



## Zoning By-law Amendment Application Planning Justification Report

To:	Town of Midland
Attention:	Tomasz Wierzba, Manager of Planning Services
From:	Jonathan Pauk, MCIP, RPP and Joshua Morgan, RPP
Date:	April 3 <sup>rd</sup> , 2025
Delivered:	Delivered by Email
Subject Property:	1191 Harbourview Drive, Town of Midland

### 1.0 INTRODUCTION & BACKGROUND

This Planning Justification Report has been prepared in support of a Zoning By-law Amendment Application submitted by MORGAN Planning & Development Inc. (herein MP&D). The application is being submitted on behalf of the property owner, Kaitlin Corporation, for the property known municipally as 1191 Harbourview Drive in the Town of Midland. The location of the property is shown in **Figure 1**, and an aerial image of the subject property is shown in **Figure 2**.

The property is zoned Highway Commercial (HC-11) by the Town of Midland Zoning By-law and designated Employment Area by the old Town of Midland Official Plan (Town OP) which is the in effect Official Plan for the property.

A pre-consultation application was submitted to the Town on September 24, 2024 and pre-consultation comments were received on October 11, 2024. The pre-consultation comments identified a number of technical reports to be submitted in support of the application, including a Planning Justification Report.

The purpose of this Planning Justification Report is to describe the subject property, to explain the purpose of the Zoning By-law Amendment application, and to provide an overview of the planning policies which apply to the application.

## **2.0 SITE DESCRIPTION AND SURROUDNING LAND USES**

The property is legally described as Part Lot 110 and Part Water Lot in Front of Lot 110, being Part 2, Plan 51 R-36864 and are municipally known as 1191 Harbourview Drive. The location of the subject property is illustrated in **Figure 1** and an aerial image of the subject property is shown in **Figure 2**.

The surrounding land uses include:

**North:** Residential.

**East:** Marina and Georgian Bay.

**South:** Residential and marina; and,

**West:** Forest lands, Trans Canada Trail and residential.

ADM Milling is located approximately 750 metres southeast of the subject property.

## **3.0 DESCRIPTION OF PROPOSAL**

The property benefits from a previous site plan approval which permits the development of a hotel with complementary commercial and amenity uses. Following the approval of the original site plan, the Applicants decided that adding a residential component to project would improve its viability and add much needed density to the downtown. Adding the residential component to the approved site plan necessitates a Zoning B-law Amendment.

The updated development plan proposes two connected twelve (12) storey towers via a shared podium. The first three (3) storeys will consist of hotel units, commercial space with associated loading and parking facilities. The remaining nine (9) storeys will consist of residential condominium units with associated amenity features.

Detailed site statistics are identified on the drawings submitted with this application. Generally, the development proposal includes the following elements:

- 88 hotel units;
- 106 square metres of retail commercial space;
- 416 residential condominium units;
- An indoor pool, outdoor pool, roof top amenity spaces and a fitness centre;
- Two (2) loading spaces;
- 304 bicycle parking spaces;
- Resident storage lockers; and,
- 750 parking spaces, which includes 6 accessible parking spaces.

The Zoning By-law Amendment application seeks to add a residential use as an additional permitted use in the Highway Commercial Zone. The specific permitted use that is requested is an “Apartment Building, Mixed Use.” In addition, the Zoning By-law Amendment seeks to permit a maximum height of 44 metres and a maximum lot coverage of 52%.

A site plan illustrating the proposed development is included as **Attachment 1** to this Report. The site plan drawing also includes a zoning compliance matrix for reference.

## **4.0 SUPPORTING STUDIES**

As noted, the property already benefits from a site plan approval permitting the hotel and commercial components of the project. During the original site plan approval process a number of technical studies were completed. Many of these studies remain relevant to the updated development proposal.

The following studies are provided in support of this application:

### **4.1 Geotechnical Investigation**

A Geotechnical Investigation was prepared by Soil Engineers Ltd., dated March 2020. This report was provided as part of the previous site plan application for the site. A copy of this report is included in the application submission. The Report makes a number of recommendations that must be undertaken prior to and throughout the development process to facilitate the development contemplated by the proposed development.

## 4.2 Stormwater Management & Functional Servicing Report

A Stormwater Management & Functional Servicing Report was prepared by WMI Engineering, dated November 2024. A copy of this report is included with this submission. Conclusions of this study are as follows:

- An integrated stormwater management treatment train will provide quality control benefits which will help minimize any negative impacts the proposed development may have on the existing quality of stormwater runoff
- An 'Enhanced' Level of Protection, as defined in the MOE's Stormwater Management Planning & Design Manual, will be provided through the use of lot line grass swales and an enhanced grass swale will all inherently provide additional water balance and phosphorus loading reduction benefits.
- The water balance design adheres to the South Georgian Bay Lake Simcoe Source Protection Plan.
- The use of silt fences, vegetated buffers and conveyance protection such as rock check dams/straw bales will ensure downstream stormwater quality is maintained during construction.

Overall, the A Stormwater Management & Functional Servicing Report concluded that the stormwater management design for the proposed development will provide adequate quality controls and can be constructed and maintained as a functional method of treating stormwater run-off. Furthermore, that the site can be appropriately serviced by municipal water and wastewater services.

## 4.4 Traffic Impact Study

A Traffic Impact Study (TIS) was prepared in support of the site plan control application that has previously been approved for the subject property. An addendum to the previous traffic study has been completed to provide justification in support of the development concept proposed by the ZBA application. The conclusion of the traffic addendum are as follows:

1. The proposed development (2024 Site Plan) will generate 159 AM and 193 PM peak hour primary vehicle trips.
2. No improvements are recommended to the intersections included within the study area.
3. A southbound left-turn lane with a 35 metre storage length and 65 metre taper length and a signalization of intersection are recommended at Harbourview Drive / Marina Park Avenue in the short-term (1-5 years).
4. It is recommended that the cost for the infrastructure improvements are split proportionately based on the contributing volume of traffic, in accordance with the approach outlined in the Technical Memorandum prepared by JD Engineering for the subject site dated September 2020.

5. The proposed North Access driveway will operate efficiently as a right-in right-out access driveway with one-way stop control for westbound movements. The proposed South Access driveway will operate efficiently as a full-movement access driveway with one-way stop control for southbound movements. A single lane for ingress and egress movements at the North Access and South Access driveways will provide the necessary capacity to convey the traffic volume generated by the proposed development.
6. The configuration of the western portion of Marina Park Avenue, which includes the section that the new traffic from the proposed development will be using to access the subject site, is constructed in accordance with the Town's Engineering Standards
7. The proposed parking supply is in accordance with the minimum parking requirement identified in the Town's Zoning By-law.

In summary the proposed development will not cause any operational issues and will not add significant delay or congestion to the local roadway network.

