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**TO:** GENERAL COMMITTEE


**SUBJECT:** APPLICATION FOR ZONING BY-LAW AMENDMENT – VISTICAN INVESTMENTS INC. – 10 CAPPS DRIVE

**WARD:** WARD 10

**PREPARED BY AND KEY CONTACT:** CARLISSA MCLAREN, DEVELOPMENT PLANNER EXT. #4719

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

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

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

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**RECOMMENDED MOTION**

1. That the Zoning By-law Amendment application submitted by Macaulay Shiomi Howson Ltd., on behalf of Vistican Investments Inc., to rezone the southern portion of the lands known municipally as 10 Capps Drive (Ward 10) from 'Agricultural (A)' to 'Residential Single Detached Dwelling Second Density Special R2(SP)', be approved (D14-1584).
2. That the following Special Provisions (SP) be referenced in the implementing Zoning By-law for the subject lands:
  - a) That a minimum setback to an attached garage of 6m be permitted; whereas 7m would be required; and
  - b) That a minimum rear yard setback of 7.5m be required; whereas 7m would be permitted.
3. That pursuant to Section 34(17) of the Planning Act, no further public notification is required prior to the passing of this by-law.

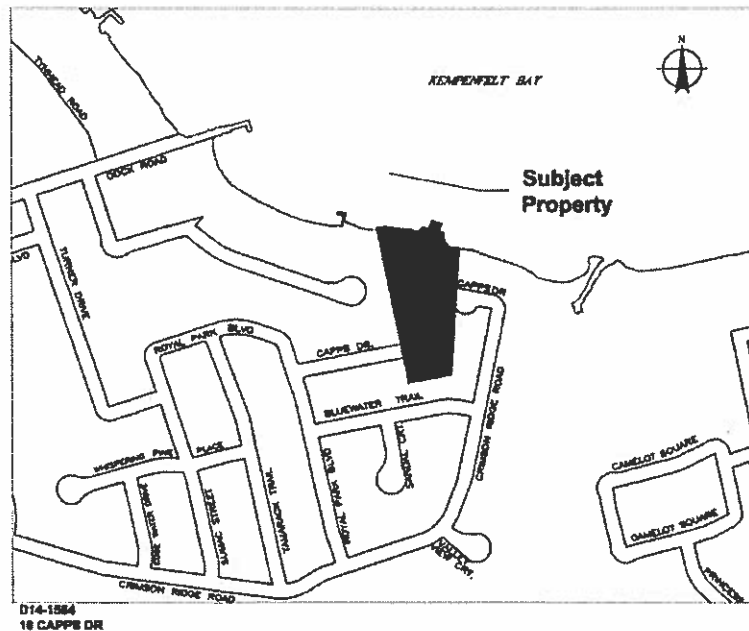
**PURPOSE & BACKGROUND**

Report Overview

4. The purpose of this report is to recommend approval of a Zoning By-law Amendment application by Macaulay Shiomi Howson Ltd., on behalf of Vistican Investments Inc. (Vistican), to rezone the southern portion of the lands known municipally as 10 Capps Drive (Ward 10) from 'Agricultural (A)' to 'Residential Single Detached Dwelling Second Density Special R2(SP)' (Appendix "A"). The effect of the application would be to permit the development of seven (7) single detached residential dwelling lots through a subsequent Draft Plan of Subdivision Approval (D12-418). The plan is comprised of four (4) complete lots and three (3) blocks which would be combined with other part lots owned by Vistican to the immediate east and west. Staff are recommending approval of the subject application as the lands are considered to be appropriate for this form of low density residential infill development in accordance with both Provincial and Municipal policy.

Location

5. The subject lands are located on the south shoreline of Kempenfelt Bay, north of Bluewater Trail, between the east and west terminus of Capps Drive. The property is legally described as Part of Lot 15, Concession 13, formerly Geographic Township of Innisfil, now the City of Barrie. The property has a total area of approximately 1.78ha (4.4 acres).



