
TO: GENERAL COMMITTEE

SUBJECT: APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT – NORTH SIDE OF CONCERT WAY, WEST OF BAYVIEW DRIVE

WARD: #8

PREPARED BY AND KEY CONTACT: C. TERRY, MCIP, RPP, POLICY PLANNER
EXTENSION #4430

SUBMITTED BY: R. FORWARD, MBA, M.Sc., P. ENG.
DIRECTOR OF PLANNING AND BUILDING SERVICES

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

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

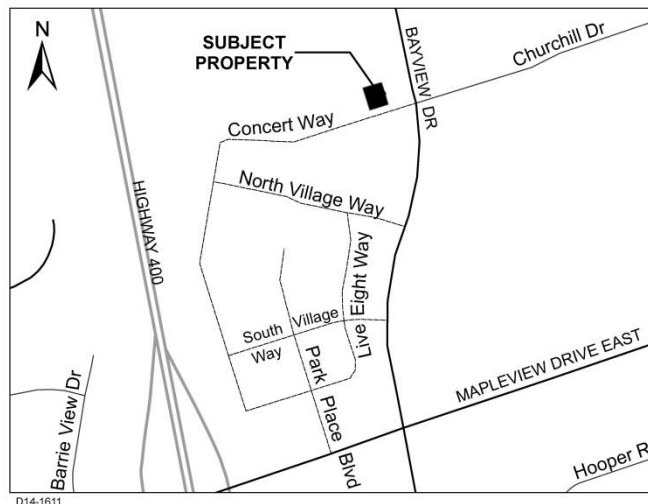
RECOMMENDED MOTION

1. That an application to amend Section 4.8.9 Defined Policy Area [R] of the Official Plan submitted by R.G. Richards and Associates on behalf of North American Park Place Corporation and 9613714 Ontario Limited to include a Retirement Home as a permitted use on lands located on the north side of Concert Way, west of Bayview Drive, be approved by adding the following text at the end of section 4.8.9 (a) as follows:
 - a) A Retirement Home shall be permitted on lands located on the north side of Concert Way, west of Bayview Drive.
2. That an application to add a Retirement Home as a permitted use on lands zoned General Commercial with Special Provisions C4 (SP-304) submitted by R.G. Richards and Associates on behalf of North American Park Place Corporation and 9613714 Ontario Limited on lands located on the north side of Concert Way, west of Bayview Drive, be approved by adding the following text to site specific zoning C4 (SP-304) as follows:
 - a) A Retirement Home shall be a permitted use outside of the retail village on the north side of Concert Way, west of Bayview Drive; and
 - b) A minimum of 65 parking spaces are required in association with the Retirement Home use permitted on the north side of Concert Way, west of Bayview Drive.
3. That a complete application requirement for Site Plan Control includes the submission of a report prepared by a qualified person that provides an evaluation and recommendations for the introduction of a sensitive land use at this location based on the MOECC D-6 Guidelines.

PURPOSE & BACKGROUND

Report Overview

4. The purpose of this staff report is to consider an application to amend the permitted uses detailed in the site specific Official Plan policy and Zoning By-law standards for the captioned property. The applicant has applied to add Retirement Home as a permitted use on lands that are designated General Commercial – Defined Policy Area [R] in the Official Plan, and zoned General Commercial with Special Provisions C4 (SP-304).
5. The site is part of a larger development commonly known as Park Place which is bounded by Highway 400, Mapleview Drive East, Bayview Drive and an Open Space block located in the 400 East Planning Area. The subject property is located on the north side of the private road identified as Concert Way, west of Bayview Drive, and would be considered outside of the Retail Village component of that development.



Surrounding Land Uses

6. Existing land uses surrounding the subject property consist of the following:
 - North: Open Space natural area, vacant lands zoned Business Park, a medical office, and vacant General and Highway Industrial zoned lands.
 - South: The Park Place Retail Village consisting of some undeveloped lands as well as large format retail stores and restaurants, a gas bar and Mapleview Drive.
 - East: Stormwater Management pond, Bayview Drive, parking for the Barrie Molson Centre, Light Industrial zoned lands including a small industrial/commercial plaza, and lands zoned General Industrial with a variety of uses.
 - West: The Park Place Retail Village and Highway 400.

