
TO: **PLANNING COMMITTEE**

SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION – 189 SUMMERSET DRIVE (WYNSTAR BEAR CREEK GP INC.)**

WARD: **6**

PREPARED BY AND KEY CONTACT: **C. KITSEMETRY, RPP, SENIOR PLANNER, EXT. 4430**

SUBMITTED BY: **M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES**

GENERAL MANAGER APPROVAL: **B. ARANIYASUNDARAN, P.ENG, PMP, GENERAL MANAGER, INFRASTRUCTURE AND GROWTH MANAGEMENT**

CHIEF ADMINISTRATIVE OFFICER APPROVAL: **M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

RECOMMENDED MOTION

1. That the Zoning By-law Amendment Application submitted by Innovative Planning Solutions, on behalf of Wynstar Bear Creek GP Inc., to rezone lands known municipally as 189 Summerset Drive from 'Residential Multiple Second Density' (RM2) to 'Residential Multiple Dwelling Second Density with Special Provisions' (RM2)(SP-XXX), be approved as attached to this Staff Report as Appendix "A" .
2. That the following site-specific provisions be referenced in the implementing zoning by-law for the subject lands:
 - a) Permit a parking standard of 1.27 parking spaces per unit, whereas 1.5 spaces are required;
 - b) Permitted uses shall include:
 - i. 6-storey apartment building whereas a walk-up apartment building to a maximum of 4-storeys is permitted; and
 - ii. back-to-back townhouse units to a maximum of 50% or 156 units, whichever is greater; and
 - c) Permit a minimum rear yard setback of 2.8 metres, whereas a minimum of 7 metres is required; and
 - d) Permit a maximum gross floor area of 116%, whereas a maximum of 60% of the maximum lot area is permitted; and
 - e) Permit a maximum building height of:
 - i. 21 metres for the 6-storey apartment building, whereas the maximum height for a 4-storey walk-up apartment building is 20 metres; and
 - ii. 13 metres for the back-to-back and block/stacked townhouse built form, whereas the maximum height is 10 metres;

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- f) Permit a maximum density of 70 units per hectare, whereas a maximum of 40 to 53 units per hectare are permitted; and
 - g) Permit 12 square metres per unit of consolidated amenity area in two (2) separate locations, whereas 12 square metres of consolidated amenity area in one location is required; and
 - h) Remove the requirement for a 3 metre continuous landscape buffer along the side and rear property lines of a property containing an apartment dwelling.
- 3. That the owner/applicant is required to provide community benefits per Section 37, as amended or replaced, of the *Planning Act* and City of Barrie Official Plan Section 6.8 Height and Density Bonus to the satisfaction of the Director of Development Services.
 - 4. That the written and oral submissions received relating to this application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application as amended, including matters raised in those submissions and identified within Staff Report DEV007-22.
 - 5. That pursuant to Section 34 (17) of the *Planning Act*, no further public notification is required prior to the passing of this By-law.

PURPOSE & BACKGROUND

Report Overview

- 6. The purpose of this report is to recommend approval of a Zoning By-law Amendment application submitted by the Innovative Planning Solutions, on behalf of Wynstar Bear Creek GP Inc., for lands known municipally as 189 Summerset Drive. The applications are intended to facilitate the future development of this medium density block for 310 residential units with two additional built forms than currently permitted in the existing Residential Multiple Second Density (RM2) zone. The final concept, attached to Staff Report DEV007-22 as Appendix "C-2" includes a 6-storey 90 unit apartment building, 64 block/stacked townhouses and 156 back-to-back townhouse units. The lands are located on the north side of Ardagh Road at the extension of Summerset Drive.
- 7. With the conclusion of the technical review and public consultation process, which included a Neighbourhood Meeting January 22, 2020, and Public Meeting on May 11, 2021, staff have determined that the proposal has regard for matters of provincial interest as outlined in the *Planning Act*, is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019), as amended, and the City of Barrie Official Plan (2009). As such, staff are recommending approval of the rezoning application as provided in draft attached to Staff Report DEV007-22 as Appendix "A".

Site and Location

- 8. The subject lands are vacant and known municipally as 189 Summerset Drive. The parcel is 4.49 hectares in size, and irregular in shape, bordered on three sides by municipal roads. The property is legally described as Block 76 on Plan 51M-1167 attached to Staff Report DEV007-22 as Appendix "E". The frontage would be considered Summerset Drive generally along the north and west property lines, with the side yard being Ardagh Road to the south. The rear property line to the east is established by Block 79 on Plan 51M-1167 which is an environmental protection area dedicated to the City with the Plan of Subdivision.

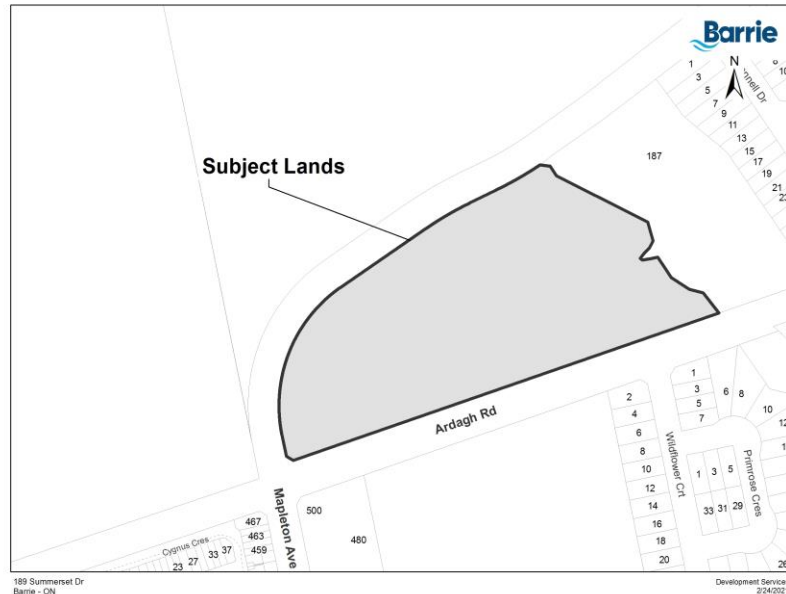
9. The existing land uses immediately surrounding the subject lands are as follows:

North Summerset Drive, Bear Creek Provincially Significant Wetland

East Bear Creek tributary and environmental protection buffer, single detached residential

South Ardagh Road, neighbourhood commercial, St. Joan of Arc Secondary School, single detached dwellings fronting Wildflower Court

West Summerset Drive, Bear Creek Provincially Significant Wetland



Existing Policy

10. The subject property is designated 'Residential' on Schedule "A" – Land Use in the City's Official Plan and zoned as 'Residential Multiple Second Density' (RM2) in the City's Comprehensive Zoning By-law 2009-141, as amended.
11. The subject property is part of a larger parcel of land that was developed by way of a Plan of Subdivision 51M-1167 (File: D12-440) and Zoning Amendment by By-law 2017-043 (File: D14-1556) in 2017. The review and approval of these applications resulted in the current configuration of the block (Block 76) along with the existing zoning permissions.

Background Studies

12. In support of the application, the following plans, reports, and studies were submitted. Copies of the submission material is available online on the City's Proposed Developments webpage under [Ward 6 – 189 Summerset Drive](#).
 - a) Planning Justification Report (Innovative Planning Solutions, January 2021);
 - b) Urban Design Report (Innovative Planning Solutions, January 2021);
 - c) Functional Servicing Report (Pinestone Engineering Ltd., January 29, 2021);
 - d) Traffic Impact Study (JD Northcote Engineering Inc., January 28, 2021);
 - e) Tree Inventory, Analysis, Preservation Report (Landmark Environmental Group Ltd., Revised January 28, 2021)

Public Consultation

13. A neighbourhood meeting was held on January 22, 2020, as part of the requirements for a complete application. The meeting was attended by approximately fifty-three (53) residents as well as the applicant, consultant team, Ward 6 Councillor Natalie Harris, and Planning staff.
14. A statutory Public Meeting was held on May 11, 2021, to present the subject application to Planning Committee and the public. Committee heard verbal comments from ten (10) members of the public and were provided with twelve (12) pieces of correspondence and a petition related to the proposed development of the site. Since the submission of the complete application and the Public Meeting, the City has received several inquiries and additional comments regarding this proposal.
15. The comments and concerns expressed by residential at both the neighbourhood meeting and the public meeting, as well as those received in writing related to this proposal, are outlined in the public comment section of Staff Report DEV007-22. This list provides a summary of the comments as well as a corresponding response from staff to demonstrate that the issues have been considered in the review of this application to the greatest extent possible.
16. It should also be noted that the proposal has been revised since the Neighbourhood Meeting and Public Meeting to address comments from staff and the public as illustrated in the original concept attached to Staff Report DEV007-22 as Appendix "C-1" and the final concept, attached as Appendix "C-2". An explanation of the changes is included in the Zoning By-law section.