Surrounding Land Uses

6. North: Lake Simcoe, Kempenfelt Bay  
South: Single detached residential development; zoned Residential Single Detached Dwelling Second Density (R2)  
East: Single detached residential development; zoned Residential Single Detached Dwelling Second Density (R2) and Residential Single Detached Dwelling Second Density Special (R2) (SP-207)  
West: Single detached residential development; zoned Residential Single Detached Dwelling Second Density (R2) and Residential Single Detached Dwelling Second Density Hold (R2) (H-91)

Existing Policy

7. The subject property is designated 'Residential Area' within the City's Official Plan, 'Residential Low Density' within the Bayshore Secondary Plan (OPA No.29) and is zoned 'Agricultural (A)' in accordance with the City's Comprehensive Zoning By-law 2009-141.

Background

8. The subject lands are currently owned by Lawrence and Beverly Fein and are developed with an existing single detached residential dwelling on the northern portion of the property. Vistican has entered into an agreement to purchase the southern portion of the Fein property in order to secure the extension and connection of Capps Drive as well as develop the southern portion of

this property for seven (7) single detached residential lots through a subsequent Draft Plan of Subdivision Application (D12-418).

9. As noted above, the subject lands are surrounded by existing single detached residential development to the south, east and west. Lands to the west have been developed by Melia Corp. and construction is nearing completion. Lands to the south and east were previously developed by Vistican through the Plan of Subdivision known as Simcoe Shores approximately 15 years ago. Through the approval of the Simcoe Shores subdivision, a temporary sanitary pumping station was constructed to the immediate east of the subject lands to service the development at that time. It was intended by the City and understood by Vistican, that in order to obtain assumption of the Simcoe Shores subdivision, the construction of a permanent sanitary sewer would be required through the subject lands.
10. The City, Vistican and the Fein's have been working together for a number of years to secure an easement through the subject lands for the purpose of constructing the sanitary sewer and decommissioning the existing temporary sanitary pump station required by the Simcoe Shores subdivision. An easement in favour of the City has now been granted and the sanitary sewer will be located within the ultimate municipal right-of-way of the Capps Drive extension though approval of a subsequent Draft Plan of Subdivision as illustrated on Appendix "B". The development of the southern portion of the Fein's lands would complete the connection of services between the two existing developments to the east and west.
11. In support of the subject applications the following reports were submitted:
  - a) **Planning Justification Report** (November 2014) provides a review of the property characteristics and surrounding lands as well as the planning policy basis and opinion of Macaulay Shiomi Howson that the subject lands are appropriate for single detached residential infill development as proposed.
  - b) **Tree Inventory & Preservation Plan** (October 2012, revised August 2014) provides an inventory and assessment of the existing on-site vegetation as well as provides recommendations with respect to compensation plantings that would be required as a result of the proposed tree removals on site.
  - c) **Environmental Impact Study** (August 2014) serves to identify the existing natural heritage features on the site and addresses the interaction between the proposed development and existing conditions as related to nature heritage features, consistent with the City's Official Plan, the Lake Simcoe Protection Plan, Lake Simcoe Region Conservation Authority Watershed Regulation and Policies, the Provincial Policy Statement and the Endangered Species Act.
  - d) **Stormwater Management & Servicing Reports** (March 2013, revised September 2014) provides a review of the proposed site grading, servicing and stormwater management associated with the proposed draft plan of subdivision and connection of Capps Drive and concludes that the stormwater management flows from the site will be of acceptable quality both during and after construction, and in the event of a major storm, that proper facilities are in place to protect the building and adjacent properties.

#### Neighbourhood and Public Meetings

12. A Neighbourhood (Ward) Meeting was held on February 26, 2015 and a Public Meeting was held on April 27, 2015 in accordance with the Planning Act. A number of comments were received at these public consultation meetings and through written correspondence prior to the statutory public meeting. The concerns/questions expressed by area residents have been identified and addressed below:

- Reduction of privacy

The applicant has completed a Tree Inventory and Assessment of the existing vegetation on site and would be required to prepare a preservation and compensation plan to the satisfaction of the City and the Lake Simcoe Region Conservation Authority (LSRCA) through the conditions of a subsequent draft plan of subdivision. The provision of an additional 0.5m rear yard setback as identified in the recommended motion and further reviewed in section 36 of this report, would provide additional buffering to protect the existing trees from significant regarding, thereby resulting in the preservation of the existing vegetation along the rear of the proposed lots so as to provide additional screening of the proposed development from the adjacent residential properties.

