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**TO:** GENERAL COMMITTEE


**SUBJECT:** APPLICATIONS FOR ZONING BY-LAW AMENDMENT – FANDOR HOMES – 875 BIG BAY POINT ROAD

**WARD:** #10

**PREPARED BY AND KEY CONTACT:** ANDREW HILL, DEVELOPMENT PLANNER

**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 Zoning By-law Amendment application submitted by Celeste Phillips Planning Inc. on behalf of Fandor Developments to rezone the lands known municipally as 875 Big Bay Point Road (Ward 10) from Agricultural A to Residential Single Detached Dwelling R3, be approved.
2. 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

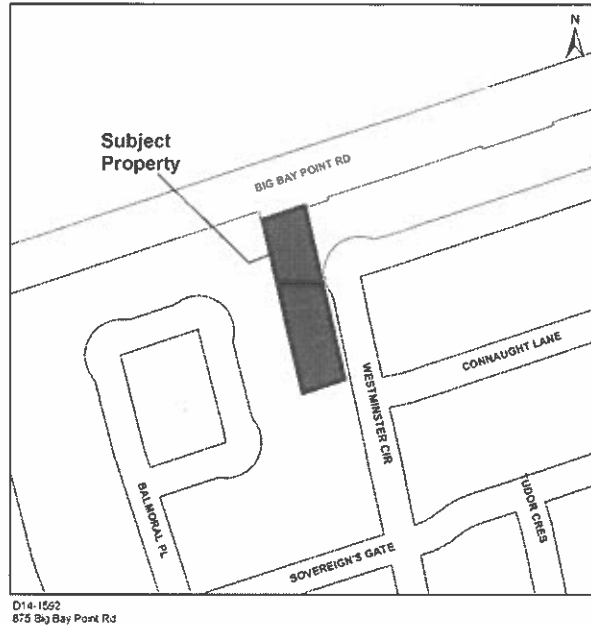
Report Overview

3. The purpose of this report is to recommend approval of an application submitted by Celeste Phillips Planning Inc. on behalf of Fandor Development for lands known municipally as 875 Big Bay Point Road (Ward 10). The effect of the application would be to permit the development of 9 single detached residential dwelling lots under the Residential R3 zone (Appendix "A").
4. 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 application against both municipal and provincial planning policy and are of the opinion that the application represents good planning. Therefore, staff are recommending approval.

Location

5. The subject property is located on the south side of Big Bay Point Road on the west side of Westminster Circle, within the Innis-shore Planning Area (Ward 10). The property contained a single detached dwelling which has recently been demolished. The property is now vacant.
6. The subject property has a total lot area of approximately 0.35 ha (0.87 acres) with 30.5 metres of frontage on Big Bay Point Road. To the south, east and west, the lands are developed as low density single detached residential dwelling units under the same zone that is being proposed by

this application. The lands to the north are within the Town of Innisfil and are occupied by large lot single detached dwellings.



#### Existing Policy

7. The property is designated Residential in the City of Barrie Official Plan and is zoned Agricultural (A) in accordance with the City's Comprehensive Zoning By-law 2009-141.

#### The Proposed Development

8. The subject property is an infill property between two previously registered plans of subdivision. The property is proposed to be subdivided into 9 lots which will have frontage on Westminster Circle. Existing blocks fronting Westminster Circle (Blocks 507-514) created at the time of registering the adjacent plan of subdivision, 51M-820, are to merge with the proposed 9 lots (Appendix "A"). The subdivision of the lots would occur through future consent applications to the Committee of Adjustment if approval of a change in zoning is granted. In accordance with Official Plan policy 6.2.1.2(f), Lot Creation, up to a maximum of 10 lots can be created by way of severance through the Committee of Adjustment. In addition, a development agreement would be recommended as a condition of approval to the Committee of Adjustment which would address matters related, but not limited to, grading, stormwater management, tree removal/preservation, street scape and fencing along Big Bay Point Road and any other matters typically addressed through a subdivision agreement. The current direct access off Big Bay Point Road would be eliminated with access to the lots only being off Westminster Circle.

#### Supporting Information

9. In support of the subject application, the following reports were submitted:
  - a) **Planning Justification Report** (September 2015) 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 Celeste Phillips Planning Inc. that the proposal is an appropriate form of development for the subject property. The document also

includes a summary of the other supporting documents that were submitted as part of the application.

