Area Urban Design Guidelines.

#### Parkland Contribution

57. The owner will be required to provide a parkland cash contribution in lieu of a land dedication in accordance with the Planning Act. This would occur following site plan approval, prior to the issuance of a building permit.

#### Impact on Surrounding Lands

58. The subject property is situated such that there should be little if any impact on the existing surrounding land uses. Lands to the east are developed for commercial uses while the lands to the south are occupied by a communications/broadcasting operation. Industrial lands are in excess of 200 to 300 metres to the south and east of the subject property and will be separated by the extensive environmental protection area forming part of this application, which is to be dedicated to the City.

#### Shadowing on Adjacent Lands

59. A shadow study/assessment was not required as part of the submission. It is staff's opinion that this would not be an issue with the surrounding developments given the reduced height and the distance separation of the development from existing land uses that could have been impacted. The environmentally sensitive lands to be dedicated and potentially developed as a passive public walking trail system are located to the south of the development and therefore will not be impacted by shadowing from the development.
60. The proposed development, if approved, is generally consistent and in conformity with the policies of the Official Plan. The development meets the locational policies, provides an appropriate density and will utilize existing services in accordance with the intensification policies. The redesignation of employment lands to non employment lands has been evaluated in accordance with the policies as set out in the Official Plan and has been determined to be appropriate given the location of the property and the topography of the site. Finally, the lands which contain significant environmental features are to be preserved and dedicated to the City in accordance with the Environmental Protection Policies set out the Official Plan.

Zoning By-law 2009-141

61. As noted previously, the property is zoned Service Industrial (EM3). The application under consideration is requesting a site specific zoning by-law that would serve to zone the property Residential Apartment Dwelling Second Density-2 (RA2-2) Special (SP) Holding (H).
62. This Special zone would establish specific performance standards that would ensure that the concept proposed by the owner was in fact realized. The standards would dictate the maximum number of buildings, the maximum units contained in each building, their height and the form of the building that was to occur such as an apartment, or townhouse unit. The standards suggested would provide minimum and maximum development performance standards that would assist in establishing the general location of the buildings in accordance with the concept plan while still providing a certain amount of flexibility in determining the final details. The site plan approval process would then establish the details which would include the final placement of the buildings on site, massing of the buildings, pedestrian access, parking location, traffic circulation and the architectural details of the development. The concept plan would be used to form the basis of the final site plan approval.
63. To ensure that the intensification of the site is realized, a minimum density for the site of 50 units per hectare is suggested. This would provide a density range of from 50 to 139 units per hectare. The 50 units per hectare as a minimum density are suggested given the property's location on an intensification corridor. The upper limit of 139 units per hectare is considered appropriate in this instance given the development's conformity with the intensification policies of the Official Plan, the challenging topography offered by the property and the minimal impact the higher density should have on the surrounding land uses. These standards are consistent with the targeted density requirements for an intensification corridor.
64. It should be noted that although the Residential RA2-2 zone is suggested, which would normally permit a maximum height of 45 metres, a maximum height for this development would only be 36 metres. This is suggested in an effort to have the buildings, once constructed, to blend into the natural topography to the south, which will form a natural vegetative backdrop to the taller apartment buildings. This natural vegetation is represented by the lands that are to be dedicated to the City and designated and zoned Environmental Protection. This is conceptually reflected by the drawing noted as Appendix "B-2".

As of Right Commercial Component

65. Staff would note that under Section 5.2.6 of By-law 2009-141, a convenience store, personal service store and dry cleaning distribution outlet is permitted as of right within an apartment building providing the commercial use(s) do not occupy greater than 25% of the ground floor area of the building. This standard will provide the opportunity for the development to accommodate convenience commercial uses into the development if it is considered appropriate and warranted without the need for a special provision being incorporated into the proposed site specific zoning by-law associated with the property.
66. Planning staff are satisfied that the recommended Special zoning provisions and the use of the Holding provision will ensure that the development will be realized in accordance with the proposed concept plan. Matters related to the land dedication, i.e. road widening and environmentally sensitive lands and the implementation of cost sharing arrangements for major road works will all be addressed prior to the removal of the Holding provision.

Right of Appeal to the Ontario Municipal Board

67. **Council should note that the approval or denial, in the opinion of the City's Legal Services Department, is not subject to an appeal to the Ontario Municipal Board.** The application

represents a conversion of employment lands to a non-employment use and as such is not appealable under the Planning Act.