Public Comments

17. Height, Density and Built Form

Comments were provided that the requested increase in height, density, and built form (apartment building and townhouses) are not in character with the area.

It is important to note that current permissions in the RM2 zone would permit townhouses to a height of 10 metres and 4-storey walk-up apartment building to a height of 20 metres. Staff are supportive of permitting a 6-storey apartment building with a minor height increase of 1 metre, in its proposed location at the intersection of Ardagh Road and Summerset Drive, as this site is generally isolated from the surrounding community, and there are limited opportunities to integrate a variety of housing types in this area of the City.

The increase in density from 40-53 units per hectare to 70 units per hectare is considered when the basic residential amenities can still be incorporated into the site, such as parking and open space, access to transit and existing service infrastructure. The Official Plan identifies that the average density for low density neighbourhoods is between 19 – 25 units per hectare. The incorporation of this development in the Ardagh area, as shown on the Residential Density Analysis attached to Staff Report DEV007-22 as Appendix "B", increases the neighbourhood density from 17 to 23 units per hectare, which is within the target range for low density and therefore encouraged.

18. Environmental Impacts

Concern was raised with the protection of environmental features, including the tributary for the Bear Creek Provincially Significant Wetland, as well as tree clearing on site.

The property was defined through a detailed process undertaken as part of the Plan of Subdivision to identify, preserve and buffer the identified natural heritage resource features on the larger site, such as the Bear Creek Provincially Significant Wetland located to the north of Summerset Drive and the wetland tributary that is protected within the environmental protection lands to the east of the subject lands.

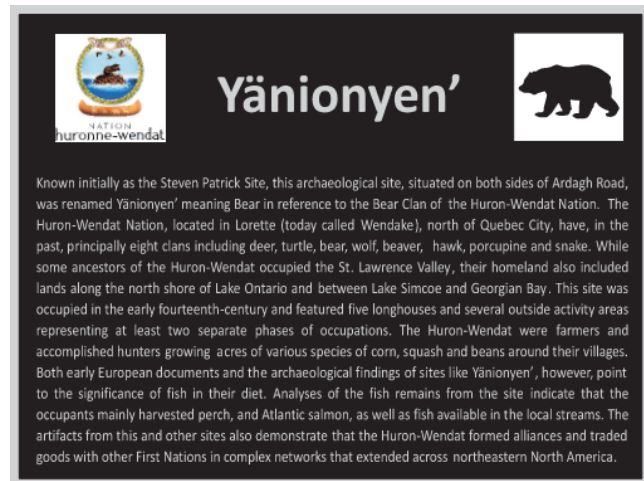
No additional features were identified or required to be dedicated as environmental protection on this block, however it should be clearly noted that any future tree removal, grading and landscaping requirements will be reviewed in detail under the Site Plan Control process. Staff previously provided information that there had been some tree clearing and hazard tree removal on and adjacent to this property, which was done in cooperation with staff from the City and the Nottawasaga Valley Conservation Authority.

19. **Archaeological Review**

Comment was provided about the potential for areas of archaeological significant in this area.

Through the Plan of Subdivision (File: D12-404) that was registered in 2019, as well as the associated development further to the east and south, detailed investigations were undertaken and submitted to the Ministry of Tourism, Sport, and Culture Industries.

The lands situated on both sides of Ardagh Road, largely to the east of the creek, were identified as an archeological site. As part of the mitigation measures required, a plaque has been mounted on the environmental protected block, now dedicated to the City. The plaque identifies the site as Yänionyen' meaning Bear in reference to the Bear Clan of the Huron-Wendat Nation.



The subject block was not identified as significant during that review for an identified archeological resource.

20. **Traffic**

Concern was raised with the current and addition of more traffic on Ardagh Road, as well as the access to Ardagh Road shown as part of this development.

Staff have reviewed and support the Traffic Impact Study submitted in support of the application to demonstrate that Ardagh Road can accommodate the traffic anticipated by the proposed increase in density. The Ardagh Road access will be limited to a right-in right-out to ensure the function of Ardagh Road is maintained and that the operation of the signalized intersection at Summerset/Mapleton is not impacted by the increase in turning movements.

21. **School overcrowding**

Concern was raised regarding local school populations and the ability to include more students.

The school boards were circulated for comment and had no concerns. Clauses were included in the Plan of Subdivision Agreement noting their standard requirements which will be included in the site plan agreement if the zoning is approved. This site was not requested by any school board to build another school in this area, and it is recognized that students will be accommodated locally, or subsequent bussed to another school that has space if there is overcrowding.

22. **Target Market and Property Values**

General concern was raised with the target market for this type of development, being apartments and townhouses, and subsequently the overall impact on the community, safety, and property values.

Staff have supported the application to add a variety of housing options to the larger community and effectively utilize city resources at this location. Staff do not provide general comment on property values or perceived decrease in community safety as these are not land use planning matters.

Department and Agency Comments

23. The subject application was circulated to staff in various departments and to external agencies for review and comment.

- a) **Development Services – Approvals** staff, in addition to completing detailed review of the larger development parcel with the Plan of Subdivision application, completed their review of the site specific Functional Servicing Report and are generally satisfied that technical matters associated with the proposed development can be addressed through the subsequent Site Plan Control application.
- b) **Development Services – Transportation Planning** in addition to completing detailed review of the larger development parcel with the Plan of Subdivision application, staff have reviewed the Traffic Impact Study submitted in support of the development and have provided comment that the Ardagh Road access/egress will be required to be limited to right-in right-out, as well as recommendations for improvement to the internal traffic circulation which have been incorporated in the final concept plan, attached to Staff Report DEV007-22 as Appendix “C-2”. Further, the removal of the requested special provision to reduce barrier free parking is fully supported by staff, as was the reduction in parking standard to ratio. Specific design details will be addressed through the subsequent Site Plan Control application.
- c) **Development Services – Parks Planning** in addition to completing detailed review of the larger development parcel with the Plan of Subdivision application, if approved, technical matters such as landscaping, amenity areas, boundary fencing and buffering of the property boundary with the environmental protection area (rear lot line) will be addressed through the subsequent Site Plan Control application. Parks Planning staff are satisfied with the required consolidated amenity space being split into two (2) locations on the site.
- d) **Transit and Parking Strategy** staff noted that they are supportive of the proposed development and have provided details for the required bus pad on Ardagh Road that will be implemented through the subsequent Site Plan Control application.
- e) **Business Performance and Environmental Sustainability – Risk Management Official** stated that the property is located within a Well Head Protection Area D, an issues contributing area for chloride, a significant groundwater recharge area and highly vulnerable aquifer. Caution is required when designing building supports to ensure the municipal aquifer is not impacted. Additional review will take place at or prior to Site Plan Control submission, including but not limited to completing the risk management screening for depth of excavation, snow storage location and use of low impact development techniques for stormwater management.

- f) **Business Performance and Environmental Sustainability – Environmental Compliance** provided requirements for future construction activities such as erosion controls and compliance with the sewer use by-law, as well as stating that permanent dewatering of the site is not permitted.
- g) **Business Performance and Environmental Sustainability – Environmental Sustainability** provided comments indicating the proposed residential development will not be eligible for municipal curbside collection services but does provide options for coordinated collection if a communal structure is included into the design.
- h) The City's **Fire Services Department** had no concerns with the proposed zoning by-law amendment. The requirements for emergency services will be addressed through the Site Plan Control Application review process.
- i) The **Nottawasaga Valley Conservation Authority (NVCA)** in addition to completing detailed review of the larger development parcel with the Plan of Subdivision application, staff provided comments indicating that a portion of the lands is governed by *Ontario Regulation 172/06* under the *Conservation Authorities Act* therefore permits are required for development as it relates to the flood line and stormwater management. Specific design details will be addressed through the subsequent Site Plan Control application.

ANALYSIS

Policy Planning Framework

24. The following provides a review of the application in accordance with applicable Provincial and municipal policy documents.

