



December 28, 2022

Via Email

Municipal Services Office - Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

mwinch@cassels.com
tel: +1 416 815 4365
fax: +1 647 259 7968
file # 8156-2630

Attention: Julianna Zhuo / Maya Harris

Dear Ms. Zhuo and Ms. Harris:

**Re: Canadian Tire Properties Inc. and Canadian Tire Real Estate Limited
Proposed Amendments to City of Barrie Official Plan**

We are the solicitors for Canadian Tire Properties Inc. and Canadian Tire Real Estate Limited (collectively "Canadian Tire"). We are writing further to the correspondence that was sent directly to Minister Clark on April 20, 2022 in respect of this matter.

Canadian Tire Properties Inc. is the owner of the property municipally known as 75 Mapleview Drive West in the City of Barrie. Canadian Tire Real Estate Limited is the tenant of 75 Mapleview Drive West and 320 Bayfield Street, both in the City of Barrie.

Canadian Tire has concerns regarding the City of Barrie draft Official Plan ("Official Plan"), which was adopted by Council on March 7, 2022 and has been forwarded to the Minister of Municipal Affairs and Housing for approval. As outlined in the attached correspondence from Canadian Tire's land use planning consultant, Zelinka Priamo Ltd., amongst other issues, Canadian Tire is particularly concerned with the redesignation of 75 Mapleview Drive West as "Employment Area - Non Industrial", whereas the property is currently designated and zoned General Commercial and used for commercial/retail uses, including a Canadian Tire store, gas bar, Beer Store and car wash. These uses provide an important service to the proximate residential community and provide employment.

We are therefore requesting that the Minister defer the decision with respect to the Official Plan and that a meeting be arranged with Canadian Tire and its representatives. In the alternative, should the Minister proceed with the approval of the Official Plan, we request that the Official Plan be revised to designate the Canadian Tire property at 75 Mapleview Drive West as "Commercial District" for the reasons indicated in the attached correspondence. In the further alternative, we request that the Minister refer the Official Plan to the Ontario Land Tribunal for recommendation or a decision.

We are grateful for the opportunity to provide you with our comments. Please do not hesitate to contact us with any questions or concerns.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read 'MW' with a stylized flourish at the end.

Melissa Winch
Partner

MW/ves

Encl.

LEGAL*57671269.1



VIA EMAIL

April 19, 2022

Ministry of Municipal Affairs and Housing
Municipal Services Office
777 Bay Street, 13th Floor
Toronto, ON
M7A 2J3

Attention: Steven Barber

**Re: Draft New Official Plan – City of Barrie
Adoption March 7, 2022
Comments on Behalf of Canadian Tire Real Estate Limited and Canadian Tire
Properties Inc.
Barrie, Ontario
Our File: CAT/BAR/19-01**

We are the planning consultants for Canadian Tire Real Estate Limited and Canadian Tire Properties Inc. (collectively referred to as “Canadian Tire”) for the City of Barrie Official Plan Review. Canadian Tire Properties Inc. owns the lands known municipally as 75 Mapleview Drive West, and Canadian Tire Real Estate Limited is the tenant at 75 Mapleview Drive West and 320 Bayfield Street in the City of Barrie. Aerial imagery of the Canadian Tire Lands are shown in Figures 1 and 2 (figures enclosed).

By way of background, on behalf of Canadian Tire, we participated in the City of Barrie Official Plan Review process and provided preliminary comments to the City dated December 16, 2020, June 2, 2021, November 10, 2021 and January 17, 2022 and met with Staff on March 18, 2021 and July 28, 2021. We made a deputation to Council on behalf of Canadian Tire at the June 2, 2021 Public Meeting. We reviewed the Council Adopted Official Plan dated February 15, 2022 and the associated Schedules/Maps in the context of the Canadian Tire Lands.

Concerns that we identified to the City under our preliminary comments remain outstanding and are summarized below. Our letter dated January 17, 2022 is enclosed.

Comments on Council Adopted City of Barrie Official Plan

Comments Specific to 75 Mapleview Drive West

We have concerns with the redesignation of 75 Mapleview Drive West as “Employment Area – Non Industrial”, whereas the lands are currently designated and zoned as General Commercial in the in-effect Official Plan and Zoning By-law.