Existing Policies

7. The subject property is designated General Commercial – Defined Policy Area [R] in the City's Official Plan and zoned General Commercial with Special Provisions C4 (SP-304). The site specific policies and zoning standards detail permitted uses, performance standards and staging of development. A variety of retail commercial, entertainment and service related uses are currently permitted on the Park Place lands, however no Residential or residential type Institutional uses are identified in the policy framework for Defined Policy Area [R] or included in Permitted Uses Table A for site specific zoning C4 (SP-304).
8. Retirement Home is a defined use under Section 3.0 Definitions of Comprehensive Zoning By-law 2009-141 as follows:

“...a residential facility, which may be a rest home, but does not include a hospital, nursing home, home for the aged or group home in which lodging is provided and where, in addition to sleeping accommodations, meals are supplied by a common kitchen, and other communal facility may be provided. Nursing, medical or similar care and treatment may also be provided.”
9. It should be noted that although defined as a residential facility, a Retirement Home is considered an Institutional use in the Table of Permitted Uses in Comprehensive Zoning By-law 2009-141. Similar seniors housing types such as a Nursing Home, Rest Home, Home of the Aged and Senior Citizens Home are also identified as Institutional uses. For the purpose of this analysis, staff have considered the introduction of a Retirement Home use as Institutional not Residential.

Background

10. The subject lands form part of a larger land holding commonly known as Park Place. These lands were originally designated General Industrial in the City's Official Plan and zoned Restricted Industrial (M1) and Heavy Industrial (M2) in Zoning By-law 85-95. The lands were the subject of a lengthy Ontario Municipal Board appeal resulting in the re-designation of a portion of the original land holding as General Commercial – Defined Policy Area [R].
11. As noted above, the land use permissions for Defined Policy Area [R] are further detailed in By-law 2010-130 through the Permitted Use Table A for site specific zoning C4 (SP-304). The uses detailed in the site specific zoning include a variety of Commercial and Institutional uses but do not include Institutional uses related to senior's targeted housing such as Retirement Homes.

Development Proposal

12. The applications currently before the City are to facilitate the development of a 6 storey, 124 suites Retirement Home on the defined section of the subject lands described as being on the north side of Concert Way, west of Bayview Drive.
13. In support of these applications, the following studies and reports have been submitted to staff for review:
 - a) Planning Justification Report by R.G. Richards & Associates;
 - b) Traffic Letter by R.J. Burnside & Associates Limited;
 - c) Functional Servicing and Stormwater Management brief by Sabourin Kimble & Associates Ltd;
 - d) Retirement Residence Parking Rate brief by BA Consulting Group Ltd.;
 - e) Urban Design Guidelines for Park Place by Armstrong, Goldberg & Hunter;

- f) Environmental Impact Statement for Park Place by Jacques Whitford Environment Limited; and
- g) Environmental Impact Statement addendum for Park Place by Stantec Consulting Ltd.

Public Meeting

- 14. A public meeting was held on November 14, 2016, in accordance with the Planning Act related to the applications for Official Plan Amendment and Zoning By-law Amendment.
- 15. Staff received three written submissions from the public regarding the proposed amendments. The written submissions expressed concerns with the potential increase in traffic and the appropriateness of the Retirement Home use at this location. These comments are discussed in more detail under the Analysis section of this report. No verbal comments were made by the public at the General Committee meeting for these applications.

Departmental and Agency Circulation

- 16. The subject applications were circulated to staff in various departments and to a number of external agencies for review and comment.
 - a) The Engineering Department has provided a coordinated review of the subject applications. In general, the following issues need to be addressed or considered through the development process:
 - i) Servicing and easements;
 - ii) Dark sky policy compliant lighting;
 - iii) Identification of the site as a Source Protection Significant Groundwater Recharge area; and
 - iv) Landscaping and potential open space details related to the subject site.

