

Cover Letter

November 6th, 2019

City of Barrie Mayor, Members of Council & Planning Department

70 Collier Street, PO Box 400

Barrie, ON

L4M 4T5

Letter to Council – RE: Application to Amend the Zoning By-law for 829 Essa Rd. – File # D14-1683

Good Evening,

Please see attached letter to the Mayor and Members of Council regarding our objections to the application for a zoning by-law amendment for 829 Essa Rd. This letter is to be included in the next circulation list and is to be reviewed by Council.

Please advise if you have any questions or require additional information.

Regards,

Evan & April Lindsey

Cc.

Celeste Kitsemetry – City of Barrie Planner

Councillor Gary Harvey – City of Barrie Councillor – Ward 7

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To be Included in the Circulation List

Dear Mayor Lehman, Members of Council, and members of the Planning Department,

Please consider this open letter to the Office of the Mayor, Council and the relevant planner for the City of Barrie, formally objecting the proposed development and application for a zoning by-law amendment for 829 Essa Rd.

There has been considerable discussion on this contentious issue through public engagement, petitions, and public meetings in council and my wife and I, as concerned citizens and taxpayers, would like to voice our concerns of this proposed development, and raise a key issue that we have not heard to-date.

You may notice that our names are not on the petition that was circulated in the Athabaska Rd./Columbia Rd. neighbourhood a few weeks ago. When approached to sign the petition, we knew little about the development, and did not want to sign a petition without informing ourselves about the issues first. Having since researched the issue, serious concerns have arisen about the development. Further, we were not able to attend the Public Council Meeting held on October 28th 2019, so we are instead sharing this letter to express our concerns and objections.

Even though we have limited understanding of municipal planning operations and processes, our research brought to light serious deficiencies related to the proposed development for 829 Essa Rd. We have been able to conclude that this proposal would not be for an “Essa Road Townhouses” development in accordance with the City of Barrie Intensification Area Urban Design Guidelines – Mixed-Use & Residential Avenues objectives, as the developer’s justification report and MU2 re-zoning application would suggest. Indeed, simple fact checking indicates that this proposal fails to meet the Mixed-Use & Residential Avenues ‘opportunities for intensification’ conditions. Further to this however, we believe that this proposed development would most reasonably be considered an “Athabaska Rd. – RM2 Street Townhouse” development, and based on the current development plans, the proposal fails to meet the vast majority of RM2 zoning by-law conditions. In addition, the MU2 zoning may provide the developer with the ability to do a “bait-and-switch” and change the development to include commercial usage. Given that the proposal fails to meet both Mixed-Use & Residential Guidelines and fails to meet RM2 by-laws, we are shocked that Council is even considering this zoning amendment application in its current state.

While we do not presume to tell Council how to do its job, our position is that Council was elected to protect the best interests of City of Barrie constituents and its taxpayers, as well as uphold existing by-

laws. Elected council is representative of the 'voice' of its citizens, and is certainly not the voice of property developers seeking to maximize profits and returns on investment.

As it relates to being the voice of the citizens, as you know the petition circulated received 192 signatures, representing approximately 43.5% of the estimated 441 residential properties within the Athabaska Rd./Columbia Rd. neighbourhood. This represents a very strong 'voice' from the community and serious opposition to the proposed development at 829 Essa Rd. This petition also does not include other opponents who were unavailable or unaware of the issue, or those like ourselves who elected to undertake further research before signing.

Moreover, we mention property developers and profits, for two simple reasons:

- Firstly, as business professionals, we understand the primary objective of businesses (incl. of property developers) is maximizing returns on investment. This is not an emotive criticism of 'corporate greed,' it is a statement of fact: businesses exist to generate profits. Responsible development is contrary to this objective.
- Secondly, based on our understanding of the proposed development, by submitting an application for an "MU2 SP-XXX" zoning amendment for what would most reasonably be considered an "RM2 - Street Townhouse" development, the developer (2591451 Ontario Inc.) is very obviously attempting to exploit a zoning loophole. This loophole would enable them to build a residential development at significantly higher density levels than what is appropriate for the property and neighbouring area. Higher density equates to greater profits through the construction and sale of more units. It would also potentially open the opportunity for commercial development, which we are most obviously opposed to seeing.