Through the Official Plan Review process, Canadian Tire was clear that they did not support the proposed designation of their lands at 75 Mapleview Drive West as “Employment Area – Non Industrial”, whereby the lands would appropriate be designated “Commercial District” based upon:

- The lands are currently used for commercial/retail purposes, including a Canadian Tire store, gas bar, beer store, and car wash (see Figure 2);

- The existing Official Plan designates the lands as “General Commercial” (see Figure 3) and the in-effect Zoning By-law 2009-141, as amended, zones the lands as “General Commercial (C4)” (see Figure 4), whereby the policies / provisions permit a broad range of commercial uses and residential uses are permitted as of right; and
- The landowner and tenant are retail owners / operators, and intend for the lands to remain as commercial.

In the initial draft of the Official Plan (September 2020), the lands were identified as being outside of an Employment Area (see Figure 5), and proposed to be designated as Commercial District (see Figure 6).

In subsequent drafts, including the Council Adopted Official Plan, the lands were proposed to be within the Employment Areas (see Figure 7) and designated as Employment Area – Non-Industrial (see Figure 8).

Canadian Tire is seeking revisions to the Official Plan as it relates to 75 Mapleview Drive West, including amending Schedule 1 to remove the lands from the Employment Areas and amending Schedule 2 to designate the lands as Commercial District based upon the following rationale:

- The Commercial District designation is consistent with the proposed designation for lands immediately adjacent to the east and northeast;
- The City of Barrie already identified the Canadian Tire lands as “Commercial District” in the first draft of the Official Plan (as shown in Figures 5 and 6);
- There is a lack of rationale for the need for the lands to be added to the employment areas. In our submission:
 - There is no need for the redesignation from a lands needs perspective:
 - § The Watson Lands Needs Study dated May 21, 2019, which informed the Official Plan review, in our review did not make any recommendation for the redesignation of any non-employment lands to employment purposes in order to meet Provincial growth targets, including the Canadian Tire lands;
 - § The lands were not counted within the existing employment area base nor were they recommended to be redesignated for employment purposes from a lands needs perspective as part of the Municipal Comprehensive Review;
 - § An Addendum to the Lands Needs Assessment (May 19, 2020) speaks to the City’s recommendation for the conversion of 43 hectares of Employment Areas to Community Areas. The results of which are stated to be “*a need to expand the City’s designated post-2031 Employment Area land supply in the Salem and Hewitt’s Secondary Plan Areas by an additional 53 gross ha.*” Accordingly, there was no recommendation for the redesignation of Community Areas, such as the lands, to Employment Areas within the existing built boundary, including the Canadian Tire Lands;
 - § We understand based on the 2019 Watson memo that the Community Areas, which the lands are currently considered, are anticipated to make up approximately 59% of the City’s forecasted employment, through means such as retail/commercial uses that can be considered population-related employment, which would include the existing commercial uses;