#### **4.5 Shadow Study**

A Shadow Study was prepared by Chamberlain Architect Services Limited in order to assess the shadow impacts of the building on adjacent private and public uses and specifically Pete Petersen Park. A copy of the Shadow Study is included in the application submission and demonstrates that given the large setback distances to surrounding land uses and minimal to no shadow impacts and the proposed building height would not impact the use of these properties.

#### **4.6 Noise Feasibility Study**

A Noise Feasibility Study was prepared by HGC Engineering to assess the land use compatibility, specifically to the noise in relation to the ADM site which is approximately 750 metres away from the subject property.

The Noise Feasibility Study concluded that the traffic noise exceeds the MECP sound level criteria during daytime and nighttime hours at the proposed development. However, the transportation noise can be mitigated by implementing the following recommendations:

1. An alternative means of ventilation to open windows is required for the proposed buildings. Air conditioning meets and exceeds this requirement and is likely to be included.
2. Any exterior wall, and double-glazed window construction meeting the minimum requirements of the OBC will provide adequate sound insulation for the proposed building.
3. Warning clauses should be used to inform future residents of the sound level excesses and presence of the nearby marina.
4. An acoustical consultant should review the mechanical drawings and details of demising constructions, when available, to help ensure that the noise impact of the development on the environment, and of the development on itself, are maintained within acceptable levels.

5. Tarion's Builder Bulletin (B19R) requires that the internal design of condominium projects integrates suitable acoustic features to insulate the suites from noise from each other and amenities in accordance with the OBC, and limit the potential intrusions of mechanical and electrical services of the buildings on its residents. If B19R certification is needed, an acoustical consultant is required to review the mechanical and electrical drawings and details of demising constructions and mechanical/electrical equipment, when available, to help ensure that the noise impact of the development on itself are maintained within acceptable levels. Outdoor sound emissions should also be checked to ensure compliance with the City's by-law.

## **5.0 PLANNING ANALYSIS**

The following is a review of the land use policy framework related to the subject property.

### **5.1 Planning Act**

The Zoning By-law Amendment Application has been submitted in accordance with the provisions of Section 34 of the Planning Act. A review of the statements of Provincial Interest set out in the *Planning Act* has been completed and the Zoning By-law Amendment has regard for the statements of Provincial Interest.

### **5.2 Provincial Planning Statement (2024)**

The Provincial Planning Statement, 2024 (the "PPS") was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2024 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after October 20, 2024. The 2024 PPS streamlines the province-wide land use planning policy framework by replacing the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses to provide choice and diversity to create complete communities.

Section 2.3.1.1 identifies that settlement areas shall be the focus of growth and development. The Town of Midland is identified as a Primary Settlement area within the County of Simcoe Official Plan in accordance with Table 5.1. The subject property is located within the Town of Midland and its Delineated Built Boundary for the Town of Midland. The property is zoned Highway Commercial (HC), and the zoning permits a variety of uses including the site plan approved, hotel, restaurant and retail uses.

The subject property is designated Employment Areas by the Town OP. Not all lands within the Employment Area designation qualify or meet the PPS definition of an employment area. The PPS defines an employment area as follows:

*Means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.*

The subject lands are not an employment area as defined by the PPS as the area is not a cluster of businesses and economic activities. As a result, the employment area policies of the PPS do not apply.

Section 2.3.1.3 states that *planning authorities shall support general intensification and redevelopment to support the achievement of complete communities*. The development is positioned on a major corridor which will accommodate residential and retail uses that will be compatible with the surrounding uses, and achieve in the Town's goals for intensification.

Section 1.6.6.1 states that *"planning for sewage and water services shall: (b) ensure that these systems are provided in a manner that 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment;"* The proposed development will utilize existing municipal water and sanitary services available along Harbourview Drive.

Section 3.2.2 of the PPS promotes a land use pattern that makes efficient use existing and planned infrastructure. The proximity of the subject lands to transit services, including immediate access to Harbourview Drive provides access throughout the County. The subject property is also situated along the Town's active transportation transit route.

Section 4.2 of the PPS addresses the quality and quantity of water, with Section 4.2.1 (f) identifying that *planning authorities shall protect, improve or restore the quality and quantity of water by planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality*. Furthermore, Section 3.6.8 (b) states that planning for stormwater management shall *minimize or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads*. The development will provide for stormwater management through a storm sewer outlet and a lot grading plan on the subject property and has been designed to meet all standards of the Town and other commenting agencies. A Stormwater Management and Functional Servicing Report has been prepared by WMI & Associates Limited and the findings of the report has been summarized in Section 4.2 of this Report.

The PPS Employment Area policies are generally designed to prevent a conversion to another use and to ensure the protection of industrial operations from sensitive land uses that, if established, could impact their ability to operate. No conversion is proposed by the ZBA, but rather the addition of residential uses in proximity to an industrial use (ADM Milling).

The PPS contains land use compatibility policies. The land use compatibility policies of the PPS contained in Section 3.5 states,

### *3.5 Land Use Compatibility*

- 1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*
- 2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

In accordance with the land use compatibility policies of the PPS, Provincial guidelines are to be consulted when determining compatibility. The ADM facility is located approximately 750 metres from the subject property. The ADM operation involves both the unloading of grain ships as well as processing operations on site. Any sensitive land use proposed in proximity to the ADM site is required to meet Provincial guidelines with respect to noise.

The Town of Midland's Record of Pre-submission Review Memo dated November 27, 2024 indicated that staff were comfortable scoping study requirements by replacing the Land Use Compatibility Study with a "Noise Study." In response to this, HGC Engineering has prepared a Noise Feasibility Study for the proposed 12-storey residential buildings. The Noise Feasibility Study concluded that the traffic noise exceeds the MECP sound level criteria during daytime and nighttime hours at the proposed development. However, the transportation noise can be mitigated by standard building envelope assemblies; an alternative means of ventilation to open windows; utilizing specific window construction types; providing adequate sound insulation; and adding a noise warning clause to inform future residents of the sound level excesses and the presence of the nearby marina. It is anticipated that these design measures will be implemented through the Town of Midland's site plan control process. Based on the completed Noise Feasibility Study, the ZBA application is consistent with the PPS, specifically the land use compatibility policies contained in Section 3.5 of the PPS.

Section 5 of the PPS contains policies related to protecting public health and safety directing development away from natural or human made hazards. In accordance with Section 5.1.1 of the PPS the subject property is located outside of hazardous lands and hazardous sites and not affected by a dynamic beach hazard, flooding hazard or erosion hazard. The development is not abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations or contamination, all in accordance with Section 5.2.

The Zoning By-law Amendment application is consistent with the Provincial Planning Statement.

