

Bill No. 211

BY-LAW NUMBER 2012-

**A By-law of The Corporation of the City of Barrie to
adopt an amendment to the Official Plan (O.P.A. #21)**

WHEREAS, Section 21 of The Planning Act, R.S.O., 1990 Chapter P.13 authorizes councils to initiate an amendment to or repeal of any official plan that applies to the municipality;

AND WHEREAS, by Motion 12-G-300 the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law to adopt an amendment to the City of Barrie Official Plan.

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** Amendment No. 21 to the Official Plan for the Barrie Planning Area attached to and forming part of this by-law, is hereby adopted.
2. **THAT** this By-law shall come into force and have effect immediately upon the final passing thereof.

READ a first and second time the 17th day of December, 2012.

READ a third time and finally passed this 17th day of December, 2012.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

AMENDMENT NO. 21
TO THE
CITY OF BARRIE
OFFICIAL PLAN

OFFICIAL PLAN
FOR THE
CITY OF BARRIE
Amendment No. 21

Amendment No. 21 to the City of Barrie Official Plan was prepared by the Barrie General Committee and was recommended to the Council of the City of Barrie under the provisions of the Planning Act, on the ___ day of _____, 2012.

Mayor

City Clerk

This amendment was adopted by the Corporation of the City of Barrie by By-law No. __-__ in accordance with the provisions of the Planning Act, on the ___ day of _____, 2012.

Mayor

City Clerk

BY-LAW NUMBER 2012-XXX

A By-law of the Corporation of the City of Barrie to adopt an amendment to the Official Plan (O.P.A. No. 21).

WHEREAS, Section 21 of The Planning Act, R.S.O., 1990 Chapter P.13 authorizes Council to initiate an amendment to or repeal of any Official Plan that applies to the municipality;

AND WHEREAS, by Resolution 12-G-XXX, the Council of the Corporation of the City of Barrie deems it expedient to pass such a by-law to adopt an amendment to the City of Barrie Official Plan;

NOW THEREFORE, the Council of the Corporation of the City of Barrie enacts as follows:

1. Amendment No. 21 to the City of Barrie Official Plan attached to and forming part of this by-law, is hereby adopted.

READ a first and second time this ____ day of _____, 2012.

READ a third time and finally passed this ____ day of _____, 2012.

THE CORPORATION OF THE CITY OF BARRIE

Mayor

Clerk

This Amendment No. 21 to the Official Plan for the City of Barrie which has been recommended by the Barrie General Committee and adopted by the Council of the Corporation of the City of Barrie, is hereby approved in accordance with the Planning Act as Amendment No. 21 to the City of Barrie Official Plan.

Date

City Clerk

AMENDMENT NO. 21

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AMENDMENT NO. 21
TO THE CITY OF BARRIE
OFFICIAL PLAN

INTRODUCTION

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT, consisting of the following text and map constitutes Amendment No. 21 to the City of Barrie Official Plan.

Also attached is **PART C - THE APPENDIX**, which does not constitute part of this amendment. This appendix contains the Public Meeting Minutes, Staff Report, and the Council Resolution associated with this amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of this amendment is to redesignate land from General Commercial Area to Residential Area to permit the development a block townhouse development.

LOCATION

The property subject to this amendment is located on the north side of Blake Street between Johnson Street and Steel Street, in the Codrington Planning Area. The property is known municipally as 376 Blake Street. The subject property consists of 0.4ha (1.2 acres) with a frontage of 42.3 metres on Blake Street. The property is currently occupied by a bowling alley.

BASIS

The Official Plan does not permit the proposed form of residential development within the Commercial Area designation. Accordingly, an amendment to the Official Plan is required.

The property subject to this amendment is part of the Codrington Planning Area. No Secondary Plan has been prepared for this planning area. As such, the general policies of the Official Plan apply to these lands. There are a number of goals and policies that support a redesignation of the noted properties to a Residential designation. Section 4.2.1 (b) and (c) generally indicates the need to create complete communities through a mix of uses serving the residential planning area. In addition, densities should be developed that support transit use, pedestrian and cycling and that assist in achieving density target.

Section 4.2.2.2(d) of the Official Plan identifies the range of density that should be considered for medium density development. Depending on the form of the development, the range can be between 26 to 53 units per hectare. The actual density is further established through Zoning By-law 2009-141. The application proposes 44.1 units per hectare which does fall within the range suggested in the Official Plan for medium density development. The application however does not meet the standard established through the City's Comprehensive Zoning By-law. This is outlined in the following section of this amendment.

Section 4.2.2.3(b) Locational Criteria and 4.2.2.6(d) Intensification Policies outlines the general criteria that should be considered when reviewing applications for medium density development located outside intensification areas. The property meets all of the criteria outlined in this section of the Official Plan. The property is located on an arterial road, is served by public transit on Blake Street and is in close proximity to a public elementary school (Johnson Street School), park (Southview Park, Johnsons Beach) and commercial development (Blake and Johnson Streets). The property would utilize existing services to the property.

The proposed amendment is supported by the residential policies of the City's Official Plan.

The property would be subject to Site Plan Control as outlined in Section 41 of the Planning Act.

PART B - THE AMENDMENT

DETAILS OF THE AMENDMENT

The Official Plan is amended by altering as follows:

Schedule A - Land Use Plan is hereby amended by redesignating certain lands shown on Schedule A of the Amendment from General Commercial Area to Residential Area.