-
- § At the February 14, 2022 Council Meeting, Council were considering an amendment to the land use designation for lands immediately to the east and north of the Canadian Tire lands, from “Employment Area – Non-Industrial” to “Commercial District” and Staff were asked if the change of lands from Employment Areas – Non-Industrial to Commercial District would impact the lands needs assessment. The Staff response was: *“No it does not because these are not vacant land, they are already developed so it does not impact the overall municipal comprehensive review.”* Accordingly, the designation of the Canadian Tire Lands at “Commercial District”, will similarly not negatively impact the Lands Needs;
 - There is no need for the redesignation from a lands use compatibility perspective:
 - § Under the existing Official Plan designation and Zoning By-law context, residential land uses are permitted on the Canadian Tire lands. A more sensitive land use is therefore not being introduced by designating the lands as Commercial District, consistent with the in-effect Official Plan;
 - § There are Provincial policies for a change in land use prior to the introduction of sensitive land uses. Similarly, the proposed Barrie Official Plan includes Policy 2.3.5I), which would require a series of tests for any lands introducing sensitive land uses proximate to employment areas. Accordingly, there are existing policies and guidelines that will protect the introduction of sensitive land uses on the lands;
 - § The lands at 99-105 Mapleview Drive West, immediately to the west of the Canadian Tire lands are proposed to be designated with a site specific policy under Section 2.8.1 to permit residential and other sensitive land uses. Lands located immediately east of the Canadian Tire lands on the west side of Bryne Drive are proposed to be designated as Commercial District, permitting sensitive land uses that include residential land uses.
 - Under the Official Plan as adopted, the policy context for Employment Areas including Policy 2.3.5 is such that retail/commercial uses are effectively secondary, since the primary function of employment areas is generally for employment type uses. The primacy of non-retail uses employment uses is reflected in the Growth Plan (Policies 2.2.5.7, 2.2.5.8 and 2.2.5.11). Accordingly, the commercial function of the Canadian Tire lands would be in a precarious existence if located within an Employment Area;
 - Provincial Policy including the PPS and Growth Plan seek to protect the Employment Area land base, including Growth Plan Policies 2.2.5.9 and 2.2.5.10, and PPS Policy 1.3.2.5. The effect of such policies is that there are stringent criteria to be met in order to remove lands in an existing employment area, making it difficult in the future for the landowner to remove the lands from the Employment Area;
 - The designation for the lands under the adopted Official Plan is not reflective of their current use, nor their intended long term function as for major retail;

- We are concerned that the introduction of 75 Mapleview Drive West to an Employment Area will have long term consequences that see an erosion of the existing retail permissions;
- It is important to maintain the Canadian Tire lands as a commercial use given proximity to existing and potential future residential uses. The existing commercial use of the lands and the stores that currently operate, provide an important service to the community and provide jobs;
- The landowner has no right to appeal the municipal decision with respect to the redesignation of their lands. Further, there is a 2-year moratorium on amendments to the Official Plan following adoption, and that being in an employment area, a redesignation to a different land use category is subject to additional criteria. There should be sufficient rationale for such a change, given the lack of landowner involvement in this process;
- **In our submission there is no justification for the redesignation the Canadian Tire lands to an Employment Area, and that 75 Mapleview Drive West would be appropriate to consider as ‘Commercial District’, and outside of the ‘Employment Area’.**

Comments for Specific Policies

We have the following outstanding comments:

- Policy 2.3.3f) provides a *requirement* for development to incorporate winter city elements in Strategic Growth Areas. In our review of the most recent draft urban design guidelines, there are only 7 references to “winter”, related to 6 different guidelines. It is unclear what is required to be implemented as it relates to Winter City elements. We suggest that flexibility should be added to the policy;
- Policy 2.3.5h) states that “The conversion of Employment Area lands to non-employment uses outside of a municipal comprehensive review is not permitted”, notwithstanding that no part of the City of Barrie is identified as a Provincially Significant Employment Zone. Policy 2.4.2.1h) indicates that employment conversions may only be considered in accordance with Section 7.3.6 of the Official Plan, which permits conversions of employment uses outside of an MCR in conformity with the employment conversion policies of the Growth Plan. In our submission, Policy 2.3.5h) should be revised for conformity with the Growth Plan and should not preclude a conversion outside of an MCR;
- Under Policy 2.4.2.1, when measuring density of a site, the gross land area is to be calculated following the removal of a number of areas, including all “employment areas”. It is unclear how density is supposed to be calculated in an employment area and we suggest clarification;
- Policy 2.6.9.2g)ii) related to existing commercial, retail and Major Retail expansion is unclear, and we suggest minor changes to clarify the intent of the Policy;
- Policy 2.6.9.2e) establishes a 5,000 sq. m cap on Major Retail uses and it is not clear that the policy is not applicable to existing major retail uses (including the existing Canadian Tire at 75 Mapleview Drive West);
- Policy 3.1.3.1a) provides direction for interpreting the Urban Design policies of Sections 3.2, 3.3 and 3.4, indicating a required conformity where the terms ‘will’ or ‘shall’ are used. In our review, there are a number of instances where the policies use the terms ‘will’ or ‘shall’, but also specify ‘where appropriate’. In our opinion, the direction to interpret the urban design policies does not sufficiently reflect the

