



Bill No. 067

**BY-LAW NUMBER 2015-**

**A By-law of The Corporation of the City of Barrie to  
adopt an amendment to the Official Plan (O.P.A. #49)**

**WHEREAS**, Section 21 of *The Planning Act*, R.S.O., 1990 Chapter P.13 authorizes councils to initiate an amendment to or repeal of any official plan that applies to the municipality;

**AND WHEREAS**, by Motion 15-G-125 the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law to adopt an amendment to the City of Barrie Official Plan.

**NOW THEREFORE**, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** Amendment No. 49 to the Official Plan for the Barrie Planning Area attached to and forming part of this by-law, is hereby adopted.
2. **THAT** this By-law shall come into force and have effect immediately upon the final passing thereof.

**READ** a first and second time the 22<sup>nd</sup> day of June, 2015.

**READ** a third time and finally passed this 22<sup>nd</sup> day of June, 2015.

**THE CORPORATION OF THE CITY OF BARRIE**

\_\_\_\_\_  
**MAYOR – J.R. LEHMAN**

\_\_\_\_\_  
**CITY CLERK – DAWN A. MCALPINE**

**AMENDMENT NO. 49**

**TO THE**

**CITY OF BARRIE**

**OFFICIAL PLAN**

OFFICIAL PLAN  
FOR THE  
CITY OF BARRIE  
Amendment No. 49

Amendment No. 49 to the City of Barrie Official Plan was prepared by the Barrie General Committee and was recommended to the Council of the City of Barrie under the provisions of the Planning Act, on the \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

This amendment was adopted by the Corporation of the City of Barrie by By-law No. \_\_\_-\_\_\_ in accordance with the provisions of the Planning Act, on the \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BY-LAW NUMBER 2015-XXX

A By-law of the Corporation of the City of Barrie to adopt an amendment to the Official Plan (O.P.A. No. 49).

WHEREAS, Section 21 of The Planning Act, R.S.O., 1990 Chapter P.13 authorizes Council to initiate an amendment to or repeal of any Official Plan that applies to the municipality;

AND WHEREAS, by Resolution 15-G-XXX, the Council of the Corporation of the City of Barrie deems it expedient to pass such a by-law to adopt an amendment to the City of Barrie Official Plan;

NOW THEREFORE, the Council of the Corporation of the City of Barrie enacts as follows:

1. Amendment No. 49 to the City of Barrie Official Plan attached to and forming part of this by-law, is hereby adopted.

READ a first and second time this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2015.

THE CORPORATION OF THE CITY OF BARRIE

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

This Amendment No. 49 to the Official Plan for the City of Barrie which has been recommended by the Barrie General Committee and adopted by the Council of the Corporation of the City of Barrie, is hereby approved in accordance with the Planning Act as Amendment No. 49 to the City of Barrie Official Plan.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

**AMENDMENT NO. 49**

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**AMENDMENT NO. 49  
TO THE CITY OF BARRIE  
OFFICIAL PLAN**

**INTRODUCTION**

**PART A - THE PREAMBLE** does not constitute part of this amendment.

**PART B - THE AMENDMENT**, consisting of the following text and map constitutes Amendment No. 49 to the City of Barrie Official Plan.

Also attached is **PART C - THE APPENDIX**, which does not constitute part of this amendment. This appendix contains the Public Meeting Minutes, Staff Report, and the Council Resolution associated with this amendment.

## **PART A - THE PREAMBLE**

### **PURPOSE**

The purpose of this amendment is to re-designate lands from "General Commercial" to "Residential" to permit the development of thirty-eight (38) cluster townhouse units. This amendment will be accompanied by an implementing Zoning By-law Amendment, with an application for Site Plan Approval.

### **LOCATION**

The property subject to this amendment is municipally known as 370 Big Bay Point Road, and is located on the northeast corner of Big Bay Point Road and Leggott Avenue in the Painswick north Planning Area. This property is legally described as Blk 303, PI 51M538 and also subject to an Easement in Gross Over Pt 1 51R25262 as an SC867866 City of Barrie. This is a hydro easement for a hydro vault in the northwest corner of the subject property. The site is approximately 9,099 m<sup>2</sup> or 0.91 hectares (2.25 acres) in size and has approximately 105 metres (344 ft) of frontage on Big Bay Point Road, as well as 89 metres (292 ft) of frontage on Leggott Avenue.

An existing low density residential neighbourhood is adjacent to the northern and eastern boundaries of the subject site. To the south of the subject site are Big Bay Point Road, Discovery Child Care Centre, St. Michael the Archangel Catholic Elementary School (southwest) and recreational playing fields (southwest). To the west of the subject site are Leggott Avenue, a commercial plaza, a Fire and EMS Station and Willow Landing Elementary School.

### **BASIS**

The subject property is presently designated "General Commercial" in the Official Plan. The subject site has been vacant since Mason Homes Limited took ownership of the property in the 1980's. In order to allow the proposed commercial development on the subject site, an Official Plan Amendment (OPA) to re-designate the site to the "Residential" designation is required. The OPA is supported by numerous Official Plan (OP) policies as well as general planning principles and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the Provincial Policy Statement (PPS).

The OPA will facilitate the development of residential uses for the site that are representative of surrounding uses and maintain the character of the area. Since the site is proposed for re-development, includes an urban built form, supplements the mix of uses within the City and makes use of existing municipal water, sewer and transportation infrastructure, among others, the proposed development conforms to the Growth Plan and is consistent with the PPS.

As per Section 3.1.1 of the OP, the proposed development supports many of the outlined growth management goals of the OP as it supports the creation of a complete community that will contribute to the mix of housing within the City that will take advantage of existing transit services, local commercial uses, public service facilities and municipal infrastructure.

The subject property is located within the "Built-up Area" of the City of Barrie as shown on Schedule 1 of the OP. The proposed amendment would contribute to intensification through the development of residential uses on an underutilized site. Although the subject site is not designated as an "Intensification Area" on Schedule I of the OP, the proposed development satisfies Section 4.2.2.6 d) of the OP, which outlines the criteria necessary for intensification development outside of the designated Intensification Areas, including the following:

- The proposed 3-storey townhouse units are consistent with the scale and physical character of the low-density, single detached dwellings within the adjacent residential neighbourhood;

- The proposed development will not negatively impact the existing infrastructure, transportation and community services available in the area;
- Public transit is available and accessible along Big Bay Point Road;
- The proposed development should not detract from the City's ability to achieve increased densities in the designated Intensification Areas;
- High quality urban design will be incorporated into the development (i.e. townhouse unit design, attractive central amenity area and open space, safe pedestrian network, etc.); and
- The subject site does not contain any heritage resources that require preservation.

The property is also consistent with a number of other general policies in Section 4.2 (Residential) of the Official Plan. The proposed "Residential" designation permits the medium density cluster/block townhouses being proposed as part of this application. This designation is consistent with the surrounding residential neighbourhood and is appropriate for the site given its location, size, proposed uses and built form. The proposal has been designed to connect to the existing pedestrian network, which accounts for easy accessibility to surrounding schools, recreational uses (playing fields) and commercial uses within 0.5 km of the subject site. Additionally, vehicular access to the site will be provided to the site from Leggott Avenue, thereby minimizing direct impacts on Big Bay Point Road. Therefore, the OPA is deemed to conform to the policies of the Official Plan.