IMPLEMENTATION

Subsequent to the adoption of the amendment, Council will consider passing and implementing a zoning by-law which will rezone the subject lands from General Commercial (C4) to Residential Multiple Density RM2 (Special) (Holding).

The Special Provision shall increase the permitted density of the property from 40 to 45 units per hectare.

The use of the Holding Provision is required to ensure that a matter related to an emergency access on an adjacent property is appropriately addressed prior to development being approved through a site plan control application.

The registration of a site plan on title is to occur prior to any change in use being permitted over the entire property.

INTERPRETATION

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



PART C – THE APPENDIX

PART C - THE APPENDIX

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Minutes of the General Committee Public Meeting



City Clerk's Office
COUNCIL DIRECTION MEMORANDUM

TO: Director of Planning - note
 Director of Legal Services - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: August 13, 2012

12-G-197 APPLICATION FOR AN OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING BY-LAW - INNOVATIVE PLANNING SOLUTIONS ON BEHALF OF ADVANCE TECH DEVELOPMENTS - 376 BLAKE STREET, BARRIE (WARD 1) (AUGUST 13, 2012) (File: D09-OPA021/D14-1539)

Cameron Sellers of Innovative Planning Solutions explained that the purpose of the public meeting is to review applications for an Official Plan Amendment and a Zoning By-law Amendment submitted by Innovative Planning Solutions on behalf of Advance Tech Developments. He explained that the lands are located on the north side of Blake Street between Steel Street and Johnson Street (Ward 1), are situated in the Codrington Planning Area and known municipally as 376 Blake Street with a total area of 0.4 hectares (1.2 acres). Mr. Sellers provided photographs of the subject property and the surrounding area. He described the existing site conditions and surrounding land uses. Mr. Sellers reviewed the current Official Plan designation and existing zoning for the site.

Mr. Sellers explained the development proposal for the site and the rationale for the proposed medium density zoning. He provided artistic renderings of the proposed buildings and reviewed the details of the proposed Official Plan Amendment and Zoning By-law Amendment including an outline of the requested zoning exceptions. Mr. Sellers listed the studies that have been submitted to the City in support of the application. He indicated that he believes the proposal is consistent with Provincial policy planning, the City of Barrie Official Plan and the City of Barrie Growth Management Study. He concluded by providing a summary of the proposal and his professional opinion with respect to the planning rationale associated with the applications.

PUBLIC COMMENTS:

1. **Louis Cote, 23 Alexander Avenue** expressed concern regarding the identification of the subject property provided in the notice of the public meeting and provided suggestions for future notices. Mr. Cote inquired if the proposed townhouses were two or three stories.

Mr. Sellers provided a response to the inquiry.

2. **Michelle Atefi, 360 Blake Street** inquired if the townhouses will be freehold or condominiums. She requested additional details concerning the proposed amenity space once it becomes available and asked that the contact information for Innovative Planning Solutions be provided.

Mr. Sellers provided a response to the inquiries.

3. **Barb Mercer, 33 Alexander Avenue** stated that she is opposed to the proposed development. She explained that she has lived in the area for many years and believes that the current bowling alley is a good piece of the City's fabric and would prefer if the subject property remained status quo. Ms. Mercer noted that she is not opposed to the land being rezoned to residential, however, she does not agree with the provision of exemptions to the EM2 zoning standards. She expressed concern with the zoning exceptions requested related to the increased density, decreased setbacks and decreased parking requirements. She commented that she does not believe that the entrance to the development can accommodate two-way traffic. Ms. Mercer indicated that she does not feel that there will be adequate parking available for the development and stated that she would prefer fewer units. Ms. Mercer commented that she believes the increased density will result in increased traffic on Blake Street in an area designated as a Community Safety Zone. She suggested that a building with a smaller footprint, with additional greenspace would be more environmentally-friendly. Ms. Mercer concluded by reiterating that she does not object to the rezoning to residential, noting her objection relates to the exemptions being requested by the developer from the RM2 zoning standards.
4. **Ed Prince, 386 Blake Street** explained that he is the Property Manager for Lions Hall adjacent to the subject site. He expressed concern with the proposed density and the increased amount of traffic. He explained that the Lions Hall has many functions that are held after 11:00 p.m. and believes that the third floors of the townhouses will be impacted by noise coming from the events being held at the banquet hall. Mr. Prince suggested that a clause be included in the sales transaction for the townhouses acknowledging the presence of the banquet hall.
5. **Chad Gilchrist, 29 Alexander Avenue** explained that his backyard abuts the property line of the proposed development. He noted that he agrees with the previous comments made by Ms. Mercer and expressed concern about the setback exemption being requested by the developer. He commented that he feels that if the development is approved he will lose his privacy.
6. **Ray Mercer, 33 Alexander Avenue** commented that he opposed increased density for a previous development in the area. He noted that he believes that a six foot green buffer area should be included around the perimeter of the subject property. Mr. Mercer inquired if the setback provisions for the rear yard are being maintained.

Mr. Sellers provided a response to the inquiry.
7. **Bryan Murray, 21 Alexander Avenue** provided history regarding the property ownership of the area and suggested that a hydro easement exists. He inquired if the proposed development included access to the hydro easement.

