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**TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL**

**PREPARED BY: B. CHABOT, M.PL. PLANNER**

**FROM: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES**

**NOTED: A. BOURRIE, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH  
MANAGEMENT**

**M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

**RE: PROPOSED ZONING BY-LAW AMENDMENT (FILE NO. D14-1653)  
105, 107, 109, AND 111 EDGEHILL DRIVE (WARD 5) 1980168 ONTARIO INC.**

**DATE: DECEMBER 10, 2018**

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The purpose of this Memorandum is to advise members of Council of the status of an application for a Zoning By-law Amendment submitted by Innovative Planning Solutions Inc. on behalf of 1980168 Ontario Inc. for lands known municipally as 105, 107, 109, and 111 Edgehill Drive, Barrie. The intent of the proposed Zoning By-law Amendment is to allow for the development of 78 back-to-back townhouse units within 5 separate buildings. To accomplish this, the applicant has applied for a Zoning By-law Amendment to rezone the lands to Residential Multiple Dwelling Second Density with Special Provisions (RM2-[SP-XXX]).

The Province of Ontario has recently passed Planning legislation (Bill 139) which has resulted in changes to the review and processing of *Planning Act* applications, as well as the appeal process associated with said applications. According to Section 34 of the *Planning Act*, municipalities are required to make a decision on a Zoning By-law Amendment application within 150 days of deeming an application complete. If a decision is not made within the 150 day timeframe, an applicant may appeal the application to the Local Planning Appeals Tribunal (LPAT) for non-decision. In this case, the review period associated with the subject application expires on December 17, 2018.

As a result of comments received from the Neighbourhood and Public Meetings and technical agencies, there are a number revisions to the proposal that have been recommended. Given the complexity of the application, the applicant has not had sufficient time to address the technical comments provided as part of the review. As such, staff are unable to provide a complete recommendation report to General Committee within the legislated 150 days.

The applicant has submitted a letter to the City acknowledging that the application will not be considered by General Committee on or before December 17, 2018 and confirm that an appeal for a non-decision will not be filed with LPAT given the collaborative effort between staff and the applicant (Appendix A: Letter from Applicant). The applicant has agreed to extend the timeline an additional 100 days to March 27, 2019.

Notwithstanding the voluntary letter agreeing to an extended review timeframe, the Planning Justification Report (PJR) submitted by the applicant's consultant is the only information that forms part of the official record associated with the subject application. If the applicant were to file an appeal on the subject application, the applicant's PJR and associated plans, reports, and studies are the only documents that would be heard as evidence by the LPAT. To protect the City's interests, this memorandum documents key planning issues with the subject application at this time. Identified items will be resolved by the time a recommendation report is presented to General Committee.

**Background:**

The subject application was deemed complete by the City on July 20, 2018. The application was circulated to all applicable City departments and external agencies for review and comment. The subject site is comprised of four adjacent parcels known municipally as 105, 107, 109, and 111 Edgehill Drive, Barrie. The site totals approximately 0.77 hectares (1.9 acres) in size and is located on the south side of Edgehill Drive, west of Anne Street North

(Appendix B: Site Location Map). The subject lands are designated 'Residential' in the City's Official Plan and are zoned Residential Single Detached Dwelling Second Density (R2) in accordance with Zoning By-law 2009-141, as amended.

The applicant is proposing to amend the zoning of the subject lands to Residential Multiple Dwelling Second Density with Special Provisions (RM2-[SP-XXX]) to permit the development of 78 back-to-back townhouse units within 5 separate buildings (Appendix C: Proposed Site Plan). The applicant is requesting the following site specific zoning provisions to facilitate the proposal:

<b>Zoning Standard</b>	<b>Standard RM2 Zone</b>	<b>Requested RM2 (SP) Zone with Special Provisions</b>
<b>Back-to-Back Townhouses</b>	Not permitted	<i>Requesting permission</i>
<b>Permit unconsolidated amenity space</b>	12m <sup>2</sup> of consolidated amenity space required per unit	<i>12m<sup>2</sup> of unconsolidated amenity space per unit</i>
<b>Front Yard Setback (min.)</b>	7 metres	<i>4 metres</i>
<b>Parking (min.)</b>	1.5 spaces per unit	<i>1.07 spaces per unit</i>
<b>Maximum lot coverage</b>	35%	<i>39%</i>
<b>Density (max.)</b>	40 units per hectare	<i>103 units per hectare</i>
<b>Gross floor area (max.)</b>	60%	<i>114%</i>

A Neighbourhood Meeting was held on September 5, 2018 regarding the proposed Zoning By-law Amendment. A total of fifteen (15) local residents attended the meeting. A Public Meeting was held on September 24, 2018. A total of two (2) local residents provided verbal comments. Residents identified the following matters of interest:

- Traffic circulation and road capacity;
- On-site parking capacity;
- The health of the stream and its relocation; and,
- The capacity of local parks and schools.

