



JONES
CONSULTING GROUP LTD.
PLANNERS & ENGINEERS



Excellence Reliance Innovation

Planning Justification Report

Application for Zoning By-law Amendment

526 Bay Street, Town of Midland

Owner: Louie DeSantis

June 2024

Updated May 2025

The Jones Consulting Group Ltd.

TABLE OF CONTENTS

1.0	INTRODUCTION.....	3
2.0	PROPERTY LOCATION AND SITE DESCRIPTION	4
3.0	PROPOSED DEVELOPMENT	5
3.1	Supporting Technical Reports and Plan	7
4.0	LEGISLATION & POLICY REVIEW	8
4.1	Planning Act (R.S.O. 1990 c. P.13)	8
4.1.1	Matters of Provincial Interest	8
4.2	Provincial Planning Statement (PPS), 2024	10
4.2.1	Building Homes, Sustaining Strong and Competitive Communities	10
4.2.2	Infrastructure and Facilities	12
4.2.3	Wise Use and Management of Resources	13
4.3	County of Simcoe Official Plan	14
4.3.1	Growth Management Strategy (Section 3)	14
4.3.2	Settlement Area Designation (Section 3.5)	14
4.3.3	Policy Statements (Section 4)	15
4.4	Town of Midland Official Plan	16
4.4.1	Previous Official Plan	16
4.4.2	New Official Plan	19
4.5	Town of Midland Zoning By-law	27
4.5.1	General Provisions (Section 3) and Parking Requirements (Section 4)	27
4.5.2	Downtown Core Commercial (DC) Zone (Section 6.1)	27
4.5.3	Zoning By-law Amendment	28
5.0	CONCLUSION	29

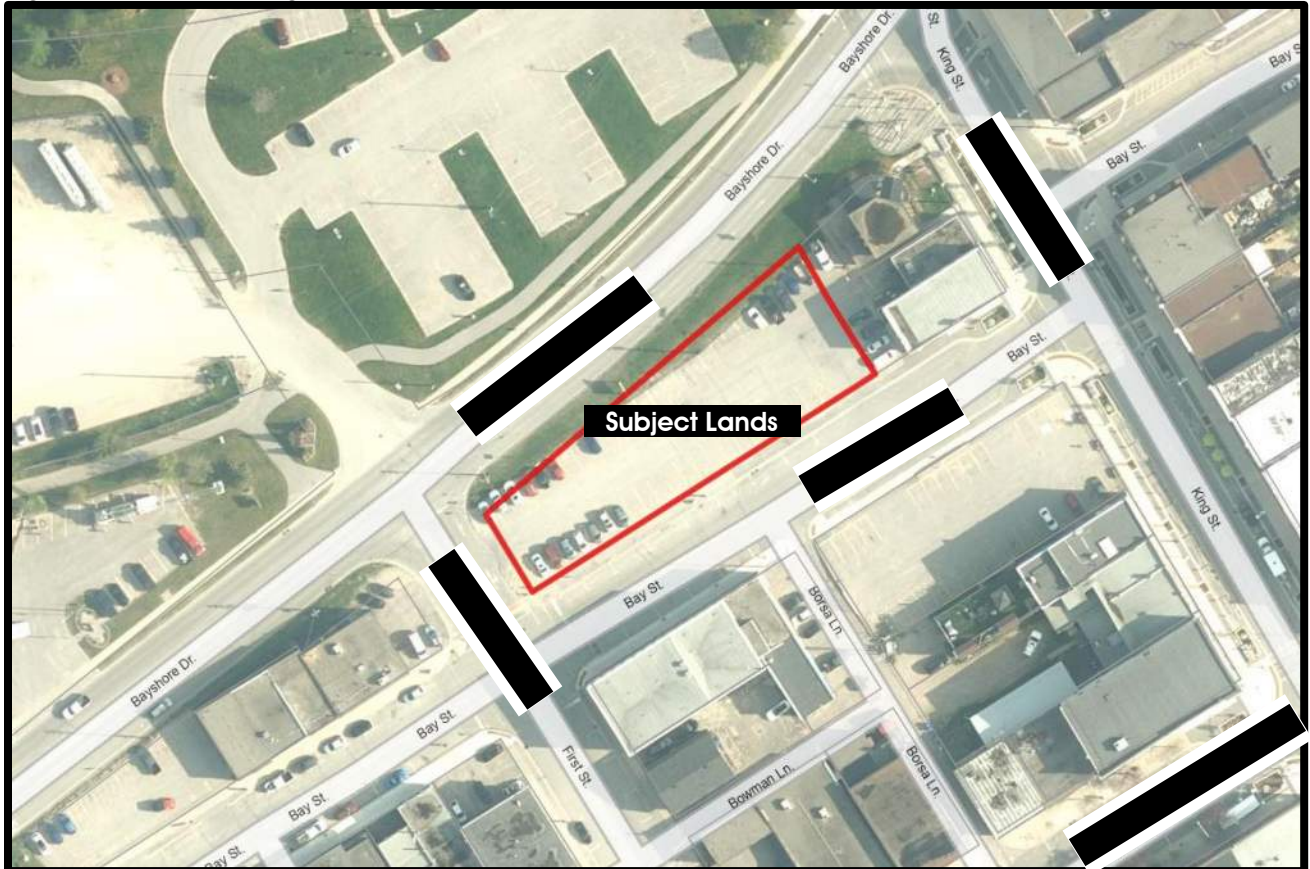
LIST OF FIGURES

Figure 1. Aerial Photograph of Subject Lands	3
Figure 2. Surrounding Land Uses	4
Figure 3. Proposed Site Plan	5
Figure 4. Proposed Floor Area Plan	6
Figure 5: Schedule 5.1 Land Use Designations, County of Simcoe Official Plan	14
Figure 6. Schedule A, Previous Town of Midland Official Plan	16
Figure 7: Schedule C Land Use, Town of Midland Official Plan	19
Figure 8. Schedule A, Growth Areas, Town of Midland Official Plan	20
Figure 9. Schedule B, Urban Structure, Town of Midland Official Plan	21
Figure 10. Zoning By-law 2004-90: 526 Bay Street	27

1.0 INTRODUCTION

On behalf of our client, Louie DeSantis, we are pleased to provide this Planning Justification Report in support of application for a Zoning By-law Amendment for lands municipally known as 526 Bay Street in the Town of Midland (**Figure 1**). The purpose of the application is to rezone the lands from Downtown Core Commercial (DC) to Downtown Core Commercial Exception (DC-XX) as outlined in Sections 3 and 4.5.3 of this Report.

Figure 1. Aerial Photograph of Subject Lands



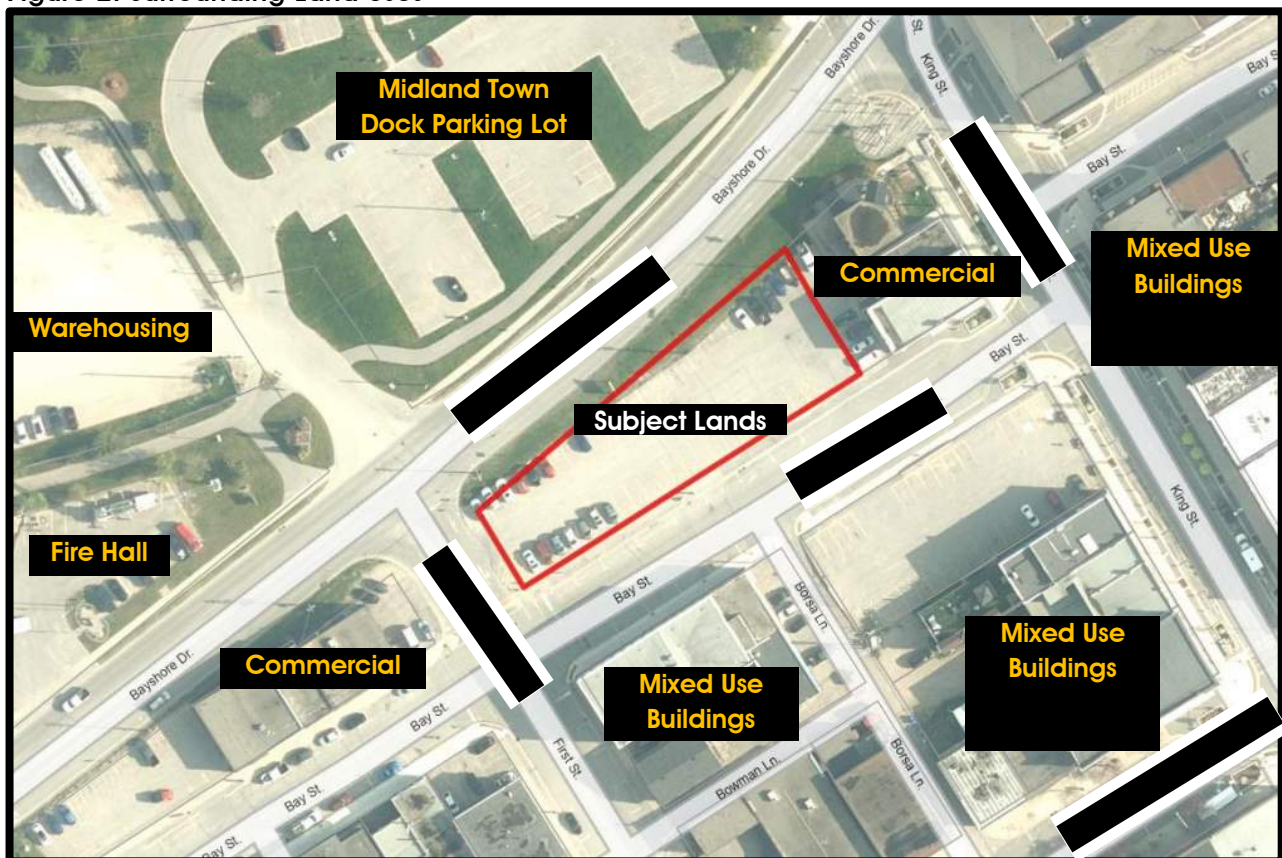
This Planning Report examines the subject lands, site context, and land use planning framework with a specific focus on the proposed special zoning provision. This Report does not review the urban design and built form, except as it relates to the requested special zoning provision, because those matters will be handled by the architect/Owner through the Site Plan Control approval process.

