

REPORT #: PLN-2024-8

DATE: 19-Mar-24

TO: Mayor and Members of Council

SUBJECT: **Recommendation for Approval of Zoning By-Law Amendment
Application No. D14-21-14 for 281 Barrie Street**

PREPARED BY: Mana Masoudi, Senior Planner

1. RECOMMENDATIONS:

That Report PLN 2024-8 entitled "Recommendation for Approval of Zoning By-Law Amendment Application No. D14-21-14 for 281 Barrie Street" be received for information;

That all written submissions received in regards to the application and all oral submissions made at the Public Meeting held on December 14, 2021, relating to the application have been taken into consideration as part of the deliberations and final decision;

That pursuant to Section 34(17) of the Planning Act, no further public notification is required; and,

That a site-specific Zoning By-law Amendment (D14-21-14) Application, for lands located at 281 Barrie Street, be approved with modifications as recommended in Report PLN 2024-8, and that the corresponding by-law be passed by Council.

2. PREAMBLE:

On October 1, 2021, the Office of Community Planning received an application for a Zoning By-law Amendment from JKO Planning Services on behalf of 10568848 CANADA LIMITED, for 281 Barrie Street in order to rezone the subject lands from the "Residential Three Exception" (R3*2) zone to the dual Residential Two Exception (R2-2*X) and (R2-2*Y) zone for the purpose of developing 4 townhouse blocks consisting of a total of 28 dwelling units with an internal road. An application for Site Plan Approval (file no. D11-21-09) was submitted simultaneously with the Town and is still undergoing review. Both applications were deemed complete on November 17, 2021 and a Public Information Meeting was held on December 14, 2021. The applicant has now successfully addressed all comments pertaining to the zoning by-law amendment application and as a result staff are supportive of the approval of the proposed site-specific zoning for the subject lands. Accordingly, the purpose of this report is to provide Council with an outline of the application, a review of applicable planning policies and comments, and lastly to recommend that Council approve the site-specific zoning by-law amendment for the subject lands.

3. BASIC DATA PERTAINING TO THE MATTER:

3.1 Site Details

The subject site is located on the east side of Barrie Street just north of the intersection of Barrie Street and Britannia Avenue. The subject property is 6,072 sq. m (0.607 ha) and has 54m of frontage along Barrie Street. The site was previously used as a spa (Exhale Spa and Salon) (see **Attachment 5.1** - Location Map and **Attachment 5.2** - Aerial Context Map).

3.2 Surroundings

The land uses surrounding the subject site are as follows:

North: Residential dwellings and the North Bradford Square;
South: Lions Park and residential dwellings
East: Residential dwellings, Fred C. Cook Public School
West: Residential dwellings

Additionally, Staff note there are a number of active applications in the area. The south abutting property 263 Barrie Street previously received zoning approval for 14 street townhouses and has since commenced construction. Across the street at 266 Barrie Street zoning has been approved for 18 stacked townhouses.

3.3 Description of Proposal

The Development Proposal consists of twenty-eight (28) residential units in the form of townhouse dwellings contained within four (4) development blocks fronting onto an internal private road. Access to the units is provided in through a single entrance from Barrie Street and onto the proposed private internal road which the dwellings front onto. The private road access is located to the west of the subject lands and the private road is shaped similar to a 'T' rotated clockwise. Four townhouse blocks, two (2) each containing 8 dwelling units and the other two (2) each containing 6 townhouse units, are situated on either side of the internal road.

Each of the proposed townhouse dwellings are 11.0 m in height and provide two on-site parking spaces for residents. Consistent with Council direction, off-site visitor parking is provided at a rate of 0.5 spaces per dwelling, for a total of 14 spaces, one of which is a barrier free space. The visitor parking spaces are proposed to be located at the east end of the lot, opposite to the access point to the site. The community mailbox, bicycle parking and proposed snow storage areas are also located at the east end of the site in proximity to the visitor parking spaces. A small pedestrian access route with hand rails is also proposed at the east end of the site in order to provide easy access for residents to Lion's Park. The applicant has stated an intention to maintain the private road, amenity space, rear yard and visitor parking spaces as common elements under a plan of condominium and has submitted an application to the Town to that effect (file number D12-23-07).

