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**TO:** GENERAL COMMITTEE

**SUBJECT:** REZONING FROM RESIDENTIAL FIRST DENSITY (R1) TO GENERAL COMMERCIAL (C4) - 372 YONGE STREET (WARD 9)

**PREPARED BY AND KEY CONTACT:** S. FARQUHARSON, DEVELOPMENT PLANNER, B.URPL., EXT 4478

**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 submitted by Andrew McIntyre Design and Drafting on behalf of Carrie Wallisch to permit the rezoning of the lands legally described as Lot 9, Registered Plan 898, known municipally as 372 Yonge Street, from Residential First Density (R1) to General Commercial C4(SP) be approved (D14 1534).
2. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
  - a) The west interior side yard be reduced to 1.6 metres.
  - b) The east interior side yard be reduced to 4.0 metres.
  - c) The 3.0 metre required landscaping strip along the west interior lot line be reduced to 1.6 metres.
  - d) The 3.0 metre required landscaping strip along the east interior lot line be reduced to 1.0 metres and be reduced to 0 metres in the front yard along the east interior lot line.
  - e) The proposed fence along the interior lot lines be setback 10.0 metres from the front lot line.
  - f) The east interior side yard for the detached accessory building (garbage storage) be reduced to 1.4 metres from the east interior lot line.
3. That prior to consideration of the Zoning By-law Amendment, the owner enter into a Development Agreement with the City of Barrie requiring the submission of a Site Plan that is substantially in accordance with the plan prepared by Andrew McIntyre, Design and Drafting, dated July 20, 2012.
4. That the owner convey to the City of Barrie a 3.0 metre road widening along Yonge Street.
5. That in accordance with Section 34 (17) of the Planning Act, no further public notification is required with respect to the amendments as proposed.

## PURPOSE & BACKGROUND

### Report Overview

5. The purpose of this staff report is to provide a recommendation regarding an application to rezone the subject lands from Residential First Density (R1) to General Commercial (C4) with Special Provisions (SP) to accommodate the applicant's proposal to redevelop the subject lands for a commercial flower shop and engraving services and second storey residential apartment. The requested Special Zone provisions are indicated in staff's recommendation and are illustrated on the Concept Plan attached as Appendix "A".
6. The subject lands are currently being used for residential purposes, while the applicant is proposing to operate a commercial flower shop and engraving services, while maintaining a residential apartment on the upper floor. The applicant is looking to move from her current location at 274 Burton Avenue to a permanent location at 372 Yonge Street.

### Location

7. The property is located on Yonge Street, north of Little Avenue, which is classified as an arterial road. The property is located within the Painswick North Planning Area and is municipally known as 372 Yonge Street.
8. The site is approximately 0.10 hectares in size, with 18.3 metres frontage on Yonge Street, which is identified as an Intensification Corridor in the City's Official Plan. The subject lands are currently occupied by a two storey single detached dwelling, which would be converted to accommodate the proposed development.

### Surrounding Land Uses

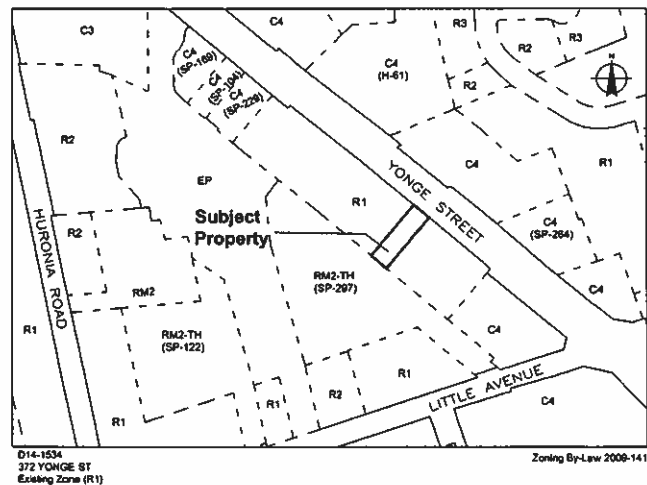
9. Existing land uses surrounding the property include the following:

South: Medium density townhouses.

North: Commercial residential use.