If the introduction of the Retirement Home use is approved, these items will be addressed through the Site Plan process, which is required for the development of this site.

- b) The Ministry of Transportation (MTO) provided comments dated November 1, 2016, in agreement with the findings of the Traffic Letter submitted by R.J. Burnside & Associates Limited in support of this application. A condition of the master planning for Park Place was that only a certain amount of development could take place without the submission of a final Traffic Impact Study. MTO has agreed that the introduction of a Retirement Home can be accommodated as part of the Stage 1 development without that submission being required.
- c) The Lake Simcoe Region Conservation Authority (LSRCA) provided correspondence dated October 13, 2016, confirming that the limits of the environmental lands were established through the previous planning process for Park Place and have been respected with this submission. The LSRCA has no concern with these applications.

ANALYSIS

Provincial Policy Planning Framework

- 17. The applicant contends that the application is consistent with the Provincial Policy Statement (PPS) with respect to the provision of mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, accommodating an appropriate

range and mix of housing types and densities and utilization of existing servicing and transportation infrastructure. Staff agree with the intended principles of the PPS noted by the applicant, which is the basis for creating the Intensification Nodes and Corridors, as well as promoting mixed uses in other areas of the City.

18. As with the policies of the PPS above, the applicant contends that the application is consistent with the provisions of Places to Grow (PTG) respecting contributing to the development of a complete community providing transit supportive development, providing intensification and mixed land uses, providing employment opportunities, utilizing existing infrastructure, and consideration of natural features in the area. Staff similarly agree with the implementation of the policies identified by the applicant and have promoted these policies in areas of the City that are considered appropriate for intensification and mixed land uses.
19. Staff does have concern that this site is not in an intensification area, and the impact of introducing a sensitive land use at this location may be in conflict with the PPS and PTG Employment Policy that encourages municipalities to plan for, protect and preserve employment areas for current and future uses, as well as protect employment areas in proximity to major goods movement facilities and corridors. However, the general policy framework for a complete city includes integrating employment, housing and recreational activities.

D-6 Compatibility between Industrial Facilities (D-6)

20. The Ministry of the Environment provides guidelines intended to assist with the land use planning process when considering potential conflicting uses. The D-6 guidelines examine the compatibility between Industrial Land Uses and Sensitive Land Uses through the classification of Industrial Uses and the related sphere of influence for those uses based on potential impacts from noise, dust and odour.
21. In general, those land uses permitted in the Light Industrial zone could be classified as a Class 1 with a potential influence of 70 metres. In the General Industrial zone, some uses could be classified as Class 2 with a potential influence of 300 metres. In those instances where Class 2 activities are taking place, the proximity of a sensitive land use may be impacted by industrial activity, and perhaps more importantly, may restrict the ability of current or future industrial uses to function productively.
22. A basic review of the influence areas is attached as "Appendix B" to Staff Report PLN004-17. As demonstrated on the plan, the proposed Retirement Home use does not appear to be impacted by Class 1 (70m) activities, but is located in the Class 2 (300m) potential sphere of influence for 4-5 lots zoned General Industrial. Staff have completed a cursory review of the impacted industrial lands and note that the lots appear to be occupied with warehousing or industrial mall type uses that would not be classified as Class 2 activities. It should be recognized that this review does not include an analysis of future redevelopment potential; however the size of the lots and the general network of activities in the area does not appear to be conducive to the redevelopment of the impacted properties with a heavier industrial use.
23. Staff recommend that if the introduction of a sensitive land use is permitted at this location, that the owner/applicant be required to submit a report based on D-6 guidelines that includes recommendations to protect the interests of the surrounding industrial uses. The recommendations may include, but not be limited to, construction materials and adequate buffers to be included in the development of the sensitive land use, and clauses registered on title to warn residents that noise, dust or odour from the surrounding land uses may interfere with their enjoyment of the property.