68. In a memo to Council dated August 17, 2010, Ms. Robyn Carlson of the Legal Services Department advised in part the following:

*"Section 22.(7.3) of the Planning Act (PA) provides that, where an OP has policies dealing with the removal of land from employment areas (and OPA 100 does), section 22.(7.1) of the PA applies to requested amendments to the OP that propose to remove land from an area of employment.*

*Section 22.(7.1) PA provides: "there is no appeal in respect of a refusal or failure to adopt or approve an amendment described in subsection (7.2)"*

*Reading sections 22.(7.3), 22.(7.1) & (7.2) together gives the following interpretation of section 22.(7.1): "there is no appeal in respect of a refusal or failure to adopt or approve an amendment that proposes to ... remove land from an area of employment"*

*Therefore, amendments that propose to remove land from an area of employment are added to the list of types of amendment applications for which there is no appeal, at section 22.(7.3), by virtue of OPA 100 having policies dealing with the removal of land from employment areas."*

#### Summary and Conclusion

69. The proposed applications, if approved, will generally be in accordance with Provincial Policy and the City's Official Plan. The form of the development would be consistent with the Intensification Strategy as incorporated into the Official Plan. Although the property fronts onto an Intensification Corridor as identified in the City's Official Plan which is considered to be suitable for a mixed use development incorporating a range of medium to high density development, no specific commercial component is included given the challenging topographical and access constraints related to Essa Road. The as of right provision for convenience commercial uses as provided for in Section 5.2.6 of By-law 2009-141 will serve to address any commercial needs of the future residents on site if deemed appropriate.
70. The environmental impacts of the proposal are now consistent with the policy structure for the conservation of natural heritage features and functions as set out in the Provincial Policy Statement and the City's Official Plan, as important natural heritage functions would be retained and maintained. Their long term preservation will be secured through the dedication of the environmentally sensitive lands to the City of Barrie.
71. Planning staff are recommending approval of the subject applications subject to the conditions as outlined in the Recommended Motion.

#### ENVIRONMENTAL MATTERS

72. The following environmental matter has been considered in the development of the recommendation:

The development has identified the lands that are considered environmentally sensitive in consultation with the Lake Simcoe Region Conservation Authority and City of Barrie staff. An appropriate interface has been proposed and considered acceptable by City staff and the Lake Simcoe Region Conservation Authority. Implementation of the interface would occur as a component of the site plan approval between the lands considered to be suitable for development and those to be designated Environmental Protection and dedicated to the City. The dedication

of these lands to the City of Barrie will ensure the preservation of the natural heritage features and functions found on site, which include woodlands and a significant groundwater discharge/recharge area. The preservation is consistent with the Provincial Policy Statement and the City's Official Plan.

### **ALTERNATIVES**

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

#### **Alternative #1**

The application could be denied. This action is not recommended as (1) the lands have been identified as being suitable for residential development in the Employment Lands Municipal Comprehensive Review Study prepared by Watson and Associates, (2) the proposal satisfies a number of locational and density policies contained in the City's Official Plan and (3) securing of lands identified as being environmentally sensitive through dedication, would further delay in having them protected by the City of Barrie in accordance with the City's Official Plan and Provincial Policy.

### **FINANCIAL**

74. The subject lands represent a significant development proposal with multi-million dollar construction costs. If approved and constructed, the addition of 413 residential units would have a significant financial impact on the area both in terms of costs and benefits. Service upgrades and road improvements directly related to the development would be the responsibility of the developer.

75. The development of the site as proposed would generate revenues in terms of annual municipal tax revenue, building permit revenues, and development charge revenues. The annual municipal taxes (2012), currently \$52,982 on the property, would be an estimated \$1.4 million. Building permit revenues would generate an estimated \$700,000, and development charge revenues would be in the order of \$7.2 million.

### **LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

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

- Direct and Manage Economic Development – Council is considering approval of a significant residential development on lands that currently permits industrial development.
- Manage Growth and Protect the Environment – Approval of the development will result in the dedication of environmentally sensitive lands to the City at no cost and ensure their protection in the future.
- Strengthen Barrie's Financial Condition – the development will increase the City's tax base and result in additional revenues generated through increased taxes, payment of development charges and issuance of building permits.