Mr. Sellers responded to the inquiry.
8. **Bill Hester, 5 Huron Street** provided some information concerning the surrounding neighbourhood noting the various types of dwelling units. He stated that he believes that the decision regarding the development proposal will impact the existing residents. Mr. Hester commented that he feels that there have been no issues with the current bowling alley and he doesn't understand why the property owner wants to convert the property to residential. He expressed concern regarding the loss of jobs that would result from converting the bowling alley to residential units. Mr. Hester indicated that he does not feel that townhouses are the best choice for the neighbourhood.

Members of General Committee asked a number of questions related to the presentation and received responses from the presenter and staff.

WRITTEN CORRESPONDENCE:

1. Correspondence from the Simcoe County District School Board, dated July 23, 2012.
2. Correspondence from Bell, dated July 25, 2012.
3. Correspondence from Bell, dated August 2, 2012.



STAFF REPORT PLN041-12
October 29, 2012

Page:
File: D14-1539
Pending #

TO:	GENERAL COMMITTEE
SUBJECT:	APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT – ADVANCE TECH DEVELOPMENTS LTD. – 376 BLAKE STREET (WARD 1)
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. W. MCARTHUR, P. Eng. GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the application to amend the Official Plan submitted by Innovative Planning Solutions on behalf of Advance Tech Developments Ltd. to redesignate lands known municipally as 376 Blake Street from General Commercial to Residential be approved.
2. That Part A and B of the Official Plan Amendment No. 21, as attached as Appendix "C" to Staff Report PLN041-12, be approved.
3. That the application to amend Zoning By-law 2009-141, submitted by Innovative Planning Solutions on behalf of Advance Tech Developments Ltd., to rezone 376 Blake Street from General Commercial (C4) to Multiple-Family Dwelling Second Density Residential Special (Holding) Provisions (RM2)(SP)(H) be approved.
4. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
 - a) The provision of a minimum 6 metre wide landscape strip across the full frontage of the property save and except the entrance.
 - b) The provision of minimum 6 metre driveway lengths to each unit.
 - c) The provision of minimum 6.4 metre main driveway widths for each unit.
 - d) The provision of a maximum density of 45 units/ha
 - e) A reduced yard setback from the building for a secondary means of access along the east and west yards from 7 metres to 5 metres, in accordance with Section 5.3.3.2 d) of Zoning By-law 2009-141.
 - f) The variances only apply to a block/cluster townhouse development.

5. That the Holding Provision be lifted following:
 - a) The owner addressing access to the exit door in the building at 386 Blake Street through the provision of an easement or the relocation of the exit door to the rear or side of the building.
6. That in accordance with Section 17(22) and 34(17) of the Planning Act, no further public notification is required.

PURPOSE & BACKGROUND

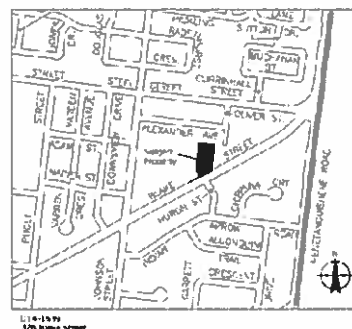
Report Overview

7. To recommend approval of an application to amend the City of Barrie Official Plan and Zoning By-law for property known municipally as 376 Blake Street in order to permit the development of a cluster block townhouse development under a Residential designation of the Official Plan and Multiple-Family Dwelling Second Density Residential RM Zone. Staff is recommending approval subject to the use of the Holding provision. Planning staff are recommending approval of the Special provisions requested by the owner related to an increase in density and a reduction in the required yard (east and west) for a secondary means of access to the units.

Location

8. The property is located on the north side of Blake Street between Johnson and Steel Streets. The lands are situated in the Codrington Planning Area. The property is known municipally as 376 Blake Street.
9. The existing land uses surrounding the subject properties are as follows:

North: Single family detached residential homes, Zoned Residential, R2
 South: Multiple-family block townhouse residential units, Huron Street, Zoned Residential RM2
 East: Commercial building used for catering social events, zoned General Commercial C4
 West: Multiple-Family block townhouse residential units, Zoned Residential RM2



10. The property has a total area of approximately 0.4 hectares (1.2 acres).

Existing Policy

11. Property is designated General Commercial within the City's Official Plan.
12. The property is zoned General Commercial (C4) under Zoning By-law 2009-141 (Appendix A).

Background

13. The properties are currently occupied by Kempview Bowl.

14. The owner has requested an amendment to the Official Plan and Zoning By-law 2009-141 which would serve to permit the development of 21 townhouse units on a single parcel of land (Concept Plan – Appendix B). The applications propose to amend the Official Plan from General Commercial to Residential, and the Zoning By-law 2009-141 from General Commercial (C4) to Multiple-Family Dwelling Second Density Special Provision RM2 (SP).

15. The application is requesting Special Provisions to the By-law standards which would be as follows:

	<u>Required/Permitted</u>	<u>Proposed</u>
• Maximum units	19	21
• Maximum density (units per hectare)	40	44.1
• Minimum yard setback where a secondary means of access is provided	7m	5m

16. The application was amended following the circulation of the Public Meeting Notice and the meeting itself to address a number of issues identified by Planning staff related to the width of the main driveway off Blake Street, the length of the private driveways, the lack of an internal sidewalk and the shortage of onsite parking. The unit count and density have been reduced in an attempt to address these issues. In addressing these issues, the side yard setback of the units was reduced, now requiring a further variance. This is discussed in detail in the section related to Zoning By-law 2009-121 of this report.