2.0 PROPERTY LOCATION AND SITE DESCRIPTION

The lands are known municipally as 526 Bay Street in the Town of Midland (**Figure 1**). The lot is irregular in shape and currently contains a parking lot. The total area of the lands is approximately 1,757.2 square metres with a total lot frontage of approximately 75 metres on Bay Street, 18 metres on First Street, and 75 metres on Bayshore Drive. The subject lands are surrounded by existing residential, commercial, and recreational uses (**Figure 2**) including the following:

- **North:** Midland Town Docks and Midland Bay.
- **East:** Commercial uses including restaurant and cannabis store.
- **South:** Mixed Use Downtown Area including parking lot and various ground floor commercial uses with residential apartments above.
- **West:** Commercial uses including a coffee shop and cannabis store. A Town Fire Hall is further west, as well as an industrial yard with warehousing along the waterfront.

Figure 2. Surrounding Land Uses



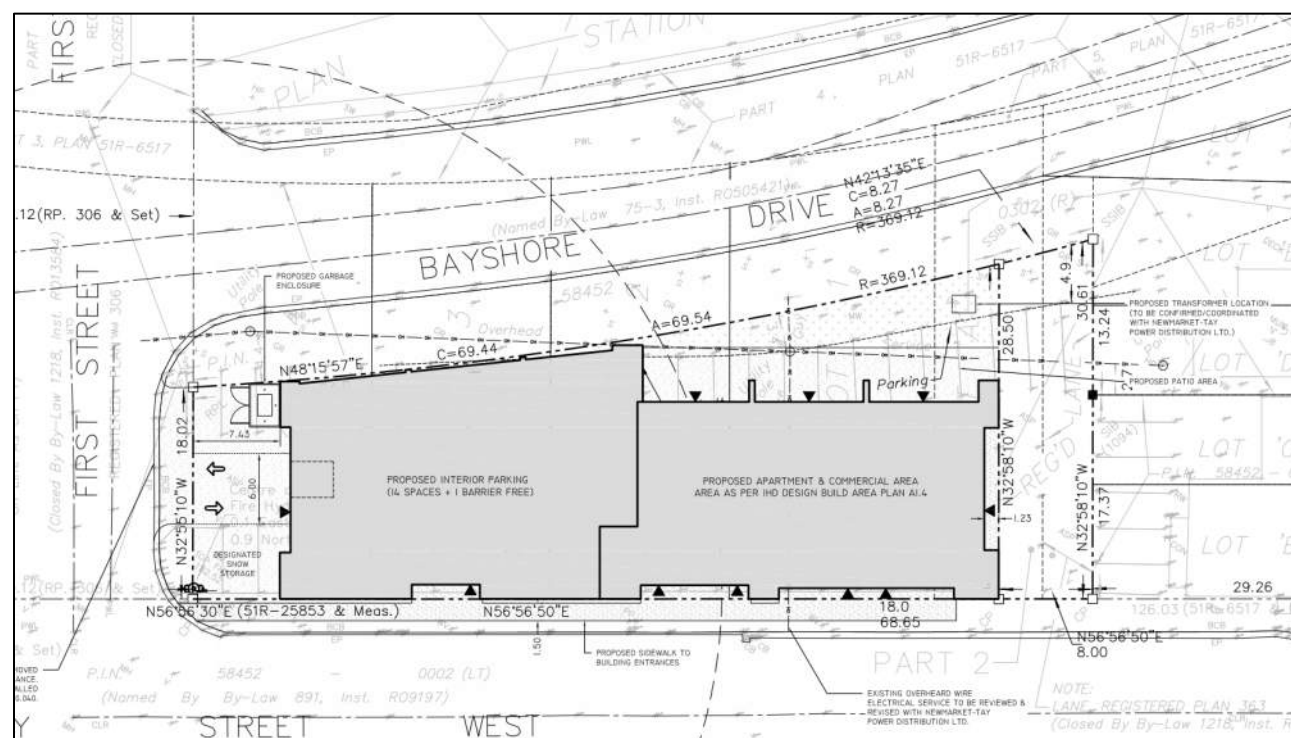
3.0 PROPOSED DEVELOPMENT

The **purpose** of the Zoning By-law Amendment application is to rezone the lands from Downtown Core Commercial (DC) to Downtown Core Commercial Exception (DC-XX) to permit an "Apartment Building, Mixed Use" as outlined in Section 4.5 of this Report.

The lands are proposed to contain a 4-storey mixed use building with a total gross floor area of approximately 3,393 square metres (**Figure 3**), which is detailed below:

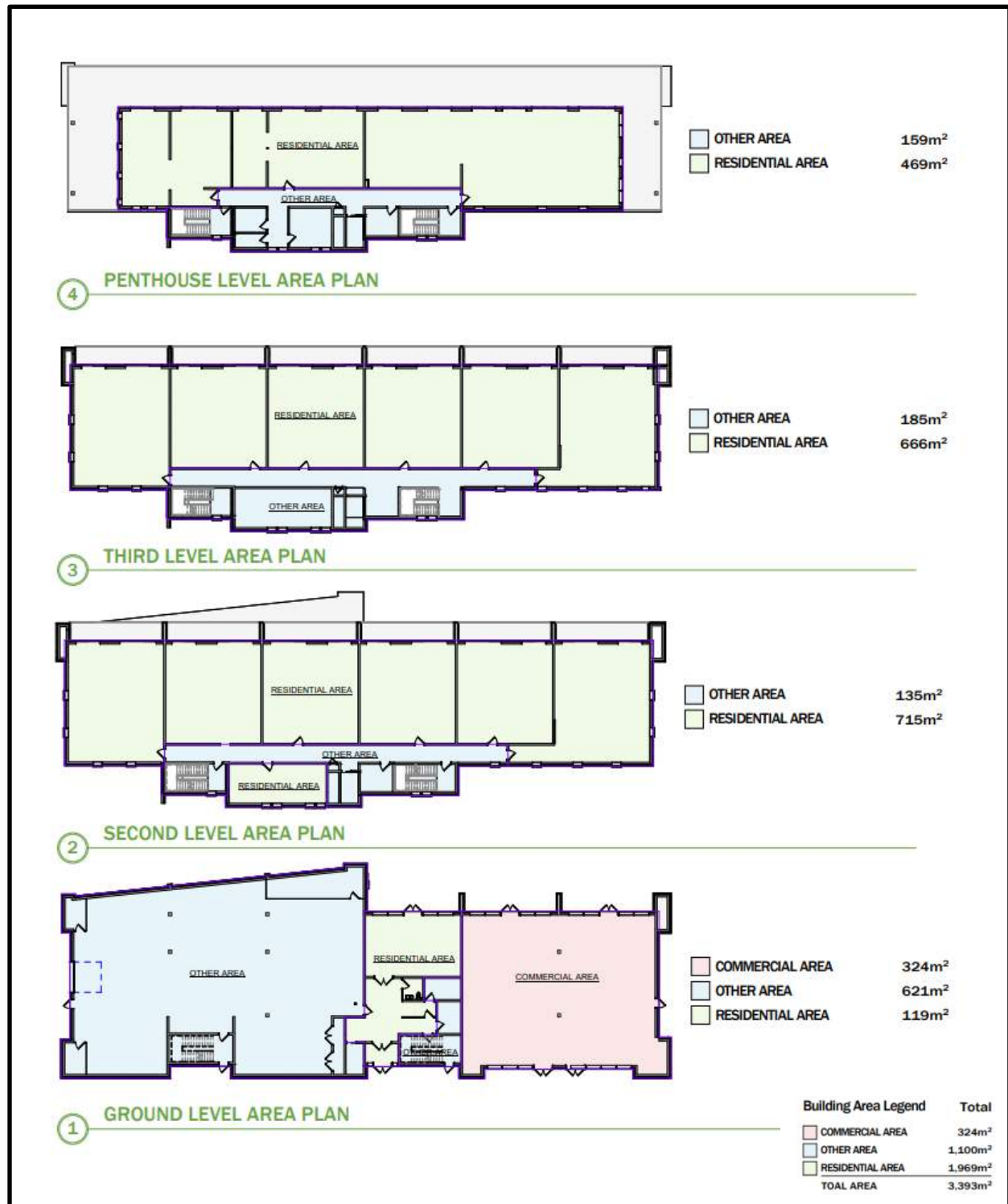
Use	Gross Floor Area
Commercial Area	324 square metres
Residential (15 apartment units)	1,969 square metres
Other Area (including Interior Parking Area)	1,100 square metres
TOTAL	3,393 square metres

Figure 3. Proposed Site Plan



The ground floor of the building will contain the commercial area, interior parking area and accessory residential area for the entryway and other common areas (**Figure 4**). The parking area will contain 15 parking spaces, which includes one barrier free space.