### **5.3 County of Simcoe Official Plan (2023)**

The County of Simcoe Official Plan (County OP) directs that a significant portion of growth and development will be within Settlement Areas, where it can be effectively serviced. As outlined in Section 3.5.7 of the County OP, Settlement Areas shall be the focus of population and employment growth, and their vitality and regeneration shall be promoted. Residential, commercial, industrial, institutional, and recreational land uses shall be developed within Settlement Area boundaries on land appropriately designated in a local municipal official plan for that use.

The Town of Midland is designated as a Settlement Area in the County OP. The Subject Property is located within the Town of Midland and is appropriately designated by the Town OP to accommodate the proposed hotel, retail, and condominium use. Section 3.2.9 of the County OP requires local municipalities to plan for and preserve employment areas. The Subject Lands are not an employment area based on the definition in the County OP for the reason of employment areas provided in the PPS section of this Report.

The Zoning By-law Amendment application conforms with the County of Simcoe Official Plan.

### **5.4 Town of Midland New Official Plan (2019)**

As a result of the “ADM Agri-Industries Company” appeal to the Town of Midland’s new Official Plan (2019), we understand that there are several sections that are not in effect as it relates to subject property. Specifically, Section 4.2 (Employment Area Districts), Section 4.2.1 and Section 4.2.2, among other sections. Therefore, although the subject property is designated “Employment Land” by Schedule “C” of the Town’s New Official Plan (2019), the Employment District policies, including the permitted uses and development policies pertaining to the Employment Area designation are not in effect and do not apply to the subject property. Therefore, the previous Official Plan (Approved 2003 and updated to April 4<sup>th</sup>, 2019) remains in force and effect.

Notwithstanding, the above Schedule A (Growth Areas Map), Schedule B (Urban Structure Map), Schedule D (Active Transportation) and Schedule E (Roads Map) remain in effect, and an analysis of the applicable schedules are included below.

Schedule A (Growth Areas Map) identifies the subject property being located within the Delineated Built Boundary which identifies the developed areas of the Town of Midland and lands that have been approved for development (Section 2.2 (d) (i)). The subject property would utilize available municipal water and sanitary services, and would support the achievement of complete communities and growth targets.

Schedule B (Urban Structure Map) identifies the subject property being located within the “Employment District.” As noted above the Employment District policies are subject to appeal and do not apply to the subject property.

Schedule D (Active Transportation) identifies Harbourview Drive as a multi-use trail and a proposed multi-use trail (conceptual) is to be established to the rear of the subject property. The subject property is positioned in a location that has access to existing and proposed multi-use active transportation trails.

Schedule E (Roads Map) Identifies Harbourview Drive as an arterial road. The proposed development will have appropriate access to Harbourview Drive and will sufficiently accommodate the proposed development as demonstrated through the Traffic Impact Study.

The Zoning By-law Amendment conforms to the applicable sections of the Town of Midland New Official Plan (2019).

## **5.5 Town of Midland Old Official Plan (Approved 2003 and updated to April 4<sup>th</sup>, 2019)**

The purpose of this section of the Report is to provide justification and rationale on conformity with the current in force Town of Midland’s Official Plan (Approved 2003 and updated to April 2019) and specifically how the application conforms to its “Employment Area” policies.

The subject property is designated “Employment Area” in the Town of Midland’s Official Plan (Approved 2003 and updated to April 2019). See **Figure 4**.

Section 3.1 of the Official Plan states that *the Employment Areas designation is intended to provide for business and commerce, industry and compatible community and institutional uses. These lands are intended to provide adequate lands for the future needs of this aspect of the community.*

Section 3.1.2 outlines the objectives for the Employment Area designation, which include:

- a) To provide opportunities for a diversified economic base which supports a healthy, stable economy and enhances employment opportunities*
- b) To provide for and maintain an adequate supply of developable land.*
- c) To reduce and respect the natural conflicts between business uses and residential and public uses.*

The Zoning By-law Amendment will permit the property to be development with a mix of hotel, commercial and residential uses, which will generate employment, contribute to the Town's economy and increase the residential density in this area of the Town. There are no anticipated conflicts between businesses and adjacent residential uses as a result of the Zoning By-law Amendment. The ZBA application conforms to the Employment Area objectives.

Section 3.1.3 identifies that the permitted uses in the Employment Area include commercial uses such as retail, business uses, tourism accommodation, eating establishments. Section 3.1.1 (d) also identifies that residential uses may be permitted above the ground floor of commercial uses and accessory to institutional uses. The subject property is located within the Town of Midland's Settlement Area and will provide for an employment use on an existing vacant commercial property. As a result, the introduction of the proposed residential use above the ground floor is a permitted use in accordance with the Town OP. The proposed use is compatible with the surrounding land uses in terms of location and surrounding and adjacent uses and the proposed tourism accommodation use (hotel) and condominium units that conforms to the Official Plan.

Section 3.1.3 of the Town OP requires appropriate separation and buffering. The subject property is 750 metres from the ADM facility and the Noise Feasibility Study concluded that the proposed development can occur subject to the implementation mitigation measures that can be incorporated through site plan control.

Section 3.1.4 of the Town OP contains policies that apply when a change of use is proposed. The subject property is not industrial lands; there is no current use on the site and in accordance with the supporting studies, services are available. The proposed development conforms to Section 3.1.4 of the Town OP.

Section 3.1.5 of the Official Plan contains the development policies that pertain to the Employment Area designation and are as follows:

*a) Building design, location and treatment should be complementary to surrounding uses. Buildings located adjacent to major transportation routes are expected to present a best face forward design approach, including landscaping, to heighten the aesthetic appeal of the location and the surrounding area.*

The mixed-use development will be located at a strategic gateway, being the intersection of Harbourview and Marina Park and adjacent to the Bayport Marina. Included in the application submission are architectural elevations, which illustrate the design of the building that will become an important hub of commercial, retail and residential activity along Midland's waterfront.

*b) Adequate parking and loading facilities will be provided on site. Shared access and parking for adjacent developments is encouraged, together with shared internal roadways, to reduce the need to use local streets.*

The site plan design is compliant from both a parking and loading perspective and the access to the site will be via both Harbourview Drive and Marina Park Avenue.

*c) Adequate visual screening between adjacent residential and open space uses shall be provided. Outside storage areas shall be fenced and screened so as to appropriately conceal the use from adjacent properties and streets.*

The building has been sited to the south, to maximize setbacks to the abutting residential uses to the north. There are no outside storage areas save and except the garbage staging area in the north corner of the site which will be adequately screened and landscaped through the preparation of a landscape plan and future site plan application.

The site plan has been designed to include a parking area and internal access through the site on the eastern boundary to provide buffering from the Bayport Marina and yachting centre. Landscaping enhancements are also proposed along Harbourview Drive and Marine Park Avenue enhance the public realm.

Section 2.4.4 of the Town's Official Plan contains Community Design goals when considering development and redevelopment. These policies generally seek to encouraging a mix of uses; protecting the environment; promoting active transportation; incorporating of disability design features and encouraging developments that fit within the surrounding neighbourhood which consider the uses, massing, height, scale, architecture and details of adjacent buildings.