17. In support of the application, the following reports were submitted:

Planning Justification Report: This document provides an outline of the application and the basis in which the property can be supported for residential development based on existing provincial policies and policies in the City's Official Plan.

Traffic Impact Assessment: This document reviewed the traffic generated by the proposed development and any impacts on the existing road system as a result of traffic generated. The report also looked at the offset of the entrance to the site and its alignment (15 metres east) with Huron Road. The report did not recommend any alterations to the road system and indicated that the alignment of the entrance was considered acceptable given the traffic generated, expected turning movements and sight lines that are present.

Functional Servicing Report: This document reviewed the existing and proposed servicing as well as preliminary site grading associated with the property in support of the development applications. The report indicated that a residential development can be supported through the extension and utilization of the existing sanitary sewage collection system and the existing municipal water distribution system. Stormwater management quality control, quantity control, phosphorous reduction can be achieved per City standards.

Public Meeting

18. A public meeting was held on August 13, 2012 in accordance with the Planning Act. A number of comments and concerns were expressed at the public meeting and through correspondence. These concerns related to the following:

- The elimination of the bowling alley as a community facility;
- The increase in density, reduction of required parking and the other variances;
- Form of tenure of the units;

-
- Fencing separating adjacent properties;
 - Emergency access to an existing fire door to the Lions Club building;
 - Easement for maintenance purposes of the exterior of the Lions Club building;
 - Increased vandalism resulting from the housing project;
 - Damage to the Lions Club building resulting from construction of the development; and
 - Impact of noise generated from the Lions Club and its impact on the future residents.
19. Planning staff, in considering the public concerns, are satisfied that the residential development is appropriate for the area given the surrounding form of development in the area. Staff is of the opinion that the elimination of the commercial development in this area is appropriate and that there will be less of an impact on the surrounding residential development with residential development than if the commercial development was to remain.
 20. Planning comments have been provided with regard to the variances being requested by the applicant under the Zoning By-law 2009-141 section of this report.
 21. The applicant proposes, based on information provided to date, that the development be a condominium tenure rather than rental. This does not prevent the units from being purchased and rented out by the individual unit owners.
 22. The property manager of the Lions Club adjacent to the subject property expressed a number of concerns related to their operation and its impact on the proposed development. The owner of the subject property has indicated that he is prepared to relocate the Lions Club's existing fire exit at the westerly side of the building to a more suitable location. This would eliminate the need for any setback or break in the future required fencing along the westerly property line. Fencing along the side and rear perimeter of the subject property will be required as a condition of site plan approval. This is typically provided following construction to ensure that damage does not occur during construction. Security fencing during construction would be required around the perimeter to the site to ensure that no trespassing occurs.
 23. To ensure that damage to adjoining buildings does not occur during construction of a development, the developer will often undertake a survey of adjoining properties including the buildings. This then provides a record of condition in the event that concern is raised with property damage resulting from construction. This would be the responsibility of the developer or the individual property owner.
 24. To address matters related to the operation of one development and its impact on an adjacent property, items such as noise attenuation fences and warning clauses are typically used. These are generally incorporated as a requirement of site plan approval which would occur following consideration of the current application, if it is approved.
 25. Although vandalism has become an ever increasing problem for all properties, the City has limited options in which to address this matter. Individual property owners are responsible for their own properties. It is Planning staffs' opinion that approval of the residential development will not increase the opportunity or likelihood for increased vandalism.
 26. It has been suggested that an easement be provided by the subject property owner in order to allow the Lions Club to maintain the west side of their building. The existing setback of 16-18 inches may be sufficient for this to occur, however, this would be a matter that could be further reviewed when considering site plan approval for the subject property.

Agency/Department Comments

27. Comments were received as a result of the application being circulated to applicable agencies and City departments.
28. The City Engineering Department advised that a road widening of approximately 2 metres across the entire frontage would be required. Although road widenings have as a practice been required prior to the Official Plan and Zoning By-law Amendment being finally approved by Council, Planning staff are recommending that the widening be taken as a condition of Site Plan Approval which is permitted under Section 41(7) of the Planning Act. The offset entrance proposed on the concept plan to the property off Blake Street is considered acceptable based on comments provided through the Traffic Impact Assessment Report. A 9 metre wide entrance with an 8 metre radius will be required for the Blake Street entrance which would be addressed as a component of site plan approval. The Engineering Department has advised that sufficient service capacity is available to support the proposed development. Other matters related to servicing and grading would be addressed at the time of site plan approval.
29. Parks Planning identified that a 6 metre landscape strip be required along the full frontage of Blake Street save and except the entrance. In addition, a Tree Removal Permit will be required given what is considered to be a wood lot located to the north and which extends over a number of properties including the subject property. Other matters relating to fencing and landscape treatment, planting and amenity space would be addressed as part of a future site plan approval.
30. The Fire Department advised that the main driveway should be increased in width to permit their equipment safe access to the site. In addition, they have suggested that the private driveway be increased in length to avoid the overhang of vehicles into the main driveway. The matter has been addressed on the Concept Plan.
31. The Simcoe County District School Board indicated that they had no objection to the application and that the students generated by the development could be accommodated at Johnson Street Public School and Eastview Secondary School.