Official Plan Conformity

24. The General Commercial designation in the Official Plan, approved by the Ministry with modifications in April 2010, permits medium density residential uses in conjunction with ground floor commercial or office uses. This policy is reflective of the PPS and PTG provincial policies that promote establishing a more complete and integrated community. Although specific facilities such as a Retirement Home or similar seniors housing are not identified as Residential uses, the intention of this policy is to facilitate the potential establishment of full-time residential living in the General Commercial designation.
25. The subject property is designated General Commercial, but also identified as a Defined Policy Area [R] in the City of Barrie Official Plan. As indicated earlier in this report the Park Place lands were the subject of a lengthy Ontario Municipal Board Hearing that designated the lands General Commercial with a specific set of permitted uses, performance standards and staging of development. No residential or residential type institutional uses were included in land use permissions for this site.
26. Staff are in agreement with the lack of permissions for residential and residential type uses at this location due to the proximity of existing and potential future industrial activities, as well as the relative isolation of the property from other residential and institutional uses. However, the applicant has demonstrated that the needs of the Retirement Home residents can be met at the subject location and if necessary, the industrial land uses can be protected through the implementation of recommendations from the D6 analysis recommended as a requirement for approval of these applications.

Zoning Rationale

27. The property is zoned General Commercial with Special Provisions C4 (SP-304). The intent of the rezoning is to add Retirement Home as a permitted use under the site specific zoning for this property. The Permitted Uses Table in both the site specific zoning and the City's Comprehensive Zoning By-law for the General Commercial (C4) zone do not permit the development of Institutional uses such as a Retirement Home, Nursing Home, Rest Home or Seniors Citizens Home.
28. The development of these lands for a Retirement Home will introduce a sensitive land use into an area which is largely comprised of industrial, service industrial and in the case of Park Place, commercial uses. The majority of residential type uses targeted for seniors are located in Residential zones or Institutional zones in close proximity to residential uses. The applicant has indicated that the site is suitable for a retirement home because of the proximity to a medical clinic, natural area, shopping and restaurants.
29. Staff has concern that the permissions for a Retirement Home may create a precedent that will further erode the existing industrial employment uses, as well as limit the expansion and establishment of permitted industrial uses. However, the existing commercial and industrial uses in proximity to the site do not appear to be a significant impediment to the development of the proposed sensitive land use. In addition, due to the existing commercial activity, Staff anticipates that the majority of new uses in proximity to the site will be light industrial activity. If approved, Staff is recommending a detailed investigation by the applicant to verify the impact of the introduction of this use at this location.

Parking

30. The policies of Defined Policy Area [R] identify that "Parking standards have been varied...to reflect the needs of the project as identified in a parking report to the satisfaction of the City." As this use had not been previously examined, the applicant has supplied a Parking Rate for a Retirement Home based on comparable residences.
31. The current standard in the City's Zoning By-law is 1 space per 4 persons for a Retirement Home, with the occupancy calculated based on the Ontario Building Code (OBC) population numbers related to habitable space, not the number of beds identified in the proposal. As this number could vary through the process and may not reflect the intended capacity of the facility, Staff requested that the applicant evaluate and submit a parking rate that included the proposed number of beds, staff and visitor needs.
32. Staff are satisfied with the report provided by the applicant, prepared by BA Group dated February 14, 2017 that recommends a minimum of 65 spaces for a Retirement Home use at this location. This parking rate is a comparable based on other similar facilities, and works out to approximately 1 space per 2 beds/persons.

Public Meeting Comments

33. The comments received by the City are outlined below, with a response and additional information from staff regarding the concerns raised by the public.

a) Traffic

The City received correspondence from Jones Consulting representing the Hewitt's Landowners Group as well as from Goodman's representing the Salem Landowner's Group expressing concern over the potential impact of this development on traffic volumes on Mapleview Drive.

As part of the master plan approval for Park Place, MTO, the City and North American agreed to a development cap for Stage 1 of the Park Place project prior to a full Traffic Impact Study being required. This submission has included a traffic letter confirming that this development cap has not been exceeded and the addition of the proposed retirement home does not merit the completion of the full Traffic Impact Study. As noted above, MTO has reviewed this letter and has stated that they are in agreement that a Traffic Impact Study would not be required until development on the site beyond the retirement home was proposed.

b) Location of Use

The City received correspondence from Innovative Planning Solutions on behalf of several of their clients questioning the appropriateness of the proposed application on the basis that the neighbourhood does not contain any residential uses and the lands are not on an intensification corridor.