Figure 4. Proposed Floor Area Plan



3.1 Supporting Technical Reports and Plan

The following technical reports have been prepared in support of the proposed application.

1. Planning Justification Report

This Planning Justification Report examines the subject lands, site context, and land use policies. The report concludes that the proposed development represents proper land use planning that will positively contribute to the quality of life in the Town of Midland.

2. Functional Servicing Report

A Functional Servicing Report was prepared by Quantum Engineering in support of the proposed application, which concludes the proposed development is feasible and can be accommodated by the existing surrounding infrastructure.

3. Draft D-6 Land Use Compatibility Assessment

A Draft D-6 Land Use Compatibility Assessment was prepared by Pinchin in support of the proposed development. As discussed with the Town, a final D-6 Land Use Compatibility Assessment will be prepared for the site plan control submission.

The Draft conclusions of the Assessment note the development is considered to be a sensitive land use and is not subject to a risk of environmental impacts from the existing surrounding properties. The Draft Assessment further concludes that risk to the proposed development as a result of the existing surrounding industrial operations is likely and recommends completing a noise/vibration assessment to identify potential adverse effects.

4. Phase 1 and 2 Environmental Site Assessment (ESA)

A Phase 1 and 2 Environmental Site Assessment (ESA) was prepared by AiMS Environmental, which states that based on historical records, site reconnaissance, and personal interviews, no actual on-site sources of soil and groundwater contamination were identified in association with the subject property, however, potential environmental concerns were identified. The potential environmental concerns were further investigated, and the findings concluded the soil and groundwater were impacted by contaminants. The Assessment recommends that additional subsurface investigations be conducted to identify the source of the identified contamination in groundwater and to further delineate the extent of the contamination in soil for due diligence and cleanup purposes.

4.0 LEGISLATION & POLICY REVIEW

The following subsections provide a summary assessment of how the proposed application has regard to the Planning Act, is consistent with the Provincial Planning Statement, and conforms to the applicable policies of the previous and new Town of Midland Official Plans, and the Town of Midland Zoning By-law.

4.1 Planning Act (R.S.O. 1990 c. P.13)

The following subsections assess how the application has regard to matters of Provincial Interest.

4.1.1 Matters of Provincial Interest

Section 2 of the Planning Act contains matters of provincial interest that approval authorities must have regard to in carrying out the responsibilities under the Act, including considering an application for a Zoning By-law Amendment (Section 34 of the Planning Act).

The matters of provincial interest have been listed below, along with an explanation of how the proposed application has regard to those matters.

a) the protection of ecological systems, including natural areas, features and functions;

The lands do not contain any natural heritage features.

b) the protection of the agricultural resources of the Province;

The subject lands are located within the Town of Midland settlement area and are not in proximity to any agricultural lands. The subject lands are designated to permit residential and commercial uses.

c) the conservation and management of natural resources and the mineral resource base;

The lands do not contain any natural heritage features as noted in section (a), and no mineral resources have been identified on the subject lands.

d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

An Archaeological Assessment was not requested by the Town.

e) the supply, efficient use and conservation of energy and water;

The proposed building will utilize municipal services. The new building will also need to conform to the energy conservation measures (i.e. windows, insulation, material types) required by the Ontario Building Code.

f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The proposal conforms to the Town's Master Plans.

g) the minimization of waste;

Waste will be stored on-site and subject to private or public pick-up as determined through the site plan approval process.

h) the orderly development of safe and healthy communities;

The proposed development will facilitate a mixed-use building within an established downtown area.

h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

The Accessibility requirements of the Ontario Building Code will be reviewed at the time of Building Permit submission. Additional considerations, such as depressed curbs, accessible parking and access, will be reviewed during the Site Plan Control approval process.

- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- The Town of Midland Town Docks is located directly north of the site, which provides access to the waterfront and municipal parkland.
- j) *the adequate provision of a full range of housing, including affordable housing;*
- The application will not contribute to affordable housing; however, the development will provide a more attainable housing option of smaller apartment units for people in various stages of life.
- k) *the adequate provision of employment opportunities;*
- The subject lands are located within the Town's downtown area which contains a range of commercial and employment uses. Further, the building will contain ground floor commercial uses.
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- The Town has prepared an Asset Management Plan in order to ensure the Town's economic well-being is maintained.
- m) *the co-ordination of planning activities of public bodies;*
- Circulation of the proposed application will occur to all agencies and public bodies identified in the Planning Act.
- n) *the resolution of planning conflicts involving public and private interests;*
- A Public Meeting will be held in accordance with the requirements of the Planning Act to provide an opportunity for the public to comment on the proposed application.
- o) *the protection of public health and safety;*
- The Building Department and emergency services (Fire, Police) will be circulated a copy of the proposed application for comment.
- p) *the appropriate location of growth and development;*
- The subject lands are located within the Town of Midland settlement area boundary and within the downtown area which permits a range of land uses.
- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- The site is located along the Midland Penetanguishene North Transit Route, which provides public transit within Midland and Penetanguishene. The route also provides access to the County of Simcoe LINX Transit Routes, which connect to various municipalities in the County, the City of Barrie, and the City of Orillia.
- r) *the promotion of built form that,*
- a. *is well-designed,*
 - b. *encourages a sense of place, and*
 - c. *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.*
- The application will permit a mixed-use building in the downtown area.
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*
- The lands are located in the downtown area, which is within walking distance of various residential, commercial and recreational uses.

In my opinion, the proposed application has regard to the matters of Provincial Interest identified in the Planning Act.

4.2 Provincial Planning Statement (PPS), 2024

The new Provincial Planning Statement (PPS) came into effect on October 20, 2024. Planning decisions must consider all components of the PPS and how they interrelate, and decisions must be consistent with the PPS.

The Provincial Planning Statement (PPS) is a policy framework based on the Vision for Ontario's Land Use Planning System. Chapter 1 of the PPS states the Vision is to increase the supply and mix of housing options, address the full range of housing affordable needs, and support a strong and competitive economy. The PPS seeks to protect our cultural and natural heritage resources, direct growth to settlement areas, and to ensure that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

The four (4) principal parts of the PPS include (i) Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, (ii) Chapter 3: Infrastructure and Facilities, (iii) Chapter 4: Wise Use and Management of Resources, and (iv) Chapter 5: Protecting Public Health and Safety. The following sub-sections assess the application's consistency with the PPS.

4.2.1 Building Homes, Sustaining Strong and Competitive Communities

Chapter 2 of the PPS contains policies for building homes and sustaining strong and competitive communities. The applicable policies from this chapter have been listed below followed by an assessment of the application's consistency with the policies.

1) Planning for People and Homes

- a) To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*
 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
 - b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*

The development is proposed to contain an apartment building with 15 units that will contribute to the housing options in the Town. The Functional Servicing Report concludes that the development can efficiently utilize municipal services.

- 6. Planning authorities should support the achievement of complete communities by:*
 - a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

The application will permit a mixed-use building in the downtown district, which will be compatible with the surrounding area. The building will contain 15 apartment units with commercial uses on the ground floor. The lands do not contain natural heritage features, and the development will utilize municipal infrastructure. The site will incorporate sidewalks and is located along public transit routes.

2) Housing

Policy 2.2.1 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents of the regional market area.

The subject lands will contain 15 apartment units above the commercial gross floor area and an interior parking area, which will efficiently utilize the lands and contribute to the range of housing options in the Town. Further, the smaller unit sizes will provide a more attainable housing option than other ground-oriented housing types (i.e., singles, townhouses).

3) Settlement Areas

Policy 2.3 contains policies for settlement areas, which are included below:

- a) *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

The subject lands are within the Town of Midland settlement area.

- b) *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a) *efficiently use land and resources;*
 - b) *optimize existing and planned infrastructure and public service facilities;*
 - c) *support active transportation;*
 - d) *are transit-supportive, as appropriate; and*
 - e) *are freight-supportive;*

The proposed development efficiently uses land within a settlement area, it will be serviced with planned public service facilities and infrastructure, and the compact form of development will support multi-modal transportation.

- c) *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

The subject lands are identified within the Built-up Area, which is required to accommodate additional growth prior to new greenfield development being approved. Further, the development will result in 15 apartment dwelling units that will contribute to the housing options in the Town and will utilize municipal infrastructure.

4) Employment

Policy 2.8.1.1 states that planning authorities shall promote economic development and competitiveness by the following:

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) *encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*
- e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

The proposed application will permit a mixed-use building in the downtown district, which will contribute to the range of commercial uses and services available in the surrounding area for existing and future residents.