Indeed, 2591451 Ontario Inc. is proposing irresponsible development by applying for a zoning by-law amendment that would permit 10 (what are essentially "Street Townhouse") units to be constructed, where only one residential dwelling currently exists. This number of 10 units, exceeds the RM2 Street Townhouse by-law maximum of 8 units in a row (by 25%), and also greatly exceeds the RM1 semi-detached maximum of 2 units in a row (by 400%) that is seen along much of Athabaska Rd. and the surrounding neighbourhood. Furthermore, the proposed density of 84 units/hectare more than doubles the maximum permitted density of 40 units/hectare for RM2 Street Townhouse developments. This level of density is completely inappropriate and certainly not "consistent with the good planning principles" outlined in various provincial and municipal planning documents (as the IPS representative claimed in the Public Council Meeting on October 28th, 2019).

As a concerned citizen so eloquently stated at the Public Meeting: zoning by-laws exist, in large part, to protect neighbourhoods and residents from irresponsible development. Therefore, by approving 'amendments' to by-laws that are not consistent with existing surrounding developments and are clearly exploitive loopholes, Council is enabling developers to build irresponsibly, and its actions completely defeat the purpose of having said by-laws in the first place.

Zoning Amendment Objections related to City Staff Technical Considerations

During the Public Council Meeting held on October 28th, 2019, City Planner Celeste Kitsemetry noted that this application for zoning by-law amendment would apply the following City Staff Technical Considerations:

- Mixed use and intensification development guidelines
- Traffic and transition of built-form
- Design for the Essa Rd. streetscape
- Appropriateness of the site specific zoning request

We would like to speak to these individually, highlighting concerns for each.

Mixed use and intensification development guidelines

While this particular property is identified as part of the Mixed-Use & Residential Avenues as part of the 'City of Barrie Intensification Area Urban Design Guidelines' document, not a single aspect of the proposed development falls within, nor supports the conditions of "opportunities for intensification" in section 2.5.1, which include:

- Redevelopment of underutilized and vacant parcels
 - 829 Essa Rd. is a relatively small property with an existing residential dwelling in good repair.
- Subdivision of large blocks into small walkable blocks
 - Proposed development is not a large block (at 0.01 hectare), and with no 'walkability' and room for drive-aisles and new roads.
- Opportunities to redefine the existing boulevard
 - The opposite is occurring at this intersection, with Athabaska Rd. being a busy secondary thoroughway and Essa Rd. being a major artery that will soon to be widened in this area.
- Mixed use buildings should line the street
 - The proposed development would not "line" Essa Rd. Its proposed frontage would be Athabaska Rd.
- The corridors should "enhance safety"
 - The proposed development would do just the opposite in the area, increasing congestion and traffic flow, reducing traffic and pedestrian safety, as well as reducing visibility from structures and snow accumulation.
 - Neighbours have also publicly expressed similar concerns:
 - Street widening and loss of lot frontage worsens the visibility issue by having a large structure extending right to the minimum setbacks of Essa Rd.
 - Driveway ingress/egress for residents of the proposed development – not just a safety concern for existing residents, but also new residents. Existing residents within such close proximity to the Athabaska/Essa intersection indicate

considerable difficulty entering and exiting their driveway at present. This issue would only be exacerbated after development.

- Street parking availability: currently limited parking availability with existing dwellings, with 10 new units, parking availability would be significantly reduced. This becomes a safety issue as vehicles attempt to navigate around parked cars.
- Snow removal – 10 townhomes with 10 driveways along 50m of road is very serious concern for snow removal and safety – including further reduced traffic visibility in the winter. High lot coverage ratios would also mean there would be no space on the property to store the snow.
- Pedestrian safety with so many additional vehicles entering/exiting driveways, and maneuvering around parked cars.
- Wide Boulevard should accommodate trees, landscaping, seating, signage, etc.
 - The proposed development would include 10 driveways across a 50m span, with no opportunity to landscape, provide seating, etc. Further to this, an existing bus stop would need to be relocated.

Traffic and transition of built-form

Traffic congestion and safety for this intersection are major current and future concerns for the residents of the surrounding neighbourhood. Not only does IPS's Planning Justification Report and traffic study for the proposed 829 Essa. Rd. development fail to address many of these concerns, having 10 driveways located within such close proximity to a busy and dangerous intersection would greatly increase the risk to traffic congestion and safety at the intersection.