- flexibility afforded in the policy framework and we suggest that revised wording be considered;
- Section 3.2.3.1 provides 14 criteria of green development standards that applications for OPA, ZBA, and SPA are required to address through a report. Such items, in our submission, are inappropriate for every application to be required to address, and should be evaluated on a case by case basis. For example, a modest expansion to an existing building that would trigger a Site Plan application, would be required to provide such a sustainable development report. Flexibility in when this policy applies, is appropriate;
 - Section 3.3 provides direction for specific building types. It remains unclear whether certain building typologies including for low-rise development, is applicable to commercial/retail buildings not including shopping malls or major retail. We suggest clarification be introduced;
 - Policy 3.3.6b)ii) requires a variation in built form for Major Retail uses. We suggest that this is a development standard that is inefficient and highly prescriptive, contrary to PPS Policy 1.1.3.4 as it relates to appropriate development standards that facilitate intensification and redevelopment. We suggest that the policy be revised to introduce flexibility; and
 - Policy 3.3.6f) encourages private streets to be designed to a similar standard as public roads. We suggest that this is a development standard that is inefficient, and not necessarily appropriate for this type of built form, contrary to PPS Policy 1.1.3.4 as it relates to appropriate development standards that facilitate intensification and redevelopment. We suggest that subsection f) be removed.

We welcome a meeting with Ministry representatives to discuss Canadian Tire's Concerns further.

Zelinka Priamo Ltd. hereby requests to be notified of the decision of the approval of the Barrie Official Plan, adopted by Barrie Council on March 7, 2022 and as outlined on the attached Notice dated March 17, 2022.

Yours very truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Senior Planner

cc. Canadian Tire Real Estate Limited (via email)
Canadian Tire Properties Inc. (via email)
Cassels Brock & Blackwell LLP (via email)

encl. Notice of Adoption – March 17, 2022
Figures 1-8
Comment Letter – January 17, 2022

NOTICE OF ADOPTION OF CITY OF BARRIE OFFICIAL PLAN 2051

Take Notice that the Council of The Corporation of the City of Barrie, subject to approval by the Ministry of Municipal Affairs and Housing, has repealed By-law 2009-113, being the adoption By-Law for the in-effect Official Plan, and adopted a new Official Plan, titled 'City of Barrie Official Plan 2051', by passing By-law Number 2022-016 on March 7, 2022 pursuant to the Section 17(22) of the *Planning Act, R.S.O. 1990 ('Planning Act')*. This Notice of Adoption is issued pursuant to Section 17(23) of the *Planning Act*.

Purpose and Effect

To provide a comprehensive land use policy framework that will ensure Barrie continues to grow as a complete and compact community to a population of 298,000 residents and 150,000 jobs by 2051, as per provincial direction. The Official Plan achieves this by providing goals, objectives and direction on matters such as: environmental protection, managing and directing growth, planning for employment and jobs, protecting historic neighbourhoods, facilitating intensification, and establishing a new community structure that will facilitate the growth of walkable, cycle-friendly and transit-oriented communities.

Official Plan Available for Review

The Official Plan is available for inspection in the first-floor Development Services office at City Hall between 8:30 a.m. and 4:30 p.m. Monday to Friday or on the City of Barrie Official Plan public engagement website: www.buildingbarrie.ca/officialplan

Written and Oral Submissions

All statutory written and oral submissions made on the new Official Plan have been reviewed and suggestions incorporated, where appropriate; for further information, please refer to the Comment Matrix document available on the City of Barrie Official Plan public engagement website.

Right to Appeal

The decision of City of Barrie Council to adopt all of the Official Plan is not subject to appeal.

Notice of Decision by Approval Authority

Under the provisions of Section 17(1) of the *Planning Act*, the Minister of Municipal Affairs and Housing is the approval authority for the new Official Plan adopted under Section 17(22) of the *Planning Act*. As such, the Adopted Official Plan has been forwarded to the Minister for review, as required by Section 17(31) of the *Planning Act*.