5) Energy Conservation, Air Quality and Climate Change

Policy 2.9.1 states planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) *support the achievement of compact, transit-supportive, and complete communities;*
- b) *incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
- c) *support energy conservation and efficiency;*
- d) *promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*
- e) *take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.*

The proposed development will provide a compact form with commercial and residential uses. The site will connect to municipal sidewalks and is located along public transit routes. The new building will also need to conform to the energy conservation measures (i.e. windows, insulation, material types) required by the Ontario Building Code.

4.2.2 Infrastructure and Facilities

Chapter 3 of the PPS contains policies for infrastructure and public service facilities. The applicable policies from this section have been listed below followed by an assessment of the application's consistency with the policies.

1) General Policies for Infrastructure and Public Service Facilities

Section 3.1 contains general policies, which are provided below:

1. *Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:*
 - a) *are financially viable over their life cycle, which may be demonstrated through asset management planning;*
 - b) *leverage the capacity of development proponents, where appropriate; and*
 - c) *are available to meet current and projected needs.*

The proposed development will efficiently utilize municipal infrastructure, as concluded in the Functional Servicing Report.

2) Land Use Compatibility

Policy 3.5.2 requires the protection of 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 and impacts to the proposed sensitive land use are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

A Draft D-6 Land Use Compatibility Assessment was prepared for the submission, which concludes the proposed development is not subject to a risk of environmental impacts from the existing surrounding properties. The Assessment further concludes that risk to the proposed development as a result of the existing surrounding industrial operations is likely and recommends completing a noise/vibration assessment to identify potential adverse affects. As discussed with the Town, a final Assessment and associated studies will be completed through detailed design.

3) Sewage, Water and Stormwater

Policy 3.6.1 requires the efficient use and optimization of existing municipal sewage and water services, and to ensure those systems can be provided in a manner that is sustained by the water resources upon which

they rely, prepares for the impacts of a changing climate, are feasible and financially viable over their lifecycle and protects human health and safety and the natural environment. Also, water conservation and water use efficiency is promoted, and infrastructure servicing and land use considerations should occur at all stages of the planning process.

The subject lands will utilize municipal infrastructure.

4.2.3 Wise Use and Management of Resources

Chapter 4 of the PPS contains policies for the wise use and management of resources.

The subject lands are not identified to contain any natural heritage features, natural hazards, or human-made hazards. Further, the lands will efficiently utilize municipal infrastructure and no negative impacts to the quality or quantity of water are anticipated.

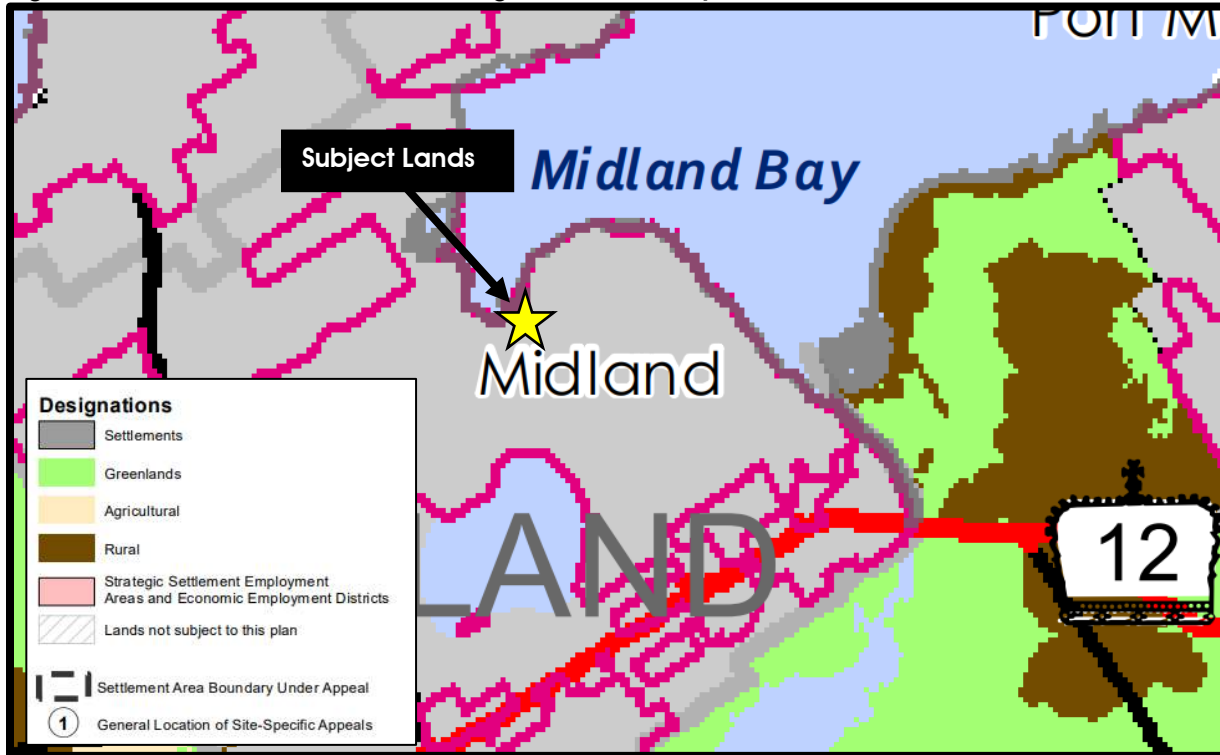
In my opinion, the proposed application is consistent with the Provincial Planning Statement, 2024.

4.3 County of Simcoe Official Plan

The Town of Midland is a lower-tier municipality located within the County of Simcoe. Development in the Town is subject to the policies of the County of Simcoe Official Plan. The County's Official Plan contains policies and planning strategies to help provide guidance for growth throughout the County. The general intent of the County Official Plan is to direct urban-type growth to the settlement areas, while preserving prime agricultural land and respecting the environment.

The subject lands are designated as Settlement in the County Official Plan Schedule 5.1 (**Figure 5**).

Figure 5: Schedule 5.1 Land Use Designations, County of Simcoe Official Plan



The following sub-sections assess the applications conformity with the County of Simcoe Official Plan.

4.3.1 Growth Management Strategy (Section 3)

Section 3 of the Official Plan, Growth Management Strategy, identifies the themes of the planning strategy discussed throughout the document. More specifically, this section suggests that development is directed to settlement areas to create complete settlements with diversified economic functions and opportunities, and a diverse range of housing options.

The proposed development will provide residential and commercial uses, which will positively contribute to the surrounding area in becoming a complete community.

4.3.2 Settlement Area Designation (Section 3.5)

Section 3.5, Settlements, states development is to focus within existing settlements as the location for urban uses and most non-resource related growth and development. Furthermore, primary settlement areas are suitable for high intensification targets, are to develop as complete communities, and municipalities are to focus and direct a significant portion of its population and employment forecasted growth to these areas.

The subject lands are located in the primary settlement of Midland and within the Built Boundary. The lands are currently designated and zoned to permit residential and commercial development.

4.3.3 Policy Statements (Section 4)

Section 4.0 of the County Official Plan contains policy statements that deal with special topics, procedures, or land uses that affect more than one designation.

In my opinion, the proposed development will meet the general intent of the policy statements as the lands are not identified to contain natural heritage features, natural hazards or human-made hazards. The subject lands are previously disturbed and are not anticipated to contain any cultural heritage resources. Further, the application is appropriate as it will permit a mixed-use building on lands within the downtown district of a primary settlement area. The lands will be efficiently serviced by municipal infrastructure.

In conclusion, it is my professional planning opinion that the proposed development of these lands conforms to the County of Simcoe Official Plan.