The proposed development has been designed in keeping with the relevant policies of the Town Official Plan. The compatibility of the proposed building and height has been evaluated through the consideration of the building design, building placement on the lot and through the completion of a shadow study that considers the impact of the proposed building on nearby lots.

Overall, the Zoning By-law Amendment application will allow for the development of vacant and underutilized lands within the Town in an appropriate manner for the planned and zoned use. The Zoning By-law Amendment application conforms to the policies set out in the Town's Official Plan as the Employment Area designations as it seeks to provide a variety of employment opportunities, as well as residential uses. The Zoning By-law Amendment will allow a development which utilizes existing and proposed infrastructure including municipal water, wastewater, stormwater and roads.

It is our professional opinion that the Zoning By-law Amendment application conforms with the policies of the old Town of Midland Official Plan, and that it suitably and responsibly considers the compatibility of the project with the surrounding neighbourhood.

## 5.6 Town of Midland Zoning By-law

The subject property is zoned Highway Commercial (HC) by Zoning By-law 2004-90, as amended. The HC Zone permits a range of commercial uses. Among other things, such uses include hotels and retail uses.

The current Highway Commercial zone does not permit residential uses as outlined in Section 6.2.2 of the Town's Zoning By-law. As a result, an amendment to the Town ZBL is required to add a residential use as an additional permitted use.

The specific permitted use that is requested is an "Apartment Building, Mixed Use" which is defined in the Town's Zoning By-law as:

*Shall mean a building containing more than four dwelling units that share a common external access to the outside through a common vestibule and have a common corridor system. Residential uses shall not be located on the ground floor of an Apartment Building, Mixed Use.*

The Highway Commercial (HC) Zone permits a maximum building height of 11 metres. However, the subject property was subject to a previous minor variance application (A.02/2023) which was approved in April 2023 which permitted a maximum height of 20 metres. The proposed building has a height of 44.2 metres. An amendment to the Town Zoning By-law is required to permit a building height of 44.2 metres.

Building drawings and a shadow study have been provided in support of the proposed building height. In consideration of surrounding land uses the proposed additional building height would not appear to negatively impact uses on nearby properties.

The proposed site plan provides for 52% lot coverage whereas the maximum lot coverage in the HC Zone is 50%.

A review of the zone standards for the HC Zone have been undertaken and the following Table summarizes the compliance with the various HC Zone standards.

Table 1: Zone Comparison

Zone Requirements	HC Zone Requirement	Proposed
Minimum Lot Area	3000.0 m <sup>2</sup>	13,828.6 m <sup>2</sup>
Minimum Lot Frontage	30.0 m	57.9 m
Maximum Lot Coverage	50%	51.3% (7,092.4m <sup>2</sup> )
Minimum Yard Setbacks:		
Front	7.5 m	7.5 m
Exterior side	4.5 m	5.5 m
Maximum Building Height	20m (minor variance)	44.2 m

Zone Requirements	HC Zone Requirement	Proposed
Where a HC zoned property abuts a property zoned Residential, Institutional or Open Space the following Yard setbacks shall apply:		
Minimum Rear	4.5 m	35.9 m
Minimum Interior	3.0 m	28.4 m

Based on a review of the proposed development plan, relief is required to the following sections of the Zoning By-law:

- 6.2.2 Residential Uses as a Permitted Use – Apartment Building Mixed Use
- 6.2.3.3 Maximum Lot Coverage – 52%
- 6.2.3.5 Maximum Building Height - 44 metres

Although the height proposed is greater than what is permitted in the Zoning By-law and through the previous approved minor variance, the design utilizes an off-set building location and architectural designs to help mitigate the mass of the building in the ‘view from the street’ perspective.

Management of building massing is addressed through the location and placement of the building, which is a key objective of the zoning provisions. While the building placement and location will mitigate any potential impact of the increased height and its generated shadowing, the increased height will enhance the intersection of Marina Park and Harbourview Drive through the complementary building massing at the intersection and the gateway to the significant waterfront tourism uses and facilities located to the east. The development will create an important physical framing of the entrance to this area and help define the character and significance of this important area of the Town. The Shadow Impact Study included in the application submission demonstrates no negative impacts on the adjacent private and/or public uses.

## 6.0 PUBLIC CONSULTATION STRATEGY

The public consultation process for the Zoning By-law Amendment will adhere to the Planning Act statutory requirements and the Town’s practices. Throughout the duration of this process, commenting agencies, members of the public, and stakeholders will be allowed to provide written comments concerning the application.

As part of the complete application process, a Public Notice sign is required to be posted on the Subject Lands indicating the nature and purpose of the Zoning By-law Amendment application.

As required under the Planning Act, a formal Public Meeting regarding the application will be held in front of General Committee. Notice of the Public Meeting will be sent by regular mail to property owners located within 120 metres of the Subject Lands.

## 7.0 CONCLUSION

Based on a detailed review of all applicable Provincial, County and Town land use planning policies, the technical assessment of the proposal, and an analysis of the proposal within the current policy and regulatory context, it is our professional opinion that the Zoning By-law Amendment represents good planning and proper and orderly development.

Respectfully submitted,  
MORGAN Planning & Development Inc.