In addition, the Commercial Needs Assessment Report prepared in support of this application concludes that the removal of the 2.25 acres of commercially designated lands will not jeopardize the City of Barrie's ability to achieve its commercial goals, based on the fact that the City of Barrie, Commercial Land Use Needs Study conducted in 2011 found a surplus of commercially designated land until approximately 2036. Furthermore, this report concluded that there is an existing significant amount of retail/service space in the local area that already provides a high level of convenience and accessibility to the surrounding residential developments.

This amendment will be completed in conjunction with a Zoning By-law amendment that will rezone the property to the "Residential Multiple Family Second Density (RM2)(SP) Zone" (with special provisions). The RM2 Zone permits the cluster/block townhouses being contemplated for this site.

**PART B - THE AMENDMENT**

**DETAILS OF THE AMENDMENT**

The Official Plan is amended by altering as follows:

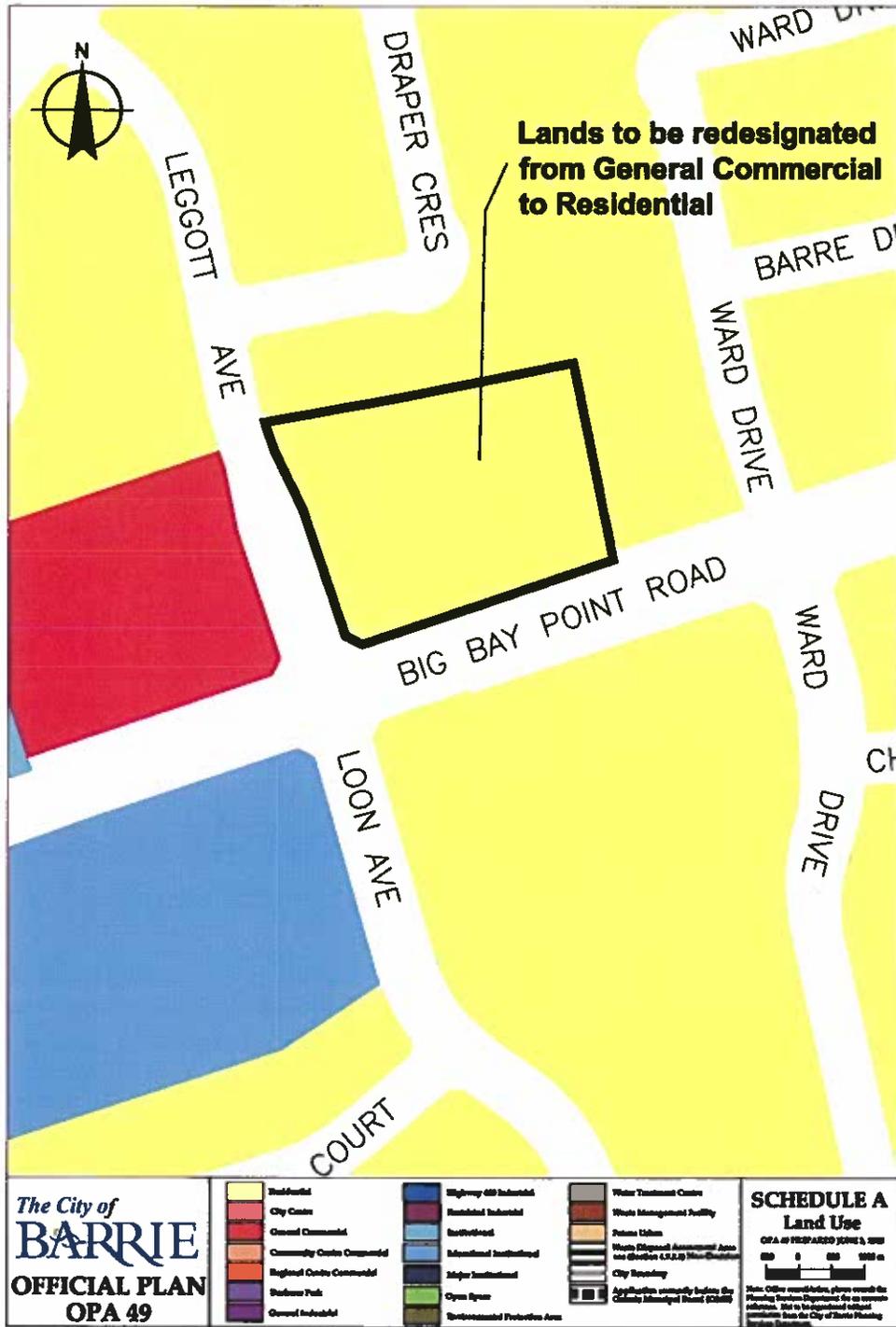
Schedule A – Land Use Plan is hereby amended by designating the lands municipally known as 370 Big Bay Point Road, and legally described as Blk 303, Pl 51M538 and also subject to an Easement in Gross Over Pt 1 51R25262 as an SC867866 City of Barrie, to “Residential”, as shown on Schedule “A” attached hereto and forming Part of this Amendment.

**IMPLEMENTATION**

Subsequent to the adoption of this Amendment, Council will pass a by-law amending Zoning By-law 2009-141 as amended, as it relates to the subject lands by rezoning these lands into the Residential Multiple Family Second Density (RM2)(SP) Zone (with special provisions).

**INTERPRETATION**

The provisions of the Official Plan as amended from time to time shall apply in regard to this Amendment.



**PART C -- THE APPENDIX**

**PART C - THE APPENDIX**

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Minutes of the General Committee Public Meeting



**Legislative and Court Services  
COUNCIL DIRECTION MEMORANDUM**

TO: Director of Planning - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: April 20, 2015

**15-G-082 APPLICATION FOR AN OFFICIAL PLAN AMENDMENT AND AN AMENDMENT TO THE ZONING BY-LAW - MHBC PLANNING ON BEHALF OF MASON HOMES - 370 BIG BAY POINT ROAD (WARD 8) (FILE: D14-1580)**

Mr. Gordon Mason, Mason Homes highlighted Mason Homes history of development within the City of Barrie as well as its credentials as a home builder.

Ms. Debra Kakaria of MHBC Planning advised that the purpose of the public meeting was to review an application for an Official Plan amendment and an amendment to the Zoning By-law submitted by MHBC Planning on behalf of Mason Homes for property of 370 Big Bay Point Road.

Ms. Kakaria provided a slide presentation concerning the application. She discussed slides concerning the following topics:

- an aerial map of the subject property and surrounding land uses;
- the current Official Plan designation and zoning of the site;
- the technical studies completed in support of the application;
- the project history and planning process;
- the public comments received at the ward meeting;
- artist's renderings of the of the height of the proposed units compared to neighbouring properties;
- design considerations associated with the proposed development;
- the requested amendments to the zoning by-law.

Ms. Kakaria noted that she believes the proposed development is consistent with the uses and built form approved for the site, as it will provide an affordable housing choice and allow an under-utilized vacant parcel of land to be developed.

Ms. Janet Foster, Senior Development discussed items currently being considered by Planning staff including the requested amendments, the removal of existing commercial use, built form increase in density, and reduction in front yard setbacks. She also highlighted comments received at the January 6, 2015 Ward Meeting including concerns related to the height of the homes and impact on privacy for residents of the existing residential homes, stormwater management/drainage, loss of sunlight in the rear yard of properties located north of the subject land and concerns related to an increase in traffic volumes in the area. Ms. Foster advised that the staff report associated with this application is anticipated to be presented to General Committee on April 27, 2015.