These concerns were also raised by staff and discussed in the preceding analysis. A Retirement Home is a sensitive land use, and the majority of residential type uses targeted for seniors in the City, are located in Residential zones or Institutional zones in close proximity to residential uses. The Park Place site does have a variety of retail stores and restaurants as well as access to public transit and a new medical facility. These factors lend support to the establishment of a Retirement Home at this location.

Site Plan Control

34. The subject property and subsequent development, regardless of intended land use, is subject to Site Plan Control, as per Section 41 of the Planning Act and in accordance with By-law 99-312 as amended.
35. Notwithstanding that the Retirement Home use is not currently permitted, a Concept Plan and related servicing plans have been submitted to the City for Pre-Consultation. Appendix "B" provides a general indication of how the property would be developed and the ultimate design of the future building. While a formal application for site plan approval has not been submitted to date, staff notes that consideration has been given to urban design through the provision of detailed design elements.
36. Site plan control addresses the development and design of the lands with regard to site design, servicing, landscaping, lighting, parking and access. If the use is ultimately approved, Planning staff is satisfied that these areas can be adequately addressed through the site plan approval process.

Committee of Adjustment

37. The parcel identified by the applicant is intended to be severed from the Park Place lands with easements across the retained lands for services, service connections and to permit private road access via Concert Way. Through the Committee of Adjustment, that section of the Park Place property identified by this application was recently approved for severance and consent for the necessary easements to develop the site. It was clearly identified to the applicant and the Committee that the potential change in permitted uses for the property was not part of the Committee of Adjustment process, and any decision made by the Committee was based on the basic principles of consent. Any number of uses permitted in the current zoning could be established on the subject lands.

Summary

38. Staff have reviewed the history of land use for subject lands, and considered the proposed Official Plan Amendment and Zoning By-law Amendment applications in regard to conformity with the relevant Provincial Policies, the City's Official Plan and the site specific policy framework for Defined Policy Area [R] and site specific Zoning By-law C4 (SP-304). Staff do not generally agree with the introduction of sensitive land uses in proximity to industrial uses, however the policy basis for creating a complete community as well as the services available to the proposed facility, lends compelling support for the proposed Retirement Home. Staff can support the development of a Retirement Home at this location but strongly encourage the requirement for a D-6 study to further evaluate if mitigation measures should be applied to protect existing and future industrial land uses in proximity to the Park Place lands.

ENVIRONMENTAL MATTERS

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

ALTERNATIVES

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

Alternative #1

General Committee could approve the application to add Retirement Home as a permitted use in Defined Policy Area [R] and site specific zoning C4 (SP-304) for the subject property without the submission of a report that evaluates the site under the MOECC D6 Guidelines as part of a complete Site Plan Control application.

This alternative is not recommended by staff as the introduction of a sensitive land use at this location could potentially restrict the land uses permitted in the existing Industrial area. The submission of a report from a Qualified Person that evaluates the development under MOECC D6 Guidelines will ensure that any mitigation measures, if warranted, are implemented to protect the integrity of the industrial land uses in the area.

Alternative #2

General Committee could deny the addition of Retirement Home as a permitted use in Defined Policy Area [R] and site specific zoning C4 (SP-304) for the property as requested by the applicant.

This alternative is not recommended by staff as the introduction of a Retirement Home at this location can generally be supported by Provincial and City policies.