Jonathan Pauk, HBASc., MSc., MCIP, RPP  
*Senior Planner*



Joshua Morgan, MCIP, RPP  
*Principal*

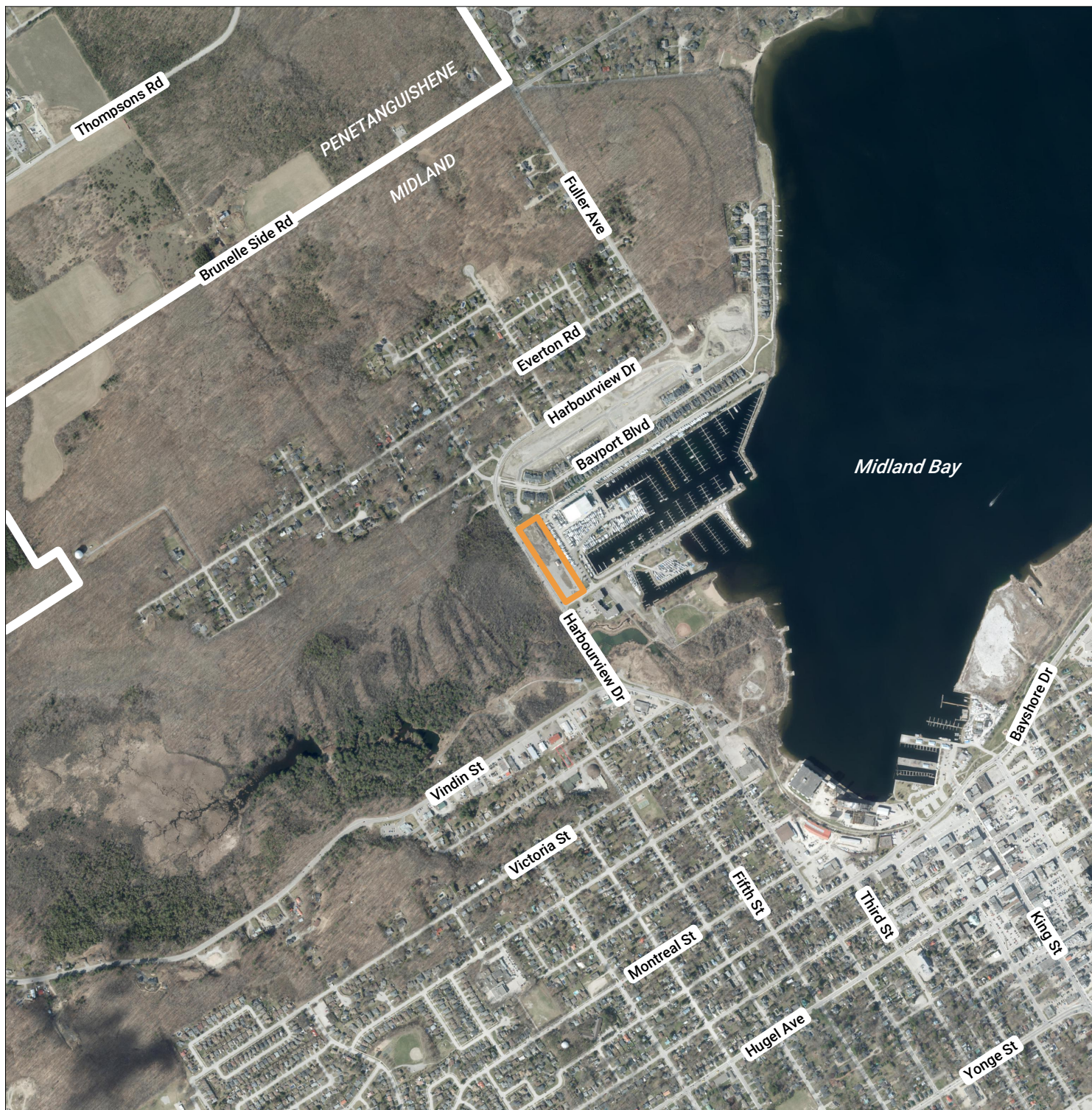


Figure 1

## LOCATION MAP

**1191 HARBOURVIEW DRIVE**  
 Part of Lot 110, Concession 1 E  
 Town of Midland, County of Simcoe

### LEGEND

 Subject Lands

0 200 400 600m

Scale: 1 : 15,000



Source: 2024 aerial photo from the County of Simcoe interactive map.

Drawn By: A.M.

Date: March 23, 2025

File No: 1512

**MORGAN**  
 PLANNING & DEVELOPMENT

Phone: (705) 327-1873 Website: morganplanning.ca  
 101-21 Matchedash Street South, Orillia, ON, L3V 4W4



Figure 2

## AERIAL PHOTO

**1191 HARBOURVIEW DRIVE**  
 Part of Lot 110, Concession 1 E  
 Town of Midland, County of Simcoe

### LEGEND

 Subject Lands

0 10 20 30 40m

Scale: 1 : 1,000



Source: 2024 aerial photo from the County of Simcoe interactive map.

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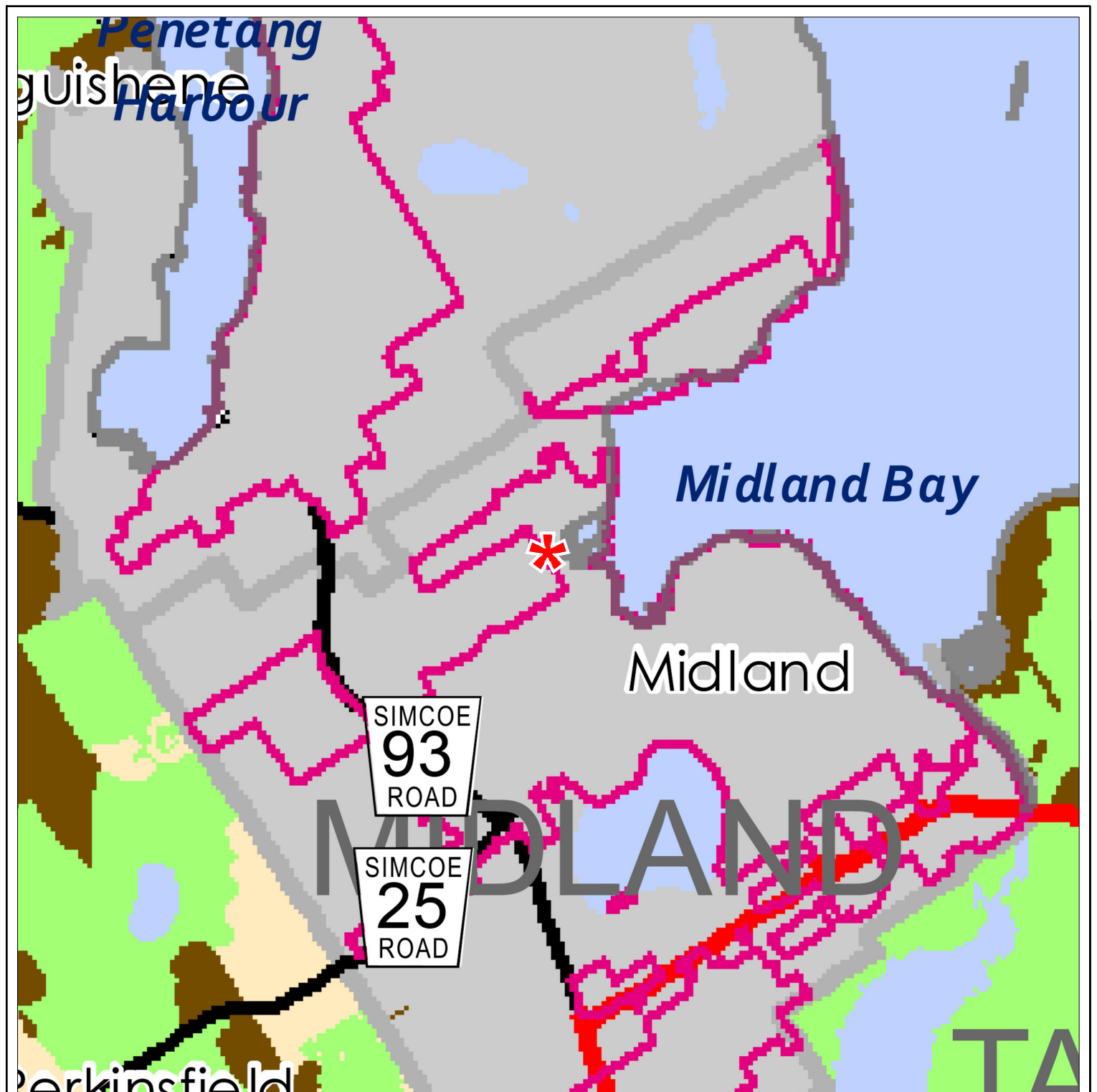