## **PUBLIC COMMENTS**

1. **Mr. John Gairns, 66 Draper Crescent** thanked the City's Planning Services Department for providing notice of the public meetings by mail. Mr. Gairns discussed his concerns regarding the height of the proposed town homes as he feels they will tower over the surrounding residential area causing a significant loss of privacy. He submitted a petition signed by 64 residents opposed to the proposed residential development. Mr. Gairns indicated that there are no other homes similar to this in the area and noted his concerns with the homes becoming rental units, additional traffic and impacts on area parking.
2. **Mr. Mario Titus, Toronto Street** asked if the units associated with the development would be sold or rental units. He also asked questions about the proposed pricing of the units.
3. **Ms. Cynthia Marchand, 58 Ward Drive** discussed her concerns related to the proposed height of the townhomes, as the majority of them would be backing onto bungalows. She noted she appreciates that the developer will be installing privacy fencing and boundary trees, but this will not alleviate the privacy concerns as the main living areas of the new homes will still be able to see into existing backyards and homes.
4. **Ms. Jackie Cooley-Heckhaus, 56 Ward Drive** advised she agreed with the comments of the previous speakers concerning the height of the proposed homes and she is also concerned about traffic and safety in the area once the development is completed.
5. **Mr. Thomas Dickinson, 64 Draper Crescent** advised that he agreed with the previous speaker. He raised concerns associated with the increase in traffic the development may cause given the school in the area, especially during peak morning rush hour. He noted that he is uncomfortable allowing his daughters to walk in area given the current traffic and this proposal would add to his discomfort. He commented that there are no other three-storey homes in the area and expressed his concerns about how they will fit in.
6. **Mr. John Matera, 62 Draper Crescent** advised that he backs on to the subject lands and considered selling when he was made aware of the proposed development. He commented on the possible traffic impacts as Big Bay Point will likely become a busier street. He expressed concerns with respect to the additional traffic in the area of the school. Mr. Matera noted that he had questioned the developer to why either two-storey townhomes or two-storey detached homes could not be built instead.

Mayor Lehman asked a question of the applicant's representative and received a response.

## **WRITTEN CORRESPONDENCE**

1. Correspondence from the Simcoe Muskoka Catholic District School Board, dated February 3, 2014.
2. Correspondence from C. Nolan, dated April 10, 2015.
3. Petition signed by 64 residents, received March 17, 2015.

## Staff Report



**STAFF REPORT PLN020-15**  
June 1, 2015

Page: 1  
File: D09-OPA049,  
D14-1580  
Pending #

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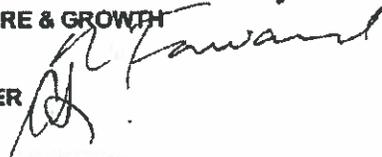
**TO:** GENERAL COMMITTEE

**SUBJECT:** APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW  
AMENDMENT – MASON HOMES LIMITED – 370 BIG BAY POINT  
ROAD

**WARD:** #8

**PREPARED BY AND KEY CONTACT:** JANET FOSTER, B.URPL, M.C.I.P., R.P.P.  
SENIOR DEVELOPMENT PLANNER, EXT. #4517

**SUBMITTED BY:** S. NAYLOR, MBA, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

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

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

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RECOMMENDED MOTION

1. That the Official Plan Amendment application submitted by MHBC Planning Urban Design & Landscape Architecture, on behalf of Mason Homes Limited., for lands known municipally as 370 Big Bay Point (Ward 8) be approved as follows (D09-OPA029):
  - a) Amend Official Plan Schedule "A" – Land Use to redesignate the subject lands from General Commercial to Residential; as identified in Appendix "A" of Staff Report PLN020-15.
2. That the Zoning By-law Amendment application submitted by MHBC Planning Urban Design & Landscape Architecture, on behalf of Mason Homes Limited, to rezone the lands known municipally as 370 Big Bay Point Road (Ward 8) from General Commercial C4 (H20) to Residential Multiple Dwelling Second Density with Special Provision RM2 (SP) (D14-1580), be approved.
3. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
  - i) A minimum front yard setback adjoining a street where a secondary means of access is provided be 3.3 metres, whereas 7 metres is required;
  - ii) A minimum front yard setback where a porch is provided of 1.7 metres, whereas 3.0 metres is required;
  - iii) A maximum density of 42 units per hectare, whereas 40 units per hectare is permitted; and
  - iv) A maximum gross floor area of 71%, whereas 60% would be permitted.
4. That pursuant to Section 34(17) of the Planning Act, no further public notification is required prior to the passing of this by-law.

## PURPOSE & BACKGROUND

### Report Overview

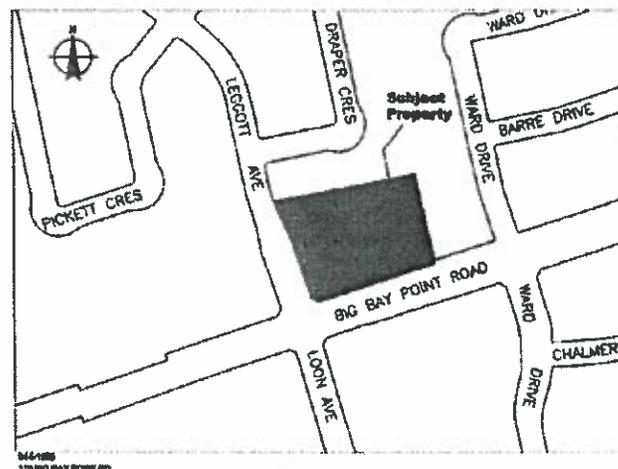
5. The purpose of this report is to recommend approval of the applications submitted by MHBC Planning Urban Design & Landscape Architecture, on behalf of Mason Homes Limited, for lands known municipally as 370 Big Bay Point Road (Ward 8). The effect of the applications would be to permit the development of a 38 unit block/cluster townhouse residential development.
6. The applicant has completed a number of requisite studies/reports that support the proposed change in permitted land use and zoning for the subject property and which are in conformity with Provincial Policies and the City's Official Plan. Staff have completed a comprehensive review of the applications against both municipal and provincial planning policy and are of the opinion that the application represents good planning. Therefore staff is recommending approval.

### Application History

7. The subject property is located on the northeast corner of Big Bay Point Road and Leggott Avenue, within the Painswick North Planning Area (Ward 8). The property is a block on a plan of subdivision, 51M-538 that was originally registered in 1994 at which time two blocks were created for commercial purposes on the east and west side of Leggott Avenue, north side of Big Bay Point. The block on the west side has been developed for commercial purposes, while the subject block has remained vacant. Given the extensive commercial development that has occurred in the broader surrounding area, being Big Bay Point Road and Yonge Street, the owner has not been able to lease out the property and is now requesting that it be considered for residential development.

### Location

8. The subject property is known municipally as 370 Big Bay Point Road and has a total lot area of approximately 0.9 ha (2.25 Acres) with 79m of frontage on Leggott Avenue and a flankage of 100m on Big Bay Point Road. The area is predominantly a low density residential neighborhood, with a commercial plaza to the west which provides local convenience shopping for area residents.