3.4 Planning Policies

3.4.1. Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 ("PPS, 2020") guides decisions on development applications in order to achieve appropriate patterns of development and to protect cultural and natural resources. The Planning Act requires that municipal decisions on land use planning matters in the Province of Ontario be consistent with the policies of the PPS, 2020. Staff are of the opinion that the proposed development and associate zoning by-law amendment are consistent with the PPS.

For an in-depth review of applicable policies from the PPS, 2020, and commentary of the subject applications through the lens of those policies, please see **Attachment 5.3** – policy matrix to this report.

3.4.2 A Place to Grow, 2020

A Place to Grow, 2020 (the “Growth Plan”) is established as a long-term plan outlining the Province’s vision for building complete communities, and is intended to guide decisions relating to population and employment growth in order to, amongst other objectives, optimize the use of existing and future infrastructure and protecting resources. The Places to Grow Act requires that decisions on this form of development conform to the policies of the Growth Plan. Staff are of the opinion that the proposed development and associate zoning by-law amendment have regard for and conform with applicable policies in the Growth Plan.

For an in-depth review of applicable policies from the Growth Plan, and commentary of the subject applications through the lens of those policies, please see **Attachment 5.3** to this report.

3.4.3 Lake Simcoe Protection Plan, 2009

The subject property is located within the watershed of Lake Simcoe and, therefore, the proposed amendment to the Town's Zoning By-law is subject to the provisions of the Lake Simcoe Protection Plan, 2009 (“LSPP”). The LSPP is intended to protect, improve, and restore the ecological health of Lake Simcoe by mitigating adverse impacts on the environment within its watershed and promoting environmentally sustainable development practices. The LSPP regulates such activities as the development of new private and municipal sewage treatment facilities, storm water management, and proposed changes to land uses from what is currently permitted. The *Lake Simcoe Protection Act* requires that decisions on this form of development conform with the policies of the LSPP.

Through consideration of the current application for rezoning, Town staff have reviewed applicable policies of the LSPP, and refer specifically to the comments provided by the Lake Simcoe Region Conservation Authority (“LSRCA”), who have reviewed and considered the proposed Zoning Amendment application in the context of the LSPP. By way of correspondence dated February 9, 2024, LSRCA Staff indicated no objection to approval of the zoning by-law amendment application and indicated a list of conditions and requirements for the applicant to provide through the site plan process.

For an in-depth review of applicable policies from the LSPP, and commentary of the subject application through the lens of those policies, please see **Attachment 5.3** to this report. For reference, it is noted that the Town relies on the Lake Simcoe Region Conservation Authority (“LSRCA”) for its technical and subject matter expertise in reviewing development applications for conformity with the LSPP.

3.4.4 South Georgian Bay Lake Simcoe Source Protection Plan, 2015

The subject properties are located within the area of the Town of BWG affected by the South Georgian Bay Lake Simcoe Source Protection Plan (“SGBLSSPP”) and, therefore, the proposed amendment to the Town's Zoning By-law is subject to the provisions of the SGBLSSPP. The SGBLSSPP is intended to “*protect existing and future drinking water sources in the ... region [and] to ensure that ... where an activity [(e.g., change in land use, development of land)] is or would be a significant drinking water threat ... the activity never becomes a ... threat ...*” (per Section 2, SGBLSSPP).

The SGBLSSPP stipulates that Planning Approval Authorities shall only permit new major development in a WHPA-Q2 where the activity would be a significant drinking water threat, where it can be demonstrated through the submission of a Hydrogeological Study that the existing water balance can be maintained through the use of best management practices such as low impact development. Where necessary,

implementation and maximization of off-site recharge enhancement within the same WHPA-Q2 to compensate for any predicted loss of recharge from the development.

Both the LSRCA and Town Staff do not object to the Town's favourable consideration of the proposed zoning by-law amendment.

