



Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA E-MAIL (merwan.kalyaniwalla@barrie.ca) and Hand Delivered to IIDS Committee

Our File: P-375-09 FFF

June 23, 2015

Merwan Kalyaniwalla, Manager of Policy Planning
City of Barrie, City Hall
70 Collier Street
Barrie, ON
L4M 4T5

Dear Mr. Kalyaniwalla

Re: Proposed Mixed Use Corridor Zones – Item #5, Infrastructure, Investment and Development Services Committee – June 23, 2015

We represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the proposed new Mixed Use Corridor (MU2) Zone report to determine the effect this new proposed zone as to how it would apply to our clients' current and future operating interests. Please accept this as our written submission on the subject matter.

ORHMA is Canada's largest provincial hospitality industry association. Representing over 11,000 business establishments throughout Ontario, its members cover the full spectrum of food service and accommodation establishments and they work closely with its members in the quick service restaurant industry on matters related to drive-through review, regulations and guidelines. We along with ORHMA and the noted brands herein have a strong record of working collaboratively with municipalities throughout the Province to develop mutually satisfactory regulations and guidelines that are fair and balanced in both approach and implementation for existing and new drive-through facilities ("DTF"). We have previously provided written submission; letter attached dated April 8, 2014 on the current proposed MU2 zone as well as the previously considered MU1 zone. This previous letter is included in the related correspondence package for committee today but for some reason only the cover page and last signature page is in the correspondence package with the main portion of our letter was omitted.

Based on our review, we note that drive-through facilities will not be permitted within the proposed new Mixed Use Corridor (MU2) zone though many other uses including restaurants, service commercial uses shopping centres, and parking lots which all rely on the automobile for business will be permitted in this zone. The rationale for this prohibition is not justified in the

current staff report nor the related previous referred to Report (PLN018-14). However there is what we characterize as subjective comments that are unfounded and not acceptable to us or our clients. An example of these comments is found on pages 14 and 15 of Report PLNO18-14 relative to a DTF being contrary to the goals of intensification and pedestrian-oriented environments. There are many examples of DTF being located in densely populated mixed use areas and are relied upon by many just like any other use and associated parking facilities is in our society. People with mobility challenges often rely on the automobile for their mobility and ability to greatly assist them in their daily lives.

One such example in Barrie is the Scotiabank at the intersection of Collier Street and Owen Street is located in the *Urban Growth Centre* and is within the *Mixed-Use Main Street* area defined in Figure 1 of the Intensification Area Urban Design Guidelines. Through effective site design, the development is highly supportive of pedestrians while still providing a DTF within the parking area at the rear of the building for customers who require the service. As proven with this example, a DTF can be effectively integrated into the site plan to ensure the requirements of the zoning by-law and recommendations of the design guidelines are achieved. With this good example in Barrie and others attached hereto, there is no specific justification for an Official Plan or Zoning By-law based prohibition of DTF as a use when effective zoning regulations and guidelines can effectively stipulate were and how this use can fit in to any given policy or regulatory framework. Our client's have never objected to height, density or design policies of an Official Plan or Zoning By-law that stipulates the broader vision for intensification areas as this is recognized as a paramount planning goal. If a DTF can't fit within the height, density and mixed use Official Plan policy or Zoning By-law requirements, it simply won't proceed to develop. A specific prohibition is not needed nor justified in this case.

Further, we note that the intensification nodes and corridors are all designated "Arterial Roads" within the city's Official Plan. The Official Plan states that "arterial roads are primarily traffic carrying facilities, providing through routes across and within the City" As defined, its primary function is to carry large volumes of vehicles. The Official Plan also states that major commercial areas including retail warehouse uses are to be located on arterial roads. We are not sure how than a prohibition of DTF on arterial roads is justified when the prime function of these roads is to carry large volumes of traffic that typically are well over 50,000 vehicles a week. It has been accepted by the Ontario Municipal Board (OMB) on several occasions in related cases that DTF is not a "destination type use" as opposed to many other high order retail uses that locate on arterial roads. The OMB has accepted that DTF relies on what is termed "pass-by traffic". As such, the primary objective is to ensure safe access in and out of these facilities which the OMB has also accepted is similar to what any other permitted commercial land use including "destination" uses would have to achieve. Point here is that DTF would have to meet all policies of the Official Plan and Zoning By-laws just like all other permitted uses, including larger traffic generating uses than a DTF. If the DTF can't meet the requirements it simply can't proceed, as such a prohibition is not justified.