Attachments: Appendix "A" – Part A and Part B of Official Plan Amendment No. 17  
Appendix "B-1" - Proposed Development Concept  
Appendix "B-2" - Section of Development along Essa Road  
Appendix "C" – Summary of Reports Submitted  
Appendix "D" – Council Motion 08-G-359

**APPENDIX "A"**

**PART A – THE PREAMBLE**

**PURPOSE**

The purpose of this Official Plan Amendment is to amend Schedule "A" to permit the construction of 413 residential dwelling units. A mixture of dwelling types is proposed including townhouses, stacked townhouses, a 4 storey low rise apartment, an 8 storey mid rise apartment and two 12 storey high rise apartments. The amendment will also serve to recognize an environmentally sensitive feature/function associated with the property.

Schedule "A" is to be amended to revise the designation for the subject property from "General Industrial" to "Residential" to accommodate the proposed residential development and "Environmental Protection" and to ensure the ongoing protection of an environmentally significant feature located on the property.

**LOCATION**

The lands subject to this amendment are located in the City of Barrie, as described as Park Lots 2 and 3, and Part of Parks Lots 4 and 5, Registered Plan 67 and the North Half of Lot 7, Concession 13, geographic Township of Innisfil, known municipally as 300 Essa Road. The property is located on the east side of Essa Road, south of Bryne Drive and North of Beacon Road. The 400/Essa Road intersection lies approximately 350 metres to the north of the site. The lands are approximately 8.7 hectares (21.5 acres) in size.

**BASIS**

The subject property is currently designated "General Industrial" in the City of Barrie Official Plan. The purpose of the "General Industrial" designation is to permit manufacturing, processing, industrial warehousing and related uses. Multiple residential dwellings are not permitted under the existing designation, therefore an Official Plan Amendment is required to redesignate the subject lands to accommodate the proposed development.

The proposed Official Plan Amendment would re-designate the subject property from "General Industrial" to "Residential" and "Environmental Protection".

On three separate occasions in 2004, 2009 and again in 2011, the City has reconfirmed that the subject lands are not suitable for industrial purposes due to topographic and environmental considerations. A 30 metre grade difference exists between the south and north limits of the property and a large portion of the property has environmental significance. An environmental analysis completed for the property indicates that a substantial portion of the site contains environmental features and functions worthy of protection. Staff from the Lake Simcoe Conservation Authority has confirmed this analysis and the demarcation of the lands which should be protected. As a result, 5.7 hectares of the 8.7 hectare site has been set outside of the potential development envelope and it is proposed that these lands be kept in their natural state with the inclusion of public walking trails to be constructed by the developer. The environmental lands are to be designated "Environmental Protection" and will be conveyed to the City of Barrie.

Application of Ministry of Environment Guidelines ("Compatibility between Industrial Facilities and Sensitive Land Uses") further constrains industrial use of the property.

The subject lands are not adjacent to any agglomeration of industry and the adjacent lands would be subject to the same constraints with an industrial zoning. Therefore, the conversion of these lands does not appear to constrain the potential industrial development of other lands.

This site is located within Barrie's built boundary as established by the Province. This project will assist the City in meeting its goals and objectives related to intensification. The location of the subject lands on a transit route, the compact nature of development, and its proximity to shopping and employment uses are all supportive of the Growth Plan.

The development will provide a mixture of housing and densities, some of which are not available in this part of the City.

**PART B – THE AMENDMENT**

DETAILS OF THE AMENDMENT

The Official Plan for the City of Barrie, as it applies to Park Lots 2 and 3, and Part of Parks Lots 4 and 5, Registered Plan 67 and the North Half of Lot 7, Concession 13, geographic Township of Innisfil, known municipally as 300 Essa Road, is amended as follows:

1. Schedule "A" Land Use Plan is hereby amended by re-designating lands in the City of Barrie, known municipally as 300 Essa Road from "General Industrial" to "Residential" and "Environmental Protection" as shown on Schedule "A" to this Amendment.

All other policies of the Official Plan of the City of Barrie shall apply.

IMPLEMENTATION

Upon adoption of this Amendment, Council will consider an implementing Zoning By-law which will establish Special development standards related to minimum and maximum densities and the form of development based on a concept plan provided by the owner.

A Holding provision shall be implemented as part of the Zoning By-law to ensure specific matters are addressed prior to development occurring.