Through the technical review process associated with the subject application, a number of matters were raised that require further analyses and resolution including site design, parking, fire service, and pedestrian connectivity and safety. Additionally, matters were raised by external agencies with regulatory power regarding environmental matters and Highway 400 widening and setbacks. A summary of the key outstanding issues associated with the subject application have been provided below. While these matters are being identified as outstanding at the time of this memo, staff are working with the applicant to address them.

#### *Site Design*

The current site design includes three unconsolidated, linear amenity areas located between the proposed buildings (Appendix C: Proposed Site Plan). These areas are between 8.73 and 9.55 metres in width. The zoning by-law requires amenity space to be consolidated to ensure the space is usable. The applicant has not yet demonstrated what sort of facilities would be provided in these amenity areas and staff have not been satisfied that they will function appropriately given their size and shape. Additionally, although not shown on the site plan, the Environmental Noise Feasibility Study submitted in support of the proposed development (Valcoustics Canada Ltd., dated June 26, 2018) identifies a 2.6 metres high noise barrier (wall) along the east of amenity area B, in line with the façades of Buildings 1 and 2 and a 2.7 metres high noise barrier (wall) along the east limit of amenity area C, in line with the east façades

of Buildings 4 and 5. It is not good site design nor urban design to have a large, blank wall cutting off amenity areas, which are meant to be visible for the safety of the users, and the enjoyment and attractiveness of the space.

#### *Parking*

The applicant is proposing a parking rate of 1.07 parking spaces per unit. This equates to one parking space per unit plus 6 visitor parking spaces, for a total of 84 parking spaces. The units are proposed to be two and three bedrooms each. The zoning by-law requires 1.5 parking spaces per unit, for a total of 113 spaces. The PJR has provided the rationale that intensification projects have been permitted to develop with parking rates of 1 space per unit therefore this intensification project should be permitted a reduced parking rate as well. Staff note that a parking rate of 1:1 is permitted in designated intensification areas. This project is not within, nor adjacent to, an intensification node or corridor and is situated on Edgehill Drive, where on-street is prohibited. The PJR also argues that by reducing the parking rate active and public transportation options are better supported, and that requiring the 1.5 parking spaces per unit would eliminate the amenity space and/or cause a reduction in the number of residential units.

From a policy perspective, Official Plan policy 5.1.1(g) states that it is a goal of the Official Plan "to ensure infrastructure is provided in a coordinated, efficient and cost-effective manner to accommodate projected needs". Parking is a form of infrastructure required to support development. Given the site's transportation constraints (Highway 400) that reduce transit and active transportation opportunities, staff are not satisfied that this policy has been addressed. For example, there is a grocery store at 165 Wellington Street that is approximately 450 metres from the subject property in linear distance. However, given the requirement to cross Highway 400, the actual route would require a resident of the subject property to walk 1 kilometre to arrive at the same destination. Finally, Traffic Operations staff have confirmed that a Parking Study will be required in support of the subject application if parking is not provided in accordance with the zoning standards noted above. Staff are currently awaiting the submission of this study. Given the above, staff are of the opinion that sufficient rationale has not been provided to support the reduction in parking.

#### *Fire Service and Safety*

The applicant must be able to demonstrate how their development meets Barrie Fire and Emergency Services standards. Specifically, the applicant is required to demonstrate that 35 foot ladders will reach third floor balconies and that there is a minimum of 5 metres of level ground around each building. This has not yet been provided. Additionally, there is concern for delay in firefighting tactics due to site layout. Recommendations have been provided to the applicant to incorporate into their revised site design.

#### *Pedestrian Connectivity and Safety*

Policy 6.5.2.2(a)vi) of the Official Plan states that "pedestrian links should be designed to promote the safety of the user ...". This site does not satisfy this policy in that the internal sidewalks are not connected to the municipal sidewalk along Edgehill Drive forcing pedestrians onto the private road within the development. Private sidewalks are expected to connect to the municipal sidewalks in the revised site design.