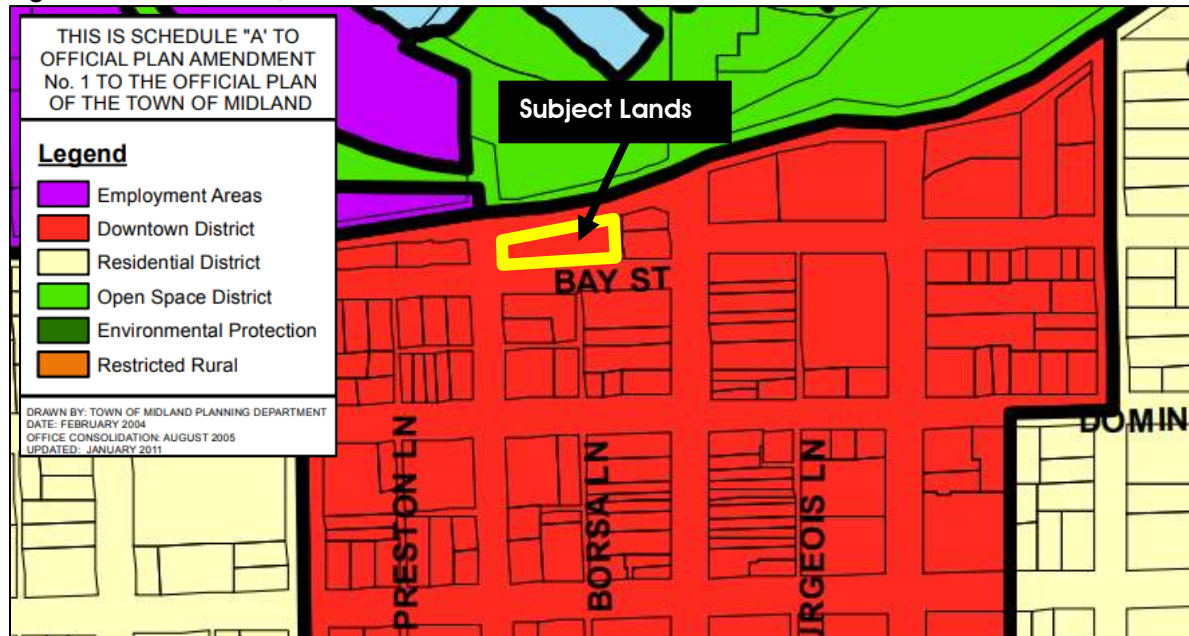
4.4 Town of Midland Official Plan

The previous Town of Midland Official Plan was adopted in December 2002 and approved by the County of Simcoe in June 2003. The new Town of Midland Official Plan was adopted in November 2019 and approved by the County of Simcoe in August 2020, however, several area-specific appeals were received. One of the area-specific appeals relates to Section 4.4.2, which is the “Downtown District Land Use Designation” policies. As such, the applicable policies of this section of the previous Official Plan have been reviewed below.

4.4.1 Previous Official Plan

The subject lands are designated as Downtown District on Schedule A of the previous Town of Midland Official Plan (**Figure 6**).

Figure 6. Schedule A, Previous Town of Midland Official Plan



4.4.1.1 Downtown District (Section 3.2)

Section 3.2 of the Plan provides land use designation policies for the Downtown District, which have been reviewed below:

1. Objectives

- To maintain this area as the prime focus of commerce, culture, tourism, hospitality and institutional activities.*
- To foster and promote the historic importance, qualities and opportunities that the Downtown District offers as a unique and attractive area.*
- To enhance and promote the interconnection of the built core area with the waterfront area.*
- To promote and encourage mixed commercial/residential development to support the community focus of the area*

The purpose of the application is to permit a mixed-use apartment building, which will contribute to the residential and commercial development in the Downtown District.

2. Permitted Uses

- a. *As the prime business, commercial and cultural area of the Town, uses including retail and commercial, office and professional services, hospitality and entertainment, together with parks, cultural, institutional, government and residential are permitted.*
- b. *Wholesale and similar related uses appropriate to the area, may be permitted. Typically, such uses would occur on the periphery of the District and would be considered uses which do not detract from or interfere with primary uses and may include motor vehicle uses.*
- c. *Residential uses are recognized and encouraged. The policies of this section and the Residential Section will guide residential development and re-development.*

The development will contain residential and commercial uses in the form of a mixed-use apartment building, which is a permitted use in the Downtown District.

3. Development Policies

- a. *Pedestrian use should be facilitated whenever possible. This includes well-maintained sidewalks, handicapped access, lighting, street furniture, vegetation and other appropriate features designed to provide for an appealing and comfortable setting.*

The site will connect to existing pedestrian sidewalks to encourage active transportation. Additional considerations will be reviewed through site plan control.

- e. *On-site parking may not be required where Council is satisfied that adequate alternatives exist. The implementation of this policy is intended to encourage development and re-development, which might otherwise not be possible or practical. Cash-in-lieu or the exemption from cash-in-lieu for parking may be considered by Council. See Section 8.5 for additional policies.*

The ground floor of the building will contain an interior parking area which will contain 15 parking spaces, including one barrier free space, to provide one (1) parking space to each residential unit.

- i. *Residential uses are recognized and encouraged in the Downtown District. An increased residential presence will be supportive of business and cultural activities and reinforce the community focus of the area. High and medium density residential development and mixed commercial/residential development are permitted in accordance with the policies of the Residential Section, 3.3. Residential uses, associated with commercial uses, should be located above the ground floor. On King Street, ground floor uses shall be reserved for retail and business use. Residential development, although viewed as an important aspect within this designation, is not a primary use and as such should not interfere with commercial and business uses and may not enjoy the setbacks, separations and buffering that might be expected elsewhere.*

The built form will consist of an apartment building with commercial uses on the ground floor.

4.4.1.2 Residential District (Section 3.3)

Section 3.3 of the Plan provides land use designation policies for the Residential District, which are applicable to any residential development in the Downtown District. The applicable policies have been reviewed below.

6. High Density Residential

- a. *High Density Residential development shall consist of low-rise apartments and similar buildings and high-rise apartment buildings.*

The proposed development will consist of a 4-storey apartment building with commercial uses on the ground floor.

- b. *High Density Residential uses shall be connected to full municipal services and should generally provide a density of less than 60 units per net hectare (25 u.p.n acre).*

The site will be connected to full municipal services, as concluded in the Functional Servicing Report. The proposed density will be 85 units per net hectare (15 units/0.17 hectares). In my opinion, there is flexibility in the language of this policy because it must be reviewed on a site-specific basis. Further, requiring a maximum density limits the ability to provide additional housing in the strategic growth area of a primary settlement area. In my opinion, the proposed density is appropriate because the metric is calculated on lot that is an irregular shape and smaller size that will be efficiently redeveloped with a 4-storey mixed-use building in the Downtown District that will contain 15 apartment units.

- c. *High Density Residential uses may be permitted, by amendment to the Zoning By-law, subject to the following:*
 - i. *The site should have good accessibility along arterial or collector roads.*
 - ii. *The various location and site consideration factors set out in Section 3.3.5, Medium Density Residential, shall apply.*
 - iii. *High Density Residential development or redevelopment shall be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).*
 - iv. *High Density Residential development is encouraged to locate near the Downtown District. Development may also be considered within the Downtown District if appropriate sites are identified.*

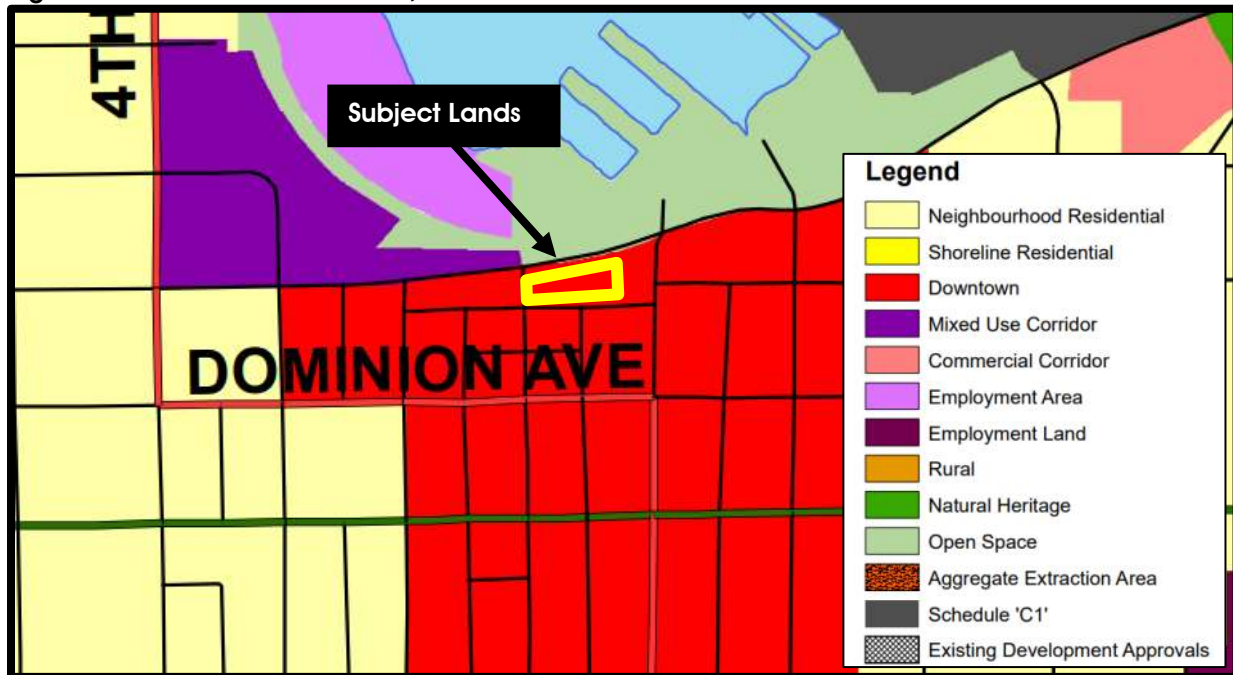
A Zoning By-law Amendment application has been submitted to permit a mixed use building. The site will be visible along Bayshore Drive, which is an arterial road, and is located within the Downtown District which encourages mixed-use development. The proposed development will meet the intent of the various location and site consideration factors for medium and high-density residential uses because the development will comply with all other zoning requirements in the Downtown Commercial (DC) zone (setbacks, height, buffering, etc.) and will be compatible with the surrounding area that consists of various mixed-use buildings. Additional considerations, such as treatment and landscaping, will be reviewed through detailed design.