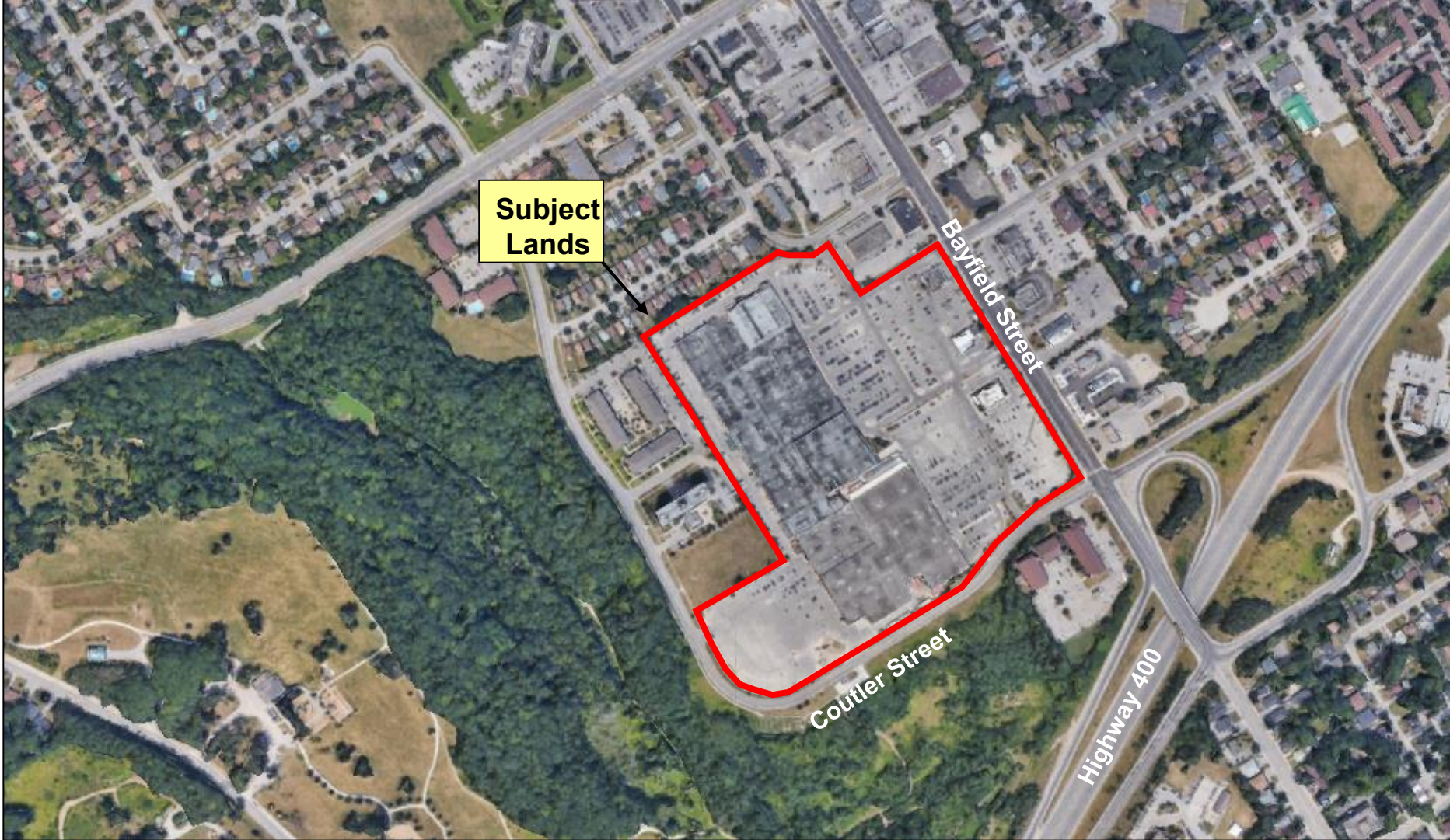
Any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision is made to the approval authority. Requests to be notified of the decision should be sent to the Ministry of Municipal Affairs and Housing, Municipal Services Office, College Park 13th Flr, 777 Bay St, Toronto, Ontario, M7A 2J3.

