
TO: GENERAL COMMITTEE

SUBJECT: TEMPORARY USE BY-LAW – KEMPENFELT BAY SCHOOL (576 BRYNE DRIVE & 111 COMMERCE PARK DRIVE)

WARD 7

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GENERALMANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C.LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the application by Glenn Lucas & Associates, on behalf of Kempenfelt Bay School for a Temporary Use By-law for lands known municipally as 576 Bryne Drive and 111 Commerce Park Drive, (currently occupied by Kempenfelt Bay School), to permit a school and playing field, be approved for a period of 2 years from the date of passage of the implementing Temporary Use By-law.
2. That in accordance with Section 34(17) of the *Planning Act*, no further public notification is required prior to the passing of this by-law.

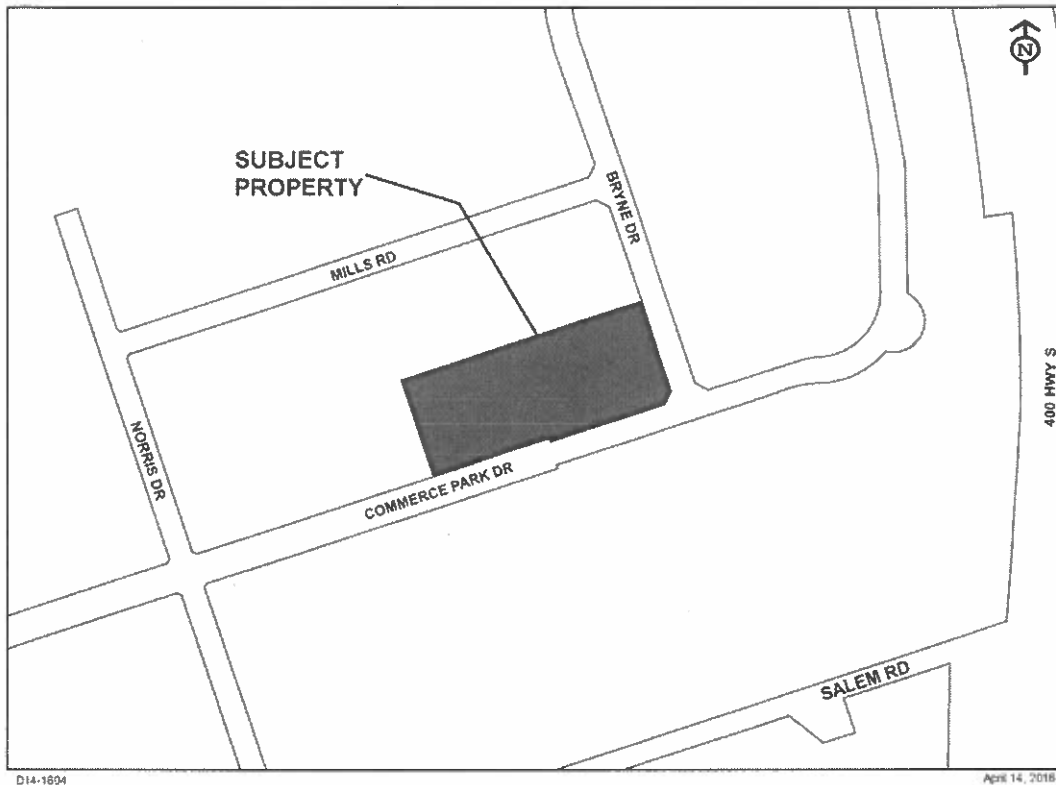
PURPOSE AND BACKGROUND

Purpose

3. The purpose of this report is to recommend the approval of a Temporary Use By-law for a period of 2 years to permit the continued operation of an elementary school and associated playing field on the subject lands, currently zoned 'Light Industrial' (LI) in accordance with Zoning By-law 2009-141.
4. The applicant has secured a new location for Kempenfelt Bay School in the Town of Innisfil and is in the process of obtaining the necessary approvals to construct a new school. A site plan application has been submitted to the Town of Innisfil with construction scheduled to commence in June 2016. The new school site is scheduled to open in September 2017. The Temporary Use By-law, if approved, will allow the school to remain at its current location until the new school is open.

Location

5. The subject lands are located on the northwest corner of Bryne Drive and Commerce Park Drive, and are known municipally as 576 Bryne Drive and 111 Commerce Park Drive. Kempenfelt Bay School is located within one of two multi-unit buildings at 576 Bryne Drive with an associated playing field located at 111 Commerce Park Drive.



Existing Policy

6. The subject lands are designated 'General Industrial' in the City's Official Plan and are situated in the Highway 400 West Planning Area. The predominant use of lands designated 'General Industrial' include manufacturing, processing, servicing, storage of goods and material, warehousing and similar uses. Commercial uses which serve the industrial area, or which are ancillary to the industrial uses, may also be permitted, which may include banks, restaurants, automotive repair establishments and professional offices. A private school is not permitted in the 'General Industrial' designation.
7. The subject lands are zoned 'Light Industrial' by Zoning By-law 2009-141. Uses permitted in the 'Light Industrial' zone include a variety of industrial, commercial and institutional uses, including a commercial school, day nursery and industrial school, but do not include a private or public school. A 'commercial school' is defined as a school conducted for hire or gain such as a studio of dancing, art school, business or trade school, but shall not include a private academic, religious, or philanthropic school. Commercial schools focus on specialized skillsets, while private and/or public schools are educational institutions which focus on academics.