- Location of future access to the existing Fein residence and use of current access point

Access to the existing Fein residence is currently obtained through an easement over 22 Bluewater Trail. Once Capps Drive has been extended, access would be secured via the new Capps Drive extension and the existing access at 22 Bluewater Trail would be terminated. This lot would then be available for construction of a single detached residential dwelling in accordance with the R2 zone standards.

- Proposed form of development and building setbacks

The applicant is proposing to construct seven (7) single detached residential dwellings units consistent with the size and style of the abutting residential dwellings in the area. Save and except the request for a reduced front yard setback to an attached garage of 6m (whereas 7m is required) and the recommended rear yard setback increase to 7.5m (whereas 7m would be permitted), all other standards of the proposed R2 zone would apply.

- Extension of services and completion of Capps Drive

As noted above, lands to the south and east were previously developed by Vistican through the Simcoe Shores Plan of Subdivision. A temporary sanitary pumping station was constructed to service the Simcoe Shores development at that time, however, this pump station was intended to be decommissioned once an easement had been secured over the subject lands for the extension of the municipal sanitary service. An easement in favour of the City has now been granted and the sanitary sewer will be located within the ultimate municipal right-of-way of the Capps Drive extension through approval of a subsequent Draft Plan of Subdivision (as illustrated on Appendix "B").

- Proposed location of the municipal sidewalk

There are a number of pedestrian movement factors that the Engineering Department considers when selecting the locations for sidewalks, such as, locations of parks, schools, location of high density residential areas, connection to existing walkways, and minimizing the number of street crossings. For this particular development, the selection of the north side of the Capps Drive extension is an obvious choice given that there is an existing sidewalk on the north side of Capps to the east and west of the proposed development and continuing the sidewalk on the north side will provide a direct connection to Wilkins Beach Park with no street crossings. Having said that, Engineering has advised that there may be an opportunity to shift the sidewalk as far away as possible from the southerly property boundaries of 2-8 Capps Drive and closer to the road, through the detailed design of the Capps Drive extension. This will however depend on other existing features/utilities in the area (i.e. light standards, transformers, etc.). The proposed sidewalk would be entirely located within the City's municipal boulevard and will not be constructed on any portion of private property.

Based on the pedestrian movement factors and design considerations mentioned above, the Engineering Department has confirmed that they will not support adjusting the location of the sidewalk to the south side of Capps Drive.

- Location of construction access and staging area for vehicles/equipment/site trailer(s) during construction

The Engineering Department has confirmed that construction site access is typically only permitted at one access point as per approved design drawings and the required Site Alteration Permit. Initial submissions to date propose the construction access location from the west side of Capps Drive. In addition, areas for construction staging are typically determined during the final design stage and a request may be made for a staging/construction schedule with these details and comments would be provided if any issues are perceived.

- Grading

The grading for the proposed development will be addressed through detailed design of the proposed plan of subdivision to the satisfaction of the City's Engineering Department.

- Street cleaning

The developer is responsible for ensuring the local streets are cleaned of construction debris daily. In addition, the applicant is required to post securities for road clean-up.

- Adverse effects on property values

Planning staff have no comment on the perceived implication the proposed development may have on the market value of private properties as this is not a land use planning issue.

#### Department & Agency Comments

13. The subject applications were circulated to staff in various departments and a number of external agencies for review and comment. Bell, Hydro One, PowerStream and the Simcoe Muskoka Catholic District School Board all provided comments indicating they had no objection to the approval of the subject application and identified standard conditions for the subsequent draft plan approval.
14. Additional comments provided by the Lake Simcoe Region Conservation Authority and the City's Engineering Department, related primarily to the draft plan of subdivision and more specifically to servicing and stormwater management details; including the requirement for low impact development features (LID's) to be incorporated into the stormwater management strategy for the proposed development, as well as the tree removal compensation/restoration requirements, all which would be addressed in detail through conditions of the subsequent draft plan approval (D12-418).
15. With respect to the existing vegetation on site, the subject property is heavily vegetated with an existing deciduous tree woodlot comprised of various species and ages. In order for the proposed development to proceed, a significant portion of the existing vegetation would be required to be removed. The applicant has completed a Tree Inventory and Assessment of the existing vegetation on site and would be required to prepare a compensation plan to the satisfaction of the City and the Lake Simcoe Region Conservation Authority (LSRCA) though the conditions of a subsequent draft plan of subdivision, should Council approve the subject rezoning application. The LSRCA has advised that compensation plantings shall be provided at a 2:1