3.4.5 Simcoe County Official Plan (2016)

The Simcoe County Official Plan ("SCOP") represents the vision for land use and development patterns across the County (e.g., growth management, settlements, general development policies), while duly remaining consistent or conforming to applicable provincial land use planning policies. The SCOP provides a policy framework with which development applications under the Planning Act (e.g., applications for zoning by-law amendment) affecting lands within the County must conform. The subject lands are designated "Settlements" on Schedule 5.1 Land Use Designations of the County Official Plan and are located within the Settlement area of Bradford of the Town of Bradford West Gwillimbury. The subject lands are included within the built-up area of Bradford Urban Area as delineated by the Province. County Official Plan policy 3.5.24 states that Town of Bradford West Gwillimbury is to achieve an intensification target of 40% within the built boundary. The proposal would contribute to the Town's intensification target.

For an in-depth review of applicable policies from the SCOP, and commentary of the subject applications through the lens of those policies, please see **Attachment 5.3** to this report.

3.4.6 Town of BWG Official Plan

In the Town Official Plan, the property is designated as 'Residential Built Up' within the Town's Urban Area. This designation permits a mix of residential densities (including block townhouse dwellings) and medium to high density dwelling types, appropriate home based business and accessory uses, open spaces, institutional uses and neighbourhood commercial (section 4.1.5 a)). The OP also states in section 4.1.5 b) that lands within the residential built up designation provide the best opportunity to contribute to residential intensification and thus does not apply a maximum density threshold for this residential uses in this designation. Among the other policies attributed to lands within this designation is the ensuring the adequate provision of amenity space, access to parks and schools, and consideration of the visual impact of the development on adjacent lands, particularly as it relates to building height, setbacks and landscaping.

The proposed development conforms to the Town's OP policies as it provides a medium density dwelling type on the subject lands therefore contributing to residential intensification, while also providing direct access to the adjacent park at the rear of the property and maintaining the maximum building height permitted by the zoning by-law, thus reducing visual impacts on adjacent lots. Further the proposed development also conforms to OP policies through incorporating landscaping and green space throughout the property and particularly to the east end of the lot.

3.4.7 Zoning By-law 2010-050, as amended

As per Zoning By-law 2010-050, the subject land is currently zoned "Residential Three Exception-Two" (R3*2) zone. The "R3" parent zone and "R3*2" zone permit the following uses:

- Dwelling, apartment;
- Personal service establishment within the existing former residential building;
- Day Nursery
- Nursing Home
- Private Home Daycare
- Accessory Parking Garage

The applicant is proposing to rezone 281 Barrie Street from the above “Residential Three Exception” (R3*2) zone to a dual Residential Two Exception (R2-2*X) and (R2-2*Y) zone. The ‘R2-2’ parent zone permits the following dwelling types:

- Multiple Unit Dwelling
- Block Townhouse Dwelling
- Street Townhouse Dwelling
- Stacked Townhouse Dwelling
- Apartment Dwelling

The dwelling type proposed through this application is permitted within the ‘R2-2’ parent zone, therefore making the zone an appropriate choice for the proposed development. The ‘R2-2’ zoning provision that the applicant is seeking an exception to for both requested site-specific amendments is in relation to the minimum required lot area and the required minimum rear yard setback.

The property is proposed to have portions of land in two different zones because the portion of the lands containing Townhouse Block ‘A’ and ‘B’ situated to the south of the subject lands contains a slightly modified design whereby the second storey encroaches into the rear yard by 0.7 m. Therefore the only difference between the requested zoning exceptions sought through the ‘R2-2*X’ zone (requested for townhouse Blocks ‘C’ and ‘D’ and the ‘R2-2*Y’ zone (requested for Blocks ‘A’ and ‘B’), is that the latter zone includes an additional provision to permit the proposed design, stating:

“Notwithstanding section 4.3 of this By-law, the portion of the rear facing exterior walls of the main dwelling located above the first storey may encroach a maximum of 0.7 m into the required rear yard.”

Please refer to **Attachment 5.5** for an illustration of the above provision.

The below chart provides a comparison between the zoning standards set by the parent ‘R2-2’ zone and the requested exceptions for both the ‘R2-2*X’ and ‘R2-2*Y’ zones by the applicant:

Zone	Minimum (Min.) Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Rear Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Height
R2-2 Parent Zone Requirement	170 sq.m. per dwelling unit	6.0 m	3.0 m	6.0 m	1.2 m	3.5 m	11.0 m
Provided by Proposed Development	130 sq. m. per dwelling unit - Not compliant	6.0 m	6.0 m	5.0 m - Not compliant	3.0 m	7.0 m	10.6 m

Thus the two exceptions sought for both proposed zones requests:

- A minimum lot area of 130 square metres per dwelling unit
- A minimum required rear yard setback of 5.0 m

Lastly, a Holding (H1) symbol would apply to both zones and cannot be removed until a development agreement has been executed.