9. The existing land uses surrounding the subject property are as follows:

North: Low density single detached residential dwellings, zoned Residential R2.

South: Big Bay Point Road; low density single detached residential dwelling zoned Residential R3 and R4; child care centre zoned Residential RM2 (SP-362); separate elementary school zoned Institutional I-E; City park zoned Open Space OS.

East: Single detached residential dwelling zoned Residential R2 and R3

West: Leggot Avenue; Commercial plaza zoned General Commercial C4; fire and EMS station zoned Institutional I; and public elementary school zoned Institutional I-E.

Existing Policy

10. The property is designated General Commercial in the City of Barrie Official Plan and is zoned General Commercial (C4)(H20) in accordance with the City's Comprehensive Zoning By-law 2009-141. The Holding (H) provision requires a site plan agreement in accordance with Section 41 of the Planning Act prior to its removal.

Supporting Information

11. In support of the subject application, the following reports were submitted:

- a) **Planning Justification Report** (November 2014) provides a review of the property characteristics and surrounding lands, description of the proposed development as well as the planning policy basis and opinion of MHBC Planning Urban Design & Landscape Architecture that the proposal is an appropriate form of development and location for residential development. The document also includes a summary of the other supporting documents that were submitted as part of the application.
- b) **Phase 1 Environmental Site Assessment** (October 20, 2014) outlines the existing site conditions, identifies any areas of potential environmental concerns, and provides technical information necessary in support of a Record of Site Condition for the Site. The Environmental Protection Act requires a Record of Site Condition to be filed in the Environmental Site Registry for property when a change to a more sensitive land use occurs, i.e. industrial to residential. Historically the property has been used for agricultural purposes and has remained vacant. No buildings or structures other than a sales trailer has been reported or observed on site. The report concluded that there was no evidence to suggest that there is potential environmental liability associated with the property and that the site is suitable for residential purposes.
- c) **Servicing Brief** (November 3, 2014) serves to demonstrate that the proposed residential land use can be accommodated by the existing infrastructure (water, sanitary and stormwater) which was constructed as part of the Southgate Village community. In addition, the brief discusses the relevant servicing design details in support of a future site plan approval. In summary, the assessment undertaken by Counterpoint Engineering confirms that the proposed land use change can be accommodated by the existing community infrastructure and that no upsizing of the existing facilities will be required.
- d) **Commercial Needs Assessment** (October 10, 2014) provides an assessment of the viability of future commercial development at the site and the market impact of redesignating the site from General Commercial to Residential. It is the opinion of Tate Economic Research Inc. that a commercial development on the site may not result in a viable long term commercial development. It is also their opinion that redesignation of the

site from General Commercial to Residential will not jeopardize the City's ability to achieve its commercial goals or the expansion of the industrial/commercial/institutional land use sector.

- e) **Geotechnical Investigation** (October 14, 2014) provides the results of an investigation of the subsurface soil and groundwater conditions in order to provide geotechnical design parameters into the design and construction of the proposed residential units, parking and driveway areas as well as any required infrastructure works.
- f) **Stage 1-2 Archaeological Assessment** (2014) describes the results of the 2014 Stage 1-2 Archaeological Assessment of the subject lands and concludes that as a result of the physical assessment of the study area, no archaeological resources were encountered. Consequently no further archaeological assessment of the study area is warranted.

Neighborhood (Ward) Meeting

12. A Neighborhood (Ward) Meeting was held on January 6, 2015 to present the proposed development to the local residents (notes attached). There were approximately 15 people who attended this meeting in addition to the applicant, their consultants, the Ward 8 and 9 Councillors and Planning staff. The intent of the Neighborhood Meeting was to engage and present the proposal to the area residents and to hear what their expectations and concerns were of the site, proposed development and the area. The concerns raised at the Neighbourhood Meeting related to the height of the buildings, the distance separation from the existing residential buildings to the north and east and the location of the balconies on the second floor of the proposed units into the rear yards of the adjacent homes. Drainage and traffic were also identified as concerns.

Public Meeting

13. A statutory Public Meeting was held on April 13, 2015 to present the subject applications. A petition containing 64 signatures was submitted at the meeting which indicated that the signatories were opposed to the development. A number of comments and concerns were expressed at the public meeting including:

- **Traffic/Safety of pedestrians:**

The property is located on an arterial road being Big Bay Point Road which is intended to carry significant volumes of traffic. The entrance to the development is off Leggott Avenue, opposite the commercial plaza and not residential development. This will enable the residents of the subject property to gain access to Big Bay Point Road without having to travel through the existing residential development to the north. As such, traffic should not have an impact on the adjacent existing residential area.

Safety for pedestrians walking in the area is addressed through the existence of a municipal sidewalk located on both street frontages of the proposed medium density block. Staff is of the opinion that traffic generated by the residential development would be less than that which would be generated by the property if developed for commercial purposes. The existing traffic signals at the intersection of Big Bay Point Road and Leggott Avenue will also continue to afford the opportunity for safe crossing at the intersection for pedestrians.

- **Flooding/Stormwater Management**

Development related matters such as access, servicing and drainage will be addressed at the site plan approval stage.

- Height of the buildings:

The applicant, following the Neighbourhood Meeting, amended their plans to increase the rear yard setback along the north property boundary to now reflect a setback ranging from 7m up to 10m. Along the eastern boundary the setback is proposed at 8m. These setbacks meet and/or exceed the minimum 7m requirement for the Residential RM2 zone. The increased setback along with mature vegetation plantings is intended to address a number of the residents' concerns related to privacy. The height of the proposed buildings, which would be up to 10m, is in conformity with the Residential RM2 standards. No variance to the height has been requested. All low and medium density zones permit a maximum height of 10m. It should be noted that the existing General Commercial C4 zone permits a maximum height of 9 metres which would permit the construction of a three storey building.

- Balconies on the second storey overlooking the adjacent properties:

The balconies have been proposed given the limited ground floor living area and access to the rear yard. The garage and services for the units are to be located on the ground level with living space located on the second and third floors. As such, the verandas are provided in an effort to afford a small accessible amenity area on the main living space level. Distances from the balcony to property line are approximately 4.6 to 8.7 metres and a minimum distance of approximately 11.6 to 14.7 metres to the adjacent homes.

- Shadowing impacts:

Planning staff do not view this as a major issue given that the applicant has met or exceeded the rear yard setbacks required under the Residential RM2 zone. A three storey building can be constructed on the property as of right whether it be for commercial or residential purposes. A shadow study was not required as they are applicable to tall buildings which are considered to be greater than three stories as noted in Section 6.6.1 of the City's Official Plan.

- Tenure of the units:

The development is proposed to be developed and registered as a condominium and therefore available for freehold ownership.

#### Department & Agency Comments

14. The Lake Simcoe Region Conservation Authority has reviewed the application and is generally satisfied that the change in designation and zoning to permit residential development from a watershed perspective would be consistent with the Provincial Policy Statement (PPS) and the Lake Simcoe Protection Plan (LSPP).
15. The Engineering Department is generally satisfied that the property can be provided with full municipal services through and extension of the existing infrastructure. A further detailed review will occur as part of the site plan review process.
16. A Traffic Impact Study was not required as it is staffs' opinion that the traffic generated by the development would not have a significant impact on the existing road network in the area. Big Bay Point Road is an arterial road which is designed to accept traffic generated by medium density residential land uses. In addition, they have indicated that a noise study would be required to ensure acoustic requirements have been appropriately addressed. This would be reviewed and confirmed prior to site plan approval.