FINANCIAL

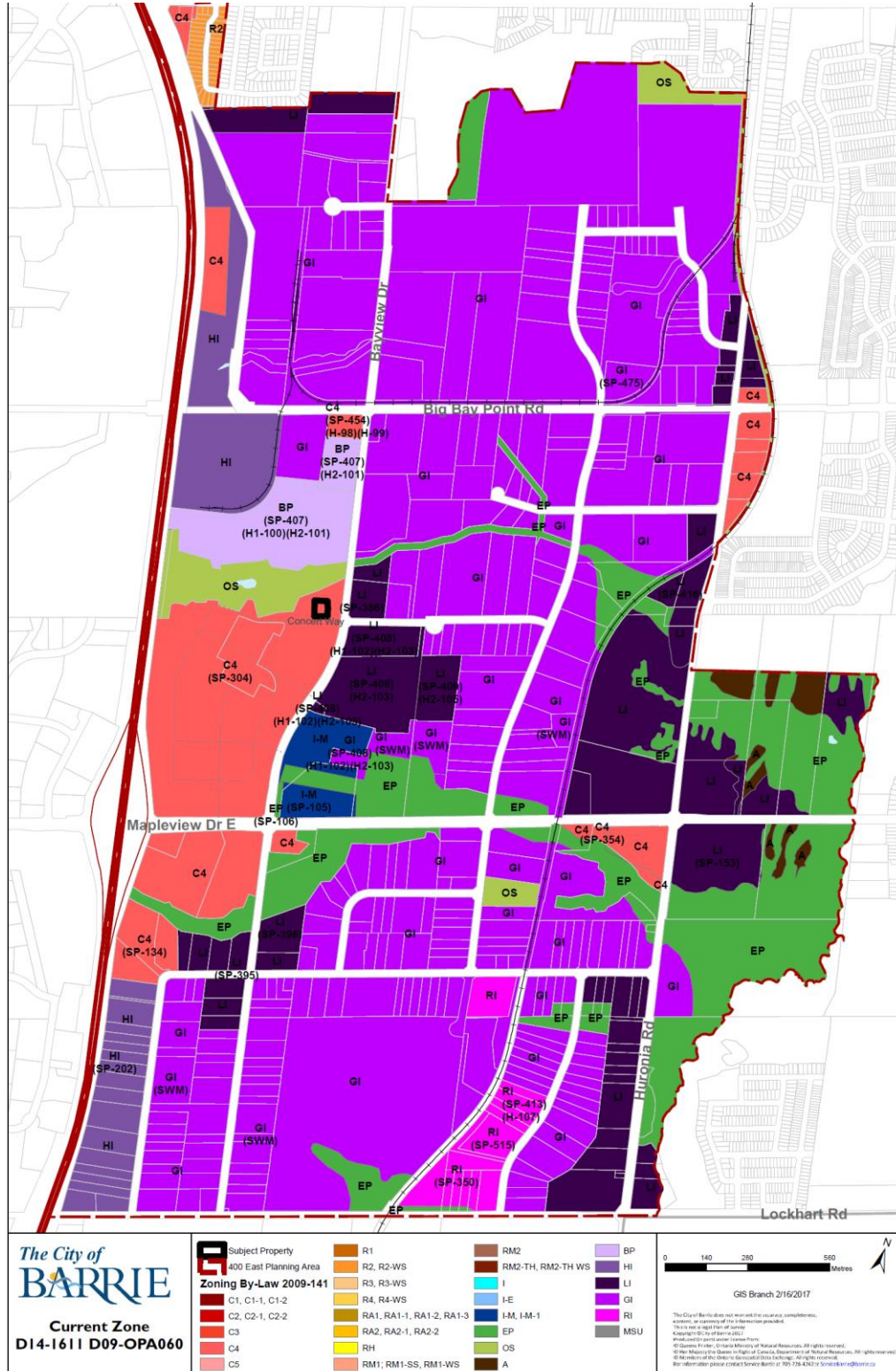
41. If approved, building permit application fees based on an approximation of area coverage provided by the applicant (119,775 ft²) would be approximately \$200,294.00. Development charges revenue would be approximated at \$1,799,020.50.

LINKAGE TO 2014-2018 STRATEGIC PLAN

42. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.

