



**DEVELOPMENT SERVICES
MEMORANDUM**

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File: D30-024-
2022
Pending #:

TO: MAYOR A. NUTTALL AND MEMBERS OF PLANNING COMMITTEE

FROM: L. JUFFERMANS, PLANNER, EXT. 4447

NOTED: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PUBLIC MEETING FOR A TEMPORARY USE ZONING BY-LAW – 164 INNISFIL STREET – WARD 2

DATE: NOVEMBER 29, 2022

The purpose of this Memorandum is to advise members of Planning Committee of a Public Meeting for a Temporary Use Zoning By-law application submitted by MHBC Planning Inc. on behalf of 1911940 Ontario Inc. (c/o Jamie Salter). The property is legally described as Concession 5, Part of Lot 25, Geographic Township of Vespra and municipally known as 164 Innisfil Street, City of Barrie.

The proposed Temporary Use By-Law application seeks to permit a retail store on the subject lands for three (3) years until December 12, 2025.

A retail store is currently operating on the site and has a history of zoning compliance matters. To address these zoning matters, planning staff have worked with the applicant to explore several solutions. Two Temporary Use By-laws for the property to permit a retail store not related or ancillary to an industrial operation were previously approved for periods of eighteen (18) months with the most recent temporary use extension expiring on June 3, 2022 (By-law 2021-024 – Appendix “B”).

Over the previous year, the applicant submitted an application for Site Plan Approval (D11-012-2021) for an addition to the existing multi-tenanted space to permit an industrial warehouse use. The site plan approval involves an alteration to the existing retail space and cannot be approved until such time as the use is permitted on the site.

The applicant has identified that they are preparing a Zoning By-law Amendment for the subject site which will bring the use into conformity; however, this application requires final approval of the new adopted City Official Plan by the Ministry of Municipal Affairs and Housing (MMAH) in order to support and allow for the existing use as a *Major Retail* use. Previous Temporary Use By-law applications were made with the understanding that the new Official Plan would be in place allowing for an application for a Zoning By-law Amendment to be submitted.

As the previous Temporary Use By-law has now lapsed, the applicant has submitted a new application for a Temporary Use By-law for three (3) years in order to avoid the need for further temporary use applications and provide sufficient time to make an application for a Zoning By-law Amendment and to receive Council's decision on the matter.

The Temporary Use Zoning By-law approval would facilitate the development of a 929.5 square metre addition through Site Plan Approval and temporarily permit the continued use of a 3,212 square metre retail store to be confined to its current location and size with no expansion (see Appendix “A” – Site Plan).

The submission materials associated with the subject applications are available for viewing on the City's Proposed Developments webpage under [Ward 2 - 164 Innisfil Street](#).

Background

The subject lands are 2.9 hectares in size and have frontage onto Innisfil Street and Brock Street. The existing industrial building on the property is occupied by multiple uses including a retail store, office space and warehousing.

The proposed Temporary Use By-Law would apply to a portion of the property, identified as 'Existing Retail' in Appendix "A", which occupies approximately 3,213 square metres on the western portion of the existing industrial building.

The land uses immediately surrounding the site include:



North General industrial uses including a self-storage operation

East Environmental Protection Area (Brock Park) and residential uses located east of Innisfil Street

South Residential, general industrial, and commercial uses located south of Brock Street

West Vacant general industrial land and commercial uses located west of Anne Street

The subject lands are located within the 400 North Industrial Planning Area with close proximity to the mixed City Centre residential and commercial areas and the Anne Street and Dunlop Street West Highway 400 interchange.

The application was submitted to the City and deemed complete on October 21, 2022. Notification of the filing of a complete application and a public meeting was circulated to property owners within 120 metres of the subject property, as well as interested parties, in accordance with the *Planning Act*. The application has also been circulated to all applicable City departments and external agencies for review and comment.

Neighbourhood Meeting

No neighbourhood meeting was held for the subject application as the use is existing and has previously obtained temporary use approvals.

Temporary Use By-law

The application seeks to permit the continued operation of an existing retail use on the subject property for up to three (3) years, as permitted by Section 39(3) of the *Planning Act* in order to provide sufficient time for provincial approval of the City of Barrie new Official Plan and allow time for Council's consideration of the Zoning By-law Amendment application which is required to support the long-term use of retail on the subject property in an industrial area. The existing 'General Industrial' designation and zoning does not



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support the existing retail use; however, it is the applicant's view that the proposed 'Employment Area – Non Industrial' designation in the new Official Plan will permit *Major Retail*.

Next Steps

Following the public planning meeting for this project, a staff report for the requested temporary use is anticipated for the following Planning Committee scheduled for December 6, 2022, for consideration by Council. An application for a Zoning By-law Amendment is expected following provincial approval of the newly adopted Official Plan.

Staff will continue to work with both the applicant and landowner to address planning and building compliance issues with the subject multi-tenanted building.

Should the Temporary Use By-law be approved, approval of the related site plan agreement for a 929.5 square metre addition (D11-012-2021) is expected to be finalized before the end of 2022 with Zoning and Building approval.

If you have any questions, please contact the planning file manager, Logan Juffermans at 705-739-4220 ext. 4447 or via email at logan.juffermans@barrie.ca.