17. The owner has applied for site plan approval. Approval would not be considered until a decision of Council has been made on the subject applications. If the land use change is approved by Council, conditions of site plan approval will be issued which relate to matters such as traffic, parking, vehicle access and circulation, servicing, stormwater management, amenity space buffer planting adjacent to existing residential and other matters that serve to ensure that the development meets all municipal standards.

### ANALYSIS

#### Policy Planning Framework

18. The following provides a review of the applicable provincial and municipal policies.

#### Provincial Policy

##### Provincial Policy Statement (2014) (PPS) and Places to Grow (2012) (The Growth Plan)

19. Staff has reviewed the Provincial Policy Statement and the Provincial Growth Plan and is satisfied that the proposed application meets the intent of the policies found in both documents. The proposed application represents an appropriate mix of uses and makes efficient use of land and infrastructure. In accordance with the Growth Plan requirements to accommodate 40% of new growth within the "built boundary" of the City, the proposed application represents intensification of an existing site.

#### Official Plan

20. As noted above, the subject lands are presently designated General Commercial within the City's Official Plan. The applicant is proposing to redesignate and rezone the lands to permit Residential development. The property is not located on an intensification corridor as identified on Schedule I of the Official Plan.
21. The owner is proposing a block/cluster townhouse form of development over the entire vacant property.
22. The Official Plan encourages Residential intensification in built-up areas in order to support the viability of neighbourhoods and provide opportunities for a variety of housing types. The property is located in the City's Built-up area. The proposed development would contribute to a compact urban form and efficient use of land and resources, support transit, and optimize the use of existing infrastructure and services. The General Commercial designation and corresponding Commercial C4 zone also permits multi-unit residential development. The conversion of commercial land for residential use will not affect the City's ability to promote an appropriate distribution of commercial facilities and provide a high level of convenience and accessibility for existing residents in the area and to limit the need for traveling extensive distances for minor purchases and local service facilities based on information provided by the Commercial Needs Study prepared by Tate Economic Research Inc.
23. The proposed development would result in a density of approximately 41.8 units per net hectare.
24. Section 4.2.2.6 (d) of the Official Plan requires development applications that propose residential intensification outside of an Intensification Area be considered on their merits provided the proponent demonstrates that the scale and physical character of the proposed development is compatible with, and can be integrated into the surrounding neighborhood; that infrastructure, transportation facilities, and community facilities and services are available without significantly impacting the operation and capacity of existing systems; that public transit is available and accessible; and that the development will not detract from the City's ability to achieve increased

densities in areas where intensification is being focused. It is staffs' opinion that the proponent has demonstrated that the development can satisfy the above noted criteria.

25. Further, the proposed development would meet the City's locational criteria with respect to medium density development as outlined in Section 4.2.2.6 (b) of the Official Plan, as the subject property is located within close proximity to two City parks (Lennox Park and Huronia North Park) and two schools (St. Peter's Elementary School and Willow Landing Elementary School). The subject property is immediately adjacent to a commercial plaza for convenience shopping and in close proximity to larger commercial facilities located at the intersection of Big Bay Point Road and Yonge. The property fronts on to an arterial road (Big Bay Point Road) which is designed to carry significant volumes of traffic. The property is also located on a municipal transit route that will provide service to the future residents.
26. Under the Housing Policies (Section 3.3.1(a)) is the goal "to provide for an appropriate range of housing types, unit sizes, affordability and tenure arrangements at various densities and scales that meet the needs and income levels of current and future residents." Section 3.3.1(e) is to "encourage all forms of housing required to meet the social, health and well-being requirements of current and future residents including special needs requirements." Furthermore, the Housing General Policies Section 3.3.2.1(a) states "the City will encourage the maintenance of reasonable housing costs by encouraging a varied selection with regard to size, density and tenure. The Zoning By-law will be amended to allow for innovative housing where it is recognized to be in accordance with good land use planning principles." Staff is satisfied the proposal conforms to these policies of the Official Plan given that the proposed block of townhouse units is the only site of its kind in the immediate neighborhood on the north and south side of Big Bay Point Road.
27. Section 3.3.2.1 (b) and (c) of the Official Plan encourages the provision of a wide range of housing opportunities including rental housing in order to meet identified housing needs in accordance with good land use planning principles. Residential intensification is also encouraged in built-up areas in order to support the viability of neighbourhoods and provide opportunities for a variety of housing types. The development, if approved, would serve to address these policies.
28. Based on the provisions identified above, staff are of the opinion that the proposed development, if approved, is considered to be consistent and in conformity with the Official Plan.

#### Zoning Rationale for Special Provisions (SP)

29. As noted above, the applicant has requested a Residential Multiple Dwelling Second Density with Special Provisions (RM2-SP) zoning over the subject lands to permit the proposed development of 38 street/cluster townhouse units to accommodate the proposed development; the applicant is requesting special provision as outlined in Appendix "D". Each of the requested site specific zoning provisions are discussed below.

#### Front Yard Setback

30. The applicant has requested a site specific zoning provision for a front yard setback abutting a street as it relates to the main building and the porch. The frontage for the property is calculated off of Leggot Avenue. The applicant is proposing a 3.3 metre setback for the main building, along Leggot Avenue where the By-law requires a 7.0 metre setback. The applicant is also proposing a 1.78 metre setback in the front yard for a porch, where the By-law requires a 3.0 metre setback. These proposed special provisions would provide a strong street presence as supported through the Urban Design Guidelines. Planning staff do not have an objection to the proposed reduced setback.

Increase in Maximum Permitted Density for Block/Cluster Townhousing

31. Under the proposed Residential RM2 zone the applicant is proposing 38 units which represent a density of 41.8 units per hectare, while the property would permit a maximum of 36 units or a density of 40 units per hectare. The additional two units can be accommodated on the property in as much as the required parking is provided and the required private amenity space is provided. If the density was reduced by one unit the variances related to the front yard setback could be eliminated. Staff is of the opinion that the additional two units can be supported and that they will not have an impact on the ability of the residential development being able to meet all other performance standards of the by-law. An increase to the density also resulted in an increase in the permitted gross floor area.

Increase in Gross Floor Area

32. The applicant has requested an increase in the permitted maximum gross floor area of 71 percent (excluding garages). The By-law permits a maximum gross floor area of 60 percent of the lot area (excluding garages). The increase in the density is a result of the two additional residential units that are proposed. Planning staff are satisfied that the additional density can be considered minor and does not impact on the applicant's ability to meet all other zoning performance standards with the exception of the requested variances.

Placement of Air Conditioners

33. The applicant is proposing to place air conditioning units in the yard along Leggott Avenue and Big Bay Point Road. Zoning By-law 2009-141 does not prohibit this from occurring. However, given the significantly reduced front yard setback proposed along Leggott Avenue, the high level of exposure to the general public, the high amount of pedestrian traffic along Big Bay Point Road and the potential noise generated by the units, staff requested that additional attention be taken to address the screening of the units. The applicant advised that there is insufficient area behind the units to locate them at grade given the width of the driveways without them being impacted and that appropriate screening can be provided. Planning staff is generally satisfied with the additional information provided by the applicant and that further details can be appropriately addressed as part of the final site plan approval. This can be accomplished through the use of fencing and increased landscape treatment.