In my professional planning opinion, the Zoning By-law Amendment application conforms to the applicable policies of the previous Official Plan.

4.4.2 New Official Plan

The new Town of Midland Official Plan sets out the planning policy framework that provides direction for future growth and development in the Town to the year 2031. The lands are designated Downtown on Schedule C, Land Use (**Figure 7**).

Figure 7: Schedule C Land Use, Town of Midland Official Plan



The following sub-sections assess the applications conformity with the new Town of Midland Official Plan.

4.4.2.1 Growth Management (Section 2)

Section 2 of the Plan, Growth Management, provides population and employment forecasts as well as policies related to planning and directing growth within the Town.

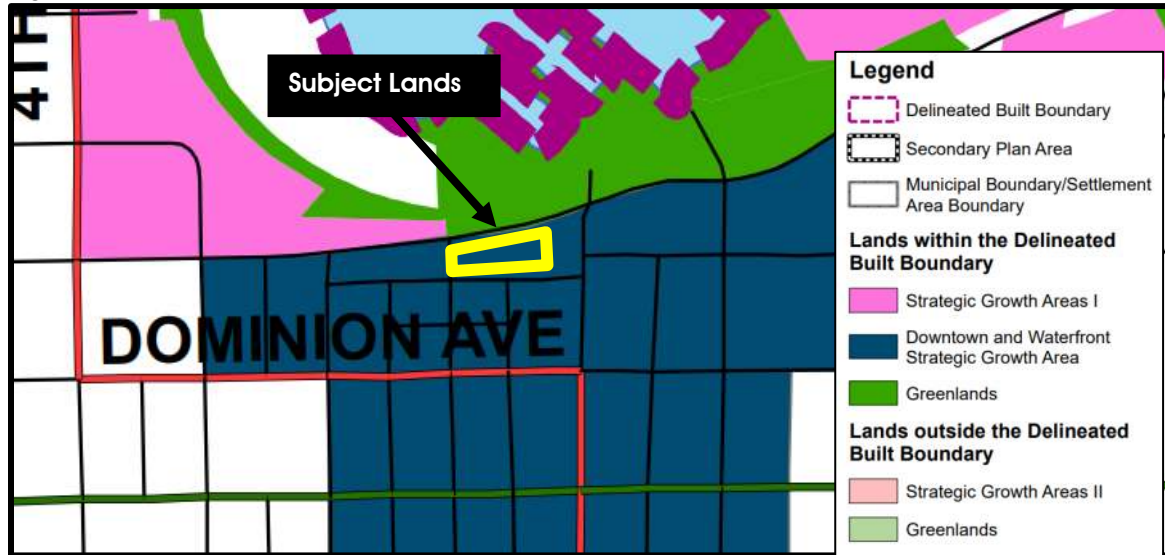
Section 2.2 provides an overview of the urban structure of the Town, which is described below:

- 1) Schedule A identifies those areas within the Settlement Area/Municipal Boundary that have been identified by Provincial, County and Town planning documents as key elements of the Town with respect to growth management. Each element of the Town has a specified role to play in long-term growth management, as follows:
 - i. The Delineated Built Boundary – The Delineated Built Boundary defines the Delineated Built-up Area and identifies the developed areas of the Town of Midland and lands that have been approved for development. All of the lands within the Delineated Built-up Area are considered as developed urban areas, and any new development within the Delineated Built-up Area is considered under the definition of intensification. This Plan implements a target of 40 percent of all new residential development on an annual basis within the Town being through intensification within the Delineated Built-up Area. While there is no target for the intensification of commercial, industrial or institutional forms of development, the concept of intensification is a positive principle of ongoing growth management for all land uses.
 - iii. Strategic Growth Areas are identified and, in order of priority, listed below:
 - i. Downtown and Waterfront Strategic Growth Areas – Downtown and Waterfront Strategic Growth Areas consist of the lands that define the core area of the Town and which have been identified to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form, within a high quality public

realm. These lands are further considered Intensification Areas as part of the Town's Intensification Strategy and identified as Mixed Use District on Schedule B – Urban Structure.

The proposed mixed-use development is appropriate as the subject lands are identified to be within the Built Boundary and the "Downtown and Waterfront Strategic Growth Area" on Schedule A (**Figure 8**), which encourages intensification, a compact built form and a range of land uses to accommodate future growth within the Town.

Figure 8. Schedule A, Growth Areas, Town of Midland Official Plan



d) The urban structure identified on Schedule B will have a focused Downtown, surrounded by neighbourhoods and employment areas that are connected by corridors which could accommodate mixed use development. The urban structure includes the following identifiable Districts:

- iii. The Mixed Use Districts – The Mixed Use Districts accommodate, and are planned to accommodate, a mixture of retail, service commercial, office, institutional and, in some cases, higher density residential land uses. The Mixed Use Districts shall comprise the Strategic Growth Areas identified on Schedule A – Growth Areas, and will provide the justification for enhanced transit and active transportation investment over time.

The planning policy framework will identify the Mixed Use Districts as key locations for a full range and mix of compatible land uses to ensure that they evolve as an important connecting element of the Town's urban structure. The planning policy framework included in this Plan will also establish a hierarchy that will be more specific about the range and mix of permitted land uses and the scale of the built form anticipated.

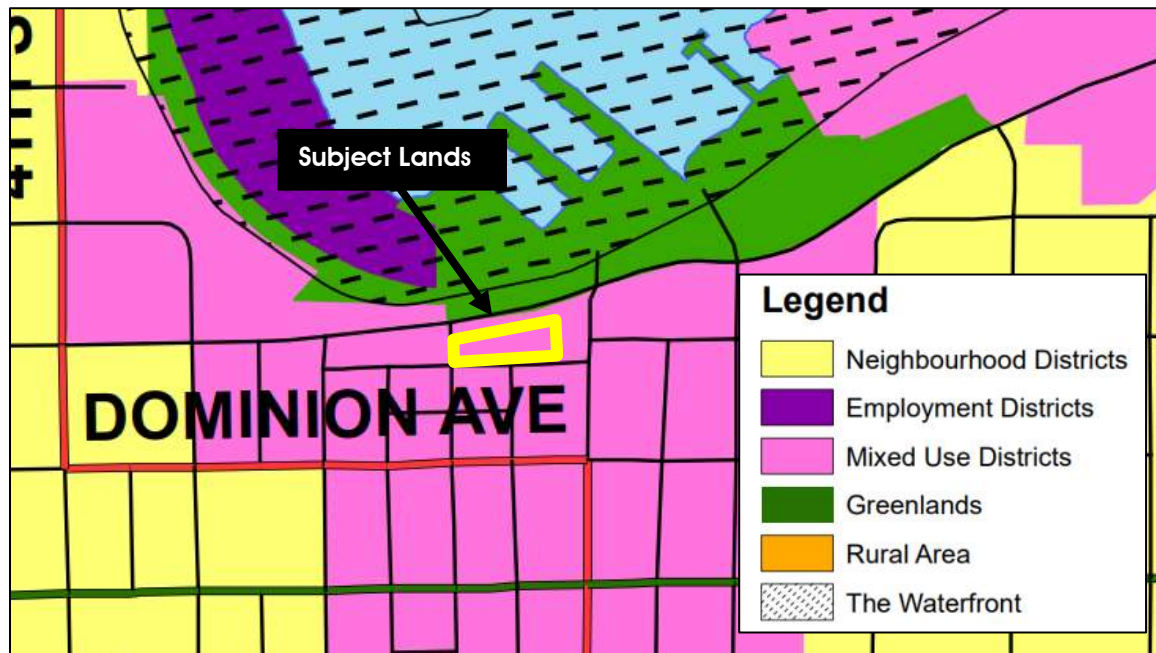
The Mixed Use Districts are located both within the Delineated Built up Area (intensification opportunities) and outside the Delineated Built Boundary (Designated Greenfield Areas), and it is anticipated that a substantial portion of new jobs and residents will be accommodated on these lands.

New development on full urban services is required for growth in the Mixed Use Districts. New development on partial or private services is expected to be limited to minor infilling and minor rounding out of existing development where there are no urban services available or expected.

The subject lands are identified to be within the Mixed Use District on Schedule B (**Figure 9**). The purpose of the application is to permit a mixed-use building and the lands will contain residential and

commercial land uses, as permitted in the Mixed Use District. Further, the lands are within the delineated built boundary where intensification is encouraged.

Figure 9. Schedule B, Urban Structure, Town of Midland Official Plan



4.4.2.2 General Development Policies (Section 3)

Section 3 provides policies applicable to all land use designations, which are described below:

1) [A Successful Community](#)

Section 3.1 contains policies on creating a successful community through conservation of the natural heritage system, the achievement of an active transportation network as well as a more sustainable approach to green infrastructure emplacement and green building.

The subject lands will contain residential and commercial uses, which are permitted uses in the downtown area. The development will be adjacent to public transit, and the lands are not identified to contain natural heritage features.

2) [Housing](#)

Section 3.2 states the Town should promote the development and sustainability of an appropriate and adequate mix of housing by fostering a range of types, tenures, unit sizes and affordability which can accommodate the broad needs of residents over time, regardless of age, income level, ability or household type.

The proposed development will contain 15 apartment units which will contribute to the range of housing options in the Town.