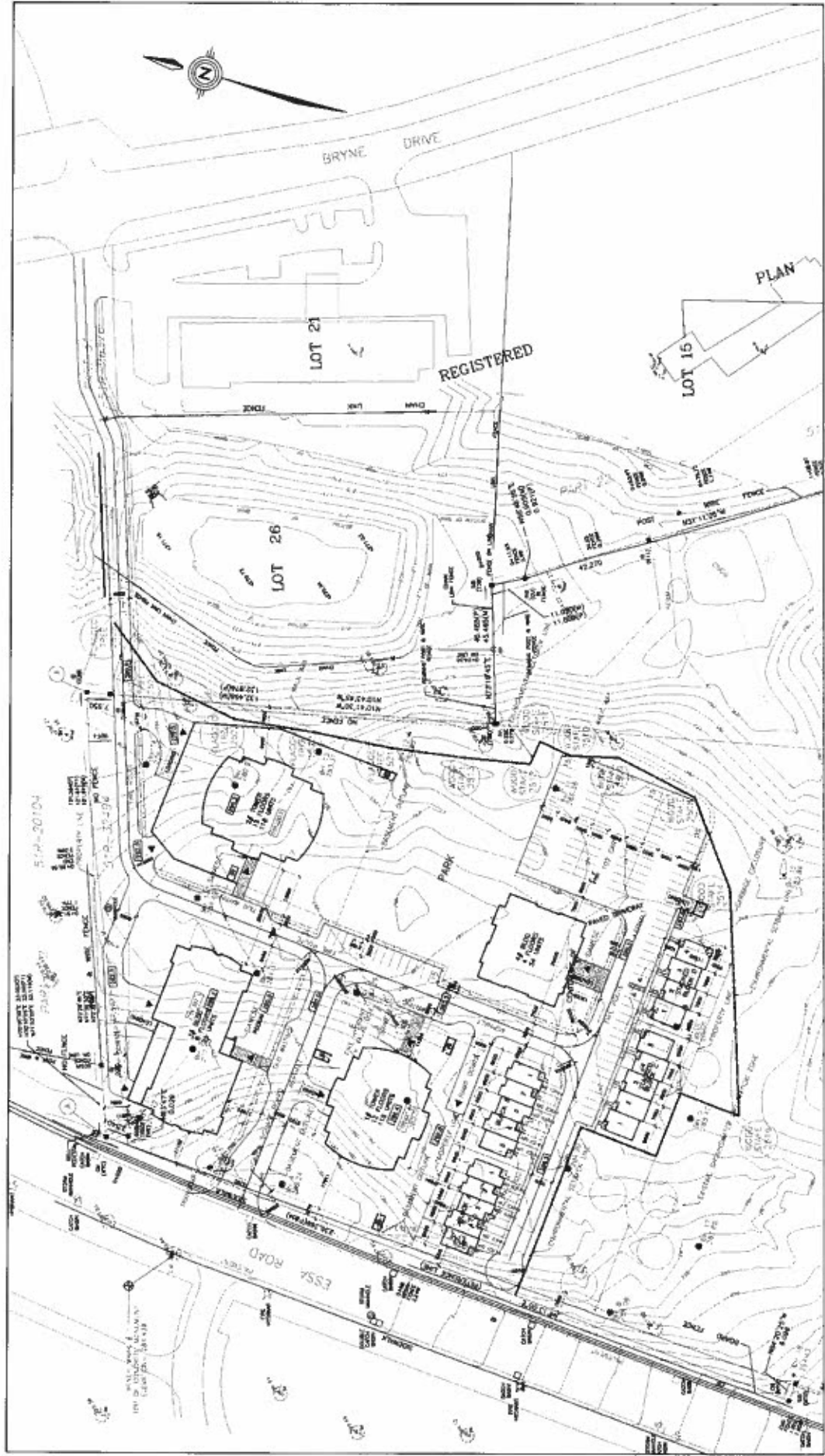
INTERPRETATION

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.





**APPENDIX "B-1"**  
**Proposed Development Concept**



**APPENDIX "B-2"**  
**Section of Development Along Essa Road**



## APPENDIX "C"

### Summary of Reports Submitted

**Planning Report:** This document provides an outline of the application, the revisions that have been undertaken to address the previous issues per Council Motion 10-G-375, and the various provincial and Official Plan policies that support the application.