DATED at the City of Barrie this 17th day of March, 2022.

Wendy Cooke, City Clerk
P.O. Box 400, 70 Collier Street
Barrie, Ontario L4M 4T5

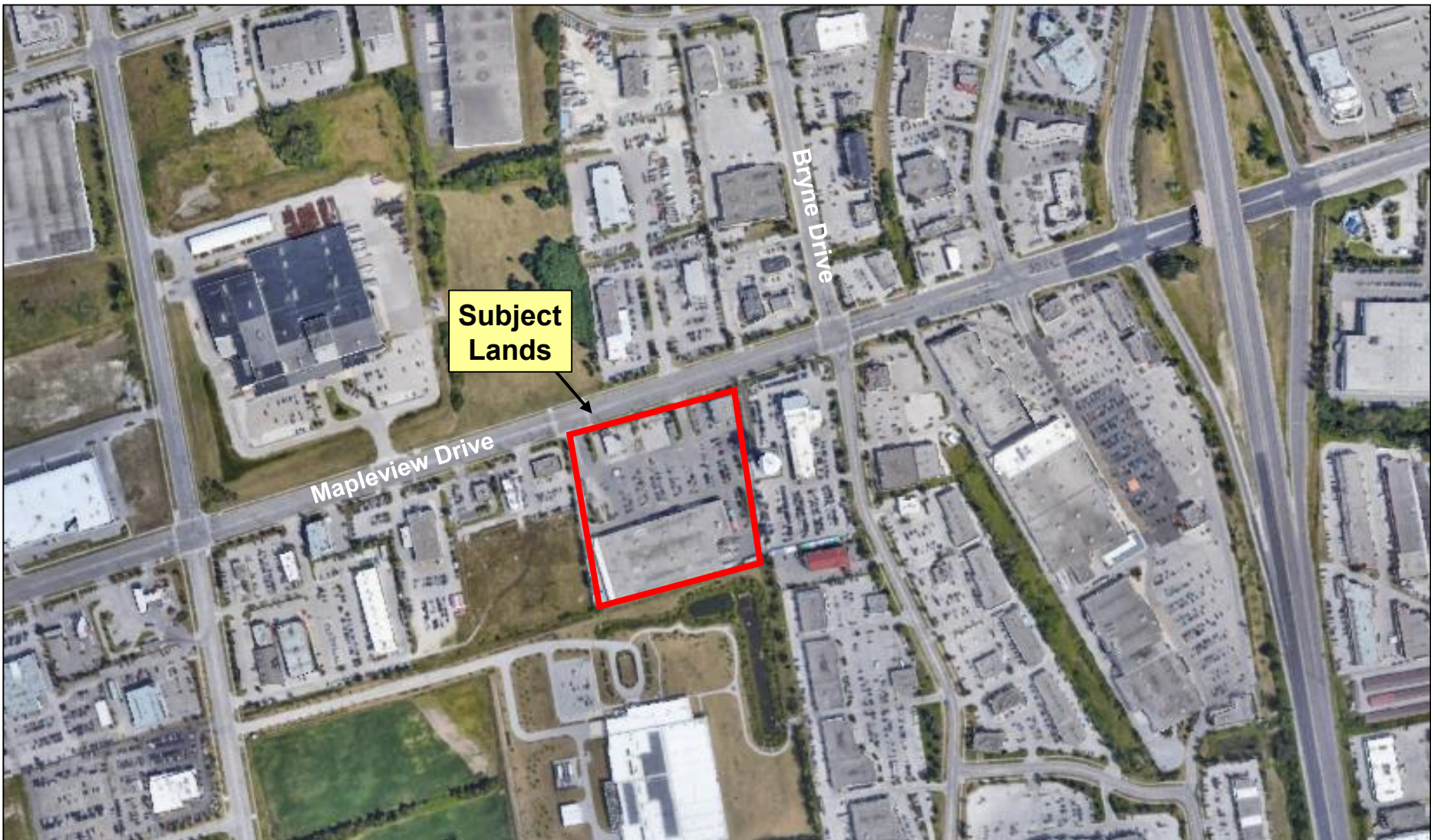
Figure 1