3) [Economic Development](#)

Section 3.3 states the Town should support ongoing economic development and encourage the creation of a positive business environment by providing local employment opportunities. The Mixed Use District is identified as a significant location for commercial retail uses, commercial office space, administration, business, services, hotel and convention facilities, and the Town should plan for these areas to be well connected to a multi-modal transportation network, including access to transit.

The subject lands are located within the Mixed Use District and the proposal will provide a mixed-use building with commercial uses on the ground floor, which will contribute to the economic development of the Town. The development will be adjacent to public transit routes.

4) Cultural Heritage

Section 3.4 contains policies on the protection of cultural heritage resources.

The subject lands are previously disturbed and are not anticipated to contain any cultural heritage resources, and as such, the Town did not request any archaeological studies to be submitted with this application.

5) Hazard Lands

Section 3.5 contains policies on directing development outside of hazard lands, which include natural and human-made hazards.

The subject lands do not contain any natural or human-made hazards.

4.4.2.3 Land Use Designations (Section 4)

Section 4 contains policies on the twelve land use designations that further subdivide the urban structure Districts, as identified on Schedule B, and provide more detailed development policies.

4.4.2.3.1 Mixed Use Districts

Section 4.4 contains general policies on lands within the Mixed Use District shown on Schedule B. The Plan states the Mixed Use Districts have the potential to accommodate significant growth, in an intensified built form, with mid-rise and high-rise residential buildings and population related employment uses, including community or regionally scaled retail commercial, office and institutional facilities. An appropriate mix and range of commercial, retail, office, institutional and residential uses at different scales and intensities is encouraged and supported within the various Mixed Use Districts.

The subject lands are identified to be within the Mixed Use District (**Figure 9**). The proposed application, if approved, will permit a mixed-use building which will contribute to the range of residential and commercial uses in the area.

4.4.2.3.2 Downtown Designation

Section 4.4.2 contains policies specifically for the Downtown designation. The lands are designated Downtown as shown on Schedule C of the Official Plan (**Figure 7**). Although it my understanding from the Town that this section is currently under appeal, the applicable policies have been reviewed below:

Intent

- a) *Buildings and sites throughout the Downtown designation are encouraged to accommodate an array of uses. A mixture of uses is encouraged not just within the Downtown designation in general, but also on individual development sites, and within individual buildings.*

The subject lands will contain a mixed-use building with ground floor commercial and apartment residential units above.

Permitted Uses

- e) *Permitted uses on lands designated as Downtown, as identified on Schedule C – Land Use, may include:*
- i. *Land uses lawfully existing on the date of the approval of this Plan;*
 - ii. *Retail, service commercial uses and restaurants;*
 - iii. *Commercial, business, medical, social service, administrative and institutional office uses;*
 - iv. *Institutional uses, including public and private schools, post-secondary education facilities;*
 - v. *Cultural, recreational and theatre facilities, including private athletic clubs;*
 - vi. *Mid and high-rise residential uses, including above grade residential, live-work units and communal housing, which may include special needs housing and housing for seniors;*
 - vii. *Existing low-rise residential uses, including their use for Home occupations and Bed and breakfast establishments.*
 - viii. *Artisan studios, galleries and associated retail sales facilities;*
 - ix. *Micro-breweries and micro-distilleries and associated retail sales and hospitality facilities;*

- x. *Hotels, including ancillary uses;*
- xi. *Convention/conference facilities;*
- xii. *Entertainment uses;*
- xiii. *Brewpubs;*
- xiv. *Places of worship;*
- xv. *Child care facilities;*
- xvi. *Funeral homes;*
- xvii. *Parking facilities at-grade and/or in structures;*
- xviii. *Parks and open spaces;*
- xix. *Long term care facilities and retirement homes (excluding King Street Corridor);*
- xx. *Public service facilities; and,*
- xxi. *Public uses and public and private utilities.*

The proposed building will contain apartment residential units with ground floor commercial.

Development Policies

- h) *All new development or redevelopment shall be a minimum height of two storeys and a maximum height of six storeys, except development or redevelopment on King Street where the maximum height shall be four storey.*

The proposed building will be four (4) storeys in height.

- j) *When considering an application for new development or redevelopment within the Downtown designation, the following development criteria shall be considered:*
 - i. *No undue, adverse impacts are created on adjacent properties in the vicinity;*
 - ii. *Identified on-site or adjacent cultural heritage resources are appropriately conserved;*
 - iii. *The height and massing of nearby buildings are appropriately considered, and buffers and/or transitions in height to adjacent properties are implemented, where necessary;*
 - iv. *At-grade uses may change over time. As a result, the floor-to-ceiling heights of ground floors for all buildings should be sufficient to adapt to a range of permitted uses and should generally be 4.25 metres*
 - v. *Utilities, infrastructure and transportation system capacities exist to serve the proposed development and there are no undue impacts on the Town's sewer, water, storm water management and transportation systems; and,*
 - vi. *Building materials shall be durable and consistent with the historic character of the Downtown. The use of stone, bricks, decorative concrete and non- coloured glass is appropriate; the use of stucco, coloured glass and wood, vinyl, or aluminum siding is not.*

The proposed building will be compatible with the surrounding downtown area, which contains various mixed-use buildings with commercial and residential land uses. The subject lands are previously disturbed and are not anticipated to contain any cultural heritage resources. The development will utilize municipal services, and additional considerations will be further reviewed through site plan control.

- m) *Policies for mid-rise residential development include:*

- i. *Mid-rise residential development may consist of a mix of triplexes, fourplexes, townhouses, street townhouses, apartments and similar multiple dwellings, or a mix of the above;*
- ii. *Mid-rise residential buildings shall not exceed a height of 6.0 storeys or 23.0 metres, whichever is less; and,*
- iii. *Mid-rise residential development shall be subject to Site Plan Control.*

The proposed development will contain a four-storey apartment building that will have commercial uses and an interior parking area on the ground floor.

Parkland

- p) The provision of public open space within the Downtown designation is recognized as an essential component for the enjoyment of workers, residents and visitors. All development on sites that are 1000 square metres or greater shall provide an on-site parkland dedication or on site publicly accessible private civic square or open space. As an incentive promoting new development within the Downtown designation, the Town may consider reductions in the parkland dedication requirement. All cash-in-lieu of parkland that is collected by the Town from developments within the Downtown designation shall be utilized to enhance the public parkland system within the Downtown area.*

The subject lands have a lot area of approximately 0.17 hectares. Parkland dedication will be provided through cash-in-lieu.

Parking

- q) Parking supply is a crucial element of a successful Downtown. New development shall be required to provide parking in accordance with the policies of this Plan and the requirements of the Zoning By-law. Parking is encouraged to be located in parking structures, either above or below grade, although surface parking lots are also permitted. Parking lots are subject to the following development requirements:*
- i. Above grade parking structures shall be appropriately designed and landscaped to complement the surrounding streetscape;*
 - ii. Above grade parking structures shall incorporate active uses at-grade facing onto any road;*
 - iii. Surface parking lots shall be appropriately landscaped, and shall generally not have direct access or significant frontage on local streets; and,*
 - iv. Surface parking lots shall generally be located to the rear of buildings for new development.*

The ground floor of the building will contain an interior parking area, which will contain 15 parking spaces, including one barrier free space. The lands have multiple frontages, however, vehicle access will only be provided from First Street.

- r) To promote new development within the Downtown designation:*
- i. Parking requirements may be waived or reduced by the Town;*
 - ii. Parking may be provided off-site, where the off-site parking is adequately secured for the use of the new development, to the satisfaction of the Town. An off-site parking facility should be within 400 metres of the development that it is intended to serve; and/or,*
 - iii. Cash-in-lieu or the exemption from cash-in-lieu for parking may be considered by Council. A cash-in-lieu policy and by-law shall be developed in consultation with the BIA and property owners in the Downtown area. All cash-in-lieu of parking that is collected by the Town from developments within the Downtown designation shall be utilized to enhance the public parking supply within the Downtown area.*

The proposed development will meet the parking requirements as noted in Section 4.5.1 of this Report.

4.4.2.3.3 Waterfront Corridor

Section 4.4.2.2 contains policies for lands in the Downtown designation that are within the Waterfront Corridor, being along Bayshore Drive from Queen Street to Third Street, which are described below:

- a) The Waterfront Corridor, being along Bayshore Drive from Queen Street to Third Street, is intended to enhance the linkages between King Street/ Downtown Midland and the Town dock/Waterfront lands, as well as with the Midland Bay Landing community. The future development and redevelopment of this corridor will support stronger active transportation connections across and along Bayshore Drive and act to showcase Midland's Waterfront as one of its most valuable assets.*

The subject lands are located within the Waterfront Corridor of the Downtown Area. The proposed development will encourage active transportation by providing a sidewalk along Bay Street and multiple building entrances.

- b) New buildings shall frame and address adjacent streets and be located close to the front lot line. However, larger setbacks are allowed for active uses such as restaurant patios. Parking shall generally not be permitted between the front and sides of buildings and the street.*

The site has multiple frontages, and the built form is located closest to Bay Street, where the building entrances will be provided. Parking will only be provided within the interior parking area on the ground floor.