- b) **Site Servicing and Grading Plans** (September 2015) serves to demonstrate the existing and proposed site servicing and grading for the property (individual lots), on a preliminary basis, is satisfactory and that the proposed lots can be accommodated by the existing infrastructure (water, sanitary and stormwater) which exists on Westminster Circle.
- c) **Tree Inventory & Preservation Plans** (September 2015) identifies existing trees on site, their characteristics and areas where preservation and removal would occur should the development proceed. The primary area of retention is along the west boundary adjacent to the existing residential lands to the west. The original plans submitted have been amended to reflect the opportunity to retain additional existing trees/vegetation along the common property line.
- d) **Landscape Plan** (September 2015) reflects the existing landscape treatment and fencing along the Big Bay Point Road frontage and the landscaping proposed by the owner would serve to complete the treatment along this arterial road.
- e) **Stage 1-2 Archaeological Assessment** (October 2015) describes the process undertaken in completing an assessment of the subject property under the requirements of the Standards and Guidelines for Consultant Archaeologists, the Ontario Heritage Act. The assessment concludes that no further assessment was warranted and that the property was clear of any archaeological concerns.

#### Neighbourhood (Ward) Meeting

- 10. A Neighbourhood (Ward) Meeting was held on December 1, 2015 to present the proposed development to the local residents (notes attached). There were approximately 10 people who attended this meeting in addition to the applicant, their consultants, and Planning staff. The concerns raised at the Neighbourhood Meeting related to tree removal/preservation, building form, privacy for existing residents and fencing along the property boundary, timing of the development, the impact of grading and drainage on adjacent properties, traffic generated by the development and its impact on the area, and the effect of development on existing property values.

#### Public Meeting

- 11. A statutory Public Meeting was held on March 7, 2016 to present the subject application. A number of similar comments and concerns were expressed at the public meeting including:

- Traffic:

Although the property is located on an arterial road being Big Bay Point Road, which is intended to carry significant volumes of traffic, the lots to be created will in fact front on Westminster Circle, which is a local road. Staff are of the opinion that the additional nine lots will not result in any substantive volume of traffic that will have a negative impact on the neighbourhood. No traffic study was required by the Traffic Department.

An existing municipal sidewalk will continue to provide safety for pedestrians walking in the area.

- Tree Removal/Privacy/Fencing:

Initially the intention was to remove a number of trees along the west side of the property. As a result of information provided at the neighbourhood meeting and the public meeting, the applicant amended the lot grading and tree removal plan to reflect the proposed retention of additional trees. Given the existing and proposed grades on the subject and adjacent properties, screening and maintaining privacy is only possible through the retention or planting of trees/vegetation. Fencing along the common property boundary will not provide privacy given that there is a difference of approximately 1.8 to 2 metres from the top to the bottom of the lot grading. The removal of trees would finally be determined when the lot division was considered by the Committee of Adjustment as tree planting plans can form part of the Consent Application.

- 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. Given the form of development permitted under the proposed zoning, planning staff are of the opinion that there will be no negative impact on the neighbourhood other than during the construction period of the homes.

- Building Form/Timing of Development:

The proposed buildings on the nine lots, according to the owner, are to be consistent with the existing homes in the area. The applicant is intending to develop the lands once all approvals are in place and the development agreement has been addressed.

- Grading/Drainage:

A development agreement is to be recommended as a condition of the consent applications which will serve to address these matters. The applicant is proposing two catch basins within a swale, which is intended to address any issues related to drainage. Grading of the properties would be in accordance with current City Standards.