Staff Comments on Site-Specific Requests

Below contains staff comments in relation to the requested amendments:

Requested Exception	Staff Comment
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<p>Reduced rear yard setback from 7.5 m to 5.0 m.</p> <p>(For both R2-2*X and R2-2*Y Zones)</p>	<p>The applicant has stated that part of the reason for the request in rear yard reduction is to provide sufficient space for the proposed block townhouse dwelling type. The Official Plan policies for 'Residential Built Up' designation state that lands that fall within this designation provide opportunity to contribute to greater residential intensification. The policy also encourages medium to high density dwelling types such as block townhouses. Although a reduction in rear yard setback to permit higher density residential units means that there is reduced amenity space for residents in the rear yard, in context of the subject lands, this matter is less of a concern due to the lands location being directly adjacent to Lion's Park, which provides ample access to public greenspace and recreational facilities. The proposed development further integrates and eases residential access to Lion's Park through the provision of a direct entry point to the park from the east lot line of the residential subdivision. Therefore as the proposed development proposes a dwelling type that is in conformity with Town's OP policies and the proximity of the subject lands to public greenspace and amenity space, staff support the requested rear yard reduction.</p>
<p>Reduced required Minimum Lot Area from 170 square metres to 130 square metres (for both R2-2*X and R2-2*Y Zones)</p>	<p>Similar to the above, the requested zoning exception to permit the reduction of the required minimum lot area from 170 sq. m. to 130 sq. m. is intended to support the development of the townhouse dwelling type while also conforming to OP policies that encourage higher density built forms in this designation.</p> <p>Further the subject lands are located within a 1.5 km radius from the Bradford GO station which is slightly beyond the defined major transit station area (MTSA) radius in Provincial policies, with refined boundaries subject to review through the Town's next Official Plan update. Lands within MTSA's are required through municipal, county and provincial policy to accommodate higher density built forms. While the boundaries of the Bradford MTSA have not yet been delineated by the Town, both the Growth Plan and County Official Plan define MTSA's as areas within an approximate 500 to 800 metre radius of a transit station. While the subject lands fall outside of this definition, they still present an opportunity for greater residential intensification, however through a medium density built form (townhouse blocks) that acts as a gentle transition from the higher density dwelling built forms required for lands within the MTSA.</p> <p>Therefore as the requested reduction in lot area facilitates the development of a medium density built form on lands in close proximity to public amenities and transit which is aligned with the general policy direction provided by provincial, County and Town OP policy, staff are supportive of this site-specific request.</p>
<p>0.7 m encroachment into rear yard (for R2-2*Y Zone only)</p>	<p>The request to permit the encroachment of the exterior wall of the second storey into the required rear yard is intended to facilitate the proposed design for townhouse blocks 'A' and 'B'. The adjacent land located directly to the southern portion of the subject lands, which would be the most impacted by this permission, consists of a residential subdivision currently under construction which proposes a private road within its northern portion directly adjacent to townhouse blocks 'A' and 'B'. Therefore this permitted encroachment would not impact the privacy or view for any adjacent residents and there is still a sufficient 4.3 m setback being provided from the rear lot line to the encroached second storey wall. As a result of the limited impact of this request, staff are supportive of this permission. Please refer to Attachment 5.5 for an illustration.</p>

3.5 Public and Agency Consultation

3.5.1 Public Consultation

The public information meeting for this application was held on December 14, 2021. The following chart includes a summary of the public comments shared at the meeting as well as staff commentary:

Public Comment Summary	Staff Comment
Concern and opposition to the proposed development presenting a “high density” built form in the neighbourhood	As discussed in the previous section of this report, the proposed development incorporates a medium density built form that is encouraged by the Town’s Official Plan. Block Townhouses present an opportunity for a more gentle contribution to residential intensification as they do not present the same built attributes and impacts that high density dwellings such as apartment buildings would. Further the applicant has maintained the majority of the standard provisions applicable to the parent zone being requested and therefore is only introducing some minor modifications. Thus Staff believe that the proposed built form conforms to Town policy by providing a medium density built form which contributes to residential intensification and maintains the character of the community.
Opposition to the 15.2 m building height initially proposed through the first iteration of the proposed development presented by the applicant at the public meeting	In response to these concerns the applicant has since reduced the height of the townhomes to 10.6 m which is lower than the 11.0 m maximum height permitted by the ‘R2-2’ parent zone.
Opposition to the reduction in rear yard setback and the resulting decrease in amenity area for future residents	The applicant originally proposed a 3-metre rear yard setback for the proposed townhouse dwellings, from the northerly and southerly lot lines. In response to comments of this nature, and related comments from technical reviewers (e.g., Development Engineering), the applicant has proposed a rear yard setback of 5 metres. Additionally, as discussed in the previous section of this report, the location of the subject lands directly adjacent to Lion’s Park which contains public greenspace and recreational facilities and the incorporation of direct access from the subject lands to the park, present ample additional amenity area for future residents.
Concern regarding the impact of the proposed development on traffic as well as concerns stating that insufficient parking is provided	The proposed development complies with and maintains the residential parking requirements of the Zoning By-law. Additionally the applicant also provides the required number of visitor parking spaces as required by Council (a rate of 0.5 spaces per dwelling). Therefore as the applicant is not requesting a reduction in the permitted number of parking spaces and as the Town’s development engineering division has reviewed the applicants traffic study and provided no objection to approval of the zoning by-law amendment, Staff are supportive of the proposed development.

3.5.2 Comments from Town Departments/Divisions and External Agencies

No objection or concern was expressed to the approval of the zoning by-law amendment application by internal town departments or external agencies. The applicant’s site plan application (file D11-21-09) is still undergoing review by internal Town departments and external agencies and therefore outstanding

technical comments or requests for the inclusion of site specific conditions within the site plan agreement are being addressed by the applicant through the site plan application process.

3.6 Conclusions

Through review and consideration of the applicant's proposal in the context of all applicable legislation, policies and regulations, and consideration of comments received from members of the public, Council, agencies and Town Departments and Divisions, it is the opinion of Staff that:

- the application is consistent with the Provincial Policy Statement, 2020;
- the application conforms to:
 - the Growth Plan for the Greater Golden Horseshoe, 2020;
 - the Lake Simcoe Protection Plan, 2009;
 - the South Georgian Bay Lake Simcoe Source Protection Plan, 2015;
 - the Simcoe County Official Plan, 2016; and
 - the Town's 2023 Official Plan.
- that approval of the proposed zoning amendment would enable development that would either comply with all applicable regulations in the Town's Zoning By-law 2010-050, as amended or, in the alternative, where site-specific consideration from existing zone standards are being requested, such site-specific consideration would maintain the general intent and purpose of the Zoning By-law and would be consistent with or conform to applicable Provincial, County and Town land use planning policies;
- that approval of the proposed zoning amendment would facilitate the provision of a range of housing types that would contribute positively to the Town; and that the final details regarding Town requirements, site design, engineering, and functionality can be addressed and obtained through site plan approval

Accordingly, Town staff recommends that Council approve application for Zoning By-law Amendment Application D14-21-09, with modifications, for lands municipally known as 281 Barrie Street. For Council's consideration in this regard, **Attachment 5.4** to this report contains a Draft Zoning By-law Amendment with text and associated schedule

4. EFFECT ON TOWN FINANCES:

4.1 Current Year:

The Office of Community Planning does not anticipate any impacts on the Town's finances.

4.2 Future Years:

The financial implications for the Town are expected to be in line with the typical costs of individual site developments. As the property develops, the Town will benefit from application fees (e.g., Development Charges, Building Permit application fees, increased property tax base).

5. ATTACHMENTS:

Attachment 5.1 - Location Map

Attachment 5.2 - Aerial Context Map

Attachment 5.3 – Land Use Planning Policy Matrix

Attachment 5.4 –Draft Zoning By-law

Attachment 5.5 – Illustration of Encroachment Zoning Provision