Figure 3

## COUNTY OF SIMCOE LAND USE DESIGNATION

1191 HARBOURVIEW DRIVE  
Part of Lot 110, Concession 1 E  
Town of Midland, County of Simcoe

### LEGEND

-  Subject Lands
-  Settlements
-  Built Boundaries
-  Provincial Highway
-  Greenlands
-  Agricultural

0 0.5 1.0 1.5 2km

Scale: 1 : 50,000



Source: County of Simcoe Official Plan, Schedule 5.1, February 2023.

Drawn By: A.M.

Date: March 23, 2025

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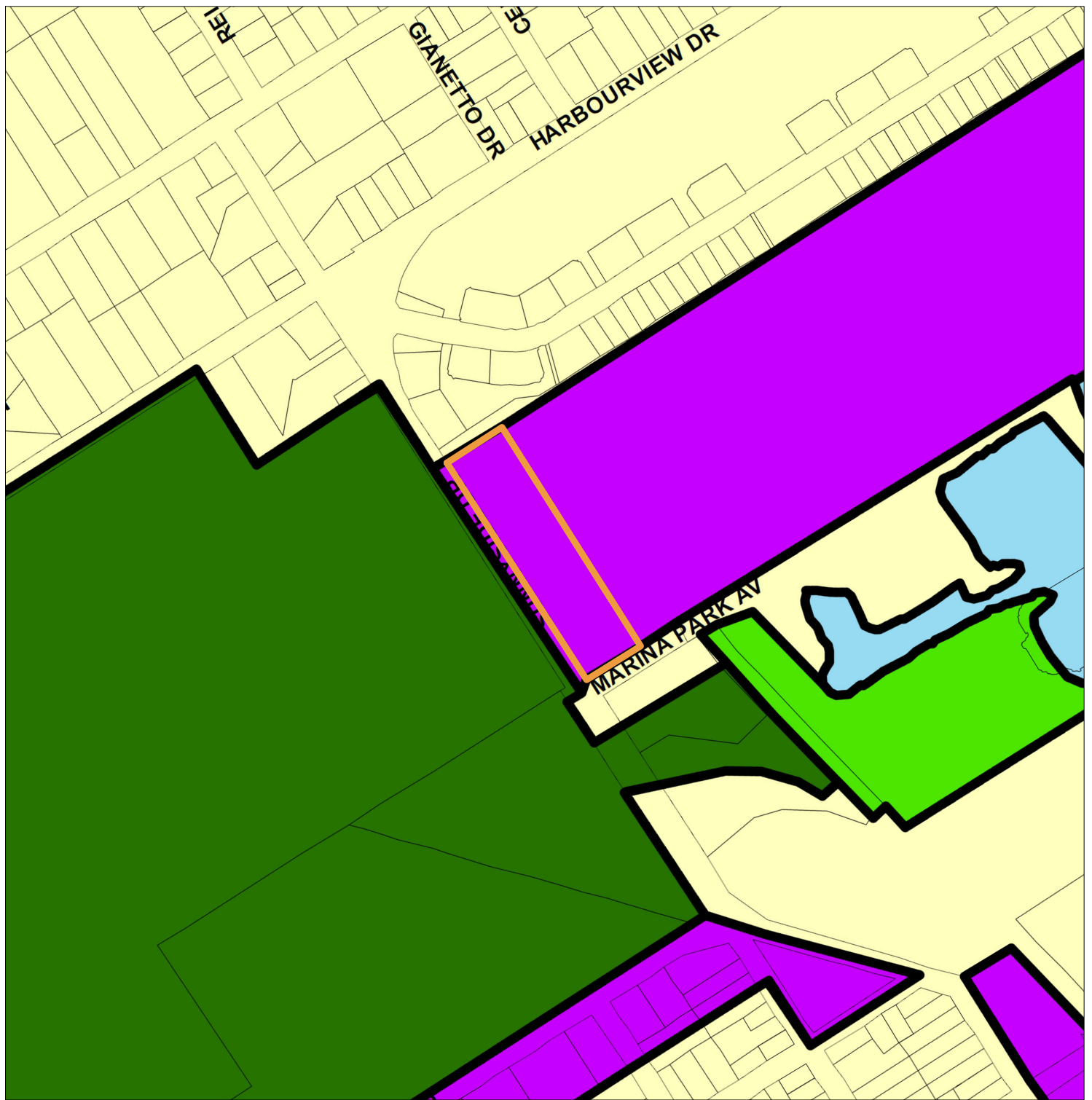


Figure 4

## TOWN OF MIDLAND LAND USE DESIGNATION

**1191 HARBOURVIEW DRIVE**  
Part of Lot 110, Concession 1 E  
Town of Midland, County of Simcoe

### LEGEND

- Subject Lands
- Employment Area
- Residential District
- Environmental Protection
- Open Space District

0 50 100 150 200m

Scale: 1 : 5,000



Source: Town of Midland Official Plan, Schedule A - Land Use, 2011.

Drawn By: A.M.

Date: March 23, 2025

File No: 1512

**MORGAN**  
PLANNING & DEVELOPMENT

Phone: (705) 327-1873 Website: morganplanning.ca  
101-21 Matchedash Street South, Orillia, ON, L3V 4W4