West: Low density single detached residential use.

East: Low density single detached residential use.



### Existing Policy

10. The property is designated Commercial within the City's Official Plan and is zoned Residential First Density (R1) by Zoning By-law 2009-141.

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Supporting Reports

11. In support of the subject application, the following technical reports were submitted:
- a) **Planning Justification Report** (February, 2012) – provides a review of the property characteristics and surrounding lands as well as the planning policy basis and opinion of Meridian Planning Consultants Inc. for the application to be approved as a commercial use with an associated second storey residential apartment. A detailed site concept plan and building elevations renderings were provided.

Public Meeting

12. The application was presented to General Committee at a Public Meeting held on May 28, 2012. No comments from the public were voiced at the Public Meeting, nor have any been received by Planning Services at the time of writing this report.

Agency Circulation

13. The subject application was circulated to a number of external agencies for review and comment. Only the Lake Simcoe Conservation Authority (LSRCA) provided comment and indicated that they had no concerns with the proposed rezoning.

Internal Circulation

14. The City of Barrie Transportation Department has provided comments on this application pertaining to parking, vehicle access and circulation, and servicing. It was noted that the minor commercial use on an arterial roadway will require a minimum 6.4 metre entrance width and minimum 5 metre curb returns. The existing driveway access is not wide enough to support safe ingress and egress for the site and two way vehicular movements. It was also noted by the Transportation Department that the proposed parking layout in the original application with all parking in the rear was not wide enough to accommodate two-way traffic. The applicant has since revised the parking layout to include two customer parking spaces in the front yard, and locate the owner and tenant parking in the rear. This will provide a safer and more efficient internal vehicular circulation. The Engineering Department also commented that there is a required 3.0 metre road widening which is to be conveyed to the City.
15. Parks Planning also provided comments on the proposed development as it relates to the existing and proposed vegetation on the subject lands. They are requesting that the applicant submit a site plan showing all existing vegetation to be retained and those areas that are proposed to be enhanced.
16. As the subject development is not subject to Site Plan Control, Planning staff are recommending that the owner enter into a Development Agreement in order to address the above items. The Agreement would require submission of a Site Plan in accordance with the Concept Plan attached as Appendix "A" to this staff report. The Agreement is an appropriate mechanism provided in the Planning Act that would consider desirable site design based on City comments and provide for enforceability.

**ANALYSIS**

Policy Planning Framework

17. The following provides a review of the applicable Provincial policies, as well as the City of Barrie's Official Plan and the Intensification Strategy.

Provincial Policy Statement (2005) (PPS)

18. The Provincial Policy Statement promotes efficient development and land use patterns and a range of mix of residential, employment, recreational and open space. In addition, the policies promote cost effective development standards to minimize land consumption and facilitate compact form.

Places to Grow (2006) (The Growth Plan)

19. The application has been reviewed with reference to the Growth Plan policies that have been in place since 2006. The Growth Plan provides tools for decision makers to ensure land is used efficiently through intensification. The Growth Plan requires that 40% of all residential development occurring annually within the City must be within the existing built boundary. In addition, the Growth Plan promotes the wise management of resources through the utilization of existing services and transportation infrastructure. As such, the proposed development would be appropriate as the proposal would utilize existing infrastructure on a property located within the City's existing built boundary.
20. Based on the above, the proposed commercial/residential use at 372 Yonge Street would contribute to the mix of land uses and is appropriate at this location given the nature of the use. As such, it is the opinion of the Planning Department that the proposed development meets the policies and the intent of the Provincial Policy Statement and the Growth Plan.