Currently, the brands we represent have 32 restaurants with an accessory DTF in the City of Barrie. Approximately 21 restaurants will become legal non-conforming as they are located along the proposed primary and secondary corridors (Essa Road, Yonge Street, Dunlop Street, Bayfield Street, and Duckworth Street) which are planned to be rezoned to the new mixed-use intensification zones. The staff report describes the intended form of development to be '*capable of supporting medium and high densities and generally consisting of a building heights ranging from 3 to 8 storeys*' along the corridors. Although many of the existing brand restaurants are currently single-storey, it is foreseeable that they could be incorporated into a new mixed-use medium/high density development while still including an accessory DTF as has been

developed in many other cities throughout the province. Therefore, we request that DTF be included as a permitted use within the proposed mixed-use zones with the understanding that all other current zoning requirements will still need to be satisfied.

Based on the above, we object to the current staff recommendation report at committee today that refers/relies on the recommendations of Report PLNO18-14 and the exclusion of a Drive-through Facility in the Mixed Use Corridor (MU2) zone. This objection also relates to the previously considered Mixed Use Node (MU1) zone by this committee and we understand by General Committee in February and March of this year but not yet approved by City Council. The specific items we object to is policy 4.9.2.1 (f) of the related Official Plan Amendment (page 22 of Report PLNO18-14) and Zoning By-law related amendment – proposed regulation 5.4.2.6. These items are also covered within Appendix "A" - Motion 15-G-055, items 1 and 2 of that motion we also object to.

Based on the above, we reserve the right to provide additional comments regarding the potential impact of the proposed Intensification Node and Corridor Zones on our clients' current and future operating interests. Thank you for your consideration to our comments herein and we look forward to working with you to mutually resolve our concerns.

Finally, please also consider this letter our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations and resolutions related to the proposed Intensification Node and Corridor Zones in the City of Barrie.

Yours truly,
Labreche Patterson & Associates Inc.



Victor Labreche, MCIP, RPP
Senior Principal

VL/

Copy: Leslie Smejkal, ORHMA
(via e-mail: lsmejkal@orhma.com)

Attach.

Carol Patterson, The TDL Group Corp.
(via e-mail: patterson_caroll@timhortons.com)

Erika Mozes, McDonald's Restaurants of Canada Ltd.
(via e-mail: erika.mozes@ca.mcd.com)

Gerry Prendergast, Wendy's Restaurants of Canada
(via e-mail: gerry.prendergast@wendys.com)