Ontario Planning Act, R.S.O. 1990

25. Section 2 of the *Planning Act* requires that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, shall have regard to, among other matters, matters of provincial interest such as, but not limited to, the protection of ecological systems, including natural areas; the adequate provision and efficient use of transportation; sewage and water services and waste management systems; the adequate provision of a full range of housing, including affordable housing; the resolution of planning conflicts involving public and private interests; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; the promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and the mitigation of greenhouse gas emissions and adaptation to a changing climate. The *Planning Act* can be found in its entirety at the following link: <https://www.ontario.ca/laws/statute/90p13>
26. The proposed development is consistent with this legislation in that it is located within the settlement area of Barrie; will not impact the natural heritage features or ecological function of the adjacent Bear Creek Provincially Significant Wetland or contributing area; will utilize planned and available infrastructure (sewage, water and waste management systems) and public service facilities such as transit and schools; provides for a variety of residential units; provides a compact form of development that minimizes impacts to climate change; and is designed with a pedestrian-oriented built form with pedestrian connections to the municipal sidewalk to support active transportation.

Provincial Policy Statement (2020) (PPS)

27. The Provincial Policy Statement (2020) (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for managing growth for regulating the development and use of land. The PPS can be found in its entirety at the following link: <https://www.ontario.ca/page/provincial-policy-statement-2020>
28. The PPS contains policies that provide direction for communities to manage and direct land uses to achieve compact development and efficient land use patterns. This is achieved by ensuring that sufficient land is available through intensification to accommodate an appropriate range and mix of residential and employment uses; avoiding land use patterns which may cause public health and safety concerns; and promotes efficient and cost-effective development.
29. The PPS further states that new development should occur adjacent to and within existing built-up areas, have a compact form, mix of uses and densities that allow for the efficient use of land, planned infrastructure and public service facilities (i.e., transit) to accommodate projected needs. Intensification and redevelopment are also promoted to meet projected population growth for the next 30 years.
30. The proposed development is consistent with the PPS as the lands are within built boundary of this community and the concept proposes further intensification on an identified medium density site by incorporating an apartment building in coordination with a variety of built form. The proposed development aligns with the policies of a healthy, liveable, and compact community and would be serviced by existing municipal infrastructure and services, thereby representing efficient and cost-effective development.
31. PPS Sections 2.1.4, 2.1.5 and 2.1.8 state that development will not occur in a Provincially Significant Wetland, and further that development on adjacent lands can have no negative impact on ecological functions of that feature. As noted previously, this property is part of a Plan of Subdivision application that was required to preserve, buffer and mitigate for the Bear Creek Provincially Significant Wetland, and the contributing Bear Creek tributary that is directly adjacent the subject lands. The boundary of developable lands was defined with the Ministry of Northern Development, Mines, Natural Resources and Forestry, with detailed review and approvals from the Nottawasaga Valley Conservation Authority.
32. Although not included in detail, staff have reviewed the relevant policies and are of the opinion that the development is consistent with the applicable policies of the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan), as amended

33. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan), as amended, is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment and natural resources, and helps communities achieve a high quality of life. It provides a framework for implementing Ontario's vision for building strong, prosperous communities by managing growth and it establishes the long-term framework for where and how the region will grow. The Growth Plan can be found in its entirety at the following link: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>
34. The Growth Plan is intended to provide direction for municipalities in areas related to intensification of existing built-up areas, which while focused on strategic growth areas, including urban growth centres and major transit station areas identifies the City of Barrie as a Primary Settlement Area where growth is directed. The primary focus of the Growth Plan is on building complete communities that are well-designed to meet people's daily needs; offer a variety of transportation

choices; and accommodate people at all stages of life by providing an appropriate mix of jobs, local services, public service facilities and a full range and mix of housing options to meet various incomes and household sizes.

35. Section 2.2.7 of the Growth Plan requires that all new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.
36. Based on the foregoing, staff are of the opinion that the proposed development conforms to the Growth Plan as it would make efficient use of land and utilize available and planned infrastructure, including the City's transit service. The proposal provides alternative housing options through the provision of a 6-storey apartment building, block/cluster townhouse units, and back-to-back townhouse dwelling units in proximity to neighbourhood commercial uses, schools, and public open space, as well as providing for transition to single detached residential uses. With the addition of 90 apartments and 220 townhouses on the subject lands at 70 units per hectare, the residential density for this area would be increased from 17.1 units per hectare to 22.56 units per hectare, which contributes to the Growth Plan targets for intensification. The Residential Density Analysis is included as Appendix "B" to Staff Report DEV007-22.
37. Although not included in detail, staff have reviewed the relevant policies and are of the opinion that the development conforms with all the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.

City of Barrie Official Plan

38. The Official Plan provides guidance for consideration of land use changes, the provision of public works, actions of local boards, municipal initiatives, and the actions of private enterprise. It gives direction for implementing by-laws, guidelines for more detailed planning and the means for controlling growth so that the City's capacity to provide a healthy community environment is not exceeded. The Official Plan can be found in its entirety at the following link: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Official%20Plan%20-%20January%202017.pdf>
39. The subject lands are designated 'Residential' as identified on Schedule "A" – Land Use in the City's Official Plan. The 'Residential' designation is intended to allow for all forms and tenure of housing.
40. There are several policies in the Official Plan that generally support the proposed development. Sections 2.3 Assumptions, 3.3 Housing, and 4.2 Residential, relate to the provision of increased densities, directing growth to take advantage of existing services and infrastructure and the provision of a range and mix of housing types at appropriate locations.
41. Section 2.3 (g) of the Official Plan identifies that mixed land uses, and increased density represent an opportunity to develop complete communities, as intended by the Growth Plan. The proposed development is consistent with this policy as it proposes an increase in density to an identified medium density development by incorporating a higher density built form into the design, utilizes existing and planned infrastructure and services, and would support the use of public transit.
42. Policies 3.3.2.1(a), (b), and (g) encourages a varied selection of housing types with regard to size, density, and tenure. This proposal conforms to this policy as the applicant is proposing to add a mix of housing types to this neighbourhood, at a density of 70 units per hectare. The Official Plan, per section 4.2.2.2 Residential Densities provides for density of up to 53 units per hectare for this type of residential housing unit. With the addition of 310 units on the subject lands at 70 units per

hectare, the residential density for this area would be increased from 17.1 units per hectare to 22.56 units per hectare thereby contributing to the target development density of a low density neighbourhood, which is intended to target a density range of 19 to 25 units per hectare. The Residential Density Analysis is included as Appendix "C" to Staff Report DEV003-22.

Affordable Housing

43. Section 3.3.2.2 identifies a goal that a minimum target of 10% of all new housing units be affordable with respect to home ownership. The criterion for affordable housing is identified as the least expensive of:
- Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or,
 - A Housing unit for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
44. This policy represents a target of the Official Plan, not a requirement. However, as noted above the developer has proposed a more attainable form of housing with apartments and townhouses units to provide prospective homebuyers, and therefore a means of increasing affordable options in the area.

Intensification

45. The subject property is not located within an intensification node or along an intensification corridor and as such is intended to develop at the standard target density of 40 to 53 units per hectare for the RM2 zone. The proposed concept exceeds this standard, however for reasons as noted throughout this report, can be supported at the proposed density of 70 units per hectare while mitigating for impacts to the existing neighbourhood.
46. The Official Plan contains six criteria in the assessment of development applications outside of intensification areas including:

- a) The scale and physical character of the proposed development is compatible with and can be integrated into the surrounding neighbourhood.

Compatibility between properties is not intended to be interpreted as restricting new development to the same height and densities of surrounding areas. Consequently, Planning staff are of the opinion that the scale and character of the additional uses proposed as part of this development is consistent with the existing built form of the area and can be integrated in the surrounding neighbourhood. In addition, staff are of the opinion that sufficient buffers and separation distances exist between low rise residential properties and the proposed development.

- b) The infrastructure, transportation facilities, and community facilities and services are available without significantly impacting the operation and capacity of the existing systems.

Staff have concurred with the assessment outlined in the Functional Servicing Report that confirms municipal services are available for the proposed increase in density to facilitate the subject development.

- c) That public transit is available and accessible.

Ardagh Road is a major transit route, and a bus pad installation is required as part of the development of the subject lands.

- d) That the development will not detract from the City's ability to achieve increased densities in areas where intensification is focused.

The overall residential density of the community from 17.1 units per hectare to 22.56 units per hectare and will not have a negative impact on the City's ability to encourage intensification within the Urban Growth Centre and the Intensification Nodes and Corridors and continues to meet the target low density neighbourhood density of 19 – 25 units per hectare.