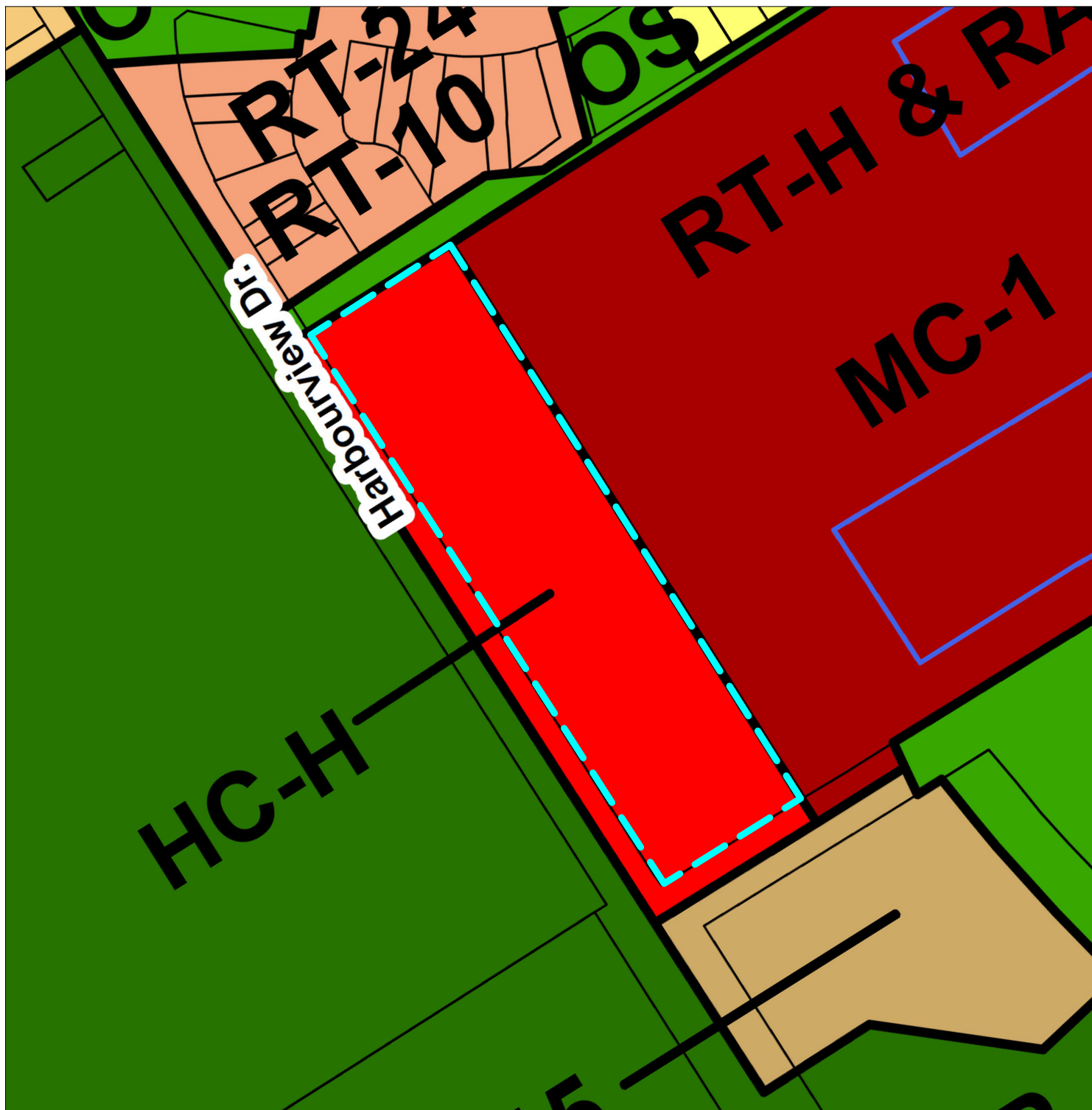


Figure 5

## TOWN OF MIDLAND ZONING BY-LAW

**1191 HARBOURVIEW DRIVE**  
Part of Lot 110, Concession 1 E  
Town of Midland, County of Simcoe

### LEGEND

- Subject Lands
- Highway Commercial Zone
- Downtown Core Commercial Zone
- Residential Townhouse Zone
- Residential Apartment Zone
- Open Space Zone
- Environmental Protection Zone

0 20 40 60 80m

Scale: 1 : 2,000



Source: Town of Midland Zoning By-law 2004-90, Map 19,  
August, 2024.

Drawn By: A.M.

Date: March 23, 2025

File No: 1512

**MORGAN**  
PLANNING & DEVELOPMENT

Phone: (705) 327-1873 Website: [morganplanning.ca](http://morganplanning.ca)  
101-21 Matchedash Street South, Orillia, ON, L3V 4W4

# **ATTACHMENT 1**

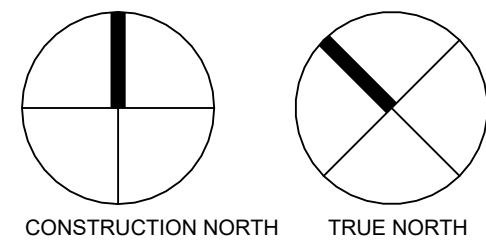
NO.	ISSUED	DATE
	CLIENT REVIEW	2024.08.30
	CLIENT REVIEW	2024.10.18

DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED "ISSUED FOR CONSTRUCTION". VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

CHAMBERLAIN ARCHITECT SERVICES LIMITED AND CHAMBERLAIN CONSTRUCTION SERVICES LIMITED HAVE SIMILAR OWNERSHIP.

