
TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

PREPARED BY: J. LAMBIE, SENIOR URBAN DESIGN PLANNER

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

NOTED: A. BOURRIE, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH
MANAGEMENT (ACTING)

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: EXTENSION OF TIMELINE FOR PROPOSED ZONING BY-LAW AMENDMENT
1765469 ONTARIO INC. AND 70 EDGEHILL INC. - 70 AND 76 EDGEHILL DRIVE
(WARD 4) (FILE : D14-1659)

DATE: APRIL 15, 2019

Purpose:

1. 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 (IPS) on behalf of 1765469 Ontario Inc. and 70 Edgehill Inc., for lands known municipally as 70 and 76 Edgehill Drive, Barrie. The intent of the proposed Zoning By-law Amendment is to allow for the development of a 109 unit townhouse development. 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).
2. 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 Appeal Tribunal (LPAT) for non-decision. In this case, the review period associated with the subject application expires on April 27, 2019.
3. 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.
4. The applicant had submitted a letter to the City acknowledging that the application will not be considered by General Committee on or before April 27, 2019 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 since agreed to extend the timeline an additional 100 days beyond April 27, 2019 to August 5, 2019.
5. Notwithstanding the voluntary letter agreeing to an extended review timeframe, the Planning Justification Report (PJR) and its addendum submitted by the applicant's consultant are the only items that form 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 most recent 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.

Proposal Overview:

- 6 The applicant is proposing to amend the Zoning By-law 2009-141 on 70 Edgehill Drive and a portion of 76 Edgehill Drive to Residential Multiple Dwelling Second Density with Special Provisions (RM2) (SP-XXX). The two properties that are part of the application are currently zoned:

- 70 Edgehill Drive: Residential Single Detached Second Density (R2)
- 76 Edgehill Drive: Residential Apartment Second Density (RA2-2) with Holding and Special Provisions (H-128) (SP-508) and Environmental Protection (EP).

The existing EP area is not being considered in the application for rezoning and will remain EP. See Appendix "B" – Proposed Zoning By-Law Amendment Map.

7. The proposed rezoning would permit 100 back-to-back townhouses and 9 block/cluster townhouses. The proposed special provisions would allow for additional height and density, and reduce the minimum consolidated amenity area, parking requirements and required landscape open space. The applicant has developed preliminary site plan and 3D conceptual elevation drawings for consideration (Appendix "C" – Site Plan and Concept Elevations), showing the proposed built form.

8. The requested special provisions are outlined in the table below:

Provision	Required in RM2 Zones	Special Provisions to be Considered:
Front Yard Setback	7.0m	3.0m
Minimum Landscaped Open Space	35%	32%
Maximum Lot Coverage	35%	38.2%
Gross Floor Area (Max.)	60% of lot area	113.3%
Building Height	10.0m	16.5m
Parking	1.5 spaces per unit: 164 spaces 6 Barrier Free spaces (3 "Type A" and 3 "Type B") Tandem Parking Not Permitted	1.25 spaces per unit 136 spaces To permit tandem parking 2 Barrier Free Spaces
Minimum Consolidated Amenity Area	12m ² per unit (1,308m ²)	1,136m ²
Density	40 units per hectare	97.5 units per hectare

Public Consultation:

9. A Neighbourhood/Ward Meeting was held on January 24, 2019 regarding the proposed zoning by-law amendment and 10 local residents attended the meeting. Some residents were supportive of the development application and noted positive improvements. Other residents raised concerns such as:

- increased traffic volume and proximity to an existing daycare;
- proposed building height, density and massing;
- potential for trespassing, fencing, and privacy;
- the need for significant retaining walls and their longevity and maintenance requirements;
- snow removal and storage;
- potential impacts to the surrounding natural heritage and Environmental Protection (EP) areas; and
- the location of the storm water management facility.

10. One resident also voiced concern with the number of special provisions, and that the application focused its planning justification on comparing the current concept to a previously approved 2014 development application for a 14 storey tower, rather than detailing why each special provision is required from the City's RM2 standards.

Key Issues:

11. Through City staff's technical review of the subject application, a number of outstanding matters were identified such as;
 - a. the overall impact of the 8 requested special provisions on the quality of the proposed development unclear definition of the limits of development;
 - b. the compatibility of the built form and proposed density;
 - c. size and location of the proposed consolidated amenity area;
 - d. proposed parking ratio, a request to reduce the number of required barrier free parking stalls and a request to permit tandem parking; and
 - e. the functionality of the proposed storm water facility.