- e) That sensitive, high quality urban design will be incorporated into the development including the efficiency and safety of that environment.

Staff have provided guidance and recommendations for the revisions to current concept attached to Staff Report DEV007-22 as Appendix "C-2" and will continue and ensure high quality urban design is incorporated into this development as part of the Site Plan process.

- f) That consideration is given to the preservation of heritage resources.

As noted in previous sections, the archaeological significance of the general area to the Huron-Wendat Nation has been identified and represented.

Tall Buildings and Height Control

47. The general design policies of Section 6.6 of the Official Plan have been considered for this project. These require that innovative architectural design will be encouraged to reduce the visual and physical impact of height on the adjacent pedestrian realm and where possible, parking, site servicing, loading areas and building utilities should be located underground or at the rear of buildings with appropriate screening. Final design details for the 6-storey apartment building will be confirmed at the time of Site Plan Control.

Height and Density Bonusing

48. Recent enactment of provincial legislation has changed the manner in which municipalities are authorized to collect funds for community benefits as a result of land use approvals during the planning process. These changes have resulted in the replacement of Section 37 of the *Planning Act* in place of a Community Benefits Charge policy. The regulations to implement the Community Benefits Charge policy have been released but not yet implemented by the City of Barrie.
49. It is generally understood that municipalities will be required to pass community benefits by-laws, which, among other items, would require municipalities to report on the community benefits being charged/collected and to which community benefits the funds are allocated. The deadline for this transition is anticipated as July 20, 2022.
50. In the meantime, Section 6.8 of the Official Plan permits the City to negotiate community benefits when considering passing an amending zoning by-law to increase the height and/or density of a development beyond what is currently permitted. The proposed development exceeds the maximum building height by 2 metres and has proposed a density of 47 units per hectare whereas 40 units per hectare is the provision of Zoning By-law 2009-141, and therefore, the bonusing policies contained with the Official Plan are applicable.

51. In accordance with Section 6.8 of the Official Plan, upon the City determining that an application that would have the effect of permitting an increase in the height and/or density that exceeds the maximum height and/or density permitted in the Zoning By-law is appropriate, City staff shall also recommend for the provision of community benefits pursuant to Section 37 of the *Planning Act* provided that:
- a) The development constitutes good planning and is consistent with the goals, objectives, and policies of the Official Plan;
 - b) The community benefit provided bears a reasonable planning relationship to the increase in height and/or density of the proposed development having an appropriate geographic relationship to the development; and
 - c) Adequate infrastructure exists or will be provided by the developer to support the proposed development.
52. The Height and Density Bonus Policy sets out several community benefits that may be secured. These include but are not limited to the provision of affordable housing units; arts and cultural facilities; public art; streetscape improvements; local improvements to transit facilities; parks facilities and equipment; enhanced on-site tree planting or landscaping; and amenities for active transportation such as pedestrian or cycling facilities.
53. Based on the provisions identified above, staff are of the opinion that the proposed development conforms with the Official Plan. More specifically, the proposed development provides for an appropriate density that would serve to utilize existing services and infrastructure in accordance with the intensification policies of the City's Official Plan.

Summary

54. Based on the foregoing and for reasons outlined in this report, staff are satisfied that the proposed addition of a 6-storey apartment building, and back-to-back townhouse units can be effectively integrated into the existing permitted uses at this location and represents the efficient use of land and resources. The proposal represents an appropriate form of development on the subject site, as demonstrated by the concept plan attached to Staff Report DEV007-22 as Appendix "C-2" and thereby conforms with the applicable policies of the Official Plan.

Comprehensive Zoning By-law 2009-141

55. The original rezoning application details included a request to provide a dual zone on the property from 'Residential Multiple Second Density' (RM2) to 'Residential Multiple Dwelling Second Density' with Special Provisions (RM2 SP-XXX) and 'Residential Apartment First Density' (RA1-2) (SP-XXX) with Special Provisions to facilitate the addition of the 6-storey apartment building, back-to-back townhouses and site specific standards for development. The requested special provisions are as follows:

Standard	RM2 zone	Proposed
Front Yard Setback	Minimum 7 metres	Minimum 3.8 metres
Interior Side Yard Setback	Minimum 1.8 metres	Minimum 1.6 metres
Gross Floor Area (GFA)	Maximum 60%	Maximum 70%
Building Height	10 metres	15 metres
Parking Ratio	1.5 spaces per unit	1.23 spaces per unit
Barrier Free Parking	10 spaces	3 spaces
Permitted Use	n/a	Back to Back Townhouses
Density	n/a	55 units per hectare

Standard	RA1-2 zone	Proposed
Front Yard Setback	Minimum 7 metres	6.8 metres
Rear Yard Setback	Minimum 7 metres	1.6 metres
Landscaped Open Space	Minimum 35%	Minimum 21%
Lot Coverage	Maximum 35%	Maximum 42%
Gross Floor Area (GFA)	100%	230%
Building Height	15 metres	20 metres

56. Through a review of the comments/correspondence provided and the technical review of staff, revisions to the conceptual site plan and associated site specific zoning provisions were undertaken. These revisions include, but are not limited to:

- Eliminate the proposed split zoning for the apartment and townhouse lands due to the complexity of implementation of different standards as part of the same condominium tenure;
- Remove the request for tandem parking and reduced barrier free parking requirements;
- Remove setback provisions, with the exception of the rear yard setback;
- Remove the request to reduced landscape open space; and
- Reduce height for townhouse units from 15 metres to 13 metres.

Zoning Rationale for Special Provisions (SP)

57. As noted above, the concept and the details of the rezoning application originally requested have been modified in response to comments from staff and the public. The final conceptual plan is attached to Staff Report DEV007-2022 as Appendix "C-2". The site specific zoning standards requested to facilitate this plan are outlined below followed by a brief explanation and justification of support by staff.

- a) Permit a parking standard of 1.27 parking spaces per unit, whereas 1.5 spaces are required;

397 parking spaces are provided to service the 310 units proposed for this development. This total includes 15 barrier free spaces and 51 visitor parking spaces. The 220 townhouse units will also have the opportunity to use their garage as a second parking space which would exceed the required parking standard. However, rather than permit tandem parking, with the decrease in the standard as noted in the by-law from 1.5 parking spaces per unit to 1.27 parking spaces per unit, staff have also ensured that additional parking spaces have been provided throughout the development to accommodate visitors and occasional parking requirements. Transportation planning staff are also supportive of the proposed reduction recognizing the opportunity for additional parking spaces.

- b) Permitted uses shall include a 6-storey apartment building to a height of 21 metres whereas a walk-up apartment building to a maximum of 4-storeys and 20 metres is permitted;

Staff are supportive of adding a variety of built form at this location in accordance with the goals and policy direction of the PPS, Growth Plan and Official Plan. The apartment building use can be effectively integrated into this development along with the basic requirements for parking, amenity space in accordance with the RM2 zone. In addition, the range of townhouse built form transitions the apartment use into the general neighbourhood of predominantly single detached dwellings.

- c) Permitted use shall include back-to-back townhouse units to a maximum of 50% or 156 units, whichever is greater, and an overall height increase for the townhouse built form to 13 metres from 10 metres;

Staff have determined that the back-to-back townhouse product, while not permitted as of right by the Zoning By-law in the RM2 zone, can be added as an optional dwelling type. However, due to the limited landscape potential and consequently infiltration opportunities on site with this built form, a 50% cap on the number of back-to-back units has been recommended. In this case the percentage plus the unit count, shown as 156 units on the concept plan attached to Staff Report DEV007-22 as Appendix "C-2", has been identified to ensure the current concept can be facilitated if the overall unit count changes for the site.

The cross sections, attached to this staff report as Appendix "D-1", identify the structure of the proposed back-to-back and standard (block/stacked) townhouse units to demonstrate the request to increase the height of the units.