- The Essa Rd. and Athabaska Rd. intersection is the main access point for the Athabaska Rd./Columbia Rd. neighbourhood, and is a high-volume and dangerous intersection.
 - This intersection handles the vast majority of traffic within the neighbourhood.
 - This intersection is currently uncontrolled by a traffic signal, and is subject to high levels of congestion during peak times, and also presents visibility issues for drivers making a left onto NB Essa Rd. from Athabaska Rd.
 - Just a few weeks ago (on Oct. 11th, 2019) there was a serious collision at this intersection with a woman having to be airlifted to a Toronto-area hospital with life-threatening injuries. Demonstrating the dangers of this intersection.
 - While already a dangerous intersection, vehicle parking on the street, and vehicle maneuvering (enter/exit driveways, 3-point turns, etc.) within very close proximity to the intersection further exacerbates this safety issue. The proposed development for 829 Essa Rd. would greatly increase this safety issue.
- The traffic study conducted was insufficient, and does not take into consideration overall (off-peak, peak, weekend/cottage, winter, Hwy 400 accident/closure alternate, etc.) traffic volume flow and congestion as well as future traffic congestion resulting from the development of the Bear Creek Ridge and additional Salem Secondary Plan developments to the south along Essa Rd.

- The new adjacent developments to the south of the Athabaska Rd./Columbia Rd. neighbourhood including the Bear Creek Ridge and 8001 County Rd. 27 developments will serve to nearly triple the traffic flow through the Essa Rd. and Athabaska Rd. intersection with approximately 966 new units between these two developments alone.
 - The Athabaska Rd./Columbia Rd. neighbourhood currently has an estimated 441 residential dwellings within it (incl. dwellings along Essa Rd. between Dyer Blvd. and Athabaska Rd., but excluding Loughheed Rd. dwellings).
 - The Bear creek Ridge development has an approved 525 units (257 single, 94 towns, 54 back-to-back towns, and 120 medium density condo units) currently under construction.
 - The proposed 8001 County Rd. 27 development has a total of 441 units (199 towns and up to 242 medium density condos units).
 - While currently supporting traffic flows for 441 units within the Athabaska Rd./Columbia Rd. neighbourhood, the Essa Rd. and Athabaska Rd. intersection will soon be experiencing traffic flows for more than 1,400 neighbourhood dwellings, more than 3-times current levels.
- Significant reduction of visibility at the intersection due to structure height and proximity to Essa Rd. because of small 'side lot minimum setbacks'.
- Significant reduction of visibility at the intersection during winter months due to snow accumulation and driveway clearing.
 - Secondary to this, it is likely residents would shovel the snow on to Athabaska Rd. as there is no yard space to store the snow. This would cause a major safety issue due to reduced traction resulting from snow and ice accumulation on the road surface.
- The proposed driveway length of 4.5m from the garage to the property line for 8 of the 10 proposed units is too short, with many pick-up trucks and 'family-sized' SUVs having a greater overall length. This poses a risk of parked vehicles in the driveway overhanging the sidewalk, which is in close proximity to the property line. This would pose a pedestrian safety risk along the sidewalk and road.

Design for the Essa Rd. streetscape

In relation to the proposed 829 Essa Rd. development's design for the Essa Rd. streetscape, our primary objection is an obvious one: the development frontage would not be Essa Rd. It would be Athabaska Rd. This concern was voiced by residents at the October 28th 2019 Public Council Meeting. A clear implication to this is that with the proposed development fronting Athabaska Rd. it would suggest that the Essa Road Intensification Corridor does not apply for this development and is irrelevant in this case, since the units have frontage and driveways to Athabaska Rd. It is also important to note that adjacent properties on Athabaska Rd. are not part of the intensification corridor, which further supports this argument. Moreover, the developer's approach to this zoning request and usage of "Essa Road Townhouses" which would have Athabaska Rd. frontage hints at some level of deception with the intent to confuse the issue to obtain approval, which is ethically objectionable at best.