Site Plan Control

34. The applicant has submitted a site plan application which will be further reviewed if Council approves the Official Plan Amendment and rezoning. Matters which require further discussion relate to the interface with the single detached homes to the north and east, the treatment of the elevations at the ends of the townhouse blocks which are exposed to Leggott Avenue and Big Bay Point Road and configuration of the private amenity space on site.

Summary

35. Staff have reviewed the comments received and considered the proposed Official Plan and Zoning By-law Amendment applications to be appropriate and conform with the relevant Provincial Policy and the City's Official Plan.
36. Staff are satisfied that the proposed development would provide for appropriate spatial separation from the existing single detached residences to the east and south. Should the application be approved, staff are satisfied that the detailed design elements can be adequately addressed through a subsequent Site Plan application.

**ENVIRONMENTAL MATTERS**

37. There are no environmental issues related to the subject property. This was identified through the Phase 1 Environmental Site Assessment report prepared by Cambium Inc. In addition, the Lake Simcoe Region Conservation Authority in their comments indicated from a watershed perspective that approval of the amendments is consistent with the Provincial Policy Statement (PPS) and the Lake Simcoe Protection Plan (LSPP) and that they had no further requirements.

**ALTERNATIVES**

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

**Alternative #1**

General Committee could refuse the proposed Official Plan and Zoning By-law Amendment applications and maintain the current 'General Commercial' designation and zoning on the subject property.

This alternative is not recommended. The residential development is considered appropriate for the property, in keeping with the surrounding development and represents an appropriate gradation of density adjacent to the low density to the north and east. The loss of the commercial area based on documentation provided in support of the application indicates that there will not be an impact on the City attaining its commercial goals. In addition, the existing commercial development to the west will provide the required convenience shopping needs while the major commercial area at Big Bay Point Road and Yonge Street will serve to address the more major shopping needs.

**Alternative #2**

General Committee could alter the proposed recommendation by supporting the change in designation and zoning to permit residential development but not support the special provisions related to setback and slight increase in density.

This alternative is not recommended. The concept plan in support of the applications demonstrates that all site plan matters can be addressed with the variances being approved. The variances can be considered minor and if approved will eliminate the need for the owner to seek an additional approval through the Committee of Adjustment if the main issue of land use is supported.

**FINANCIAL**

39. The properties, when developed, would be subject to site plan control. All costs associated with the approval and development would be the developer's responsibility. The proposed Official Plan Amendment and Rezoning of the subject lands if approved would permit the development of 38 residential townhouse cluster/block units. The annual municipal property tax revenue is estimated to be \$134,289.00. The current municipal tax revenue for the vacant property is \$12,295.00, therefore the estimated municipal increase would be \$121,994.00 based on the 2015 tax rates.
40. Building permit application fees as an average are estimated to be in the order of \$2,801.00 per unit which would represent a total fee for the 38 units as an average of approximately \$106,438.00.

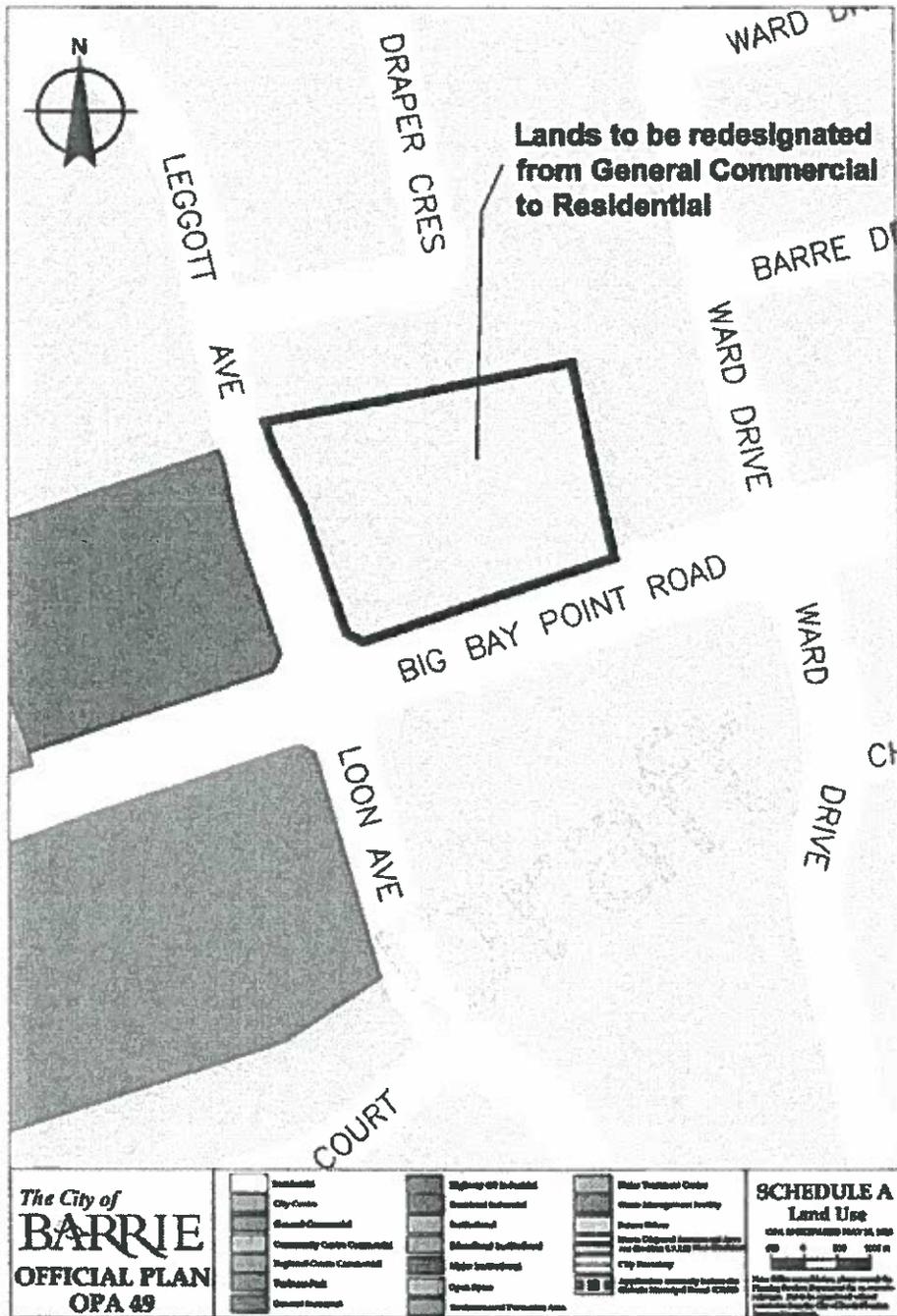
41. The Development Charge for townhouse units is \$30,938.00 for a total development charge rate of \$1,175,644.00. This rate would be adjusted for inflation each year as of January 1<sup>st</sup>. The fee is calculated and paid at the time of issuance of the building permit.
42. The Education levy is currently \$1,759.00 per unit which represents a total levy of \$66,842.00.
43. No parkland contribution would be required based on the previous land dedication provided at the time of subdivision registration.
44. The developer would be responsible for all capital costs for the new infrastructure required within the development limits and any of the frontage costs associated with upsizing to municipal water and sewer mains already installed. Costs associated with the ongoing maintenance and operational costs of the new internal infrastructure would be the responsibility of the condominium corporation. Further, all costs associated with snow/waste removal, landscape maintenance and site lighting would be the responsibility of the developer/future condominium corporation. The City would not incur additional operating and maintenance costs associated with extending municipal services to the area such as fire protection, policing, boulevard landscaping maintenance and increased contributions to reserves to plan for the eventual replacement of the municipal assets as these services are already in place.