Official Plan

21. The subject property is designated General Commercial within the City's Official Plan. Lands designated General Commercial are intended to provide a range of retail and service commercial uses, which includes smaller scale retail such as a flower shop.
22. Section 4.3.2.1 (b) of the Official Plan encourages the design, appearance and scale of the new commercial development to be in harmony with adjacent land uses and adequate screening, buffering and noise protection for adjoining residential uses. The existing dwelling is not proposing to have any additional floor area added, but will utilize the existing footprint, with portions of the attached garage being removed. The design and appearance will remain visually that of a single detached dwelling, with the exception of signage for the business. The applicant is proposing to have the customer parking in the front of the building, with tenant and employee parking in the rear. A 2.0 metre high tight board fence with additional landscaping treatment will be located along the interior lot lines which will reduce noise and visual impacts to the adjacent residential uses. As mentioned above, to ensure appropriate site design, staff is recommending that the applicant enter into a Development Agreement that requires the submission of a Site Plan for approval by the Planning Department. This is required prior to the passing of the By-law because the proposal to re-use the existing dwelling does not require site plan approval.
23. The General Commercial policies of Section 4.3.2.5 of the Official Plan allow for residential uses to be located within or above commercial or office uses at grade. The proposed flower shop will occupy the main floor, while the apartment use will occupy the second floor. Planning staff are satisfied that the proposed development meets the City's General Commercial criteria as outlined in the Official Plan.

Defined Policy Area "D"

24. The lands are located within Defined Policy Area "D" as identified on Schedule "C" in the Official Plan. This area was recognized as a part of the City that would experience growth over the coming years and in 1990, the City undertook the Yonge Street Corridor Study. The intent was to

establish a long-term land use strategy to help guide the redevelopment of the lands along Yonge Street.

25. The study identified that the development within and around this area would continue to grow and would require a continuous left turning lane on Yonge Street. This would help accommodate the anticipated commercial uses. Even though this centre turning lane exists along this portion of Yonge Street, the Transportation Department has identified that a 3.0 metre road widening would still be required. This would help ensure that Yonge Street would be able to accommodate the anticipated growth of the area and would provide for safe and efficient vehicular and active transportation. As such, staff are recommending that the 3.0 metre road widening be conveyed as part of the Development Agreement.
26. The study also addresses streetscape along Yonge Street and specifies that tree planting along the side lot lines and existing vegetation should be preserved where possible. Parks Planning has reviewed the Concept Plan and generally approves the plan. This is with the recommendation that two new trees be planted for each tree removed.

#### Intensification Strategy

27. On May 4, 2009, City Council adopted an Intensification Strategy as part of the City's overall growth management plan as a measure of conformity with the Provincial Policy Statement and the policies of the Growth Plan.
28. The proposed development was reviewed in association with the Intensification Policies of the Official Plan, which encourages residential intensification to be focused in the Urban Growth Centre, Intensification Nodes, Intensification Corridors, and the Major Transit Station Areas. The subject property has frontage on Yonge Street, which in accordance with Schedule "I" of the Official Plan, is identified as an Intensification Corridor. The proposed development will also contribute to a more compact mixed use urban form and will efficiently use land and resources, support transit, and optimize the use of existing infrastructure and services.

#### Zoning Rationale for Special Provision

29. In order for the development of the lands to occur in the General Commercial (C4) zone, special provisions would be required.
30. The existing setbacks of the dwelling on the property do not meet the requirements of the C4 zone in the Zoning By-law. The special provisions that are proposed would legalize the existing building's setbacks for the proposed commercial use. The required interior side yard setback for commercial uses in the C4 zone that abut a residential use is 6.0 metres. The purpose of establishing a 6.0 metre setback for commercial buildings that abut a residential use is to ensure that there are minimal impacts to adjacent properties. The applicant is proposing a 1.6 metre setback from the west interior lot line and 4.0 metres from the east interior lot line. The existing dwelling is located approximately 1.3 metres from the east interior lot line, which is proposed to be increased to 4.0 metres by eliminating a portion of the existing attached garage. A 1.0 metre landscaping strip to separate the proposed driveway from the employee and tenant parking in the rear would also be provided. The proposed setback of 1.6 metres on the west side recognizes the location of the existing dwelling, which will be further enhanced by additional landscaping and a 2 metre high tight board fence. As the applicant is proposing to increase the setback to 4.0 metres on the east side by eliminating a portion of the existing attached garage and include a 2.0 metre high tight board fence and additional landscaping, there is no anticipated negative effects to the abutting residential lots.
31. The C4 Zone requires a 3.0 metre landscaping strip and 2.0 metre high tight board fence along the property limits. The applicant is proposing a 1.6 metre landscaping strip along the west

interior lot line and 1.0 metre landscaping strip along the east interior lot line and 0 metres in the front yard along the east interior lot. The requirement in Zoning By-law 2009-141 is for fencing to be located along the entire lot line, stopping 0.3 metres from any lot line that abuts a public street. The applicant is proposing for the fence to stop at the front face of the existing building, which is 10.0 metres from the front lot line.