restoration ratio with varying sizes and species and an appropriate compensation site should consist of public lands within the City of Barrie Watershed that drain to Lake Simcoe in order to enhance and/or create natural habitat. Parks Planning staff have confirmed that the existing stormwater management facilities (Sandringham or Hurst Drive and Coxmill Road) within the area could benefit from the required compensation plantings, however would not require the quantity proposed by the LSRCA. As such, the applicant, City staff and the LSRCA have agreed to further discuss the provision of larger plant material to offset the compensation quantity that would be required by LSRCA's 2:1 restoration requirement. Further review and details of the compensation plantings will be addressed through the conditions of the subsequent draft plan of subdivision approval.

### Analysis

#### Policy Planning Framework

16. The following provides a review of the applicable Provincial policies as well as the City of Barrie's Official Plan.

#### Provincial Policy

17. The Provincial Policy Statement (PPS) in brief contains policies that provide direction for communities to manage and direct land uses to achieve efficient development and land use patterns, while avoiding significant or sensitive resources. The PPS further promotes efficient development and land use patterns by accommodating an appropriate range and mix of residential, employment, recreational and open space. In addition, the policies promote cost effective development standards to minimize land consumption and facilitate compact form.
18. Places to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) is intended to provide direction for municipalities in areas related to intensification of existing built-up areas with a focus on urban growth centres, intensification corridor and major transit station areas. The primary focus of The Growth Plan is on building complete communities that are well-designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs and easy access to store and services to meet daily needs. The Growth Plan further requires that 40% of all residential development occurring annually within the City must be within the existing built boundary. In addition, The Growth Plan promotes the wise management of resources through the utilization of existing services and transportation infrastructure.
19. In staffs' opinion, the proposed development would be consistent with the Provincial Policy Statement and The Growth Plan. The application would result in the creation of additional residential units within the existing built boundary that are consistent with the density previously established for the area. The proposed development will also serve to utilize existing infrastructure without the need for additional cost of upgrading facilities through the extension of services and connection of Capps Drive. The future residents will have access to transit, parks and convenient shopping. Finally, the EIS completed in support of the proposed development concludes that the proposed development is environmentally feasible provided a number of recommendations are implemented which have been agreed to by the applicant.

#### Official Plan

20. As noted above, the subject lands are designated 'Residential Area' within the City's Official Plan. Lands designated Residential are intended to be used primarily for residential uses, with all forms of housing permitted subject to locational criteria.
21. In accordance with the existing designation over the subject lands, the applicant is proposing the ultimate development of the property for seven (7) single detached residential lots. The proposed

application is consistent with a number of policies within the City's Official Plan. Section 2.3 Assumptions, 3.1 Grow Management, 3.3 Housing and 4.2 Residential, relate to providing increased densities, directing growth to take advantage of existing services and infrastructure and the provision of a range and mix of housing types at appropriate locations. Section 2.3 (d) of the Plan provides that Barrie's new housing stock will continue to include a large percentage of single detached units and a growing percentage of multiple family development at medium and high densities in order to provide a complete range of housing options for residents. In this regard, the proposed development would represent intensification in the form of low density residential lots, consistent with existing development in the area.