ANALYSIS

Provincial Policies

32. The Provincial Policy Statement and Places to Grow in brief contain policies that provide direction for communities to manage and direct land uses to achieve efficient development and land use patterns. This is achieved by ensuring that efficient land is available through intensification to accommodate an appropriate range and mix of residential and employment (commercial) uses, avoid public health and safety concerns, promote efficient and cost-effective development and building complete communities that are well-designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs and easy access to stores and services to meet the daily needs.
33. The policies further state that new development should occur adjacent to existing built-up areas, have a compact form, and take into account planned infrastructure and public service facilities to accommodate projected needs.
34. The application would result in the creation of additional residential units, adding to the mix of units in the area and would serve to utilize existing infrastructure in the area without the need for additional cost of upgrading facilities. The future residents will have access to transit, parks, schools and convenient shopping. Planning staff are satisfied that the application is consistent with the provincial policies with respect to the proposed development.

Official Plan

35. The property is part of the Codrington Planning Area. No Secondary Plan has been prepared for this planning area. As such, the general policies of the Official Plan apply to these lands. There are a number of goals and policies that support a redesignation of the noted properties to a Residential designation. Section 4.2.1 (b) and (c) generally indicate the need to create complete communities through a mix of uses serving the residential planning area. In addition, densities should be developed that support transit use, pedestrian and cycling, and that assist in achieving density target.
36. Section 4.2.2.2(d) of the Official Plan identifies the range of density that should be considered for medium density development. Depending on the form of the development, the range can be between 26 to 53 units per hectare. The actual density is further established through Zoning By-law 2009-141. The application proposes 44.1 units per hectare which does fall within the range suggested in the Official Plan for medium density development. The application however does not meet the standard established through the City's Comprehensive Zoning By-law. This is outlined in the following section of this report.
37. Sections 4.2.2.3(b) Locational Criteria and 4.2.2.6(d) Intensification Policies outlines the general criteria that should be considered when reviewing applications for medium density development located outside intensification areas. The property meets all of the criteria outlined in this section of the Official Plan. The property is located on an arterial road, is served by public transit on Blake Street and is in close proximity to a public elementary school (Johnson Street School), park (Southview Park, Johnsons Beach) and commercial development (Blake and Johnson Streets). The property would utilize existing services to the property.
38. In summary, Planning staff are satisfied that the policies of the Official Plan support a Residential designation of the property.

Zoning By-law 2009-141

39. The application to amend the Zoning By-law to permit a block/cluster townhouse form of development is permitted under the Residential RM2 zone. A Residential RM2 zone is suggested given the form of housing proposed. The owner is proposing 21 townhouse units on a parcel that is 0.47 hectares in size. As noted above, this represents a density of 44.1 units per hectare.
40. Section 5.2.5.1 Densities, Subsection a), of By-law 2009-141, states that: "A maximum of 40 units per net hectare of block/cluster townhouse development is permitted." This standard, based on the size of the property, would represent a maximum unit count of 19 and not the 21 units being proposed.
41. Section 5.3.3.1 d) Yard Variations indicates that where a multiple dwelling unit has a secondary means of access to the exterior area at ground level such area shall contain a landscaped open space area a minimum of 7 metres in depth from the face of the building wall. The owner is proposing a yard depth of 5 metres.
42. Planning staff in reviewing the initial concept plan submitted as part of the application noted a number of items that were considered to be problematic for the development. The main driveway off Blake Street was 6 metres in width. A typical main driveway into block/cluster townhouse developments is 6.4 metres in width. This provides the opportunity for two way vehicles traveling through the development. All parking lots which are built for residential or commercial development are required to provide a minimum 6.4 metre driveway width. The development located immediately to the west, which is identical to the form proposed by the owner was required to provide a minimum driveway width of approximately 6.7 metres which is identified on the site specific zoning by-law (71-133).

43. The concept plan also indicated that all but two of the driveway lengths to the individual garages proposed was 4.97 to 5.01 metres in length. A typical private driveway length to a garage for block/cluster townhouse development is 6 metres. This avoids any interference with the overhanging of a vehicle into the main access driveway and/or sidewalk which would be a safety issue and enables a person to safely move around the vehicle when parked in the driveway.
44. The concept plan did not reflect any internal pedestrian sidewalk. Typically an internal sidewalk is provided along one side of the main driveway which would connect to the municipal sidewalk on the municipal right-of-way. This provides for the safety of residents moving through the development rather than having them walk on the driveway itself. Safety and accessibility is an issue that is addressed as a component of site plan approval on all multi-unit residential developments.
45. As noted previously, the applicant submitted an amended concept plan which served to address the three issues mentioned above. In doing so, the buildings were shifted such that the east and west side yards were reduced, thereby, creating additional variances.
46. Based on the concept plan and the review by Building Services, all other standards of the Zoning By-law have been met with the exception of those requested by the owner. The required yard setback of 7 metres is required where a secondary access to a unit is provided and is to provide access to a private amenity area for each of the units. The 5 metre setback reflected on the concept plan will provide what is considered a suitable private amenity area for each unit. This will be supplemented through the provision of the common amenity area provided on site which is in full conformity with Zoning By-law standards. In addition, the subject property is irregularly shaped which limits options for orientation of the buildings and driveway. It should be noted that without the second access to each unit a 1.8 metre setback would be required from the property line.
47. The proposed development is similar in form to the existing development to the west and south of the subject property. The owner's request for an additional two units over what is permitted can be considered appropriate. The property with the additional two units, with the exception of yard setback, can meet all of the provisions associated with the Residential RM2 zone. The property being located on an arterial road, in close proximity to schools, parks, shopping, and having a transit route on Blake Street, provides additional support for the moderate increase in density.
48. The provision of a 6 metre landscape strip is now provided along the Blake Street frontage. Blake Street is a major entrance to the City and has through redevelopment projects seen the placement of greater landscape areas along the frontage of properties in an effort to improve the visual appearance of the streetscape. A special provision has been included to ensure that it is reflected as a component of the future site plan application.