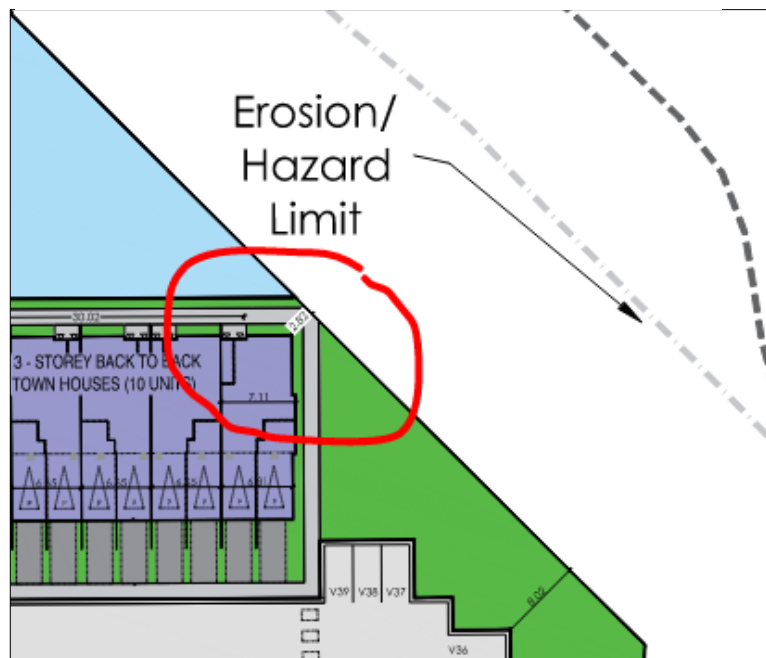
The current design elevations, examples attached to Staff Report DEV007-22 as Appendix "D-2" have included private amenity space provisions as roof top terraces. In addition to this architectural amenity, the increase in height is to permit flexibility with the grade on site. Staff have no objection to the increase in height provided that the units maintain their 3-storey design. It should be noted that due to the relatively isolated location of this block, the addition of the roof top amenity will not have privacy implications for any existing development.

- d) Permit a minimum rear yard setback of 2.8 metres, whereas a minimum of 7 metres is required;

As part of the review for this application, the front yard was established as Summerset Drive, therefore the rear property line is adjacent the environmental protection area. With the current concept, there is a pinch point in what would generally be the side yard of a block of townhouse units, as shown in the excerpt of the concept plan as Figure 1.

In this case, consideration was given to the establishment of the environmental protection area (Block 79, Plan 51M-1163), which included provisions for buffering and mitigation of the watercourse feature. Staff will continue to advocate for maximizing the provision of setbacks from the environmental protection lands, including an increased landscape buffer across the rear yard of site, through the Site Plan Control process. From a site design perspective, staff have worked with the applicant to improve the design from what was originally submitted, attached to Staff Report DEV007-22 as Appendix "C-1" to the final concept attached as Appendix "C-2", and are satisfied that the general setback provisions and buffering can be achieved for this block.

Figure 1 - Location of Reduced Rear Yard



- e) Permit a maximum gross floor area of 116%, whereas a maximum of 60% of the maximum lot area is permitted;

This increase in gross floor area is to accommodate the alternative and higher density built form requested by this zoning application. Staff do not object to this request as the site design is supportive of the built form and density proposed.

- f) Permit a maximum density of 70 units per hectare, whereas a maximum of 40 to 53 units per hectare are permitted;

The proposed development does not occur within an intensification area and is surrounded by low density residential uses which average 17.1 units per hectare. As previously discussed in consideration of Official Plan policies, intensification may occur within areas of the City outside of the Urban Growth Centre and identified Intensification areas, where services are available, and impacts upon surrounding land uses are minimized. Through the design of the proposed concept plan and consideration of the existing neighbourhood, the proposed concept addresses many of the concerns and requirements of residents, City staff and external agencies

- g) Permit 12 square metres per unit of consolidated amenity area to be divided into two (2) separate locations, whereas 12 square metres of consolidated amenity area is required; and

The conceptual site plan attached to Staff Report DEV007-22 as Appendix "C-2" proposes two separate communal amenity spaces that together exceed the standard requirement, as well as some townhouse units having rear yards and private amenity space. Given the proximity of the existing public amenity at Bateau Park, and the amount of unconsolidated communal and private amenity space provided in this development, this site-specific request was deemed to be appropriate.

- h) Remove the requirement for a 3 metre continuous landscape buffer along the side and rear property lines of a property containing an apartment dwelling.

Staff will continue to advocate for maximizing the provision of the landscape buffer areas provided on site, in particular along the rear property line adjacent the environmental protection lands, through the Site Plan Control process. However, the continuous buffer requirement is generally intended for a site that only has an apartment building. Parking, walkways, sidewalks, and additional provisions for the back-to-back townhouse units merit some flexibility in this standard to ensure good design can be achieved.

Summary

58. Based on the foregoing, Planning staff are of the opinion that the requested site specific provisions represent good planning and would facilitate the development that is consistent with the City's policies, guidelines, and goals.

Site Plan Control

59. The subject property will be subject to Site Plan Control as per Section 41 of the *Planning Act* and in accordance with By-law 99-312. Site Plan Control addresses the detailed design elements of the lands regarding access, servicing, stormwater management, landscaping, lighting, setbacks, building orientation/placement/massing, parking, etc.

60. Should Council approve the rezoning application, the applicant will be required to submit a Site Plan Control Application to the City for the proposed development. Staff anticipate the site plan concept to be representative of the Conceptual Site Plan attached to Staff Report DEV007-22 as Appendix "C-2".

Summary

61. Planning staff are satisfied that the oral and written submissions along with all departmental and agency comments relating to this application have been considered and/or addressed.
62. Planning staff recommend approval of the Zoning By-law Amendment application to permit a 6-storey apartment building and back-to-back townhouses in addition to the permitted uses in the existing Residential Multiple Second Density (RM2) to facilitate the development of 310 residential units, as it is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019), as amended, and the City of Barrie Official Plan.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

63. The subject lands legally described as Block 76 on Plan 51M-1167 were created for development after detailed review and analysis of the larger Plan of Subdivision (File: D12-404) which included delineating and dedicating the adjacent Block 79 on Plan 51M-1167 to the City as Environmental Protection lands, and the protection of the Bear Creek Provincially Significant Wetland feature to the north of Summerset Drive. As such, the proposed development limits for this site were previously set and any significant environmental impacts were investigated through the prior application processes.

ALTERNATIVES

64. The following alternative is available for consideration by Planning Committee:

<u>Alternative #1</u>	<p>Planning Committee could deny the requested rezoning application to add special provisions to the Residential Multiple Second Density (RM2) zone.</p> <p>This alternative is not recommended as the subject property has been identified for medium density residential uses and is generally removed from the single detached dwellings by Ardagh Road and the Environmental Protection lands shown as Block 79 on Plan 51M-1167. The proposed addition of an apartment building at the intersection of Summerset Drive/Mapleton Avenue and Ardagh Road will make effective use of land and existing City services, as was previously identified when the block was zoned for additional density in accordance with the directives of Provincial policy and the City's Official Plan.</p>
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FINANCIAL

65. The subject application, if approved, would permit the development of 90 apartment units and 220 residential townhouse units on the subject lands. All costs associated with the approval and development of the site would be the applicant's responsibility. The applicant would be responsible for all capital costs for any new infrastructure required within the development limits and any of the frontage costs associated with upsizing to municipal water and sewer mains already installed, if required.

66. The annual property tax revenue, based on the proposed built-out of the site for 6-storey apartment building with 90 units, and 220 townhouses (condominium tenure) is \$ 538,740.00. The current municipal tax revenue from the property known municipally as 189 Summerset Drive is \$35,027.41, therefore the estimate municipal property tax increase would be approximately \$503,712.59. (2021 rate)
67. Development Charges are calculated at \$42,886.00 per 2+ bedroom apartment (40 units), \$30,111.00 per bachelor and 1+ bedroom apartments (50 units), and \$60,616.00 per townhouse (220 units) for an estimated total \$13,335,520.00. (2022 rate, subject to an annual inflation adjustment on January 1st of each year)
68. Cash in lieu of parkland dedication per unit is calculated at \$6,390 per townhouse unit and \$6,390 per apartment unit, which represents a total contribution of \$1,980,900. (2022 rate, subject to an annual inflation adjustment on January 1st of each year)
69. The Education levy is currently \$3,983 per unit which represents a total levy of \$1,234,730. (2022 rate)
70. Building permit application fees as an average are estimated to be in the order of \$2,725.00 per townhouse unit for 220 units and \$2,996.00 per unit for a 6-storey apartment building with 90 units, which would represent a total fee of approximately \$269,640.00. (2022 rate, subject to an annual inflation adjustment on January 1st of each year)

LINKAGE TO 2018-2022 COUNCIL STRATEGIC PLAN

71. The recommendations included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
- ☒ Fostering a Safe and Healthy City
 - Get more affordable housing built
 - ☒ Building Strong Neighbourhoods
 - Build walkable, diverse neighbourhoods that encourage community connections
 - Grow Responsibly
72. In accordance with Council's goals, the proposed development would provide for a compact form of development that will utilize existing services and infrastructure. The proposed special provisions add a variety of more affordable and attainable housing options, supports active transportation and is readily accessible by public transit.