22. In accordance with the Housing Goals and Policies of the Official Plan as identified in Section 3.3, the proposed development would contribute to an appropriate range and mix of housing types which includes low density single detached residential units. It further promotes densities for new housing which efficiently uses land, resources, infrastructure and public services.
23. The Plan further requires that through the review of development applications, the City shall protect the natural environment and its ecological functions for conservation, recreation, scientific and educational value and its benefits to human health. As noted above, the proposed development is supported by a detailed EIS. Although no lands have been identified for environmental preservation, significant restoration requirements are proposed to address the compensation associated with the removal of a portion of the existing woodlot on site.
24. In accordance with the Section 4.2.2.2 (c) of the Official Plan, low density residential development shall consist of single detached, duplexes, or semi-detached dwellings. This section further provides that low density development shall range between 12 and 25 units per hectare. The applicant is proposing the ultimate development of 7 single detached residential units, which represents a density of approximately 10 units per hectare. Given that the proposed development results in a single loaded road whereby lots are proposed on the south side of the Capps Drive extension only, the resulting density calculation is less than that of a typical double loaded road. Having said that, staff are satisfied that once complete, the overall density of Capps Drive would be consistent with the low density provisions of the Official Plan.
25. In Staff's opinion, the proposed development appears to conform to the abovementioned policies and intent of the Official Plan as it is consistent with the existing low density residential development in the area, is located within the existing built-boundary and as a result, can utilize existing municipal infrastructure and services.
26. Section 4.2.2.6 (d) of the Plan requires that development applications that propose residential intensification outside of the Intensification Areas will be considered on their merits provided they proponent demonstrates that the scale and physical character of the proposed development is compatible with, and can be integrated into the surrounding neighbourhood; 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 area where intensification is being focused.
27. In staff's opinion, the proposed development would satisfy the Intensification Policies noted above as it provides a built form consistent with the adjacent single detached residential units in the area, infrastructure is available, and the proposed development should not detract from the City's ability to achieve increased densities in the defined Intensification Areas. Although public transit and community facilities are not immediately available, staff are of the opinion that these services are considered to be more essential for medium and high density residential development.

Bayshore Secondary Plan (OPA No. 29)

28. The subject lands are designated 'Residential Low Density' within the Bayshore Secondary Plan. In accordance with the City's Official Plan, new development shall be in accordance with the applicable Secondary Plan policies.
29. Section 2.4.1.2 of the Secondary Plan provides that low density residential areas shall include single family detached, semi-detached dwelling units and duplexes and the density shall not exceed 20 units/net residential hectare. As noted above, the proposed development represents a density of approximately 10 units/hectare. Staff are satisfied that the proposed development is consistent with the Bayshore Secondary Plan with respect to low density residential development and therefore an amendment to the Secondary Plan is not required.

Zoning By-law

30. As noted above, the subject lands are currently zoned 'Agricultural (A)' by the City's Comprehensive Zoning By-law 2009-141. The applicant has applied to amend the current zoning of the property to 'Residential Single Detached Dwelling Second Density Special (R2)(SP)' as illustrated on Appendix "A" to this report.
31. The proposed amendment would result in the development of 7 single detached residential lots with 15-18m lot frontages and the completion of Capps Drive. The Single Detached Residential Dwelling Second Density (R2) zone category within the City's Comprehensive Zoning By-law would permit the development of 15m frontage lots.
32. Planning Staff are of the opinion that the proposed zoning and lot configuration is consistent and compatible with the adjacent residential properties to the immediate east and west and is considered to be an appropriate and suitable location for low density residential infill development.

Zoning Rationale for Site Specific Provisions (SP)

33. As noted above, the applicant has requested a Residential Single Detached Dwelling Second Density Special (R2)(SP) zoning over the subject lands. In this regard, the site specific zoning provision (SP) has been requested to permit a reduction to the minimum required front yard setback to an attached garage from 7m to 6m.
34. Vistican has requested the subject site specific provision so that they may utilize a successful house model that they have previously built in another municipality. This design results in houses being located closer to the street, thereby creating a larger rear yard.
35. Staff are satisfied that sufficient off-street parking would be accommodated within the proposed 6m driveways as all driveways are proposed to be a double car width and sidewalks will not be located within the southern boulevard of the Capps Drive extension. Staff are satisfied that the reduction to the front yard setback to an attached garages for the proposed development is considered appropriate and as such, has been reflected in the recommended motion.
36. While the Zoning By-law currently requires a minimum rear yard setback of 7m, the proposed 6m setback to an attached garage would afford the provision of a minimum 7.5m rear yard setback. In this regard, the applicant's Landscape Architect has confirmed that many of the trees along the south and east property boundaries are in good health and could be preserved if additional buffering was provided from significant regarding. As such, staff are recommending the provision of a minimum rear yard setback of 7.5m as reflected in the recommended motion so as to assist in the preservation of the existing vegetation along the rear of the proposed lots.