#### Department & Agency Comments

12. The Lake Simcoe Region Conservation Authority has reviewed the application and has no objection to the approval of the proposed Zoning By-law Amendment. They are satisfied that from a watershed perspective that the amendment is consistent with the Provincial Policy Statement (PPS) and the Lake Simcoe Protection Plan (LSPP).
13. The Engineering Department is generally satisfied that the property can be provided with full municipal services through an extension of the existing infrastructure. A further detailed review of servicing of the property would occur when the development agreement is being prepared. The Engineering Department has identified the need for a 2 metre wide road widening along the Big Bay Point Road. This matter would be addressed as a condition recommended by the Engineering Department when the consent applications are considered by the Committee of Adjustment. It is noted that the owner will be required to demonstrate that they are in good standing with the trustee for the Innis-shore landowners group with respect to their participation in the cost sharing agreement(s) associated with the Innis-shore Secondary Planning Area.
14. The City's Parks Planning and Development Section advised that the trees proposed for retention on the northerly section of the property are generally acceptable. The trees proposed for retention along the mid to southerly portion of the property in their opinion should be removed given the expected impact on the root system as a result of grading and the installation of the

proposed catch basins. The owner's consultant is of the opinion that there is a strong possibility that a number of the trees in this area will survive once the grading/drainage works have been completed. In addition, a number of Ash trees on the property should be removed as a result of a potential hazard given the Emerald Ash Bore that is currently in Barrie. The final determination of tree preservation/removal would be determined as a component of the development agreement following consideration of the lot creation by the Committee of Adjustment.

15. Subject to final approval of the change in zoning, the property would be subject to a Committee of Adjustment approval which would serve to create the nine lots. A development agreement would be requested as a condition of the consent approval which would serve to address issues which relate but are not limited to servicing, stormwater management, grading, treatment of the streetscape along Big Bay Point Road, fencing and other matters that serve to ensure that the development meets all municipal standards and provides an appropriate interface with surrounding properties.
16. The Simcoe Muskoka Catholic District School Board advised that they have no objection to the proposed change in zoning.

## **ANALYSIS**

### Policy Planning Framework

17. 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)

18. Staff have 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 infill development which is consistent with existing surrounding development, which is utilizing existing municipal infrastructure, is not affecting sensitive resources and is in close proximity to existing municipal transit, and makes efficient use of land. 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

19. As noted above, the subject lands are presently designated Residential within the City's Official Plan. The property is not located on an intensification corridor as identified on Schedule I of the Official Plan.
20. The owner is proposing nine residential lots on a property that previously contained a single detached dwelling unit. The property is now vacant.
21. 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 is an appropriate form of intensification given that the property previously contained a single residential unit. Development of the property, as proposed, 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.
22. 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.

23. 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

24. As noted above, the applicant has requested a Residential R3 zone which requires a minimum lot frontage of 12 metres and minimum lot area of 400 m<sup>2</sup>. The proposed nine lots would all comply with the proposed Residential R3 zone. No special provisions have been requested. The proposed lots are consistent with the surrounding properties which are similarly zoned Residential R3. Planning staff are of the opinion that the proposed Residential R3 zone is appropriate and can be supported.
25. Sections 3.3.2.1 (a), (b) and (c) of the Official Plan encourage the maintenance of reasonable housing costs by encouraging a varied selection of housing with regard to size, density and tenure. The provision of innovative housing and a wide range of housing opportunities are encouraged in order to meet identified housing needs where it is recognized to be in accordance with good land use planning principles. The Official Plan further encourages residential intensification in built-up areas in order to support the viability of neighbourhoods and provide opportunities for a variety of housing types. Staff are satisfied the proposal conforms to these policies of the Official Plan given that the proposed nine (9) single detached lots mirror that of the existing development in the immediate area and contributes to a compact urban form through the efficient use of land and resources and optimizes the use of existing infrastructure and services in the City's existing built-up area.
26. Section 3.3.2.2 of the Official Plan contains policies with regards to the provision of affordable housing units throughout the City. The Plan endeavours to achieve a minimum target of 10% of all new housing units per annum to be affordable. While the subject application does not propose any accommodations for affordable housing, the provisions of secondary suites are permitted as of right in this area. At the individual landowner's discretion, secondary suites could be accommodated within the subject properties contributing to affordable rental properties in the area which would be in proximity to existing public transit routes along Big Bay Point Road.

#### Summary

27. Staff have reviewed the comments received and consider the proposed Zoning By-law Amendment application to be appropriate and in conformity with the relevant Provincial Policies and the City's Official Plan.
28. Staff are satisfied that the proposed development will provide an appropriate form of development given the surrounding properties and are therefore recommending approval.

#### ENVIRONMENTAL MATTERS

29. There are no environmental issues related to the subject property. The Lake Simcoe Region Conservation Authority in their comments indicated that they have no requirements relate to the approval of this rezoning amendment.

