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

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

**FROM: M. BANFIELD, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES**

**NOTED: A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH  
MANAGEMENT**

**M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

**RE: PROPOSED ZONING BY-LAW AMENDMENT - 435 BIG BAY POINT ROAD (ADA  
HOMES LTD. (WARD 9))**

**DATE: SEPTEMBER 9, 2019**

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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 ADA Homes LTD. for lands known municipally as 435 Big Bay Point Road, Barrie. The intent of the proposed Zoning By-law Amendment is to allow for the development of 19 townhouse units (4 stacked townhouses and 15 block townhouses) and for the preservation of the Lovers Creek ravine ecosystem. 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) and Environmental Protection (EP).

The application was deemed complete on March 28, 2019. The *Planning Act* gives municipalities 150 days from the date of completion to make a decision. If a decision is not made within the 150 days, the applicant has a right to appeal to the Local Planning Appeal Tribunal (LPAT). The appeal date for this file was August 25, 2019.

As a result of comments received from the Neighbourhood and Public Meetings and through the technical review process, 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 through the review. As such, staff are unable to provide a complete recommendation report to General Committee within the legislated 150 days.

The applicant has voluntarily submitted a letter to the City acknowledging that the application will not be considered by General Committee on or before August 25, 2019 and confirm that an appeal for a non-decision will not be filed with LPAT before November 30, 2019 given the collaborative effort between staff and the applicant (Appendix 'A' - Letter from Applicant).

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 at this time. 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 associated with the subject application at this time. Identified items will be resolved by the time a recommendation report is prepared and brought forward for General Committee's consideration of the application.

**Background:**

The subject application was deemed complete by the City on March 28, 2019. The application was circulated to all applicable City departments and external agencies for review and comment. The subject lands, shown in Appendix 'B' - Site Location Map, are located on the south side of Big Bay Point Road, west of the Lovers Creek ravine, have an area of 6,997 m<sup>2</sup> (0.70 hectares or 1.73 acres), and have 90 metres (295.3 feet) of frontage on Big Bay Point Road. The subject property currently contains one single detached residential dwelling.

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 19 townhouse units (4 stacked townhouses and 15 block townhouses) (Appendix 'C' - Proposed Site Plan). The applicant is requesting the following site specific zoning provisions to facilitate the proposal:

- A reduced yard setback of 5.3 metres to the southerly block of townhouses, whereas 7 metres is required;
- A reduced setback to secondary means of access of 5.3 metres, whereas 7.0 metres is required;
- An increased density of 43 units per hectare, whereas a maximum density of 40 units per hectare would be permitted;
- A reduced landscape strip where parking is adjacent to residential uses of 1.0 metres, whereas 3.0 metres is required;
- To permit tandem parking (one space in the driveway and one in the garage), whereas tandem parking in multi-residential developments is not permitted; and,
- An increased maximum height of 12 metres, whereas a maximum of 10 metres is permitted.

Should Council approve the subject application, the Environmental Protection (EP) lands associated with the Lovers Creek ravine ecosystem along the eastern portion of the subject property would be conveyed, at no cost, to the City of Barrie at the time of a subsequent Site Plan Control application to ensure protection of this feature in perpetuity.

A Neighbourhood Meeting was held on May 9, 2019 regarding the proposed Zoning By-law Amendment. Approximately 30 local residents attended the meeting. A Public Meeting was held on June 10, 2019 and a total of six (6) local residents provided verbal comments. The feedback received at these meetings relate to the following:

- Concerns that the proposed development may impact the Lovers Creek ravine;
- A desire to preserve trees in the area;
- A loss of privacy on adjacent residential properties as a result of the building height and density being proposed on the subject lands;
- Concern with the increased traffic along Big Bay Point Road;
- Concern with the location of snow loading and the impact of the site drainage onto adjacent properties;
- Concern for fire safety due to increased density;
- Concern that a stable neighbourhood is being eroded by higher density built forms; and,
- The proposal makes good sense as it's close to transit and a primary node.

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, transition to existing surrounding development, accessibility, and demonstrated compliance with provincial and municipal policy. Additionally, matters were raised by external agencies with regulatory power regarding environmental matters. 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 continuing to work with the applicant to address them.