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SEAL



## BAYPORT TOWER

1191 HARBOURVIEW  
DRIVE  
MIDLAND, ON

SHEET NAME

## SITE PLAN

START DATE  
AUGUST 2024

DRAWN BY  
HK

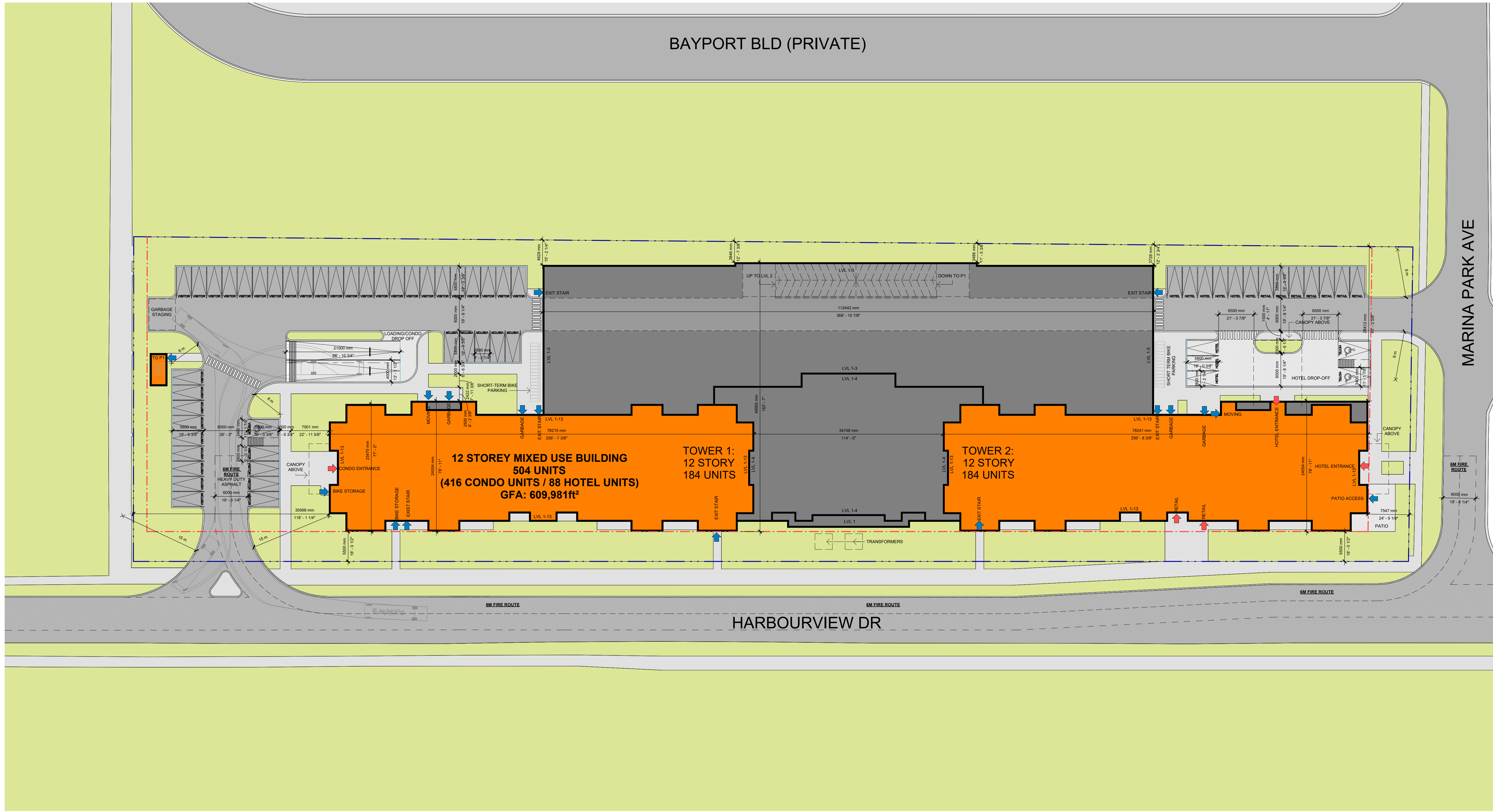
CHECKED BY  
JM

SCALE  
1 : 350

PROJECT NO.  
124043

DRAWING

# A001



SITE STATISTICS			
DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
BUILDING FOOTPRINT			
MIXED USE BUILDING	7091.65 m <sup>2</sup>	76334 ft <sup>2</sup>	51.3%
	7091.65 m <sup>2</sup>	76334 ft <sup>2</sup>	51.3%
HARD LANDSCAPE			
ASPHALT	2066.45 m <sup>2</sup>	22243 ft <sup>2</sup>	14.9%
CURB	94.66 m <sup>2</sup>	1019 ft <sup>2</sup>	0.7%
PAVERS	533.46 m <sup>2</sup>	5742 ft <sup>2</sup>	3.9%
SIDEWALK	811.27 m <sup>2</sup>	8732 ft <sup>2</sup>	5.9%
	3505.84 m <sup>2</sup>	37737 ft <sup>2</sup>	25.3%
SOFT LANDSCAPE			
LANDSCAPE	3235.48 m <sup>2</sup>	34826 ft <sup>2</sup>	23.4%
	3235.48 m <sup>2</sup>	34826 ft <sup>2</sup>	23.4%
	13832.97 m <sup>2</sup>	148897 ft <sup>2</sup>	100.0%
OVERALL	13822.80 m <sup>2</sup>	148787 ft <sup>2</sup>	100.0%

PARKING SCHEDULE BY TYPE	
Type	Count
MIDLAND ACCESSIBLE (5.8M x 3.4M)	6
MIDLAND TYPICAL (5.8M x 2.8M)	744
	750

PARKING SCHEDULE		
Type	Comments	Count
LVL 1		
MIDLAND ACCESSIBLE (5.8M x 3.4M)	HOTEL	2
MIDLAND TYPICAL (5.8M x 2.8M)	HOTEL	106
MIDLAND TYPICAL (5.8M x 2.8M)	RETAIL	7
MIDLAND ACCESSIBLE (5.8M x 3.4M)	VISITOR	1
MIDLAND TYPICAL (5.8M x 2.8M)	VISITOR	51
LVL 1: 167		167
LVL 2		
MIDLAND TYPICAL (5.8M x 2.8M)	CONDO	109
LVL 2: 109		109
LVL 3		
MIDLAND TYPICAL (5.8M x 2.8M)	CONDO	115
LVL 3: 115		115
P1		
MIDLAND ACCESSIBLE (5.8M x 3.4M)	CONDO	3
MIDLAND TYPICAL (5.8M x 2.8M)	CONDO	245
MIDLAND TYPICAL (5.8M x 2.8M)	VISITOR	111
P1: 359		359
		750

OVERALL UNIT MIX			
Name	Area	Count	Count %
1BD	502 ft <sup>2</sup> ... 1318 ft <sup>2</sup>	420	83%
1BD SMALL	502 ft <sup>2</sup> ... 502 ft <sup>2</sup>	2	0%
2BD	764 ft <sup>2</sup> ... 1195 ft <sup>2</sup>	82	16%
		504	

CONDO UNIT MIX			
Name	Area	Count	Count %
1BD	502 ft <sup>2</sup> ... 728 ft <sup>2</sup>	346	83%
2BD	764 ft <sup>2</sup> ... 1195 ft <sup>2</sup>	70	17%
		416	

HOTEL UNIT MIX			
Name	Area	Count	Count %
1BD	543 ft <sup>2</sup> ... 1318 ft <sup>2</sup>	74	84%
1BD SMALL	502 ft <sup>2</sup> ... 502 ft <sup>2</sup>	2	2%
2BD	1006 ft <sup>2</sup> ... 1195 ft <sup>2</sup>	12	14%
		88	

GFA BY CATEGORY		
Department	Area	Area (%)
CONDO	379925 ft <sup>2</sup>	62%
HOTEL	163344 ft <sup>2</sup>	27%
RETAIL	1143 ft <sup>2</sup>	0%
SHARED	65720 ft <sup>2</sup>	11%
Grand total: 709	610132 ft <sup>2</sup>	

GFA BY LEVEL		
Level	Area	Area (%)
LVL 1	75880 ft <sup>2</sup>	12%
LVL 2	74834 ft <sup>2</sup>	12%
LVL 3	74834 ft <sup>2</sup>	12%
LVL 4	72145 ft <sup>2</sup>	12%
LVL 5	34795 ft <sup>2</sup>	6%
LVL 6	34795 ft <sup>2</sup>	6%
LVL 7	34795 ft <sup>2</sup>	6%
LVL 8	34795 ft <sup>2</sup>	6%
LVL 9	34795 ft <sup>2</sup>	6%
LVL 10	34795 ft <sup>2</sup>	6%
LVL 11	34795 ft <sup>2</sup>	6%
LVL 12	34795 ft <sup>2</sup>	6%
T/O ROOF DECK	34076 ft <sup>2</sup>	6%
Grand total: 709	610132 ft <sup>2</sup>	