These issues require an updated/revised concept plan which will need to be completed before bringing forward a recommendation for Council's consideration. Once the applicant has provided updated concept plans and required supplemental information, staff will bring forward a recommendation for Council's consideration. A more detailed overview of the issues are explored below:

Planning Justification

12. Planning staff note that IPS provided a planning opinion in 2014 for 76 Edgehill Drive, identifying that the highest and best use of the property was a 12 storey apartment building and that this was an appropriate form of development and location for intensification based on the policies outlined in the Provincial Policy Statement 2014 (PPS) and the Growth Plan for the Greater Golden Horseshoe, 2006 (Growth Plan). Through review during the development application process and the associated public consultation at the time, City staff and Council supported the proposal.
13. Since the 2014 approval for 76 Edgehill Drive, there have been no reductions to Provincial policy standards for growth management and intensification in the PPS or the Growth Plan. In fact, the 2017 update to the Growth Plan (the only policy to be updated since the application was approved) strengthened its goals and policies for growth and intensification through its updated density targets. As the current application would result in a reduction of permitted density on 76 Edgehill Drive, staff note this application may not be consistent with the policies, goals and objectives of the PPS and/or the Growth Plan regarding intensification and protection of lands for growth.
14. An application for reduced height and/or density, sometimes referred to as a 'downzoning', is also generally inconsistent with the goals and objectives of the City's Official Plan and its policies for growth and intensification. Downzoning may negatively impact the City's growth targets for the built boundary and its ability to adequately manage growth within the existing settlement boundary. Staff also note that reducing permitted density on 76 Edgehill Drive would ignore some of the preliminary findings of ongoing population and employment growth forecasting – currently being undertaken to guide the Official Plan update – which identify that the city is not on track to meet the Provincial growth and intensification targets.
15. The submitted Planning Justification Report (PJR) for the application provides a contradictory policy justification. The PJR uses Provincial and City intensification policies to attempt to justify a reduction in height and density for 76 Edgehill Drive, while simultaneously using the same policies to try and justify multiple variances to the City's RM2 zoning standards to accommodate higher levels of density -- which, in the opinion of Staff, could result in a sub-standard RM2 development that is inconsistent with the surrounding high-rise neighbourhood context.

16. The PJR identifies that the 2014-approved 12 storey building concept was on market for a 2 year period with little interest. Many changing market factors could have been preventing the development of which the City has no control. Some of these factors could include; how competitive the proposed development was to buyers/developers, the make-up of development teams, availability of construction experts, financing rates, cost of materials etc. Additionally, staff note that based on a number of recently completed developments and current applications for sites across the city, there appears to be a healthy market for apartment dwellings of varying heights and densities (from walkups and mid-rise buildings to high-rise).
17. While the addition of the property at 70 Edgehill Drive to the subject site creates a requirement for rezoning for the development site, staff are recommending that the applicant seek to create improvements to the zoning framework and site design of the already-approved zoning and built form at 76 Edgehill Drive – i.e. creating updated development limits, identifying an appropriate non-ground-related built form, improving building siting and massing, providing additional/functional amenity spaces and a more efficient parking solution.

Built Form and Urban Design

18. Further to the above, staff are of the opinion that the proposed ground-related built form is not consistent with the immediate context of adjacent tall buildings and would create a poor transition of building heights.
19. As noted in the PJR, the Growth Plan targets development within settlement areas' built boundaries, strategic growth areas identified by a municipality, in proximity to transit, and in areas with existing public service facilities. It was determined through the approval of the 2014 Zoning By-law and Official Plan Amendment that 76 Edgehill Drive was an appropriate location for a high-density development form that was not ground-related. The PPS framework has not changed since 2014 and the 2017 update to the Growth Plan strengthened its growth targets and policies for intensification. Therefore, there is no reasonable basis for justification through provincial policy for a change in this assessment.
20. Staff do not believe that the requested variances to the RM2 standards meet the intent of Zoning By-law 2009-141. The eight requested variances would seek to permit a development form that is not compact (exceeding the maximum allowable coverage), impacts the site's ability to provide adequate storm water management (SWM) facilities (as per City of Barrie Engineering Department and LSRCA comments), constrains the provision of adequate consolidated amenity space, and provides inadequate parking.
21. Staff are of the opinion that (a) mid-rise or high-rise building(s) would be a more efficient development form and achieve a more desirable and functional site layout as it relates to amenity spaces, provision of adequate parking, SWM facilities, and landscaped open space / amenity space. Depending on design and site layout, mid-rise built forms could also provide a level of noise mitigation for landscaped open spaces and/or amenity areas.
22. Staff note that a variety of mid- to high-rise built forms are permitted within the RA2-2 zoning. If the 12 storey building concept from 2014 has proven to be unfeasible or currently unmarketable, alternative built forms could be considered on the site such as walk-up or mid-rise buildings which would be more in keeping with the surrounding context and character of the adjacent apartment buildings, significantly sloping EP lands, and the Highway 400. The addition of the lands at 70 Edgehill Drive also make mid- to high-rise development more feasible by providing additional developable area. The additional area may also reduce or eliminate the need for some of the special provisions currently prescribed for 76 Edgehill Drive (such as a 35m west side yard setback) and create a development form that is more in keeping with the standards of Zoning By-law 2009-141.
23. The site is generally isolated from surrounding established low-rise neighbourhoods (with significant elevation changes from Edgehill Drive to Vine Crescent creating vertical separation and further lending the site to be suitable to higher forms of development) and is in proximity to parklands, schools, commercial establishments, and transit. These conditions were all identified in the 2014 Staff Report to support higher densities and a non-ground-related built form. Staff note that these site conditions remain the same.