Summary

49. Planning staff are in support of a Residential designation in the Official Plan and a Residential Multi-Family Second Density RM2 zoning of the subject property. The proposed residential use of the property is consistent with the form of development of other developed properties in the immediate area. The future owners of the residential units will have excellent access to a school, shopping, recreation facilities and public transit. The property, in staffs' opinion, can support 21 units with approval of a variance to the required setback when a secondary means of access is provided to the units.

ENVIRONMENTAL MATTERS

50. There are no environmental matters related to the recommendation.

ALTERNATIVES

51. There are two alternatives available for consideration by General Committee:

Alternative #1

General Committee could deny the rezoning of the property and retain the General Commercial Designation and General Commercial C4 zone.

This alternative is not recommended. The proposed residential use of the property is considered appropriate and in keeping with the area. The elimination of the commercial use would serve to strengthen the residential character of the area.

Alternative #2

General Committee could recommend approval of the Official Plan amendment to Residential and the Zoning By-law amendment but not approve an increase in the permitted density to 45 units per hectare (21 units) or the reduced required yard setback of 5 metres.

This alternative is not recommended. The requested variance can be considered minor given the property being located on an arterial road which accommodates a transit route and the close proximity of the property to schools, parks and shopping. The onsite common amenity area will serve to supplement the private amenity space for those units that are provided with a reduced side yard from 7 metres to 5 metres. In addition, the narrow width of the property creates a difficulty in being able to provide the full 7 metre setback where a secondary means of access is provided, unless the units are widened and reduced in depth.

Alternative #3

General Committee could recommend approval of the Official Plan Amendment to Residential and the Zoning By-law Amendment without an increase in the permitted density of 45 units per hectare (21 units) but approve the reduced required yard for a secondary means of access to 5 metres.

This alternative is not recommended. The requested variance can be considered minor given the property being located on an arterial road which accommodates a transit route and the close proximity of the property to schools, parks and shopping.

FINANCIAL

52. The current taxes for 376 Blake Street (bowling alley) are approximately \$13,290 for 2012. A similar form of development that is being proposed by the owner of 376 Blake Street has a 2012 tax rate of \$1,930 per unit. Using this number as a general guide, a 21 unit condominium block/cluster townhouse development would yield a total tax rate in the order of approximately \$40,530.
53. The Building Department has provided an estimate of potential Development Charges and Building Permit fees based on a 21 unit block/cluster townhouse development. The estimated Development Charges per townhouse unit would be \$24,604 for a total of \$516,684. The Building Permit fee, based on the current rate of \$11.00 per square metre, would be \$22,025 based on a total gross floor area of 2,275 m².



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LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

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

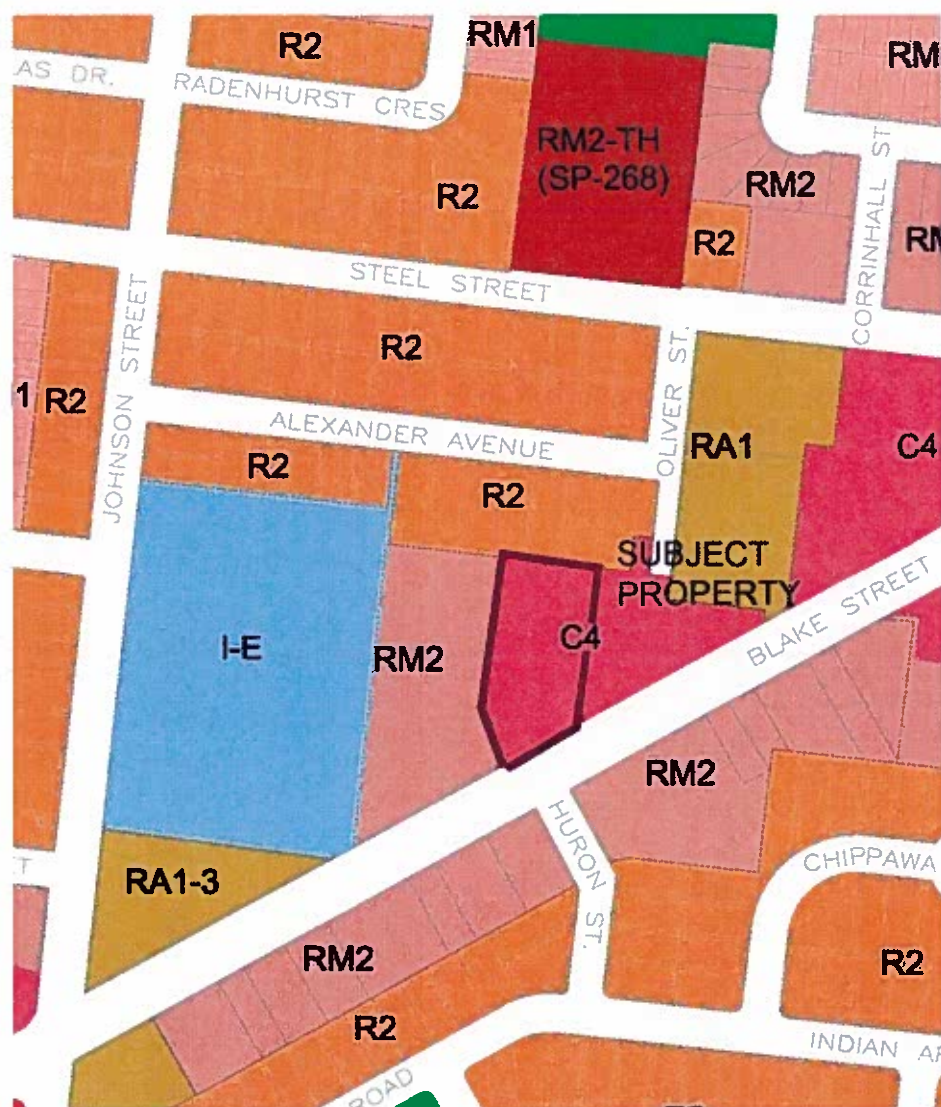
☒ Manage Growth and Protect the Environment