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**ALTERNATIVES**

30. There is one alternative available for consideration by General Committee:

**Alternative #1** General Committee could refuse the proposed Zoning By-law Amendment applications and maintain the current Agricultural (A) zoning on the subject property.

This alternative is not recommended. The proposed residential development is considered appropriate for the property and in keeping with the surrounding development.

**FINANCIAL**

31. The lots are to be created through a Committee of Adjustment consent application(s). All costs associated with the approval and development of the lots would be the developer's responsibility. The proposed Rezoning of the subject lands, if approved, would permit the development of nine (9) single detached residential lots. The annual municipal property tax revenue is estimated to be \$40,644.00. The current municipal tax revenue for the vacant property is \$3,743.34, therefore the estimated municipal increase would be \$36,900.66 based on the 2016 tax rates.
32. Building permit application fees as an average are estimated to be in the order of \$4,045.67 per unit which would represent a total fee for the 9 units as an average of approximately \$36,411.03.
33. The Development Charge for townhouse units is \$31,495.00 for a total development charge rate of \$241,325.00. 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.
34. The Education levy is currently \$1,759.00 per unit which represents a total levy of \$14,072.00.
35. A parkland contribution would be required based on 5% of the land value and would be payable prior to or at the time of issuance of building permits.
36. The developer would be responsible for all capital costs for any new infrastructure required within the development limits and any of the frontage costs associated with upsizing to municipal water and sewer mains already installed. The City would not incur additional operating and maintenance costs associated with extending municipal services to the area such as fire protection, policing, 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**

37. 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 Lot Layout Plan  
Appendix "B" – Neighbourhood (Ward) Meeting Notes





**APPENDIX "B"**  
**Neighbourhood (Ward) Meeting Notes**

**WARD 10 NEIGHBOURHOOD MEETING**

**TUESDAY, DECEMBER 1, 2015**

**PROPOSED AMENDMENT TO THE ZONING BY-LAW**

**875 Big Bay Point Road**

File Manager: Andrew Hill, Development Planner  
Councillor: Councillor Michael McCann (unable to attend)  
Recording Secretary: Sarah Oetinger  
Applicant: Fandor Homes  
Agent: Celeste Phillips Planning Inc.  
Attendance: 10 residents were in attendance

The meeting commenced at 7:00 p.m.

Andrew Hill (AH) welcomed everyone and introduced himself. He then explained the purpose and intent of the meeting, the public meeting process, and requested everyone to sign in and complete the survey at the end of the meeting. He advised that Councillor McCann was unable to attend the meeting.

Celeste Phillips (CP) of Celeste Phillips Planning Inc. introduced herself and her team; John Bell (JB) from John D. Bell Associates Ltd., Susan Zucchero (SZ) from Fandor Homes, Scott Brumwell (SB) and Matt Bertram (MB) from Skeleton Brumwell & Associates Inc. Celeste provided a presentation of the proposed application to rezone the lands from "Agricultural (A)" to "Residential Single Detached Dwelling (R3)" to permit the development of 9 single detached residential building lots. The lots would have a minimum frontage of 12 metres and a minimum lot area of 400m<sup>2</sup>. The lot sizes are the same as those in the surrounding area. She advised of past planning in the Innis-Shore Planning Area and the need to create a Concept Plan that demonstrated how the formerly 8 large tracts of lands would be integrated with roads, parks and schools. She indicated that the City at that time, requested that development potential be taken into consideration for smaller parcels of lands such as the one at 875 Big Bay Point Road.

**Public Comments:**

1. Timing of the development

- A resident inquired about the timing of when the actual houses will be built.
- CP advised that the statutory Public Meeting is scheduled for March 7<sup>th</sup> so earliest could be in the Spring or Summer of 2016. She advised that following the rezoning, an application would be filed with the Committee of Adjustment to sever the lots.

2. Form of the development

- A resident expressed the concern of being informed on what the form of the development will be as it affects their property values.

