



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: April 30, 2019

REPORT NO.: **PL-2019-35**
Minor Variance
A.8/2019 – 1191 Harbourview Drive

RECOMMENDATION:

The Planning and Building Services Department is recommending that Minor Variance Application A.8/2019 respecting the property at 1191 Harbourview Drive be deferred as set out in Staff Report PL-2019-35 dated April 30, 2019 and reconsidered following the submission of the requested studies.

BACKGROUND:

The Town received an application for a Minor Variance on April 24, 2019 for the property located at 1191 Harbourview Drive. The property is legally described as Part lot 110 and Part Water Lot in Front of Lot 110 on Concession 1 (Tay), more particularly described as Part 2 of Reference Plan 51R-36864 located in the Town of Midland. The property is located on the north east side of the intersection between Harbourview Drive and Marina Park Avenue. See Attachment #1 for the Location Map. The site is approximately 1.36 hectares with a frontage of 57.91 metres, a depth of 234.63 metres and currently has an existing storage shed.

Surrounding Land Uses:

North: Residential
South: Residential
East: Commercial (Marina)
West: Open Space

The Applicant is proposing to construct a hotel on the subject property and is requesting two Variances to facilitate the development. The proposed development includes two 6-storey hotels and associated amenities including a restaurant. The Applicant is requesting a Variance to increase the Maximum Building Height from 11 metres to 20 metres and to reduce the required Minimum Loading Space from 2 to 1 (Attachment #2). No site plan application for the proposed development has been submitted to the municipality at the drafting of this report.

Provincial Policy Statement, 2014

Section 3 of the Planning Act states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement states that settlement areas are to be the focus of growth and development. Intensification is encouraged and infilling is a form of intensification.

Growth Plan for the Greater Golden Horseshoe

Section 14(1) of the Places to Grow Act, 2005 requires that all decisions under the Planning Act shall conform to the Growth Plan for the Greater Golden Horseshoe. A new Growth Plan, released on May 18, 2017, came into full force and effect on July 1, 2017. Generally, the Growth Plan 2017 directs growth to built-up areas within communities that have the capacities to accommodate the growth and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities.

County of Simcoe Official Plan

The Town of Midland is designated as a “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally indicates that settlements should be the focus of growth and that compact form that provides efficient use of land on full services should be promoted.

Town of Midland Official Plan

The subject property is designated **EMPLOYMENT AREAS** on Schedule “A”. The Employment Area designation identifies a range of areas within the Town for business and commercial uses, industry and compatible community and institutional uses. Section 3.1.5 a) of the Official Plan encourages building design, location and treatment that is complimentary to surrounding uses and that buildings are to present a best face forward design approach including landscaping to heighten the aesthetic appeal of the location and commercial area. Section 3.1.5 b) states that adequate parking and loading facilities are to be provided on site and shared access and parking for adjacent developments is encouraged including shared internal driveways to reduce the need and use of local streets.

Zoning By-law 2004-90, as amended

The property is zoned **Highway Commercial – HC-H** in Zoning By-law 2004-90. The HC zone permits a range of commercial uses including a hotel, recreational and retail uses. The subject property has a ‘H’ – Holding Symbol, which means the property is currently limited to the existing use until such time an application is made to remove the Holding Symbol in accordance with requirements of the Town. For the subject property, the requirement to remove the Holding symbol would involve an application to the municipality for Site Plan Approval to demonstrate the property can be adequately developed and serviced.

Table 4.3 sets out the required loading spaces. For a building greater than 2000 square metres, the By-law requires a minimum of two loading spaces. One loading space is proposed.

Departmental and Agency Comments

April 30, 2019 – Director of Engineering, Water & Wastewater

1. Developer will be required to rebuild Marina Park Avenue to municipal standards to get an entrance permit.

May 3, 2019 – Director of Operations, Parks and Facilities

1. There is currently a temporary trail across the property and upon development of the property, the developer is required to create a permanent trail on the east side.

ANALYSIS:

As set out by section 45 of the *Planning Act*, Minor Variance should only be approved based on whether it meets all four tests:

- Is the application minor in nature?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it in keeping with the general intent and purpose of the Official Plan?

Staff have reviewed the application and is of the opinion that the application has not provided enough information for a decision to be made as to whether it meets the four tests. The subject property is surrounded by relatively sensitive land uses: residential townhouses to the north, residential apartment to the south, and recreational marina to the east. Although the Town does not mandate a pre-consultation process for Minor Variance Applications, it is often encouraged so that Staff can identify the required information and studies. It should be noted that there was no pre-consultation meeting for the subject application.

For building height, Council has established a standard maximum height of 11 metres for all Zones in the Town. It is intended that any addition in height will be considered by way of a planning application with consideration given to building design, location, and compatibility with surrounding uses. The intent of the By-law is that such height standard be maintained until an application is put forth which adequately addresses all the considerations. No material has been submitted by the Applicant to address the impact of the additional 9 metres in height, such as shadowing, as it relates to the townhouse units to the north. The additional height will also generate additional traffic which has not been addressed by the application.

There are also additional outstanding issues that have not been addressed which may impact the proposed Variance as well as the layout of the site. Although the sketch provided with the subject application is preliminary and does not represent the site plan submission, it should be taken into consideration as it may impact the layout of the site for which the requested application's compatibility is reviewed upon. The Subdivision Agreement for the Bayport Residential Subdivision – Phase 1, dated May 2009 included a requirement in Section 9.3.5 that when the subject property is developed, the developer is required to construct a permanent concrete pedestrian walkway. This has not been reflected in the preliminary site plan.