55. Council's strategic goals include advancing intensification projects in accordance with existing policies. Although the site is not within an intensification corridor or node, the project will provide the opportunity to have a property redeveloped for multiple units in an area that is ideally suited for this form of development and which would be in keeping with the City's Official Plan.

Attachments: Appendix "A" – Existing Zoning
Appendix "B" – Concept Site Plan
Appendix "C" – Part A, Part B, Schedule and Official Plan Amendment.

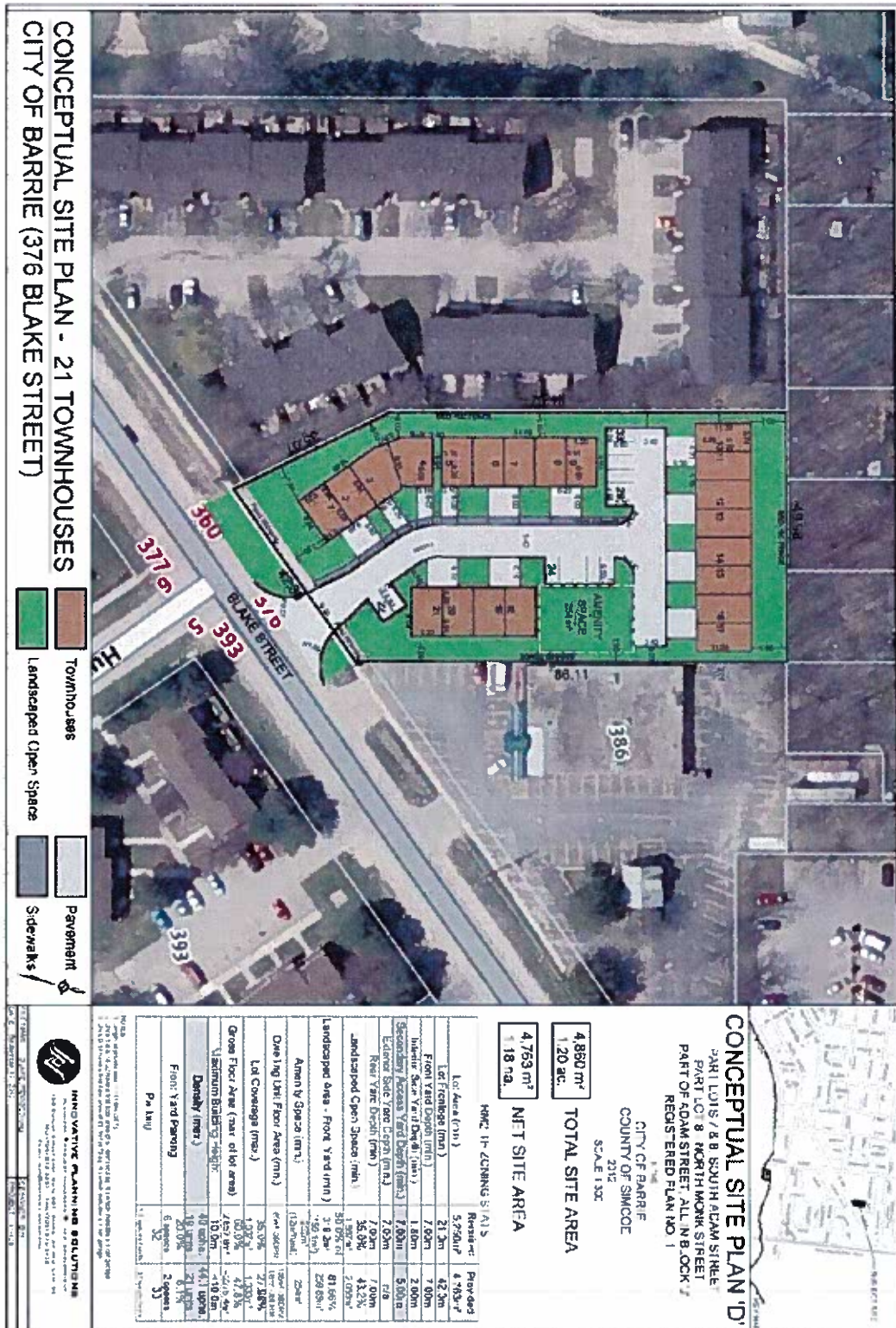
APPENDIX "A"

Existing Zoning



APPENDIX "B"

Concept Site Plan





APPENDIX "C"

Part A, Part B, Schedule & Official Plan Amendment

Part A – The Preamble

Purpose

The purpose of this amendment is to redesignate land from General Commercial Area to Residential Area to permit the development a block townhouse development.