**LINKAGE TO 2014-2018 STRATEGIC PLAN**

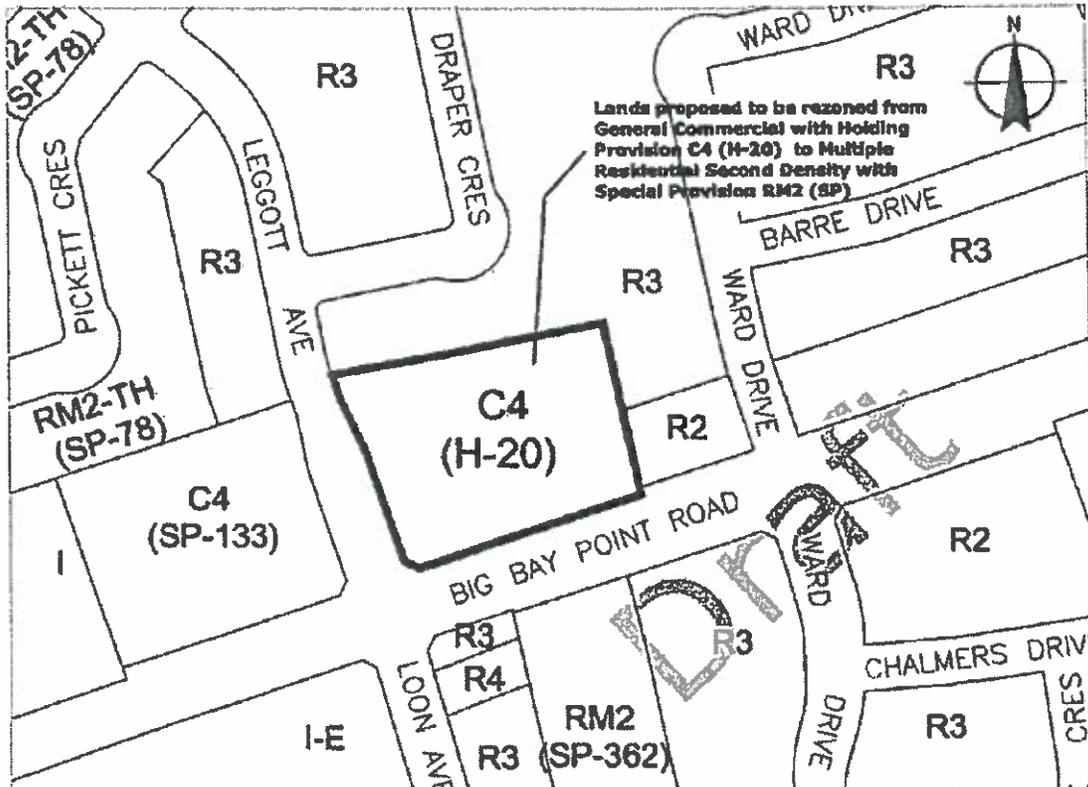
45. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.

Attachments: Appendix "A" – Proposed Amendments to Official Plan Schedule A – Land Use  
Appendix "B" – Proposed Zoning By-law Amendments  
Appendix "C" – Proposed Site Plan  
Appendix "D" – Proposed Special Provisions  
Appendix "E" – Neighbourhood (Ward) Meeting Notes

APPENDIX "A"  
Proposed Amendments to Official Plan Schedule A

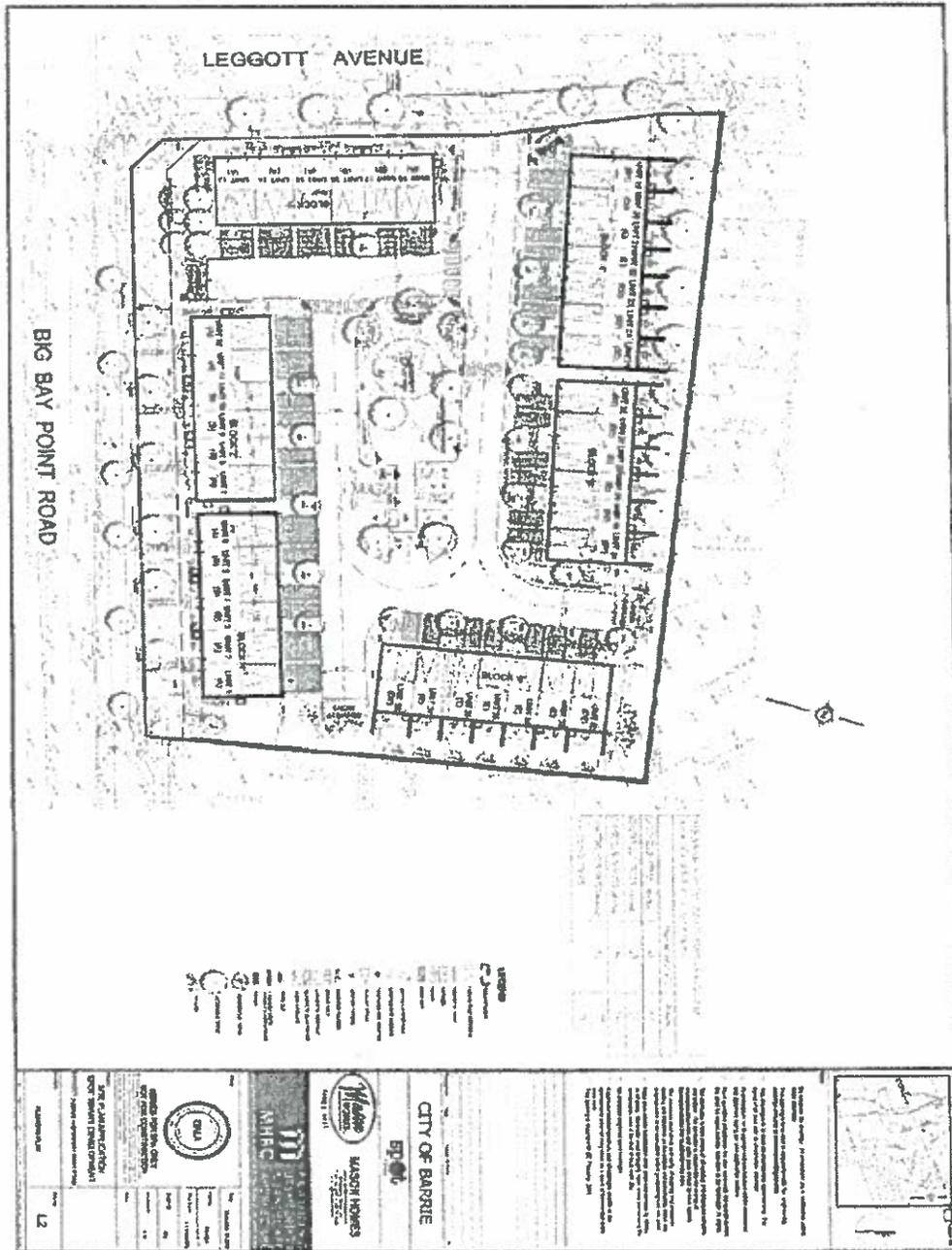


**APPENDIX "B"**  
**Proposed Zoning By-law Amendments**



D14-1580  
370 BIG BAY POINT RD

**APPENDIX "C"**  
**Proposed Site Plan**



**APPENDIX "D"**  
**Proposed Special Provisions**

| Standard                                       | Required                                | Special Provision Proposed        |
|--|---|-----------------------------------|
| Density (max.)                                 | 40 units per Hectare<br>(36 units max.) | 36 units proposed                 |
| Front Yard Setback<br>(min.) Leggott<br>Avenue | 7m<br>3m for porch                      | 3.3m main building<br>1.78m porch |
| Gross Floor Area<br>(max.)                     | 60%                                     | 71%                               |