Further to this primary objection, there are a number of other concerns for the design of the Essa Rd. streetscape related to this proposed development:

- The proposed development is not reflective of the streetscape for existing R1 zoned properties along adjacent Essa Rd. properties to the north of 829 Essa Rd. These have large front yard setbacks, single-family dwellings, structures that face Essa Rd. and are relatively homogenous in design.
- In the Council Meeting on October 31, 2019, the IPS representative noted that the building design was reflective of student housing design in the Georgian College area and intended to gentrify the area. There are no requirements for student housing in the area, and no other residential student housing structures in the area. In addition, it is a mature, developed single/semi-detached neighbourhood with no need for gentrification.
- Orientation of the structure and front yards do not “fit” within the existing neighbourhood design nor with the Essa Rd. streetscape. 829 Essa Rd. currently fronts Essa Rd., the proposed development would front Athabaska Rd., with the Essa Rd. frontage proposed to be the broad side of a 16m tall structure set back a few short meters from the road.
- As previously noted, the proposed design of the development also does not fit with the existing design and aesthetics of the existing Columbia Rd./Athabaska Rd. neighbourhood.
- As it relates to the cutting of trees, the cutting of nearly all of the 41 existing trees on this property and replacing them with a structure that occupies 65.3% of the lot area certainly does not support the Essa Rd. streetscape nor does it protect the environment. In addition, IPS’s suggested amendment to the plan to ‘save’ 4 trees out of 41 (as mentioned in the Council Meeting on October 28th, 2019) is hardly an improvement. The Bear Creek Ridge development just clear-cut an entire forest, the last thing this area needs is another clear-cut lot, especially one with mature trees.
- Density of the proposed development is not in keeping with the existing property, adjacent properties or the neighbourhood. 10 units is an excessive number of units for this property, especially considering it is a single detached dwelling in its current state and the proposal is not in keeping with the streetscape.
- In addition, the loss of privacy and natural sunlight for adjacent neighbours that the proposed development creates would also do nothing to contribute to the streetscape.

Appropriateness of the site specific zoning request

There is fundamentally nothing appropriate of this zoning request specific to the site. As previously noted, the zoning request for 829 Essa Rd. is an MU2 amendment application for what would most reasonably be considered an RM2 Street Townhouse development. Further to this, from our understanding, RM3 zoning would not apply in this instance as 829 Essa Rd., nor Athabaska Rd. are part of the Salem Secondary Plan (where RM3 zoning applies for Street Townhouse developments). Based on available information, it is apparent that the primary considerations for 2591451 Ontario Inc. to seek an MU2 zoning are either to achieve the excessively high levels of property density of 84 units/hectare, or perhaps to pull a ‘bait-and-switch’ and exploit the commercial usages that the MU2 zoning by-law permits. In essence, 2591451 Ontario Inc. is requesting an amendment that allows them to squeeze as many units on the property as they physically can, but they need a special by-law amendment that is non-existent anywhere within the surrounding area in order to do so. This certainly does not meet the “appropriateness of site specific zoning” criteria.

Further to this:

- Within the Athabaska Rd./Columbia Rd./Essa Rd. neighbourhood surrounding 829 Essa Rd., the residential zoning ranges from R1, R2, R3, R4 to RM1. The highest density in this area is approximately 30 units/hectare, nearly 1/3rd the density proposed for 829 Essa Rd.
- For the adjacent Bear Creek Ridge development (part of the Salem Secondary Plan) to the south on Essa Rd., the residential zoning ranges from R5, RM3 to NMU, with the NMU 'Mixed-usage' zoning being reserved for strictly commercial space. The zoning amendment application for 829 Essa Rd. is not consistent with this adjacent development.
- The proposed density of 829 Essa Rd. of 84 units/hectare far exceeds the 49 units/hectare density for the "Street Towns" being developed in the adjacent Bear Creek Ridge development to the South along Essa Rd. Furthermore, it is more than four-times the average density of the Bear Creek Ridge development of 20 units/hectare.
- For the adjacent 8001 County Rd. 27 development (part of the Salem Secondary Plan) to the south on Salem Rd. the residential zoning ranges from R5, RM3 to RM3 H-XXX. The zoning amendment application for 829 Essa Rd. is not consistent with this adjacent development.
- The proposed density of 829 Essa Rd. of 84 units/hectare exceeds the 70 units/hectare density for the RM3 medium density condos (not Street Townhouses) being developed in the adjacent 8011 County Rd. 27 development to the South along Salem Rd. Furthermore, it is nearly three-times the average density of the 8011 County Rd. 27 development of 30 units/hectare.
- Lastly, proposed density of 829 Essa Rd. of 84 units/hectare exceeds the maximum density of 40 units/hectare for RM2 "Street Townhouse" developments by a factor of two (as per section 5.2.5.1 of the Comprehensive Zoning By-Law 2009-141 document).