24. Staff note that significant noise levels were identified in the development's amenity areas and the recommendations of the Noise Study called for reduced rooftop amenity sizes and an acoustic barrier for the sub-standard consolidated amenity area. The application did not make it clear if these mitigation measures were included as part of the concept design.

Circulation, Traffic & Parking

25. As per the requirements of the existing special provisions and holding provision, the concept site plan does not provide a design for the required municipal cul-de-sac on Edgehill Drive at the southerly portion of the frontage. The terminus of the cul-de-sac will need to provide access to the existing maintenance roadway located adjacent to Highway 400 that provides access to the EP lands to the north.
26. There is a discrepancy between the Traffic Impact Study parking ratio and the site plan zoning matrix. The TIS indicates the applicant adheres to the Zoning By-law requirements. However, the zoning matrix indicates a proposed reduction from those requirements. Staff also understand through similar applications in this area that back-to-back townhouse units have not been selling with reduced parking ratios. Staff have requested an addendum/update to the Traffic Impact Study to clarify the parking ratio and further explore parking demand.
27. Staff note that barrier free parking stall requirements are subject to the Accessibility for Ontarians with Disabilities Act (AODA). The City therefore cannot support the requested reductions of these requirements.
28. Staff note that the townhouse units requiring tandem parking will likely need to be removed or relocated to ensure proper conveyance of EP lands and the provision of adequate and functional consolidated amenity space.

Open Space & Amenity

29. The proposed concept plan does not currently illustrate the location of the proposed retaining wall, and identifies the amenity space in an area that may be unsuitable and inaccessible due to significant slope / elevation changes. Parks Planning Staff and the LSRCA have identified that this steeply sloped area should also be identified as tree preservation area, and added to the EP conveyance.
30. The re-allocation of the amenity area to EP may require a new location to be identified for a consolidated amenity, and therefore, a likely reduction of the total number of units (if the application is to proceed with back-to-back townhouses as the primary built form).

Next Steps:

31. The applicant and their consulting team are currently in the process of addressing all comments and updating required studies and reports to address comments that have been provided by Planning staff, the City's technical review team and the Lake Simcoe Region Conservation Authority (LSRCA). In doing so, the applicant is making revisions to the proposed concept plan for rezoning and preparing additional information and/or studies in support of the subject application. This may result in changes to the development proposal to address many of the issues explored above.
32. After discussions with the applicant and their Planning consultant, it was agreed that an extension to the review period for the Zoning By-law Amendment application would be required in order to leave enough time to finalize an updated concept. Planning staff feel that it is appropriate to resolve these issues, and those noted above, before the application is brought forward to Council in a Staff Report.
33. Given Council's summer recesses during the months of July and August, a Staff Report may not be able to be scheduled until the fall of 2019.

If you have any questions, please contact the Planning file manager, Jordan Lambie at 705-739-4220 extension 4324 or via email at jordan.lambie@barrie.ca.