Attachments: Appendix "A" – Draft Zoning By-law Amendment
Appendix "B" – Residential Density Analysis
Appendix "C-1" – Original Conceptual Site Plan (January 18, 2021, Rev.#5)
Appendix "C-2" – Conceptual Site Plan (March 3, 2022, Rev.#8)
Appendix "D-1" – Architectural Cross Sections
Appendix "D-2" – Architectural Elevations
Appendix "E" – Plan 51M-1167

APPENDIX "A"

Draft Zoning By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2022-XXX

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 to rezone lands legally described as Block 76, Plan 51M-1163 and municipally known as 189 Summerset Drive as shown on Schedule "A" to this By-law, from Residential Multiple Second Density (RM2) to Residential Multiple Dwelling Second Density with Special Provisions (RM2)(SP-XXX); and,

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 22-G-XXX.

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

1. **THAT** the Zoning map be amended to change the zoning from Residential Multiple Second Density (RM2) to Residential Multiple Dwelling Second Density with Special Provisions (RM2)(SP-XXX) pursuant to Zoning By-law 2009-141, in accordance with Schedule "A" attached to this By-law being a portion of the zoning map
2. **THAT** notwithstanding the provisions set out in Table 4.6 – Parking in By-law 2009-141, the minimum required parking standards shall be 1.27 spaces per dwelling unit.
3. **THAT** notwithstanding the provisions set out in Table 5.2 – Permitted Uses in By-law 2009-141, permitted uses shall include a 6-storey apartment building.
4. **THAT** notwithstanding the provisions set out in Table 5.2 – Permitted Uses in By-law 2009-141, permitted uses shall include back-to-back townhouse units to a maximum of 50% of the total unit count or 156 units, whichever is greater.
5. **THAT** notwithstanding the provisions set out in Section 5.2.5.1 in By-law 2009-141, the maximum density shall be 70 residential units per net hectare.
6. **THAT** notwithstanding the provisions set out in Section 5.2.5.2 b) in By-law 2009-141, a consolidated outdoor amenity area shall be provided at a minimum rate of 12 square metres per unit divided into two (2) locations.

-
7. **THAT** notwithstanding the provisions set out in Table 5.3 – Standards in By-law 2009-141, the minimum rear yard setback shall be 2.8 metres.
 8. **THAT** notwithstanding the provisions set out in Table 5.3 – Standards in By-law 2009-141, the gross floor area shall be a maximum of 116%.
 9. **THAT** notwithstanding the provisions set out in Table 5.3 – Standards in By-law 2009-141, the maximum building height for block/cluster and back-to-back townhouse units shall be 13 metres.
 10. **THAT** notwithstanding section 5.3.2 a) in By-law 2009-141 a 6-storey apartment building is permitted to a maximum height of 21 metres.
 11. **THAT** the owner/applicant is required to provide community benefits as per Section 37 of the Planning Act and Section 6.8 Height and Density Bonusing of the City of Barrie Official Plan to the satisfaction of the Director of Development Services.
 12. **THAT** notwithstanding any severance, partition, or division of lands shown on Schedule “A”, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition, or division had occurred.
 13. **THAT** for the purposes of this by-law, the provisions of the *Planning Act* respecting the moratorium for amendment of, or variance to, this bylaw shall not apply.
 14. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this ____ day of _____, 2022.

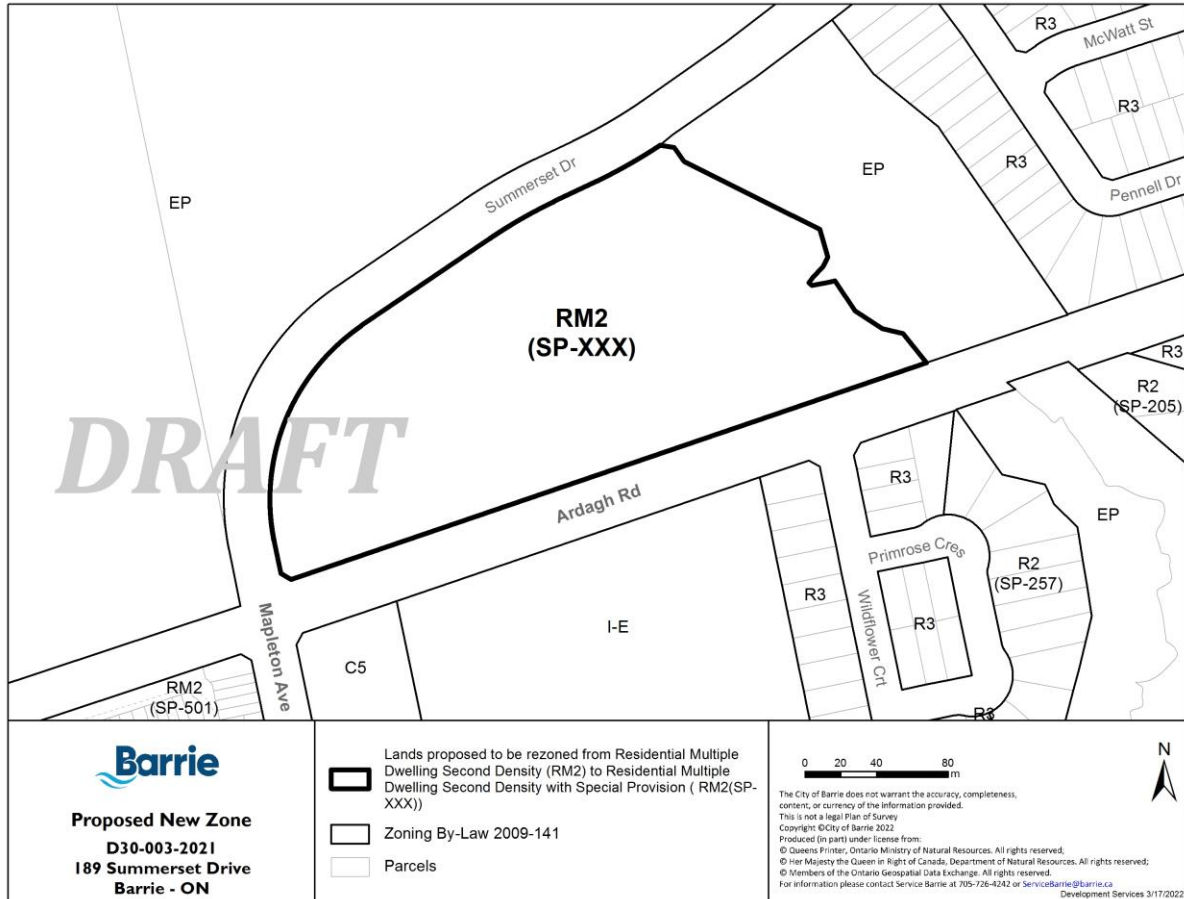
READ a third time and finally passed this ____ day of _____, 2022.

THE CORPORATION OF THE CITY OF BARRIE

DEPUTY MAYOR B. WARD

CITY CLERK – WENDY COOKE

Schedule "A" to Attached By-law 2022-XXX



APPENDIX "B"

Residential Density Analysis

RESIDENTIAL DENSITY ANALYSIS
D30-003-2021
189 SUMMERSET DRIVE, BARRIE -ON

Total Study Area	185.14 ha
Total Developable Area - <i>Only residential</i> (Private properties)	56.44 ha
Total Developable Area - <i>All Residential and Non-Residential</i> (Private properties)	65.05 ha
Total Area Parks/ Open Space/SWM Ponds/Walkways/Laneways	93.52 ha
Total Area Roads right of way	0.00 ha