- CP advised that the builder will build the homes to match the size of the lot and be of familiar form as the surrounding houses.
  - A resident mentioned that Part 8 of the concept plan is huge; it is almost three times larger than the others. Will a monster home go on that?
    - CP advised yes it is larger; but the house will match the character of the area. She indicated that it is typical for lots on the curve of a road to be larger or pie-shaped.
  - A resident asked if it is “written in stone” to have 9 parcels and if there is a chance it could be more than 9 homes. Also, was this land always proposed for 9 homes?
    - CP advised that 9 lots were always contemplated for this property and the services have already been installed. Although it is not written in stone this land was always planned for 9 homes.
3. Existing tree removal/preservation and required compensation plantings
- The major concern expressed by residents throughout this meeting was the removal of the trees along the westerly property line of the Fandor property.
  - Residents repeatedly communicated their concerns and how unfortunate it is to be removing all those big, beautiful trees and if there is any other way to keep them. Additionally, residents asked if the developer can replace the trees.
  - JB informed that unfortunately in order for this development to occur, the trees will have to be removed. He referenced the City’s standards for ensuring 5 metres of tableland in backyards as well as ensuring proper lot drainage. With regards to replacing the trees, it has not been a requirement of the developer.
  - JB additionally advised the residents that the boundary trees are being protected on blocks 512, 513 and 514. Only trees on Fandor properties are proposed to be removed except where the lot is deeper. The Tree Preservation Plan shows that.
  - A resident asked if there are any solutions to grading for tree preservation. If homes were to be walk-outs, could they then be preserved?
    - CP advised that they have to have 5m of area behind the structure for construction of the homes.
    - SB mentioned that we still need to have a drainage swale.
    - AH informed the residents that he is making a note of the concerns, and will speak to the Applicant, and determine if there is a viable solution.
  - One resident inquired, “Are the trees not good for drainage? Why get rid of them?”
    - JB mentioned that it all comes back to Municipal Standards and the need to ensure property lot grading and drainage. He advised that the water in the drainage swale needs to infiltrate into the ground or flow off the property to stormwater management facilities and that these types of trees cannot grow in standing water.
    - AH advised the residents that they will look at all of their concerns regarding the trees. They will also look at drainage, and any opportunities to save the trees.
4. Fencing along the property boundaries
- A resident inquired how the fencing is going up.
    - CP advised that there will be a tree protection fence put up.
    - JB informed the residents that the tree protection fence will be installed before any machinery comes in and starts grading, in order to protect the trees.
    - AH advised that their concerns regarding fencing will be recorded and looked into.

5. Proposed grading plans and drainage

- A resident inquired about the grading required on other lots.
  - SB informed the residents that there is Municipal Development Guidelines for houses. Drainage will be in the back.
- A resident expressed concern regarding the proposed grade being much lower than his, so what are they going to be doing with the lots?
  - SB advised that 2 or 3 catch basins are proposed for installation. The grading will be similar to existing residences and must meet City standards.
- One resident asked how the root system of other trees planted by owners near their property line will be affected because of the ditch.
  - CP outlined that this will be reviewed to make sure it does not affect the trees on this resident's property.
  - JB informed the residents that grading will not affect it. He talked about the drip line of trees and the roots typically extending to the edge of the drip line.

6. Traffic generated by the development and its impact on surrounding roads

- Residents expressed concerns regarding traffic and that area being already so busy. Most traffic comes around Sovereign's Gate up Westminster.
  - CP stated that she is aware that traffic calming measures have been installed in various parts of the municipality and that this is something the City can look into.

7. Maintaining privacy on adjacent residential properties

- Residents stated their concerns as to whether the City will build a privacy fence. If the trees cannot be kept, residents requested that they be provided with some privacy. One resident expressed he can't build a privacy hedge because his lot slopes downward.
  - CP advised that fencing is not required when single detached dwellings abut other single detached dwellings.
  - AH informed the residents that their concerns regarding privacy will be looked into.

8. Other public comments

- Easement (drainage easement)
- One resident expressed his concerns with regards to Lot 138 – for 6½ years he has been taking care of it and maintaining it because he has been told no one owns it and nothing has been done about it. People continuously throw garbage there and the grass is never taken care of.
- Future value of neighbouring resident's homes – residents believed this development could harm the value of their home when they want to sell in the future.

Andrew Hill thanked everyone for attending the meeting and encouraged residents to take his business card and to contact him if they have any further comments.

Andrew requested everyone to sign in if they haven't already done so and to deposit completed surveys in the drop box.

Meeting ended at 8:30 p.m.