Fig. 1 – Comparison Chart of 829 Essa Rd. Proposed Zoning versus Neighbourhood Zoning

| USAGE | RESIDENTIAL ZONING STANDARDS | | | | | | | | PROPOSAL VS. NEIGHBOURING AREA (% Increase/Decrease) | PROPOSAL VS. STREET TOWNHOUSE (% Increase/Decrease) |
|--|------------------------------|-------------------|-------------------|-------------------|-----------------------|-------------------|-------------------|----------------------------------|---|--|
| | CURRENT | NEIGHBOURHOOD | | | MOST OF ATHABASKA RD. | | STREET TOWNHOUSE | PROPOSED DEVELOPMENT | | |
| ZONING | R1 | R2 | R3 | R4 | RM1 | RM2 | MU2 SP-XXX | BY-LAW CONDITION MET BY PROPOSAL | | |
| *Approximate* Property Density (units/hectare) | +/-10 | +/-20 | +/-25 | +/-30 | +/-30 | 40 | 84 | FAIL | From 180% to 740% | 110% |
| Max number of units in a row | 1 | 1 | 1 | 1 | 2 | 8 | 10 | FAIL | From 400% to 900% | 25% |
| Lot Area (min. m ²) | 900m ² | 500m ² | 400m ² | 335m ² | 300m ² | 200m ² | 119m ² | FAIL | From -60% to -87% | -41% |
| Lot Frontage (min. m) | 22m | 15m | 12m | 10m | 9m | 6m | 4.9m | FAIL | From -18% to -78% | -18% |
| Front Yard (min. m) | 12m | 4.5m | 4.5m | 4.5m | 4.5m | 4.5m | 4.5m | MET | | |
| Side Yard (min. m) | 1.2-3.0m | 1.2-3.0m | 1.2-3.0m | 1.2-3.0m | 1.2-3.0m | 1.8-3.0m | 3.0m | MET | | |
| Rear Yard (min. m) | | | | | 7m | 7m | 5m | FAIL | -29% | -29% |
| Lot Coverage (% of lot area) | 45% | 45% | 45% | 45% | 45% | 45% | 65.30% | FAIL | 45% | 45% |
| Building Height (max. m) | 10m | 10m | 10m | 10m | 10m | 10m | >16m | FAIL | 60% | 60% |
| Gross Floor Area (max. % of lot area) | | | | | | 60% | 141% | FAIL | na. | 135% |

Source: City of Barrie "Comprehensive Zoning By-law 2009-141," IPS "Essa Road Townhouses Planning Justification Report" and Simcoe GIS Interactive Maps

Further, in addition to the proposed 829 Essa Rd. zoning request meeting the City's City Staff Technical Considerations, it also completely fails to meet the criteria of the existing by-laws for the type of development that it would be: an RM2 Street Townhouse. As outlined in Figure 1, above, the proposed development fails to meet nearly all of the criteria for a Street Townhouse development, and is clearly not consistent with surrounding zoning. In fact, the 829 Essa Rd. zoning amendment request far exceeds nearly every limit set within the by-laws.

Conclusions

In summary, based on our preliminary research of the issue, we consider this proposal to be 'irresponsible' development and representative of intensification that is contrary to not only the City of Barrie's Intensification Guidelines, but more importantly massively contravenes city by-laws (hence the application for a zoning by-law amendment that is inappropriate considering the development type).

If exemptions are made for irresponsible developments like this, and Council is just going to let developers do whatever they want, what is the purpose of having the by-laws to begin with? The answer is that the by-laws are in place to protect the neighbourhood and city residents from irresponsible development, and the council is in place in large part to uphold these by-laws (and not kowtow to property developers).

We are not opposed to development, nor intensification, however it must be responsible, fitting with the surrounding neighbourhoods and 'common-sense' based. The proposed 829 Essa Rd. development is none of these.

Given this, we challenge Council to make the responsible decision of rejecting the application to amend the zoning by-law for 829 Essa Rd. While it would be preferable to maintain existing zoning, we also urge council to only considering future development/re-zoning applications in this area that are both responsible and consistent with adjacent neighbourhoods.

Sincerely,

Concerned Columbia Rd. residents and taxpayers,

Evan & April Lindsey