

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL **FILE: D14-1657**

FROM: T. WIERZBA, PLANNER

NOTED: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
B. PARKIN, P.ENG., GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PUBLIC MEETING FOR A TEMPORARY USE BY-LAW – 164 INNISFIL STREET (1911940 ONTARIO INC. – LIQUIDATION NATION)

DATE: FEBRUARY 25, 2019

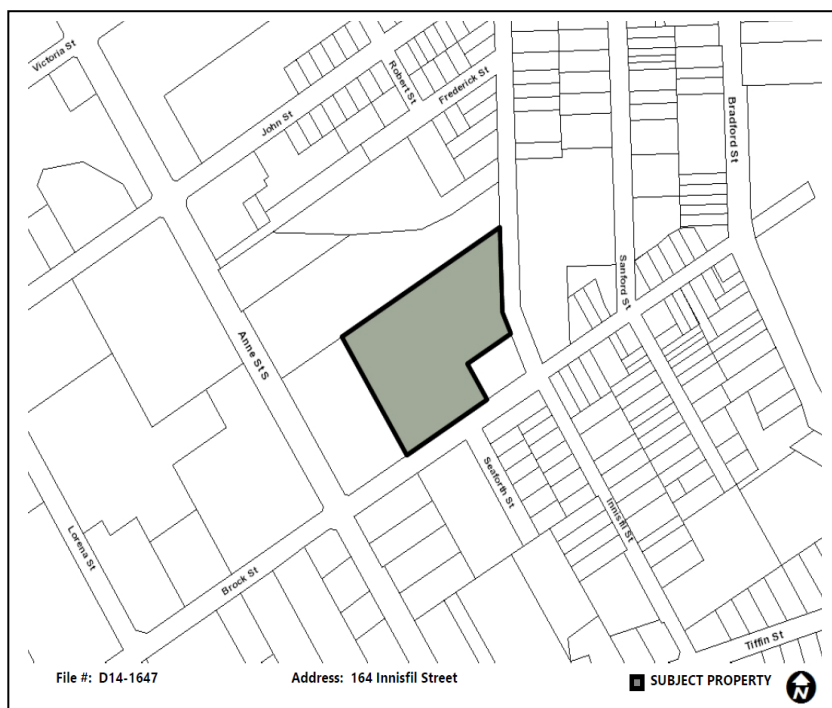
The purpose of this Memorandum is to advise members of Council of an application for a Temporary Use By-Law, submitted by MHBC Planning on behalf of 1911940 Ontario Inc., for the lands municipally known as 164 Innisfil Street (see key map below). The application was deemed complete on November 21, 2018.

The subject lands are designated General Industrial in the City of Barrie Official Plan (OP) and zoned General Industrial (GI) in the Comprehensive Zoning By-law 2009-141.

The property is approximately 2.9 ha in size. The proposed Temporary Use By-Law would apply to a portion of the property – identified as 'Subject Area' in Appendix 'A' – which occupies approximately 3,213m² on the western portion of the existing industrial building.

As per Section 39 of the *Planning Act* a municipality may pass a Temporary Use By-Law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited for a period of up to

three years. Standalone retail uses are not permitted in the General Industrial designation or the General Industrial zone. The proposed Temporary Use By-Law is to permit an existing standalone retail use in a building located in the General Industrial zone for three years.



This property has a long history of outstanding zoning compliance matters. To address these zoning matters staff worked with the applicant to explore a number of solutions. The applicant has requested the proposed Temporary Use By-Law as an interim solution, and understands that the City is currently preparing a new Official Plan. Further, the applicant is aware that the Provincial government may modify policies in the Growth Plan for the Greater Golden Horseshoe ('Growth Plan') regarding limitations on the conversion of employment lands to non-employment uses. The proposed Temporary Use By-Law will recognize site



PLANNING AND BUILDING SERVICES MEMORANDUM

conditions, such as reduced parking, and reduced side and rear yard setbacks; the special provisions requested are detailed in Table 1 on page 2 of this memo. The applicant is not proposing to alter the site or the existing building.

Provision	Required in the GI Zone	Special Provision Requested
Parking	84 spaces	47 spaces
Rear Yard Setback	7.0 m	6.2 m
Side Yard Setback	3.0 m	2.7 m (due to existing structure adjacent to the subject lands)

Table 1 – Summary of Special Provisions Requested to recognized existing site as part of Temporary Use By-Law.

Neighbourhood Meeting

The standalone retail use has been established on the property within an employment area. The applicant does not propose to add new uses or alter the site or the existing building. Staff determined that a Neighborhood Meeting was not warranted, and that a Public Meeting was the appropriate avenue through which to gather input from the public.