#### *Site Design*

The current site design includes issues that will require justification and/or adjustments which may impact the site specific zoning provisions being requested. Examples of this include the encroachment of the consolidated amenity space by a garbage truck turnaround and identified limits of development which have not yet been confirmed. Policies of the Official Plan requires these items be addressed prior to the approval of any development applications. Policy 4.2.2.4(a) requires that residential development provide a functional open space amenity area. Having a garbage truck turnaround within an amenity area does not make for a functional open space area. Schedule H of the Official Plan identifies that lands to the east as a Level 1 Natural Heritage Resource buffered by a Level 2 Natural Heritage Resource. The policies of 3.5.2.4 outline how the limits of these features are to be established.

## *Transition to Existing Surrounding Development*

Policy 4.2.2.4(b) requires that where medium density residential development abuts development of a low density nature, buffering protection will be provided to minimize the impact to the lower density uses. The proposed development is considered medium density, while the surrounding residential uses are low density. Currently, the westerly side yard setback is shown at only 1.8 metres without any landscaping or other buffering, while the rear yard is proposed without any buffering.

## *Accessibility*

Zoning By-law 2009-141, as amended, provides that developments which require 26 to 50 parking spaces shall also provide one Type A and one Type B barrier free parking spaces. The current concept plan does not include any barrier free parking.

## *Demonstrated Compliance with Provincial and Municipal Policy*

The applicant must demonstrate how all applicable provincial and municipal policy has been met. The applicant has outstanding policy items that have not yet been addressed. Items include, but are not limited to, the following:

Document	Policy		Note
<i>Planning Act</i>	2(a) and (c)	The council of a municipality shall have regard to, among other matters, matters of provincial interest such as, (a) the protection of ecological systems, including natural areas, features and functions; and, (c) the conservation and management of natural resources and the mineral resource base.	The subject lands are directly adjacent to a natural feature and have not yet satisfactorily demonstrated the limits of development that will preserve this feature.
Provincial Policy Statement	1.1.1b	Healthy, liveable and safe communities are sustained by: b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;	The applicant has not yet demonstrated how this project will aid in achieving an appropriate range and mix of residential uses. They have not addressed affordability.
A Growth Plan for the Greater Golden Horseshoe	Entirety	Entirety	The Planning Justification Report has reviewed the previous iteration of the Growth Plan and must be updated to ensure conformance with the Growth Plan in effect.
City of Barrie Official Plan	6.5.2.2(d)v)	Environmentally significant features such as those listed in Section 4.7.2.1 (a) and mature vegetation should be incorporated as integral components to proposed development.	The applicant has not identified how the mature vegetation will be incorporated or why it cannot be retained.

*External Agencies*

The site is within the regulatory limits of the Lake Simcoe Region Conservation Authority (LSRCA). As such, it is standard practice to coordinate review with the LSRCA to ensure their respective matters of interest are addressed prior to the issuance of any municipal approvals. The LSRCA has provided comments indicating that additional information is required to satisfy the applicable agency.

In this regard, the LSRCA has identified concerns with the limits of development (the top-of-bank), health of the natural heritage feature (applicant must demonstrate that the proposed development will not negatively impact the feature), and stormwater management (applicant must demonstrate how change to infiltration volume will be minimized and that the hydrologic connection to the adjacent to the Lovers Creek ravine and fish habitat is maintained).

**Next Steps:**

The applicant and their consultants are currently in the process of addressing the concerns expressed through the public consultation process and the comments provided through the initial technical review process to date. In doing so, revisions to the proposed concept plan are anticipated. Additional information and/or updates to the original technical studies submitted in support of the subject applications are also required. As such, Planning staff are of the opinion that it is appropriate to address these matters prior to the applications being brought forward for Council's consideration.

Staff will continue to work closely with the applicant and their consultants to identify and address any additional issues prior to the applications being brought forward for General Committee's consideration in the fall of 2019. The staff report will include a detailed analysis of the planning and land use matters being considered with respect to the subject lands and will address the comments received through the public consultation process,

For more information, please contact the Planning File Manager, Bailey Chabot at 705-739-4220 extension 4434 or [bailey.chabot@barrie.ca](mailto:bailey.chabot@barrie.ca).

Appendix 'A'

Letter from the Applicant



**INNOVATIVE PLANNING SOLUTIONS**

planners • project managers • land development

August 22, 2019

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

Attention: Bailey Chabot, Planner

Re: D14-1668  
435 Big Bay Point Road  
City of Barrie, County of Simcoe

On behalf of ADA Homes Ltd., Innovative Planning Solutions is pleased to provide the following correspondence. It is noted that the subject application were deemed complete by the City of Barrie on March 28<sup>th</sup>, 2018. The City's timeline for rendering a decision on this application is 150 days after the application was deemed complete. Understanding this timeline and in consideration of a number of factors including ongoing discussions with the City to resolve issues identified through the planning process, we appreciate that this timeline cannot be accomplished.