APPENDIX "E"  
Neighbourhood (Ward) Meeting Notes

WARD 8 MEETING

TUESDAY, JANUARY 6, 2015

PROPOSED OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING  
BY-LAW  
370 BIG BAY POINT ROAD

File Manager: Janet Foster, Senior Development Planner  
Councillor: Councillor Sergio Morales and Councillor Arif Khan  
Recording Secretary: Janice Sadgrove  
Applicant: Mason Homes  
Consultants: Deborah Katkavia and Andrew Palumbo, MHBC Planning  
Attendance: 10 residents were in attendance.

The meeting commenced at 7:00 p.m.

Janet Foster welcomed everyone and introduced Ward 8 Councillor Arif Khan and Ward 9 Councillor Sergio Morales.

Janet provided a brief explanation of the proposal and process, noting that a Site Plan Application has also been filed to deal with the details of the site, however, site plan approval will only be issued if the Official Plan Amendment and Rezoning are approved. She explained the purpose and intent of the ward meeting and the public meeting process and noted that the public meeting is anticipated to happen in March of this year.

Janet introduced the applicant, Gord Mason, and Deborah Katkavia of MHBC Planning provided a presentation on the site plan design using 3D imaging to illustrate the proposed 3-storey cluster townhouses and noted that technical studies supporting the development have been completed and is available in the Planning Department if anyone from the public wishes to review them. She provided a brief overview of the change of land use being proposed and explained why this site is not a desirable site for retail.

Questions & Comments From Public

1. Resident asked if there is any other complex like this one in the area, and if so, has it been a positive experience.  
  
Councillor Khan indicated there was one located on Huronia Road, north of Little Avenue that was similar. Janet Foster advised there have been no complaints.
2. Resident raised privacy concerns when putting a 3-storey townhouse complex beside existing 1 storey homes.

Debra Katkavia explained that it is a provincial initiative to make housing more intensified.

3. Resident noted that he purchased his property because there were only 7 neighbouring properties.
4. Concerns were raised about runoff coming off the site onto their properties.

Deborah advised that the drainage will be engineered to manage runoff. Janet noted that this would be managed through the grading process.

5. Resident complained about the loss of sunlight in his backyard.

Councillor Khan asked if a shadow study could be done. Janet confirmed that this can be addressed at the site plan stage. Possibility to reduce site configuration, ie. Internal road to allow greater setback from existing residences.

6. Residents questioned why the builder would choose to intensify an area that is mainly low density and wanted to know if there are currently any medium density properties on Big Bay Point Road. Janet advised that there weren't any in the general area.
7. Resident asked Gord Mason what the purpose was of going with medium or high density.

Councillor Khan explained the benefits of higher density such as better tax revenue, servicing demands, addresses provincial mandates and affordable housing initiative.

8. Resident asked if the units had a basement. Deborah advised that all units had a basement.
9. Resident noted that he owns one bungalow. If the development was approved, he would then have 8 neighbours backing onto him with 3 storey buildings.
10. Concerns were raised about increased volume of traffic in the area. Loon Avenue may turn into a by-pass. Are there going to be a set of lights at Ward Drive?

Councillor Khan advised that the issue of traffic in this area is already a concern without this development and that staff are looking at traffic improvement. He also noted that Big Bay Point Road is proposed with an overpass over Highway 400 which will increase of traffic.

11. Resident requested that consideration be given to reducing the units from 3 storeys to 2 storeys.

Gord commented that this would not be viable.

12. Another resident reiterated his concern with building height. He noted that the terraces will be located on the 2<sup>nd</sup> floor and that primary activity is going to be on the 2<sup>nd</sup> floor, which backs onto our homes that are bungalows. He suggested reducing the amount of floors by reducing the amount of units to 6 units and making them wider.
13. Resident noticed that there was ground breaking information on Mason Homes' website and wanted to know how this can be done without approvals?

Deborah confirmed that the development has not been approved and that this is a marketing tool to generate interest. Councillor Khan confirmed that there will be no sales before Council approval.

14. Resident requested to see elevation drawings for the backside of the development compared to the elevation of the existing homes.

Deborah noted that the elevation drawings do not include surrounding properties. Consultant staff advised that drawings will be put on Mason Homes' website in a couple of weeks.

Janet advised that a site plan has been filed with the City Planning Department and elevation plans are available for viewing. She also noted that these drawings do not show elevations of neighbouring properties.

Councillor Khan advised that showing elevations of neighbouring properties cannot be done, but can show the line of sight.

Gord Mason thanked everyone for attending. Janet reminded everyone to take a business card and complete the sign in sheet if they would like to be notified when the public meeting is to occur.

The meeting ended at 8:50 p.m.

TO: Director of Legal Services – note  
 Director of Planning – prepare OPA & Zoning Map/advise  
 Director of Engineering – note  
 Director of Transit & Facilities – note  
 City Clerk – Tammie - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: June 8, 2015

**15-G-125 APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT - MASON HOMES LIMITED - 370 BIG BAY POINT ROAD (WARD 8)**

1. That the Official Plan Amendment application submitted by MHBC Planning Urban Design & Landscape Architecture, on behalf of Mason Homes Limited., for lands known municipally as 370 Big Bay Point (Ward 8) be approved as follows (D09-OPA029):
  - a) Amend Official Plan Schedule "A" - Land Use to redesignate the subject lands from General Commercial to Residential; as identified in Appendix "A" of Staff Report PLN020-15.
2. That the Zoning By-law Amendment application submitted by MHBC Planning Urban Design & Landscape Architecture, on behalf of Mason Homes Limited, to rezone the lands known municipally as 370 Big Bay Point Road (Ward 8) from General Commercial C4 (H20) to Residential Multiple Dwelling Second Density with Special Provision RM2 (SP) (D14-1580), be approved.
3. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
  - i) A minimum front yard setback adjoining a street where a secondary means of access is provided be 3.3 metres, whereas 7 metres is required;
  - ii) A minimum front yard setback where a porch is provided of 1.7 metres, whereas 3.0 metres is required;
  - iii) A maximum density of 42 units per hectare, whereas 40 units per hectare is permitted; and
  - iv) A maximum gross floor area of 71%, whereas 60% would be permitted.
4. That pursuant to Section 34(17) of the Planning Act, no further public notification is required prior to the passing of this by-law. (PLN020-15) (File: D09-OPA029 and D14-1580)