Land Use Planning Considerations

The application is currently under review by staff and has been circulated for comment. The primary land use matters under consideration are:

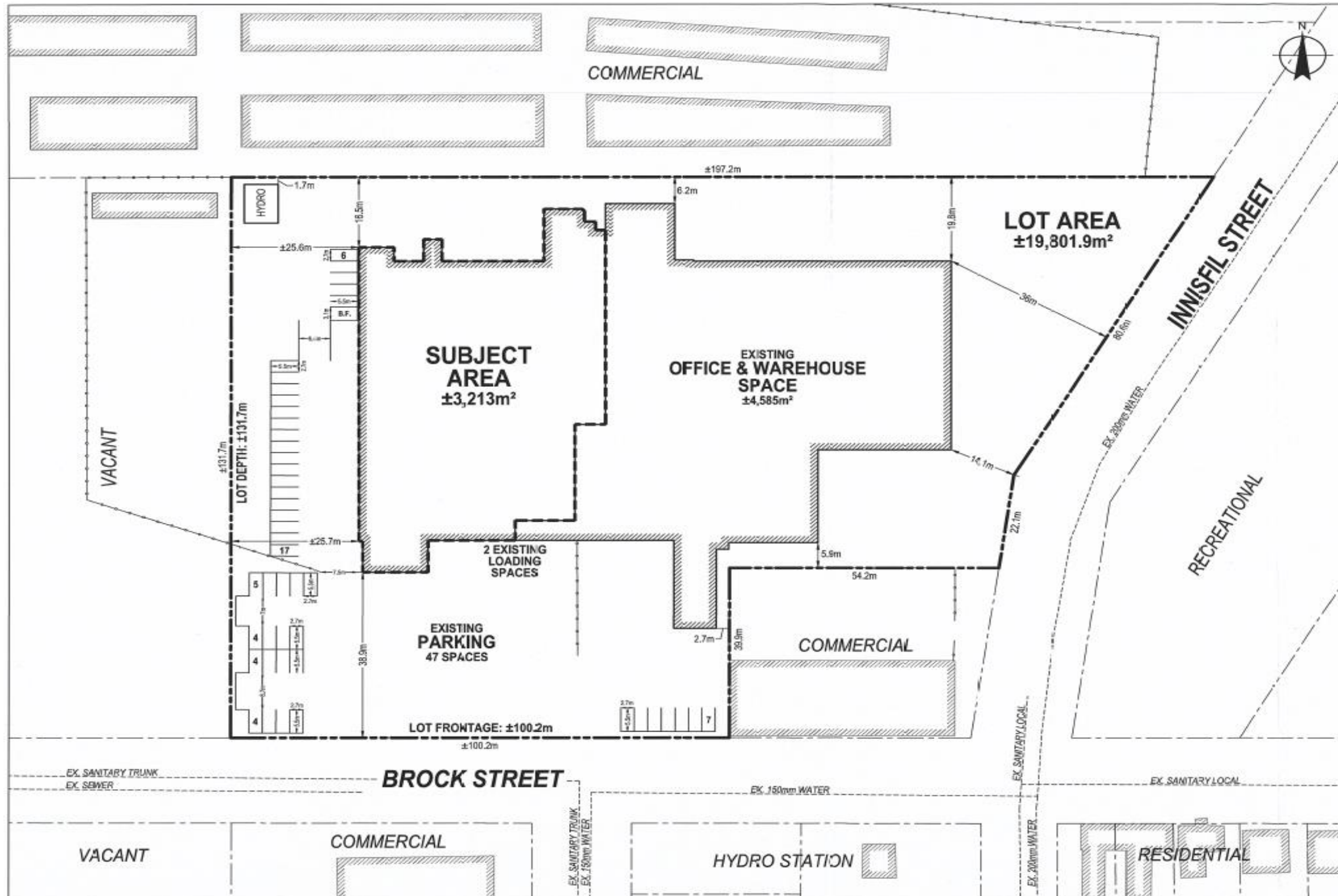
- Whether a Temporary Use By-Law is the appropriate planning tool through with to address a long standing non-complying use;
- The appropriateness of a standalone retail use in an established industrial employment area;
- The amount of industrial employment land available to accommodate projected employment as per the Growth Plan;
- Site design and if the site can meet public safety standards, ensure efficient traffic flow, demonstrate compliance to the City's stormwater management policies, and provide barrier-free access; and,
- How the availability of lands designated to accommodate standalone retail uses relates to encroachment of commercial/retail uses on industrial employment lands.

Next Steps

Staff will continue to work with the applicant to address feedback received through the public consultation process and comments resulting from analysis of the application by staff and City's agency partners. A staff report to General Committee is anticipated to be brought forward on April 15, 2019, four days prior to the LPAT deadline for the municipality to make a decision on a Temporary Use By-Law as per Section 34(11) of the *Planning Act*.

For more information, please contact Tomasz Wierzba, Planner at ext. 4403.

APPENDIX "A"
Existing Site Sketch (provided by applicant)



EXISTING SITE SKETCH

Liquidation Nation
164 Innisfil Street
City of Barrie
County of Simcoe

LEGEND

- Subject Area
- Property Boundary
- Building
- Fence

GENERAL INDUSTRIAL (GI) ZONE		
PROVISION	REQUIRED	PROVIDED
Lot Area (min.)	700m ²	19,801.9m ²
Lot Frontage (min.)	15m	100.2m
Front Yard (min.)	7m	38.9m
Side Yard (min.)	3m	25.6m 2.7m (existing structure outside subject area)
Rear Yard (min.)	7m	6.2m
Lot Coverage (max.)	60%	15.6% for the subject area
Parking Spaces (1 space / 40m ² BFA)	84 Spaces	47 Spaces
Loading Spaces	2 Spaces	2 Spaces

DATE: November 6, 2018
SOURCE: Plan of Survey - Bradley & Worobec Surveying Ltd. - April 15, 1992
SCALE: 0 4 8 12 16 20 Metres
N:\Barrie\172728\Drawings\Site Sketch\CAD\BlackSketch_2018-11-06

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