Appendix 'A'

Site Location Map



File #: D14-1659

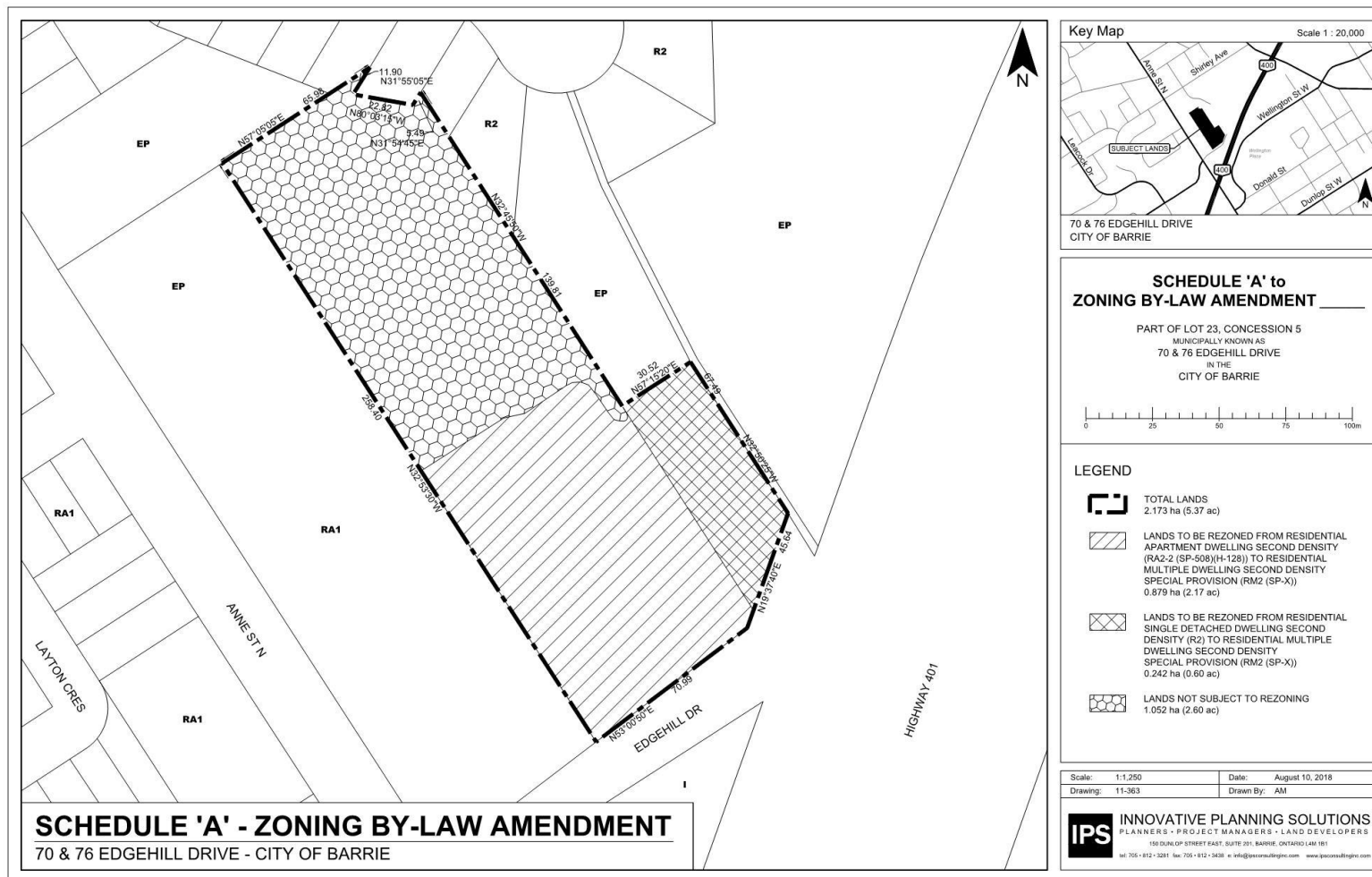
Address: 70 & 76 Edgemoor Drive

■ SUBJECT PROPERTY



Appendix 'B'

Proposed Zoning By-law Amendment Map



Site Plan



Concept Elevations



Appendix 'D'

Letter from the Applicant



INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

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

Friday, March 22, 2019

Attention: Jordan Lambie, MCIP, RPP
Senior Urban Design Planner

Re: Application for Zoning By-Law Amendment (D14-1659)
70 & 76 Edgehill Drive
City of Barrie, County of Simcoe

On behalf of 70 Edgehill Inc. and 1765469 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 deemed complete by the City of Barrie on December 13, 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 without the timeframe expiring.

As a result, we hereby agree that 70 Edgehill Inc. and 1765469 Ontario Inc. will not appeal a non-decision of the proposed Zoning bylaw Amendment application, File D14-1659, 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 considering 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". The signature is written over a horizontal line.

Darren Vella, MCIP, RPP
President & Director of Planning