Draft Plan of Subdivision

37. A Draft Plan of Subdivision application (D12-418) was submitted concurrently with the subject Zoning By-law Amendment Application. The Draft Plan attached as Appendix "B" to this report (PLN017-15) includes the delineation of 4 single detached residential lots, 3 part blocks which would be joined with abutting part blocks owned by Vistican, resulting in 3 additional single detached residential lots, and lands associated with the extension/connection of Capps Drive.
38. In accordance with Council Motion 10-G-346, City Council has delegated approval authority to the Director of Planning Services, Manager of Development and Manager of Policy Planning for approval of Draft Plans of Subdivision. In this regard, should Council approve the subject Zoning By-law Amendment application, the technical details of the proposed development would be addressed through the implementation of Draft Plan of Subdivision Conditions and the required Subdivision Agreement with the City. These details would include such items as the construction of the Capps Drive extension, the extension of municipal water and sanitary services, decommissioning of the existing temporary pump station required by the Simcoe Shores subdivision, tree compensation plantings and the design and extension of municipal sidewalks.

Summary

39. Staff have reviewed the comments received and considered the proposed Zoning By-law Amendment, having regard to conformity with the relevant Provincial Policy, the City's Official Plan and the Bayshore Secondary Plan. Planning staff are satisfied that the provision of low density residential development on the subject lands is considered appropriate and in keeping with the locational criteria established for same. The proposed zoning is based on details contained in the proposed draft plan of subdivision that would be processed administratively, following Council's consideration of the subject Zoning By-law Amendment.

**ENVIRONMENTAL MATTERS**

40. There are no environmental matters related to the recommendation. However, as identified throughout this report, a significant woodlot is currently located within the subject property. In order for the development to proceed, including the extension of the municipal services and connection of Capps Drive as required by the City, a significant portion of the existing woodlot on site would be required to be removed. As a result, the developer will be required to provide compensation plantings to the satisfaction of the City and the Lake Simcoe Region Conservation Authority.

**ALTERNATIVES**

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

**Alternative #1**

General Committee could refuse the subject Zoning By-law Amendment application and maintain the existing Agricultural Zoning over the subject lands.

This alternative is not recommended as the subject property is ideally suited for low density residential infill development in the form and density proposed. The proposed development would also facilitate the extension of municipal services, the completion of Capps Drive and the decommissioning of the temporary pump station required by the abutting plan of subdivision.

**Alternative #2**

General Committee could approve the subject Zoning By-law Amendment application without the requested Special Provisions.

This alternative is not recommended as the applicant has advised that the site specific provision will assist in the preservation of the existing boundary trees which was a concern of the abutting residents and staff are satisfied that sufficient off-street parking would still be provide for with a reduced driveway length of 6m.

**FINANCIAL**

42. The proposed Official Plan Amendment and Rezoning of the subject lands would result in the ultimate development of 7 single detached residential units and 1 retained residential unit. The applicant has advised that the purchase price for the single detached residential units would range between \$500,000-\$750,000. As such, the proposed development would generate in the order of \$39,200.00 to \$59,500.00 annually in municipal property tax revenue plus an additional \$3,300 for the retained parcel. . The current 2015 municipal taxes are \$24,808.00 for the subject lands, therefore the estimated annual municipal increase in taxes would be approximately \$17,692 to \$37,992 based on 2015 tax rates.
43. Residential development charges revenue would be estimated to be \$289,695.00 for 7 residential dwelling units as proposed. New plans of subdivision are now required to pay the hard service development charges up front, which is currently set at \$32,989.00/unit (\$230,923 total). The balance of \$8,396.00/unit (\$58,772.00 total), would be due at the time of issuance of the building permit. There would also be an additional \$1,759.00 educational levy applied to each residential unit which is also required at the time of building permit issuance.
44. Through the Plan of Subdivision process, the applicant will be required to enter into a Subdivision Agreement with the City that includes the payment of fees and securities for site development.
45. The developer would be responsible for the initial capital cost for the new infrastructure required for the development, however following assumption, the infrastructure would be transferred to the City. Cost associated with asset ownership include ongoing maintenance and operational cost, lifecycle intervention expenses to ensure that assets reach their maximum potential useful lives as well as cost to ultimately replace (and possibly dispose) of the assets.
46. Following assumption the City would also incur additional operating costs associated with extending municipal services to that area such as fire protection, policing, snow clearing, boulevard landscaping maintenance and increased contributions to reserves to plan for the eventual replacement of the assets.