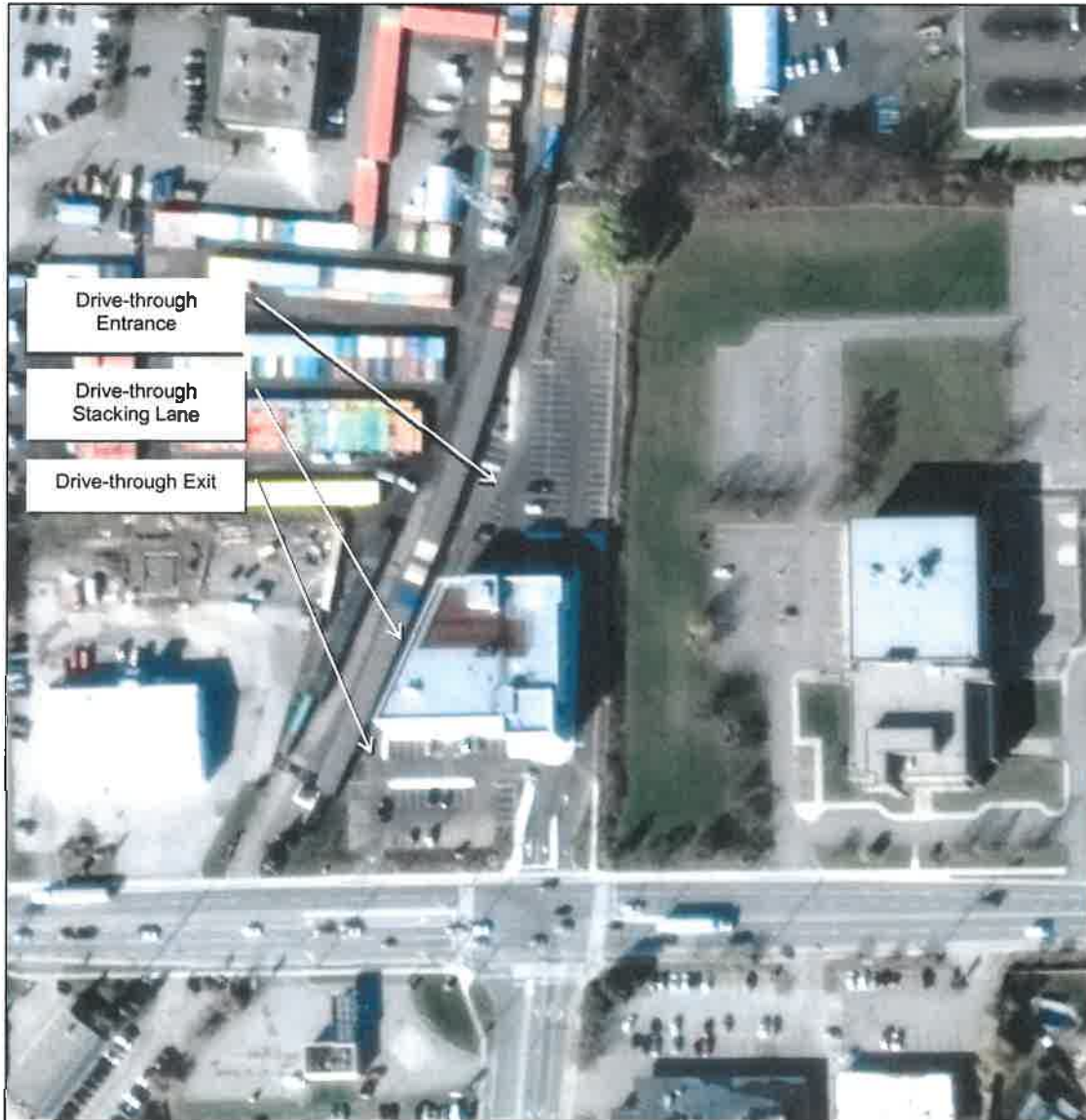
Darren Sim, A&W Food Services of Canada Inc.
(via e-mail: dsim@aw.ca)

Lisa Pearson, Committee and Print Services Supervisor, City of Barrie
(via e-mail: lisa.pearson@barrie.ca)

MCDONALD'S – 100-1200 LYNN VALLEY ROAD, NORTH VANCOUVER



433 Steeles Ave. E., Milton



TIM HORTONS – 6941 DERRY ROAD SOUTH, MILTON





Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL (snaylor@barrie.ca)

Our File: P-375-09 FFF

April 8, 2014

Mr. Steve Naylor, MES, MCIP, RPP
Director of Planning Services
City of Barrie
70 Collier Street
Barrie, ON
L4M 4T5

Dear Mr. Naylor:

**Re: Proposed Intensification Node and Corridor Zones
City of Barrie**

We represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the proposed Intensification Node and Corridor Zones report to determine if the document would apply to our clients' current and future operating interests. Please accept this as our written submission on the subject matter.

ORHMA is Canada's largest provincial hospitality industry association. Representing over 11,000 business establishments throughout Ontario, its members cover the full spectrum of food service and accommodation establishments and they work closely with its members in the quick service restaurant industry on matters related to drive-through review, regulations and guidelines.

With the assistance of Labreche Patterson & Associates Inc., ORHMA has a strong record of working collaboratively with municipalities throughout the Province to develop mutually satisfactory regulations and guidelines that are fair and balanced in both approach and implementation for existing and new drive-through facilities ("DTF"). These planning-based solutions are most often specific urban design guidelines for drive-through facilities and may include specific zoning by-law regulations that typically relate to minimum justified stacking/queuing requirements and setback relative to the actual DTF/queuing lane of the restaurant.