- c) Residential uses within the Waterfront Corridor shall be required to carry out an appropriate Noise Impact Study, in accordance with the noise attenuation policies of the Waterfront District – Midland Bay Landing designation included in this Plan.*

Through pre-consultation, the Town has requested the submission of a Noise Study, which will be completed through detailed design.

- d) High and mid-rise residential uses are encouraged in the Waterfront Corridor in accordance with the residential policies of this Plan. However, stand-alone residential buildings are not permitted within the Waterfront Corridor. Residential uses must be incorporated within a mixed use building, where primarily non-residential uses are located at grade, with residential uses located above the ground floor.*

The proposed built form will include a mid-rise mixed-use building, with at-grade non-residential uses of commercial gross floor area and an internal parking area.

- e) At-grade retail or restaurant uses are encouraged in new development or redevelopment at the corners of King Street and Bayshore Drive.*

The proposed built form will include a mid-rise mixed-use building, with at-grade commercial uses.

- f) Parking should be located underground or in parking structures located away from the street frontage or with active uses at-grade wherever possible. Surface parking lots should be minimized and located at the rear of buildings. Access to parking and servicing should be from Bay Street, First Street or Midland Avenue.*

The interior parking area will only be accessed from First Street.

- g) Building heights for new development or redevelopment within the Waterfront Corridor shall be a minimum of 3 storeys and a maximum of 6 storeys. Notwithstanding this height limit, additional building height may be considered by the Town on a site by site basis, subject to a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town.*

The proposed building will be four (4) storeys in height.

4.4.2.4 Municipal Infrastructure (Section 6)

Section 6 contains policies on municipal services and utilities, which include ensuring the economical and efficient provision of adequate water, sewage disposal, solid waste collection services, and utilities for energy and communications/telecommunications.

The proposed development will utilize municipal infrastructure.

4.4.2.5 Implementation and Administration (Section 7)

Section 7 describes the tools that the Town may use to implement the policies of the Official Plan. Section 7.3.2 contains policies on applications for rezoning, which are as follows:

- a) Applications for rezoning will be considered in terms of the vision, principles, objectives and policies of this Plan. With this approach, development plans and other details will be reviewed so that design,*

amenity, density, public works, environmental concerns and all other matters for which this Plan sets policy may be ascertained.

b) All Amendments to the comprehensive Zoning By-law shall be in conformity with this Plan.

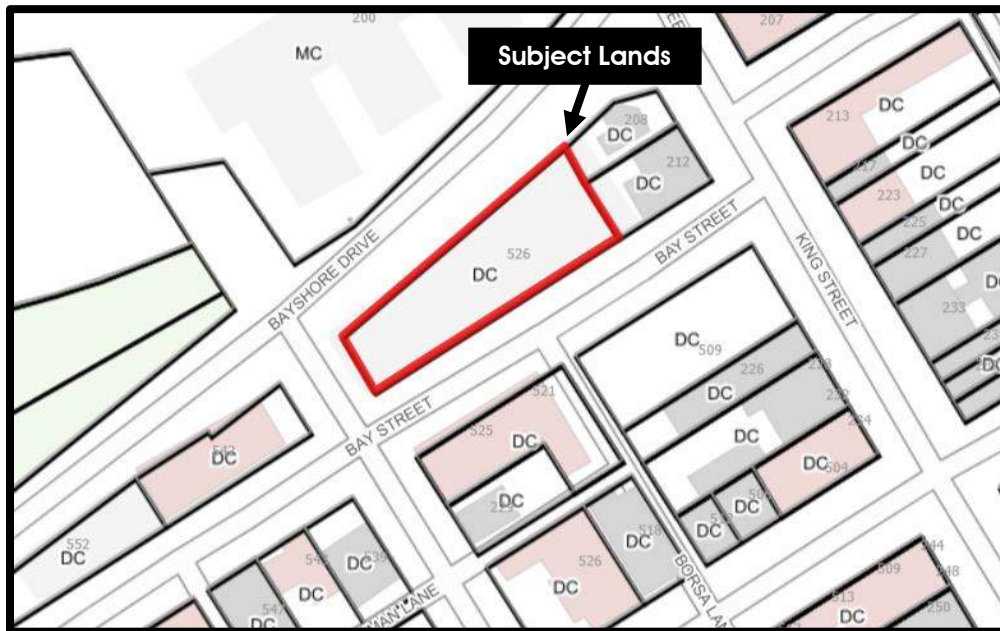
In my opinion, the Zoning By-law Amendment application complies with the policies of the new Official Plan as the lands will intensify a parcel of land in the Downtown Area, provide residential and commercial land uses, and utilize municipal infrastructure. The proposed application will permit a mixed-use building, which is a permitted use in the Downtown designation.

In my professional planning opinion, the Zoning By-law Amendment application conforms to the policies of the new Official Plan.

4.5 Town of Midland Zoning By-law

The subject lands are zoned Downtown Core Commercial (DC) in the Town of Midland Zoning By-law (**Figure 10**).

Figure 10. Zoning By-law 2004-90: 526 Bay Street



4.5.1 General Provisions (Section 3) and Parking Requirements (Section 4)

Section 3 of the Town Zoning By-law 2004-90 contains general provisions that are applicable to all zones. In my opinion, the proposed development complies with these provisions.

Section 4 of the Town Zoning By-law 2004-90 contains parking and loading requirements that are also applicable to all zones. According to Section 4.1.3, there is no minimum number of parking spaces for all permitted uses of the Downtown Core Commercial (DC) zone in the geographic area of downtown core, which the subject lands are located within. As such, the proposed development is exempt from these parking requirements.

4.5.2 Downtown Core Commercial (DC) Zone (Section 6.1)

Section 6.1.2 contains the permitted uses within the Downtown Core Commercial (DC) zone, which include a range of commercial uses and accessory dwelling units.

Section 6.1.2.1 states for those lands zoned DC and which do not front on King Street, the following additional uses are permitted; "Apartment Building", "Home Occupation", "Dwelling, Duplex", "Dwelling, Triplex", "Dwelling, Townhouse"

The proposed development will consist of a 4-storey apartment building that will contain commercial uses on the ground floor. Although accessory dwelling units are permitted, in my opinion, an appropriate definition for the development would be an "Apartment Building, Mixed Use", which is defined in the Town Zoning By-law as follows:

"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."

4.5.3 Zoning By-law Amendment

The **purpose** of the application for a Zoning By-law Amendment is to rezone the lands from Downtown Core Commercial (DC) to Downtown Core Commercial Exception (DC-XX) with the following special provision:

1. Notwithstanding Section 6.1.2.1 of By-law 2004-90, the permitted uses shall also include an "Apartment Dwelling, Mixed Use" and the definition shall be amended as noted in red:

"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. Accessory residential uses shall be permitted on the ground floor of an Apartment Building, Mixed Use, such as an office, entryway, storage, lockers, common room, and mailboxes."

The **effect** of the application would permit an apartment building to contain ground floor commercial uses as well as accessory residential uses associated with the maintenance and function of the apartment building.

The **planning merits** of the proposed rezoning have been outlined throughout this Report, and a summary of the merits of the proposed rezoning and proposed development are listed below:

- Intensification and redevelopment of an existing vacant parking lot within the Downtown District.
- The site is located within a mixed-use area that contains a variety of building types, heights and land uses.
- The use of the land for residential and commercial purposes is consistent with the applicable policies of the previous and new Town Official Plan.
- In the new Town Official Plan, the lands are within the Waterfront Corridor, which requires residential uses to be incorporated within a mixed use building and non-residential uses be located at grade. The majority of the ground floor that is not proposed to be used for commercial purposes will contain an interior parking area for the residents, which is still considered a non-residential use. Although the lands are exempt from parking requirements, this will allow residents to park their vehicles within the building while still providing over 300 square metres of commercial gross floor area to contribute to the range of uses and services provided in the downtown area.
- The proposal will comply with all other standards in the Town's Zoning By-law.
- Although an "Apartment Building, Mixed Use" is not a permitted use in any zone except for lands zoned Highway Commercial Exception (HC-12), in my opinion, this definition is appropriate for lands within the Downtown District which encourages mixed-use development.

In my opinion, the proposed Zoning By-law Amendment implements the previous and new Town Official Plan by providing a mixed-use building in the downtown area.

5.0 CONCLUSION

This report reviewed the land use planning merits of a Zoning By-law Amendment application for the lands located at 526 Bay Street in the Town of Midland. The proposed application is consistent with the PPS, and conforms to the applicable policies of the previous and new Town Official Plan.

The proposed application will permit a mixed-use apartment building in the downtown area of the primary settlement area of Midland. The development will efficiently utilize previously disturbed lands within a Strategic Growth Area, and provide commercial and residential land uses through a mid-rise built form, to support the Towns objective of encouraging a sense of place along the waterfront. The proposal is not anticipated to negatively impact any natural heritage features, and the built form will be compatible with adjacent uses and is subject to Site Plan Control.

In our professional opinion, the proposed Zoning By-law Amendment application represents good planning and will contribute in a positive way to the quality of life in the Town of Midland.

Sincerely,

THE JONES CONSULTING GROUP LTD.



Amanda Newlove, BURPL., MCIP, RPP
Planner