PROPERTY USAGE TYPE	Total Dwelling Units	Land Area (ha)	Residential Density Dwelling Units/ha
Single Dwelling Unit	873	47.21	18.49
Townhouse Dwelling Unit	92	2.04	44.99
Vacant residential land		2.02	
Non- residential areas(Commercial/ Institutional) Neighbourhood shopping centre School		8.62	
Parks/ Open Space/ Walkway / Laneway Municipal park (Summerset Park, Batteaux Park) 2 SWM Ponds EP Lands Walkways		93.52	
Other Proposed Developments with Residential Dwellings D12-434 Teck Road Development (Condominium with 17 Single dwellings unit)	17	0.67	25.33
Subject Property (189 Summerset Drive) D30-003-2021 Proposal (218-units back-to-back townhomes & 90 units Apartment Building)	308	4.50	68.50
Current Residential Density (<i>Only Residential Lands included</i>)	965	56.44	17.10
Current Residential Density (<i>All Residential and Non- residential lands included</i>)	965	65.05	14.83
Projected Residential Density Including Proposal for Subject Lands (<i>Only Residential Lands included</i>)	1273	56.44	22.56
Projected Residential Density Including Proposal for Subject Lands (<i>All Residential and Non- residential lands included</i>)	1273	65.05	19.57
Projected Residential Density Including Proposal for Subject Lands and Other Proposed Developments in the Area (<i>Only Residential Lands included</i>)	1290	56.44	22.86
Projected Residential Density Including Proposal for Subject Lands and Other Proposed Developments in the Area (<i>All Residential and Non- residential lands included</i>)	1290	65.05	19.83

Prepared by: Development Services
Date: November 15, 2021

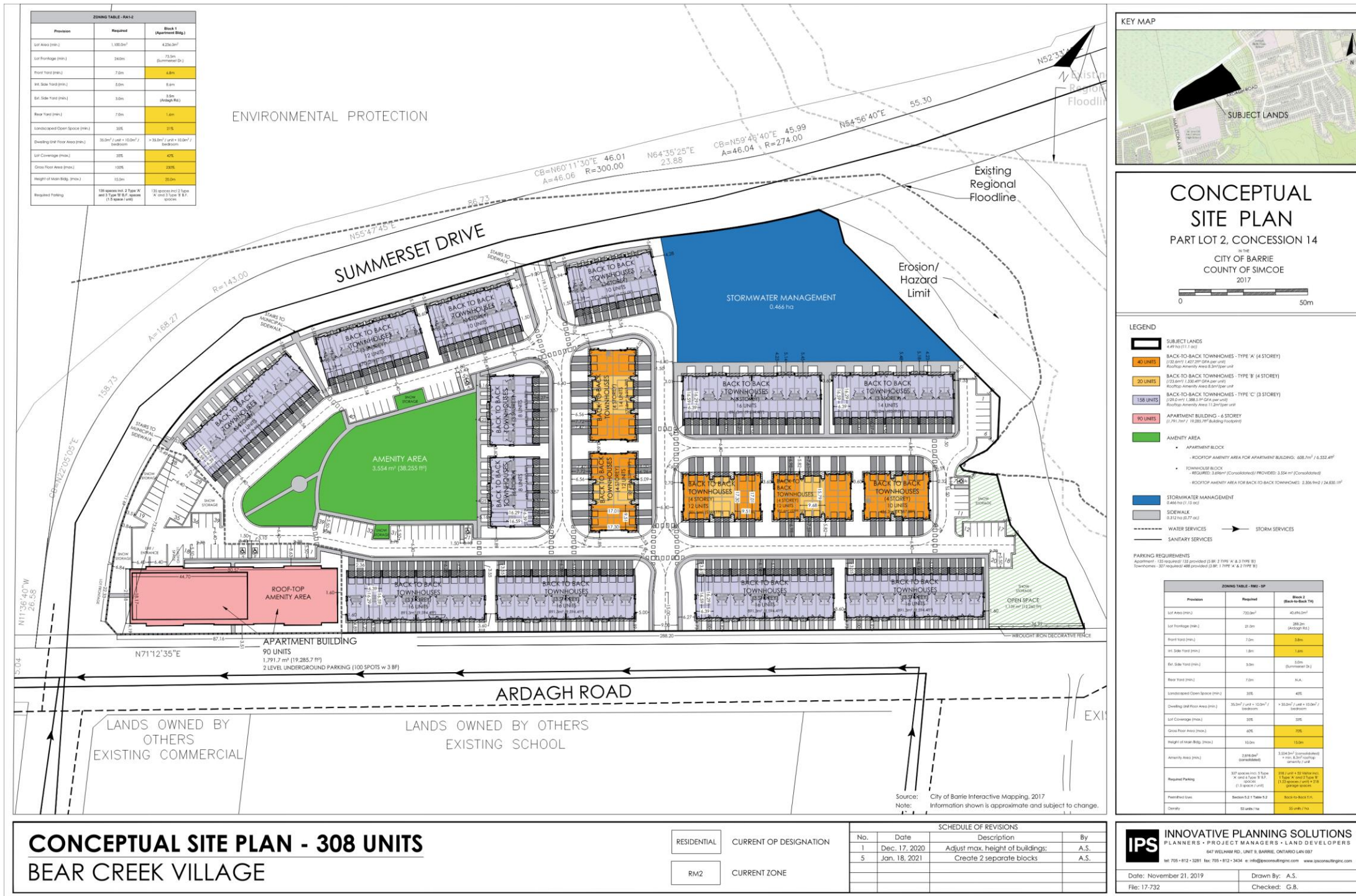
Note:

This Density Analysis is based on the Assessment Database.
MPAC property Code was used to identify the number of residential units in the Area.
Second Suite units registered in the area were also added; they were counted on their corresponding dwelling unit.
Parks/ Open Space/ SWM Ponds/ Roads and Laneways were not included in the density calculations.

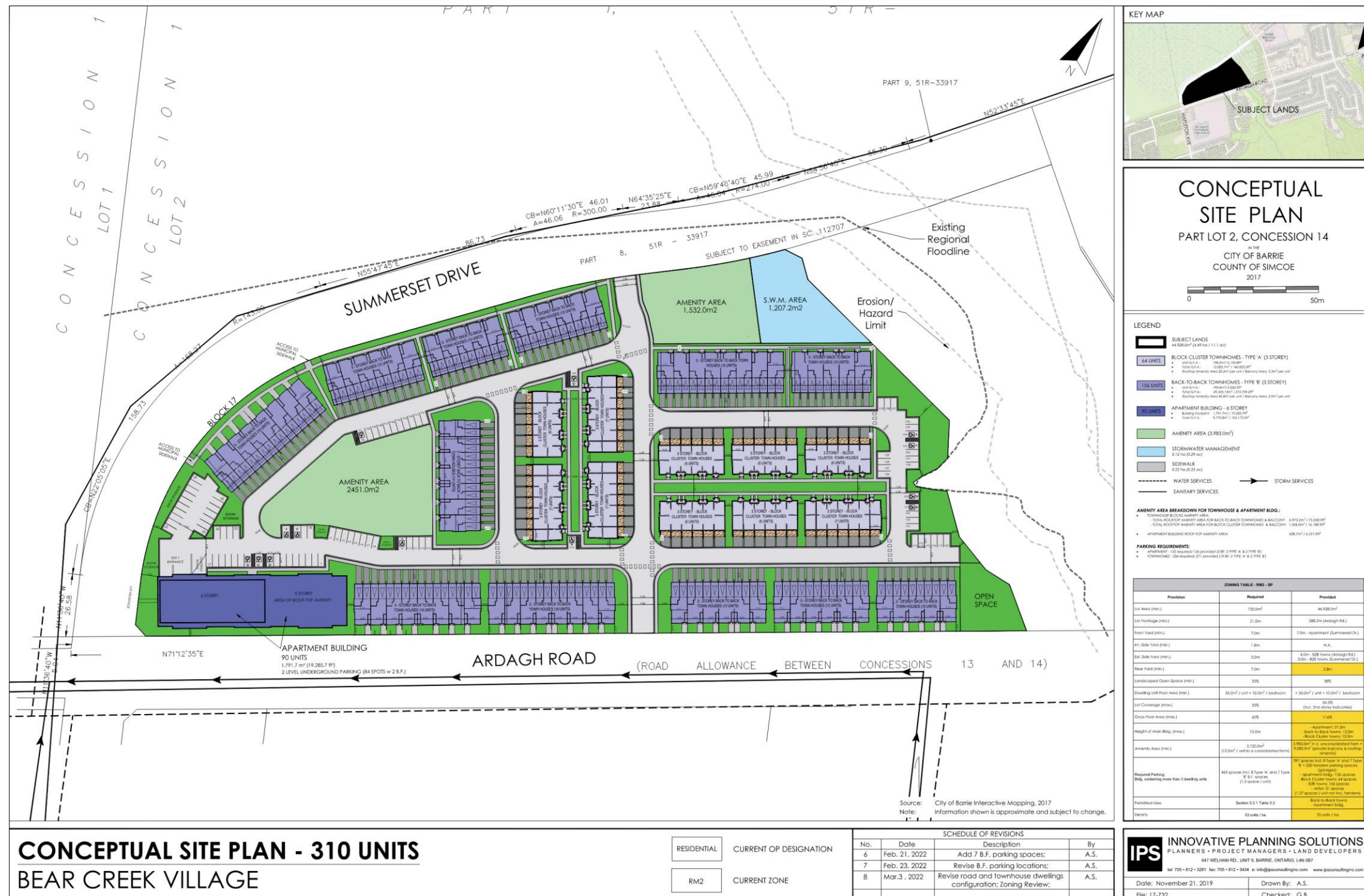


APPENDIX "C-1"