The ORHMA and the noted member brands have requested that we review the Proposed Intensification Node and Corridor Zones (Staff Report PLN029-13) to determine if the proposed new zones would apply to their operating interests.

Based on our review, we note that drive-through facilities will not be permitted within the proposed new MU-NODE (Mixed Use Node) zone or the MU-CORRIDORS (Mixed Use Corridors) zone though many other uses including restaurants, shopping centres, and parking lots will be permitted in both zones. The rationale for this prohibition is not discussed or explained in the staff report (PLN029-13). We understand

that this was based on recommendations contained in the '*Intensification Area Urban Design Guidelines*' which states:

- 4.1.3 c) *Auto dependent uses such as drive through retail and car washes should be discouraged in the Intensification Areas.*
- 5.2.1 *Mixed-Use Main Streets will be characterized by active, pedestrian-supportive streetscapes. To support this vision, it is important that auto dependent uses, such as drive through retail and car wash facilities, are prohibited within Mixed-Use Main Streets. This can be accomplished through amendments to the Zoning By-Law.*
- 5.6 f) *Auto dependent uses should be discouraged within Major Transit Station Areas, such as drive through retail and car wash facilities.*
- 6.1.1 *In order to support the active-transportation initiatives outlined in this report, and to support pedestrian priority within the Downtown, it is recommended that the existing Zoning Bylaw be amended to prohibit the development of drive-through uses within the Urban Growth Centre.*

These recommendations are not justified without being thoroughly studied. The inclusion of a DTF on a site does not prevent/discourage walkability, it merely provides an alternate method of providing service to individuals who have already chosen to use their vehicle. For example, the Scotiabank at the intersection of Collier Street and Owen Street is located in the *Urban Growth Centre* and is within the *Mixed-Use Main Street* area defined in Figure 1 of the *Intensification Area Urban Design Guidelines*. Based on the recommendations of the consultant a DTF at this location would deter pedestrians and should therefore not have been permitted. Yet, through effective site design, the development is highly supportive of pedestrians while still providing a DTF within the parking area at the rear of the building for customers who require the service. As proven with this example, a DTF can be effectively integrated into the site plan to ensure the requirements of the zoning by-law and recommendations of the design guidelines are achieved.

Currently, the brands we represent have 32 restaurants with an accessory DTF in the City of Barrie. Approximately 21 restaurants will become legal non-conforming as they are located along the proposed primary and secondary corridors (Essa Road, Yonge Street, Dunlop Street, Bayfield Street, and Duckworth Street) which are planned to be rezoned to the new mixed-use intensification zones. The staff report describes the intended form of development to be '*capable of supporting medium and high densities and generally consisting of a building heights ranging from 3 to 8 storeys*' along the corridors. Although many of the existing brand restaurants are currently single-storey, it is foreseeable that they could be incorporated into a new mixed-use medium/high density development while still including an accessory DTF as has been developed in many other cities throughout the province. Therefore, we request that DTF be included as a permitted use within the proposed mixed-use zones with the understanding that all other current zoning requirements will still need to be satisfied.

Based on the above, we reserve the right to provide additional comments regarding the potential impact of the proposed Intensification Node and Corridor Zones on our clients' current and future operating interests. Thank you for your consideration to our comments herein and we look forward to working with you to mutually resolve our concerns.

Finally, please also consider this letter our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations and resolutions related to the proposed Intensification Node and Corridor Zones in the City of Barrie.

Yours truly,
Labreche Patterson & Associates Inc.



Victor Labreche, MCIP, RPP
Senior Principal

VL/jv

Copy:

Leslie Smejkal, ORHMA
(via e-mail: lsmejkal@orhma.com)

Paul Barron, The TDL Group Corp.
(via e-mail: barron_paul@timhortons.com)

Sean O'Meara, The TDL Group Corp.
(via e-mail: OMeara_Sean@timhortons.com)

Sherry MacLauchlan, McDonald's Restaurants of Canada Ltd.
(via e-mail: Sherry.maclauchlan@ca.mcd.com)

Susan Towle, Wendy's Restaurants of Canada
(via e-mail: susan.towle@wendys.com)

Darren Sim, A&W Food Services of Canada Inc.
(via e-mail: dsim@aw.ca)