Surrounding Land Uses

8. The surrounding land uses are as follows:

North & South: Mixed-use commercial office services including electrical supply, furniture supply, daycare, heating, ventilating and air condition and place of worship.

West: Mixed-use industrial commercial buildings including a sign and display store, employment resources and engineering consulting services.

East: A storm water management facility.

Northeast: Mixed-use service industrial building including a daycare and fitness centre.

ANALYSIS

9. Kempenfelt Bay School is an independent, co-education private elementary school with a current enrolment of approximately 120 students from Junior Kindergarten to Grade 8. The school occupies approximately 2,175 m² (23,408 ft²) within one of two multi-tenant buildings located at 576 Bryne Drive. The school facility is comprised of 10 classrooms, a gymnasium, a library, lunch room, and administrative offices. Additionally, a playing field located immediately adjacent at 111 Commerce Park Drive, forms part of the school's facilities.
10. Kempenfelt Bay School has operated under a Temporary-Use By-law since 2002, which has been extended four (4) times. The most recent Temporary-Use By-law was passed by Council in 2013 and expired on March 7, 2016. The school has been in operation at its current location for a period of approximately 13 years.
11. A Temporary Use By-law is intended to allow land and buildings to be zoned to permit temporary uses for renewable periods of up to 3 years. In this case, the applicant is seeking a Temporary Use By-law for a period of 2 years to provide enough time for a new school facility to be constructed in the Town of Innisfil. Upon the expiry of the time period authorized by the Temporary-Use By-law, the uses permitted under the Temporary Use By-law are intended to cease unless an extension is applied for and granted. A Temporary Use By-law is subject to the same public notice, approval and appeal process as other zoning amendments under Section 34 of the *Planning Act*.
12. A Neighbourhood Meeting was not held due to the fact that the school is existing and is located within an industrial area.

Public Meeting

13. No comments or concerns were received at the public meeting which took place on June 6, 2016.

Official Plan Policies and By-laws 2005-275 & 2015-068

14. Since the approval of the initial Temporary Use By-law in 2002 permitting a non-industrial use on these industrially designated and zoned lands, the City of Barrie has revised a number of policy documents associated with protecting its employment lands. These planning documents are aimed at protecting employment lands from the intrusion of non-employment uses.
15. When the Temporary Use By-law was initially permitted, and extended, much of the land to the west was still being developed. Since it was expected that the use would be temporary, the short term impact on lands to be developed in the future was not of concern. However, since then, the industrial subdivision and vacant land to the west have started to develop and vacant properties are being occupied with industrial uses. In addition, Commerce Park Drive has since been extended westerly to Veteran's Drive.
16. Policies in Section 6.8 of the Official Plan support the adoption of a Temporary Use By-law where the effect on the surrounding areas would be minimal in the short term, and the nature of the proposed uses is considered appropriate and compatible with adjacent uses. In addition, services such as water, sewage disposal and roads are to be sufficient. Items such as noise, fumes, smoke, dust, odours, light and traffic generating capacity are to be considered to ensure that the impact of any such use would not be detrimental in regard to adjacent uses or the wider community.

17. Some incompatibilities in the day-to-day operations of industrial uses may include activities that generate noise, dust or fumes. The potential impacts of truck traffic alone on a school include noise, emissions, and safety-related considerations on roads that are not designed with pedestrian needs of school children in mind. Non-industrial uses such as schools encourage non-industrial vehicular and pedestrian traffic into the industrial areas which can impede truck traffic. According to City records, there are no complaints on file from industrial/commercial users in the area concerning the operation of Kempenfelt Bay School. It appears that the school has operated on the subject lands without generating negative impacts on adjacent land uses.
18. Based on the analysis above, staff is recommending that in order to provide an opportunity for the school to complete the construction of their new school site in the Town of Innisfil, the Temporary Use By-law be approved for a period of 2 years from the date of passage of the by-law. If approved, this would give Kempenfelt Bay School until June 2018 to complete the construction of their new school site, which is scheduled for completion in September 2017.

ENVIRONMENTAL MATTERS

19. There are no environmental matters related to the recommendation.

ALTERNATIVES

20. There are two alternatives available for consideration by General Committee:

Alternative #1 General Committee could refuse to approve the Temporary Use By-law.

This alternative is not recommended as the school would be in contravention of the Zoning By-law and the applicant has no alternative at this time. There are no complaints on file against the operation of the school.

Alternative #2 General Committee could approve the Temporary Use By-law for a reduced period of time.

This alternative is not recommended as it may impact the operation of the school. Construction of the new school site is scheduled for completion in September 2017. However, the completion date may be delayed by unforeseen circumstances such as poor weather conditions, delayed development/building permit approvals, labour-shortages, etc. A Temporary Use By-law for a period of 2 years will provide the school with some flexibility during the construction process.

FINANCIAL

21. The subject application will not result in the expansion of the current use and its facilities; therefore, the subject application will not result in an increase in taxes or the collection of development charges and building permits fees. Consequently, there are no financial implications associated with the subject application.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

22. The recommendations included in this Staff Report support the following City Council Strategic Priority:
 - Attract, Retain and Expand Business for Barrie

23. The recommendation proposes to approve the Temporary Use By-law for a limited time period of 2 years in recognition that the use is not permitted within an industrial employment area. Limiting the approval to a temporary use is directed at protecting the City's industrial employment lands from incompatible uses that may be in conflict with industrial land uses in the long term.
24. Allowing the school to remain at this time provides the applicant with the opportunity to operate within the City of Barrie on a temporary basis until they complete the construction of a new school site in the Town of Innisfil. Construction is scheduled for completion in September 2017.