Location

The property subject to this amendment is located on the north side of Blake Street between Johnson Street and Steel Street, in the Codrington Planning Area. The property is known municipally as 376 Blake Street. The subject property consists of 0.4ha (1.2 acres) with a frontage of 42.3 metres on Blake Street. The property is currently occupied by a bowling alley.

Basis

The Official Plan does not permit the proposed form of residential development within the Commercial Area designation. Accordingly, an amendment to the Official Plan is required.

The property subject to this amendment is part of the Codrington Planning Area. No Secondary Plan has been prepared for this planning area. As such, the general policies of the Official Plan apply to these lands. There are a number of goals and policies that support a redesignation of the noted properties to a Residential designation. Section 4.2.1 (b) and (c) generally indicates the need to create complete communities through a mix of uses serving the residential planning area. In addition, densities should be developed that support transit use, pedestrian and cycling and that assist in achieving density target.

Section 4.2.2.2(d) of the Official Plan identifies the range of density that should be considered for medium density development. Depending on the form of the development, the range can be between 26 to 53 units per hectare. The actual density is further established through Zoning By-law 2009-141. The application proposes 44.1 units per hectare which does fall within the range suggested in the Official Plan for medium density development. The application however does not meet the standard established through the City's Comprehensive Zoning By-law. This is outlined in the following section of this amendment.

Section 4.2.2.3(b) Locational Criteria and 4.2.2.6(d) Intensification Policies outlines the general criteria that should be considered when reviewing applications for medium density development located outside intensification areas. The property meets all of the criteria outlined in this section of the Official Plan. The property is located on an arterial road, is served by public transit on Blake Street and is in close proximity to a public elementary school (Johnson Street School), park (Southview Park, Johnsons Beach) and commercial development (Blake and Johnson Streets). The property would utilize existing services to the property.

The proposed amendment is supported by the residential policies of the City's Official Plan.

The property would be subject to Site Plan Control as outlined in Section 41 of the Planning Act.



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Part B – The Amendment

Details of the Amendment

The Official Plan is amended by altering as follows:

Schedule A - Land Use Plan is hereby amended by redesignating certain lands shown on Schedule A of the Amendment from General Commercial Area to Residential Area.

Implementation

Subsequent to the adoption of the amendment, Council will consider passing and implementing a zoning by-law which will rezone the subject lands from General Commercial (C4) to Residential Multiple Density RM2 (Special) (Holding).

The Special Provision shall increase the permitted density of the property from 40 to 45 units per hectare.

The use of the Holding Provision is required to ensure that a matter related to an emergency access on an adjacent property is appropriately addressed prior to development being approved through a site plan control application.

The registration of a site plan on title is to occur prior to any change in use being permitted over the entire property.

Interpretation

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



Council Resolution



City Clerk's Office
COUNCIL DIRECTION MEMORANDUM

TO: Director of Planning - prepare OPA and zoning map
Director of Legal Services – advise
Director of Engineering – note
Director of Recreation, Facilities and Transit - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: November 5, 2012

**12-G-300 APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT -
ADVANCE TECH DEVELOPMENTS LTD. - 376 BLAKE STREET (WARD 1)**

1. That the application to amend the Official Plan submitted by Innovative Planning Solutions on behalf of Advance Tech Developments Ltd. to redesignate lands known municipally as 376 Blake Street from General Commercial to Residential be approved.
2. That Part A and B of the Official Plan Amendment No. 21, as attached as Appendix "C" to Staff Report PLN041-12, be approved.
3. That the application to amend Zoning By-law 2009-141, submitted by Innovative Planning Solutions on behalf of Advance Tech Developments Ltd., to rezone 376 Blake Street from General Commercial (C4) to Multiple-Family Dwelling Second Density Residential Special (Holding) Provisions (RM2)(SP)(H) be approved.
4. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
 - a) The provision of a minimum 6 metre wide landscape strip across the full frontage of the property save and except the entrance;
 - b) The provision of minimum 6 metre driveway lengths to each unit;
 - c) The provision of minimum 6.4 metre main driveway widths for each unit;
 - d) The provision of a maximum density of 45 units/ha;
 - e) A reduced yard setback from the building for a secondary means of access along the east and west yards from 7 metres to 5 metres, in accordance with Section 5.3.3.2 d) of Zoning By-law 2009-141; and
 - f) The variances only apply to a block/cluster townhouse development.

5. That the Holding Provision be lifted following:
 - a) The owner addressing access to the exit door in the building at 386 Blake Street through the provision of an easement or the relocation of the exit door to the rear or side of the building.
6. That in accordance with Sections 17(22) and 34(17) of the Planning Act, no further public notification be required. (PLN041-12) (File: D14-1539)