#### *External Agencies*

The site is within the regulatory limits of two provincial authorities: the Lake Simcoe Region Conservation Authority (LSRCA) and the Ministry of Transportation of Ontario (MTO). As such, it is standard practice to coordinate review with these agencies to ensure their respective matters of interest can be sorted prior to the issuance of any municipal approvals. Both agencies have provided comments that will require the proposed site layout and design to be adjusted or the applicant to provide additional information to the satisfaction of the applicable agency.

The LSRCA has identified concerns with the stormwater management (applicant must demonstrate how removal of 80% of total phosphorus will be achieved), hydrogeology (applicant must demonstrate that the quality and quantity of groundwater will be protected, improved, or restored, and provide in-situ percolation testing to determine local infiltration rate), and natural heritage resources (applicant must ensure net gain to the natural system is achieved and is required to provide for ecological offsetting). The LSRCA has requested that the application not be considered for

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rezoning until the comments pertaining to stormwater management and hydrogeology be addressed at a functional level, and that the natural heritage comments be addressed to the satisfaction of the LSRCA.

The MTO has identified a widening of Highway 400 along the south-eastern portion of the subject lands (along Highway 400) requiring the applicant to provide lands for the road widening. This widening was not included in the original submission. As the MTO requires a 14 metres setback from their right-of-way, the applicant will be required to move and/or redesign Buildings #3 and #5 and will require an adjustment to the southerly surface parking spaces.

**Next Steps:**

The applicant and their consulting team are currently in the process of addressing all comments that have been provided by the public, Planning staff, the City's technical review team, the Lake Simcoe Region Conservation Authority (LSRCA), and the Ministry of Transportation of Ontario (MTO). In doing so, the applicant is making revisions to the proposed site plan and preparing additional information and/or studies in support of the subject application. This will result in changes to the development proposal, which will address the comments that were provided through the technical review process and the input provided by local residents at the Neighbourhood and Public Meetings.

If you have any questions, please contact the Planning file manager, Bailey Chabot at 705-739-4220 extension 4434.

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Appendix "A"

Letter from the Applicant



**INNOVATIVE PLANNING SOLUTIONS**

planners • project managers • land development

City of Barrie  
70 Collier Street  
Barrie, Ontario  
L4M 4T5

Tuesday, November 6, 2018

Attention: Bailey Chabot  
Planner

Re: Application for Zoning By-Law Amendment (D14-1653)  
105, 107, 109 & 111 Edgehill Drive  
City of Barrie, County of Simcoe

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On behalf of 1980168 Ontario Inc., Innovative Planning Solutions is pleased to provide the following correspondence with respect to the above noted file. It is noted that the subject Zoning Bylaw Amendment application was previously deemed complete by the City of Barrie (July 20, 2018).

Under new Planning Act legislation, specifically the Local Planning Tribunal Act, 2017 which took effect on April 3, 2018, municipalities are required to make a decision on a proposed Zoning Bylaw Amendment application within 150 days of a complete application otherwise the applicant has the right to appeal a "non-decision".

Understanding this timeline and in consideration of a number of factors including ongoing discussions with the City to resolve issues identified at the neighbourhood and public meetings, we appreciate that this timeline cannot be accomplished as there is limited opportunity for a Staff Report to be presented to General Committee/Council for a decision prior to the 150-day timeframe expiring.

As a result, we hereby advise and agree that 1980168 Ontario Inc. will not appeal a non-decision of the proposed Zoning bylaw Amendment application, File D14-1653, for a period of 250 days from the date the application was deemed complete. Should a decision not be rendered by such date, the applicant will retain their right to appeal a non-decision.

It is noted that this letter is not intended to suggest that an appeal of a non-decision is pending or being considered at this time. Rather, this letter is intended to provide an extended timeframe for a decision to be rendered in light of new Planning Act timeframes, and to accommodate the limited opportunity for a Staff report to be presented to General Committee and Council for a decision on the application within 150 days of the date the application was deemed complete.

Trusting this is satisfactory; please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

**Innovative Planning Solutions**

A handwritten signature in black ink, appearing to read "D. Vella", written over a dotted rectangular background.

Darren Vella, MCIP, RPP  
President & Director of Planning

Appendix "B"

Site Location Map



File #: D14-1653

Address: 105-111 Edgehill Drive

■ SUBJECT PROPERTY





Appendix "C"

Proposed Site Plan