Original Conceptual Site Plan (January 18, 2021 Rev.#5)

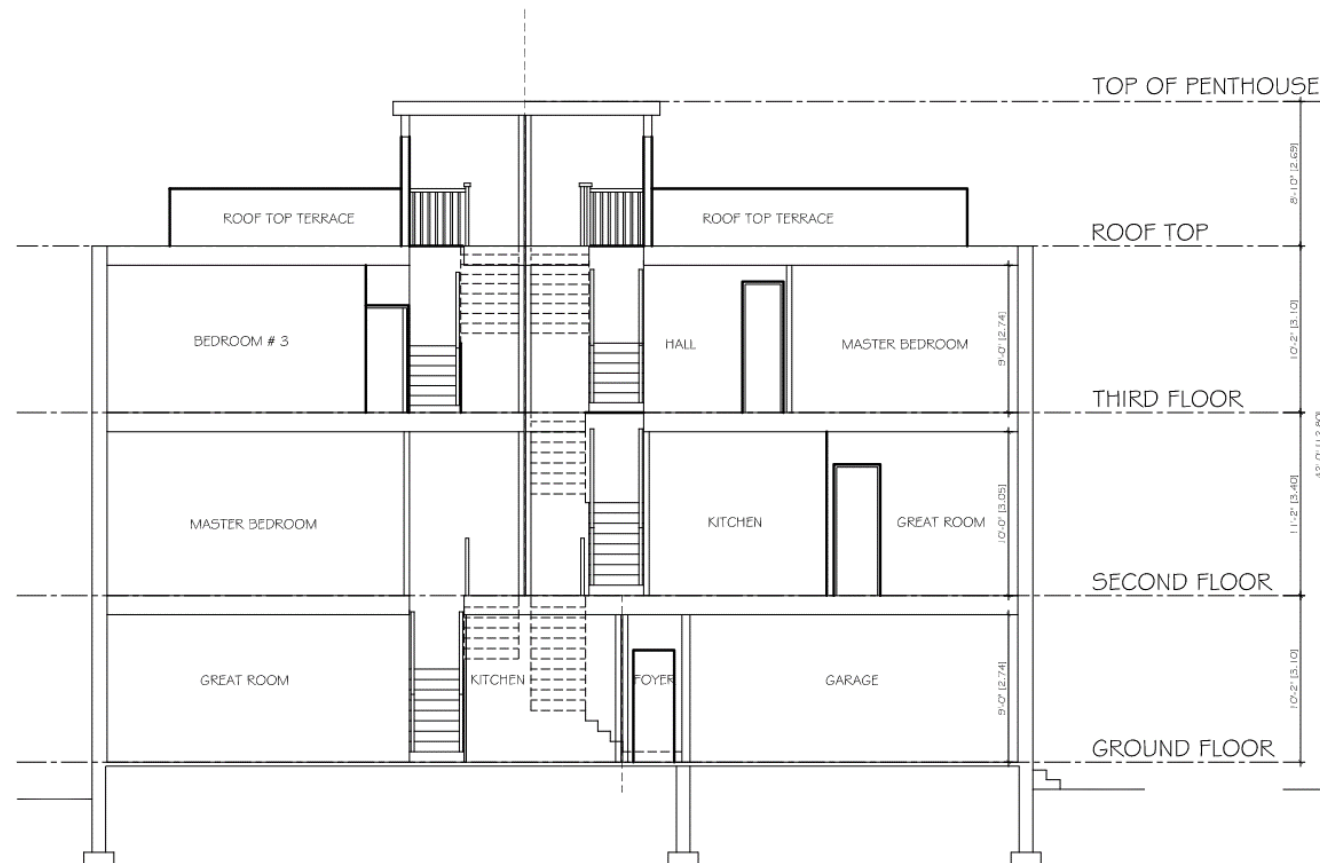


Final Conceptual Site Plan (March 3, 2022 Rev.#8)

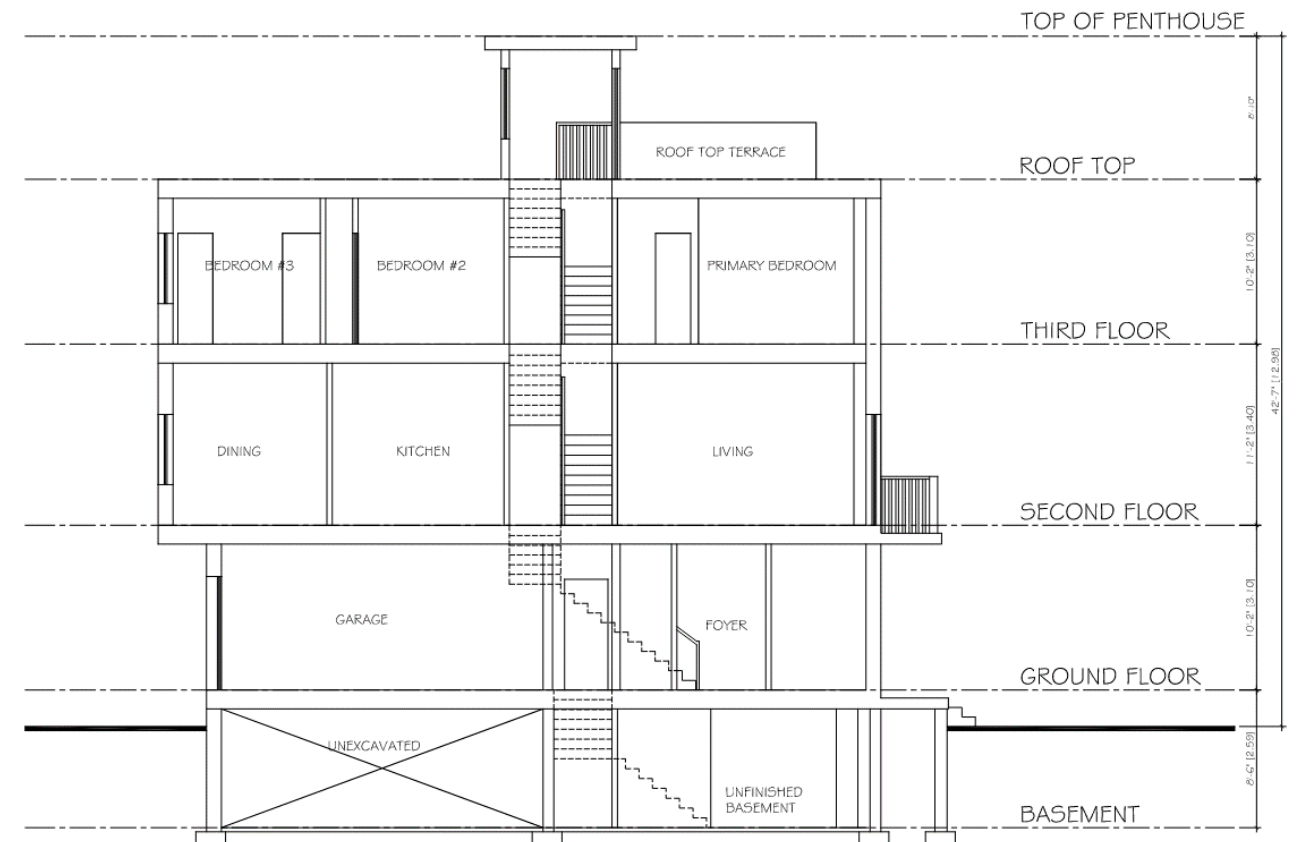


APPENDIX "D-1"

Architectural Cross Sections



CROSS SECTION



CROSS SECTION - STANDARD

APPENDIX "D-2"

Architectural Elevations

Figure 4. Three Storey Towns Conceptual Rendering – Front



Figure 5. Three Storey Towns Conceptual Rendering – Side



Figure 10. View of Apartment Building at Corner of Summerset and Ardaah



APPENDIX "E"

Plan 51M-1167