As a result, we hereby advise and agree that ADA Homes Ltd. will not appeal a non-decision of the proposed applications until November 30<sup>th</sup>, 2019. We will continue to work cooperatively to a solution on this matter. Trusting this is satisfactory; please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

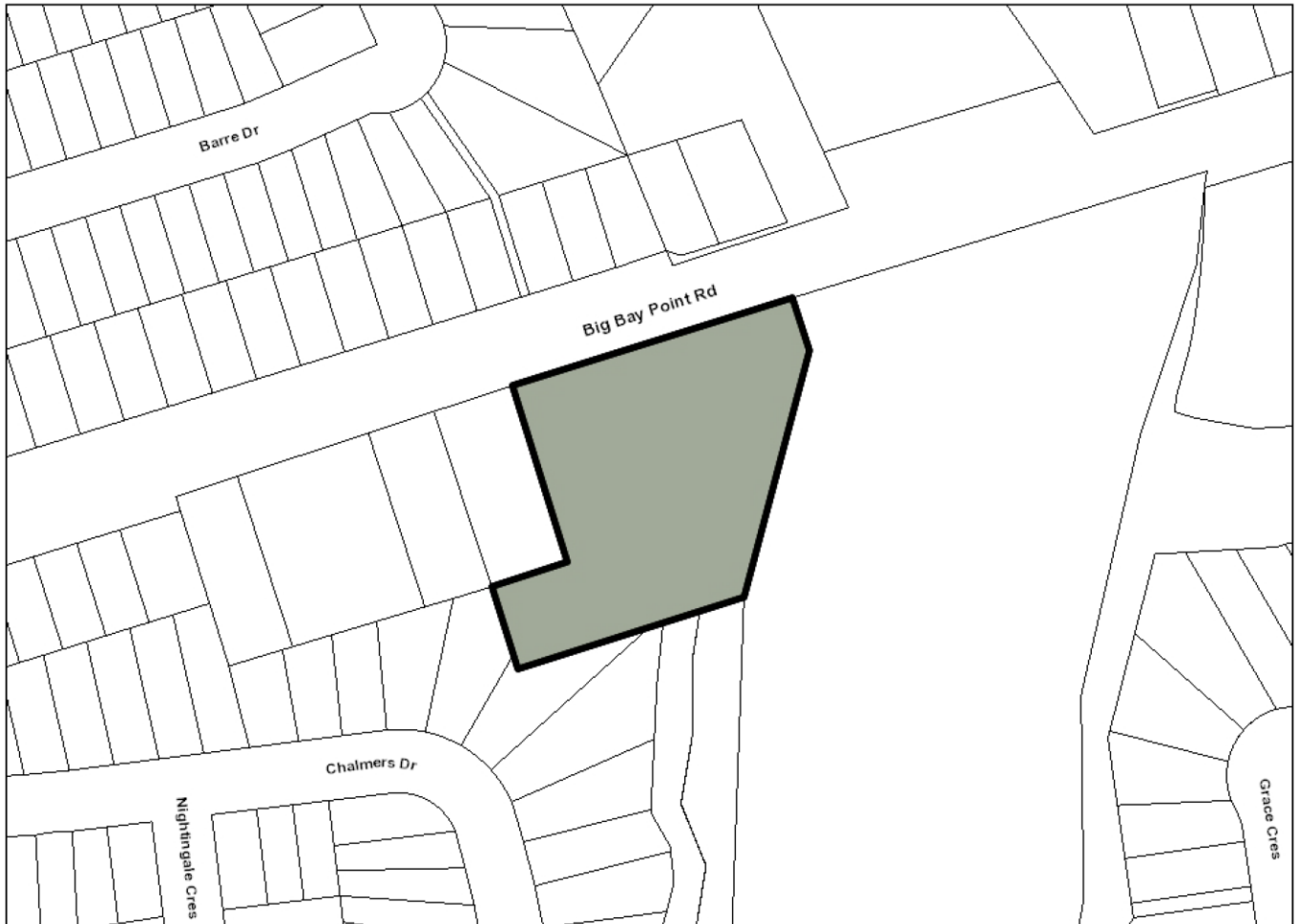
**Innovative Planning Solutions**



Darren Vella, MCIP, RPP  
President & Director of Planning

Appendix 'B'

Site Location Map



File #: D14-1668

Address: 435 Big Bay Point Road

■ SUBJECT PROPERTY





## Appendix 'C'

### Proposed Site Plan