32. The reduction of the landscaping strip from 3.0 metres to 1.0 metres on the east lot line abutting the dwelling and 1.6 metres on the west lot line would still be in keeping with the intent of the By-law, as the existing and additional landscaping would provide adequate separation to adjacent uses. The applicant is also proposing a reduction of the landscaping strip along the east interior lot line in the front yard to 0 metres, which will accommodate the proposed driveway width for safe ingress and egress to and from the site.
33. The proposed storage shed is currently setback 1.4 metres from the east interior lot line, where the required setback is 6.0 metres. Even though the storage shed is 9.0 square metres and does not require a building permit, it remains subject to the setbacks of an accessory building under Zoning By-law 2009-141. The visual impact of the storage shed to the abutting residential uses is expected to be minimal as it is located in the rear yard of the dwelling and will be screened by a 2.0 metre high tight board fence.
34. The Urban Design Guidelines require that commercial developments along an arterial road provide a 6.0 metre landscaped buffer. With the applicant proposing to have customer parking in the front yard, this landscaping buffer cannot be satisfied. Notwithstanding, the applicant has submitted a Site Plan (Appendix "A") that provides appropriate landscaping given the constraints of the site.

#### Site Plan Control

35. The subject application would not be subject to site plan control as no development as defined by the Planning Act is being contemplated. Therefore, in order to address technical site design requirements it is recommended that a Development Agreement be entered into with the City, which will deal with issues regarding site servicing, landscaping, road widening, lighting, parking and access.

#### SUMMARY

36. The surrounding residential area is a mix between R1 and RM2 zones, with commercial C4 uses to the north and south. The surrounding lands include townhouse and single detached dwellings to the east and west and south of the subject property. The rezoning of the property to C4(SP) fits with the character of the neighbourhood, and its location fronts onto an Intensification Corridor, with existing C4 commercial uses north and further east at the intersection of Yonge Street and Little Avenue. In general, the requested site specific provisions do not negatively impact the ability of the applicant to accommodate other applicable zoning standards such as parking and building height. The Official Plan designation is Commercial, therefore the long term plan for this area is for commercial and/or mixed residential/commercial uses.
37. The applicant has provided a Concept Plan that addresses the above mentioned technical site design issues. It is for these reasons that staff recommends approval subject to entering into a Development Agreement that would be registered on title.

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**CONCLUSION**

38. Staff have reviewed the comments received and considered the proposed Zoning By-law Amendment application, having regard to conformity with the relevant Provincial Policy, the City's Official Plan and Intensification Strategy, and are of the opinion that the proposed development complies with the relevant planning policies and guidelines and is an appropriate form of development.

**ENVIRONMENTAL MATTERS**

39. There are no environmental features on the property that have been identified as being impacted as a result of this application.

**ALTERNATIVES**

40. There are two alternatives presented for consideration by General Committee:

**Alternative #1:**

General Committee could maintain the existing Single Detached Residential R1 zoning on the subject lands.

This alternative is not recommended as the subject development conforms with the Official Plan, the City's Intensification Strategy and is consistent with Provincial Policy. In addition, the subject property is designated Commercial which supports redevelopment of this portion of Yonge Street for commercial uses.

**Alternative #2:**

General Committee could alter the proposed recommendation by recommending the proposed zoning, without the special provisions identified on the subject lands and the recommended Development Agreement.

This alternative is not recommended as the proposed special provisions would allow for an intensified development as encouraged by the City's Intensification Strategy. The Development Agreement would provide an opportunity to address technical site requirements that are normally addressed through Site Plan Control and provide for enforceability as the Agreement would be registered on title.

**FINANCIAL**

41. There are no financial implications for the Corporation resulting from the proposed recommendation.

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

42. 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

43. The recommendations would allow for a new commercial use in a designated commercial area.

Attachments: Appendix "A" –Concept Plan

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