**Environmental Impact Study:** The document examines the proposed development and determines the potential impacts of the proposal upon the natural environmental features and functions of the property and on the adjacent lands. The report also served to assist in determining the boundary between the lands that may be developed versus undeveloped.

**Forest Edge Management Plan:** the document examines the trees on site and determines those that are to be removed in areas that are proposed for development and along the perimeter of the lands which area to be preserved and designated and zoned Environmental Protection. The edge management plan is intended to mitigate the potential negative impacts of development on existing retainable trees and create a healthy forest edge environment to benefit local flora/fauna and maintain public safety.

**Traffic Impact Study:** The document examines the proposed development in relation to the site access points and the possible impact the development may have on the surrounding road network and recommends possible mitigating measures to address these impacts.

**Geotechnical Investigation:** This document examined the subsurface conditions at the site and provided comments and engineering recommendations for building foundations and pavement design.

**Functional Servicing Report:** This document examines existing and proposed service connects to the site. Sanitary, storm and water services are examined and recommendations are made that would support the proposed development. Recommendations are also contained in the report which would address the upgrading of any existing infrastructure in order to support the development.

**Noise Impact Study:** This document served to assess potential noise impacts on the proposed development by identifying noise sources and noise-sensitive land uses, recommending mitigation measures, if and where required and to identify areas, if any, where additional and more detail study would be required. Noise sources included Essa Road, Bryne Drive and Highway 400.

**Stage 1-2 Archaeological Assessment Report:** This document served to document the assessment that was carried out on the subject property and identify any archaeological resources that were encountered. As no resources were discovered, the proposed site was considered to be cleared of any further requirement to archaeological fieldwork.

**Concept Plan(s):** These plans reflect the placement of buildings, building elevations (height), site access, parking areas, pedestrian routes, limits of development, topography and proposed site statistics. A proposed trail system plan has been provided that outlines the various components that could be developed within the environmentally sensitive area. Plans reflecting artistic renderings of how the buildings would appear in a 3-d view from various angles has been provided in addition to a section along Essa Road that reflect the heights of the buildings in relation to the existing vegetation and grade of the lands to the south.

APPENDIX "D"

Council Motion 08-G-359



*City Clerk's Office*  
**COUNCIL DIRECTION MEMORANDUM**

TO: City Treasurer  
Director of Building Services  
Director of Planning Services  
Director of Engineering  
City Clerk

FROM: Dawn McAlpine, City Clerk

DATE APPROVED  
BY COUNCIL: June 30, 2008

**AMENDED BY RESOLUTION 08-A-284**

**AMENDMENT #1**

That motion 08-G-359 of General Committee Report No. 34, Section "F" concerning Financing Highway 400 Infrastructure Improvements be amended by deferring consideration of 1 (a) to allow sufficient opportunity to meet with staff to discuss alternatives and to report back to Council on August 11, 2008.

**AMENDMENT #2**

That motion 08-G-359 of General Committee Report No. 34, Section "F" concerning Financing Highway 400 Infrastructure Improvements be amended by adding the following paragraph:

- "4. That the Mayor and City Clerk be authorized, in consultation with staff and the City Solicitor, to enter into any agreements required to secure the City's interest and to implement to foregoing as permitted in accordance with the provisions of the Municipal Act and/or Planning Act, as necessary and appropriate."

**08-G-359 FINANCING HIGHWAY 400 INFRASTRUCTURE IMPROVEMENTS**

1. That the developers within the Highway 400 corridor, through an irrevocable letter of credit at the time of building permit issuance to be cashable at the time of construction tender award, make a financial contribution towards the infrastructure works at the following interchanges/crossings as follows:

a)	Duckworth	\$2,650,000
b)	Essa	\$1,050,000
c)	Harvie	\$5,500,000
2. That the developers be required to confirm, in writing, as a condition of site plan or other development approval that the financial contribution to be provided in accordance with paragraph 1. above be applied toward the non-growth share of the costs of infrastructure improvements for the related interchange works within the Highway 400 corridor.

08-G-359      Continued ...

3.      That the City use its best efforts to recover financial contributions from any new developers in the areas that benefit by the infrastructure improvement works undertaken and that these contributions be reimbursed to the original contributor of the works on a pro rata basis. (FIN001-08) (File: F00)

Direction:

City Treasurer – note  
Director of Building Services - note  
Director of Planning Services – note  
Director of Engineering – action  
City Clerk – Laura – note