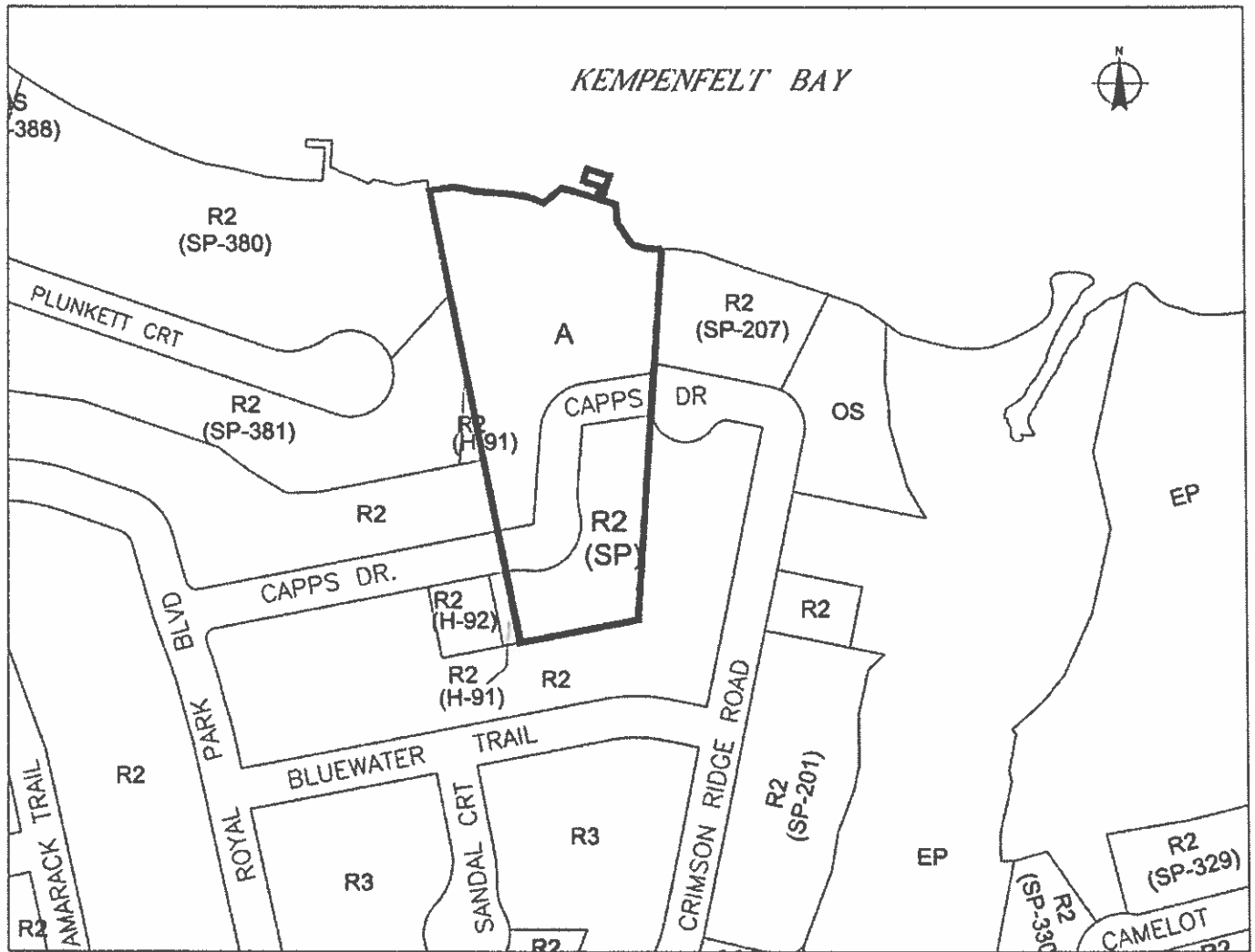
**LINKAGE TO 2014-2018 STRATEGIC PLAN**

47. 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 Zoning By-law Schedule  
Appendix "B" – Proposed Draft Plan of Subdivision

APPENDIX "A"

Proposed Zoning By-law Schedule



D14-1584  
10 Capps Dr

May 22, 2015

APPENDIX "B"

Proposed Draft Plan of Subdivision