The Town's Official Plan Policy 8.18.10 permits the Town to request additional reports and studies where circumstances necessitate the need for such information as part of the decision-making process. As such, it is Staff's opinion that the application be deferred until such time as additional material is provided by the applicant. Staff is recommending that following documents be provided:

- Shadow Impact Study
- Traffic Impact Brief
- Planning Justification Letter

However, should the Committee approve the application, Staff is recommending the following conditions:

1. That an Application for Site Plan Approval be submitted to the Municipality within one (1) year of approval.
2. That the Approval be granted subject to a Minimum Rear Yard Seatback of 100 metres.

CONCLUSIONS:

Based on a review of the Variances requested, it is the opinion of Staff that insufficient information has been submitted in support of Minor Variance Application A.8/2019 to be adequately evaluated under the four tests as set out in section 45 of the *Planning Act*. Staff is therefore recommending that the application be deferred.

FINANCIAL IMPACT:

There is no direct financial impact of this report.

Prepared by: Angela Zhao, Planner

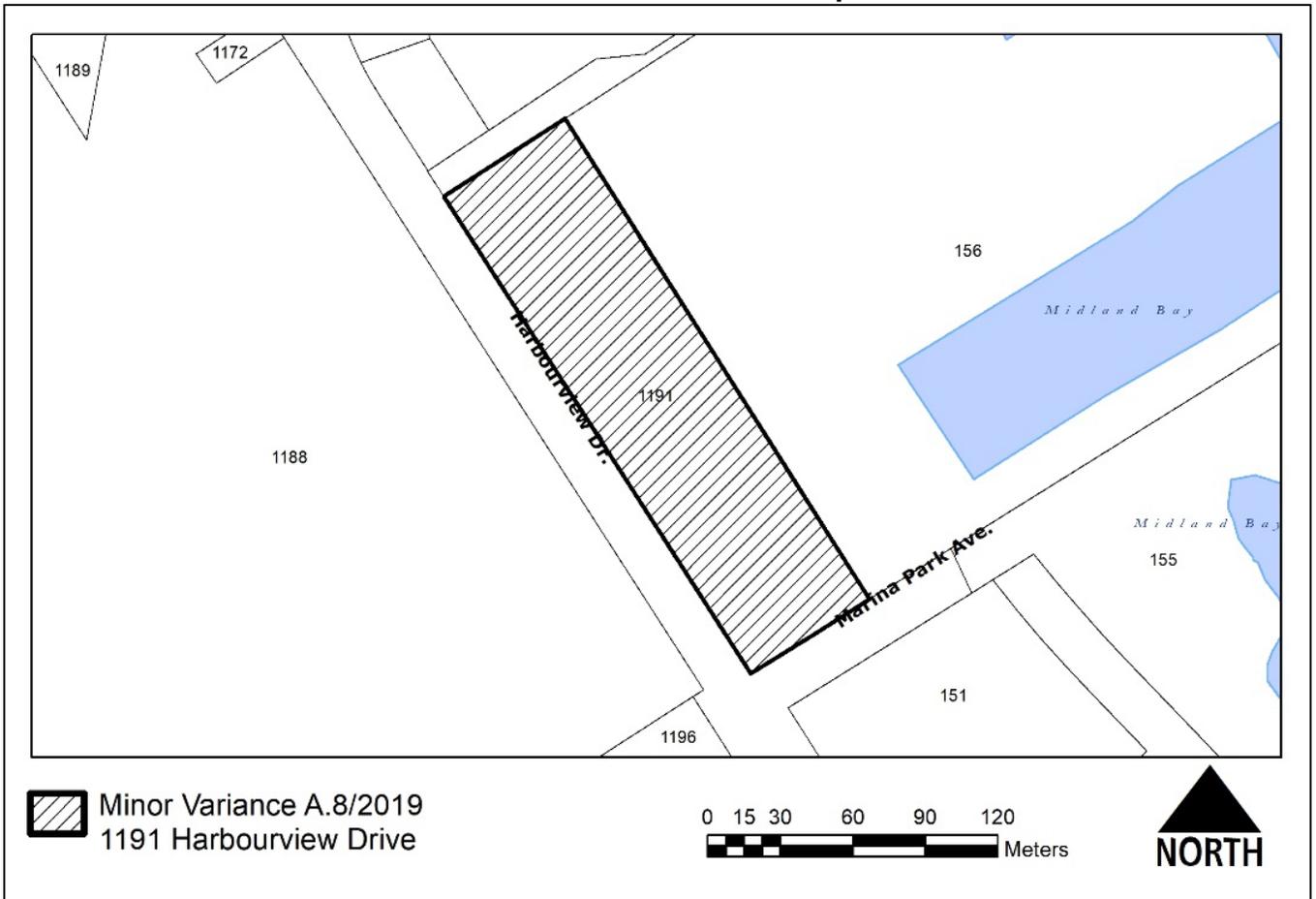
Approved by: Wesley Crown, Director of Planning & Building Services

Attachments

#1: Location Map

#2: Proposed Site Plan

Attachment #1: Location Map



Attachment #1: Site Plan