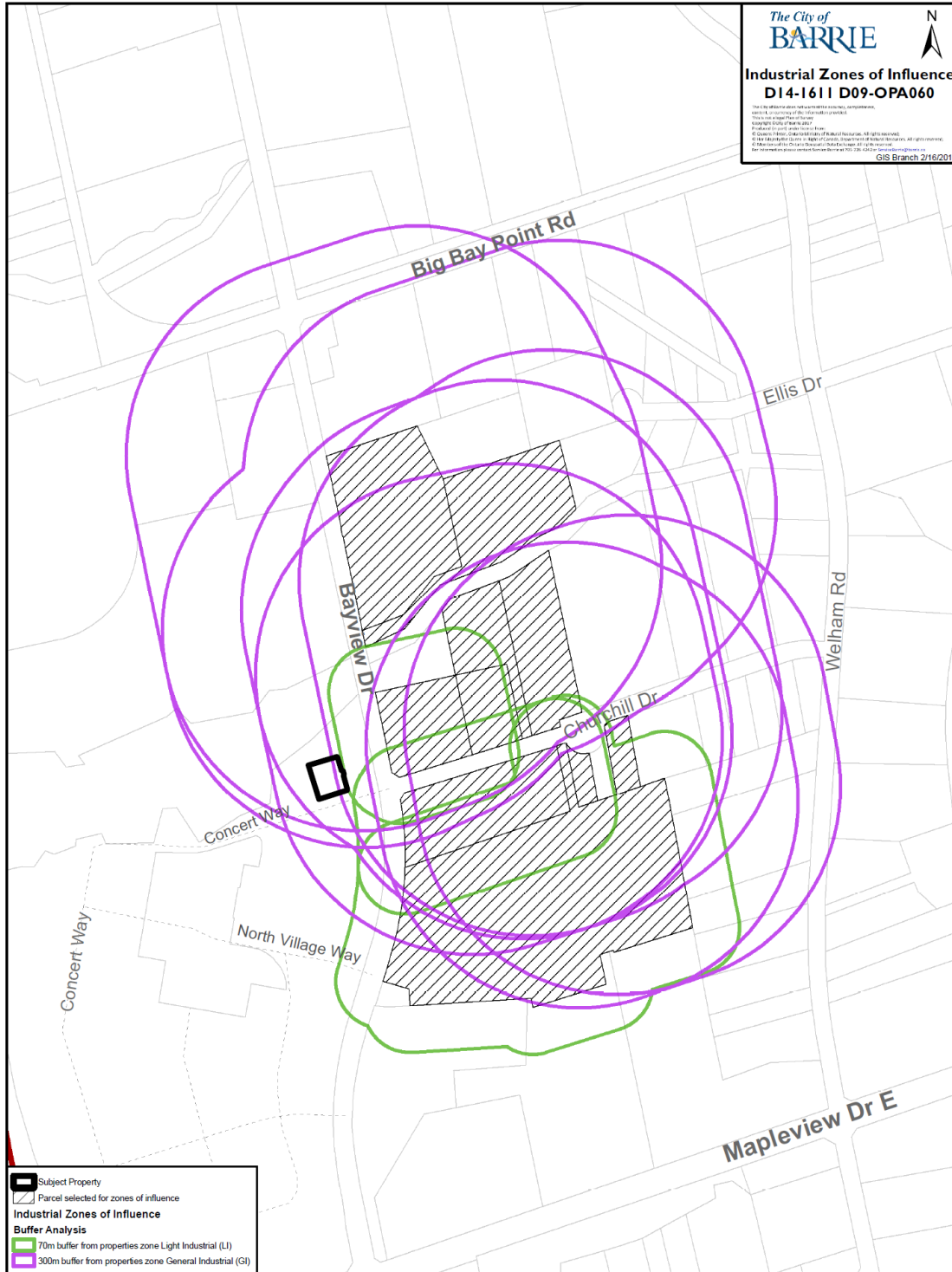
Attachments: Appendix A – Excerpt from Zoning By-law 2009-141
Appendix B – Potential Industrial Zones of Influence
Appendix C – Concept Plan dated June 09, 2016

APPENDIX "A"
Excerpt from Zoning By-law 2009-141



APPENDIX "B"

Potential Industrial Zones of Influence



APPENDIX "C"

Concept Plan