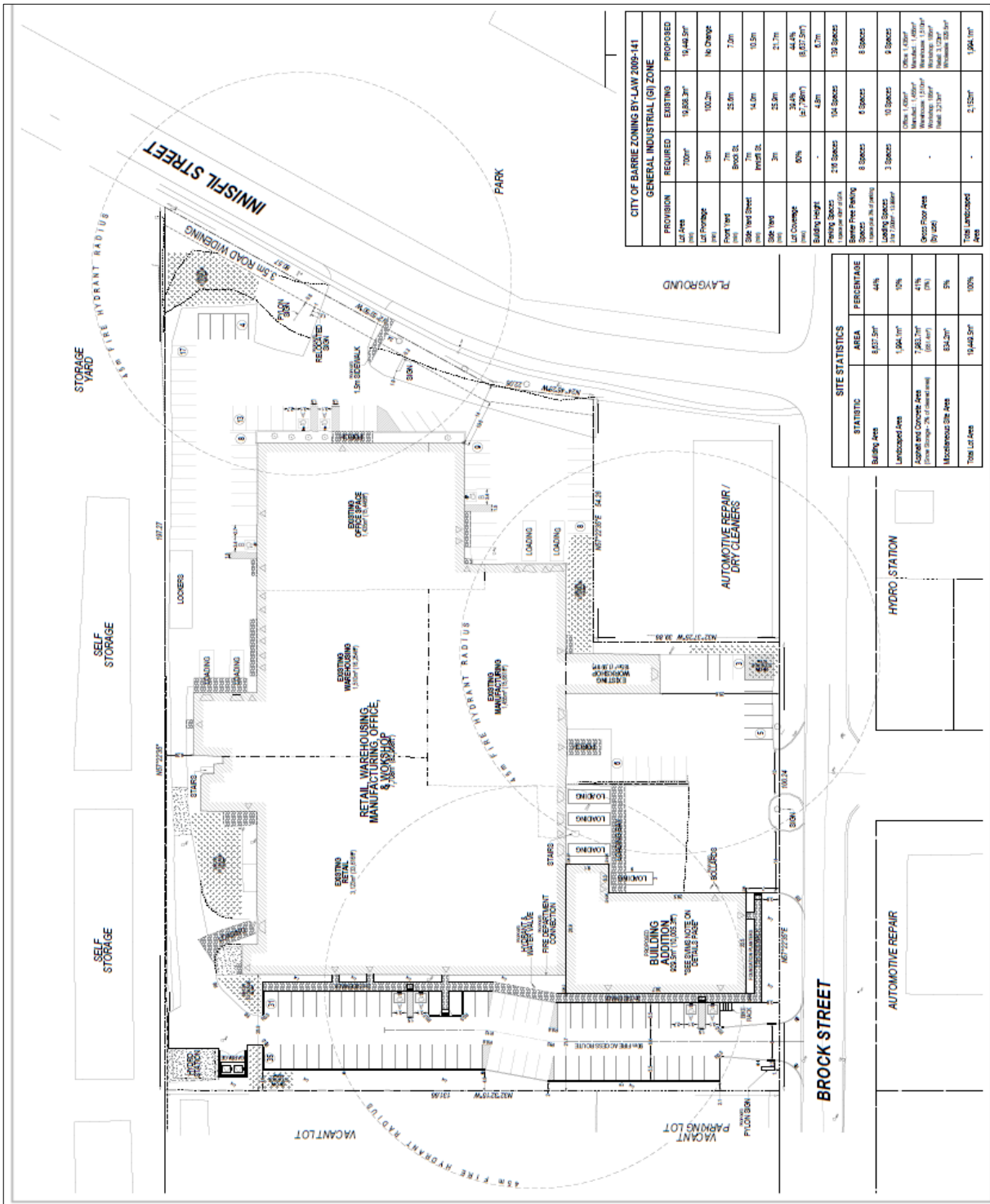
Attachments:

Appendix "A" – Site Plan

Appendix "B" – Temporary Use By-law 2021-024

APPENDIX "A"

Site Plan



APPENDIX "B"

Temporary Use By-Law 2021-024



Bill No. 024

BY-LAW NUMBER 2021-

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 as to permit a retail store on a portion of the lands being Part of Lot 25, Concession 5, Geographic Township of Vespra, City of Barrie, County of Simcoe, and located on the western portion of the lands known municipally as 164 Innisfil Street, Barrie.

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 21-P-005.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. THAT a retail store shall be permitted to operate within the western portion of the existing building, and the existing parking and other existing conditions shall be deemed to comply, on lands described as Part of Lot 25, Concession 5, Geographic Township of Vespra, now in the City of Barrie, County of Simcoe, and located on lands known municipally known as 164 Innisfil Street, Barrie, in accordance with Schedule "A" attached to this By-law being a portion of the zoning map. The retail store use shall be confined to its current location and size of approximately 3,212 square metres with no expansion thereof.
2. THAT the retail store shall be permitted as a temporary use until June 3, 2022, in accordance with the provisions of Section 39 of the Planning Act, R.S.O. 1990, c.P.13, after which time this By-law shall be deemed to be repealed.
3. THAT the remaining provisions of By-law 2009-141, applicable to the lands described above as shown in Schedule "A" to this By-law shall apply to the said lands except as varied by section 1 of this By-law.
4. THAT this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 22nd day of March, 2021.

READ a third time and finally passed this 22nd day of March, 2021.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – WENDY COOKE

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Bill No. 024

Schedule "A"



Schedule "A" to attached By-law 2021-

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – WENDY COOKE