320 Bayfield Street



Location and boundaries are approximate

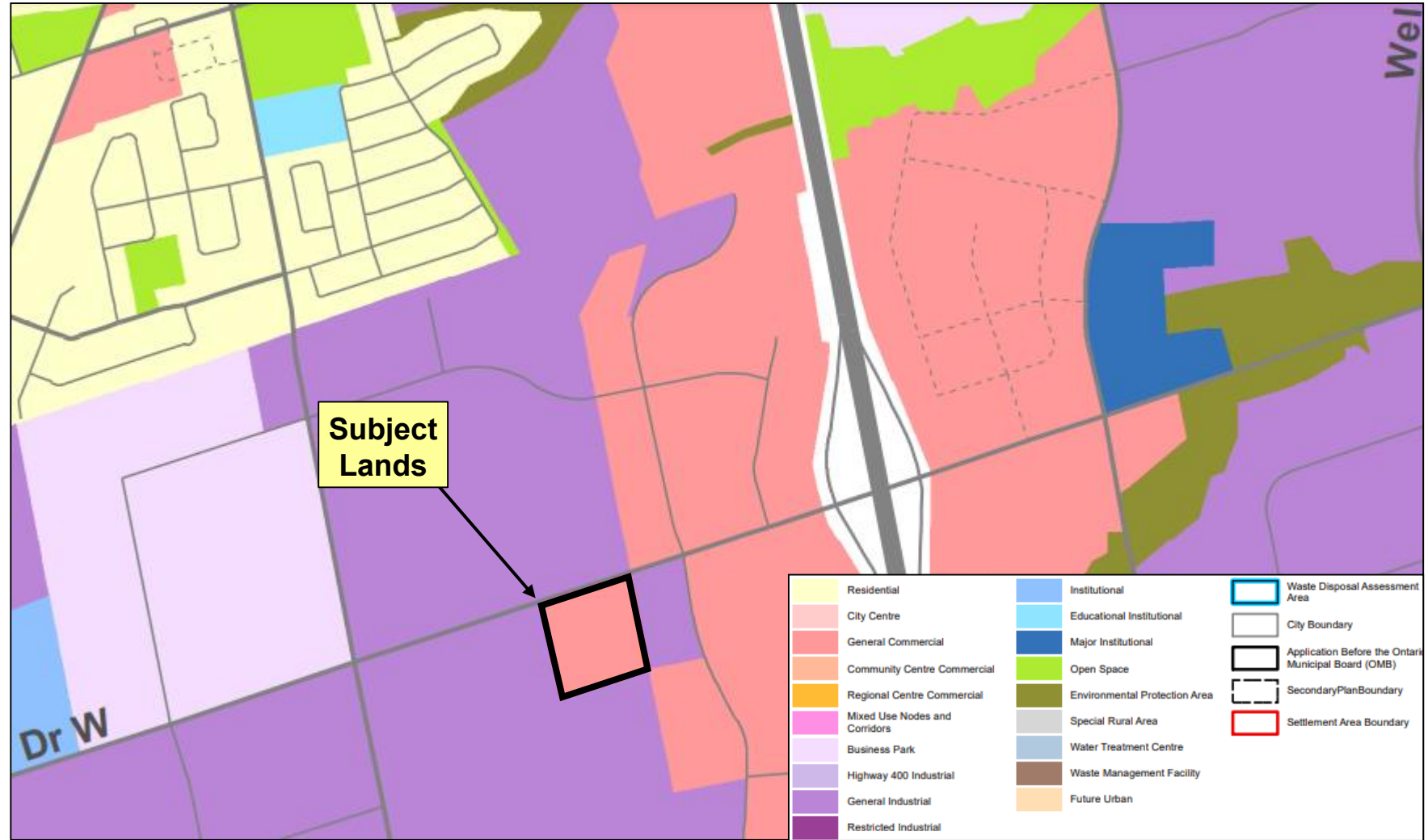
Figure 2
75 Maplevue Drive West



Location and boundaries are approximate

Figure 3

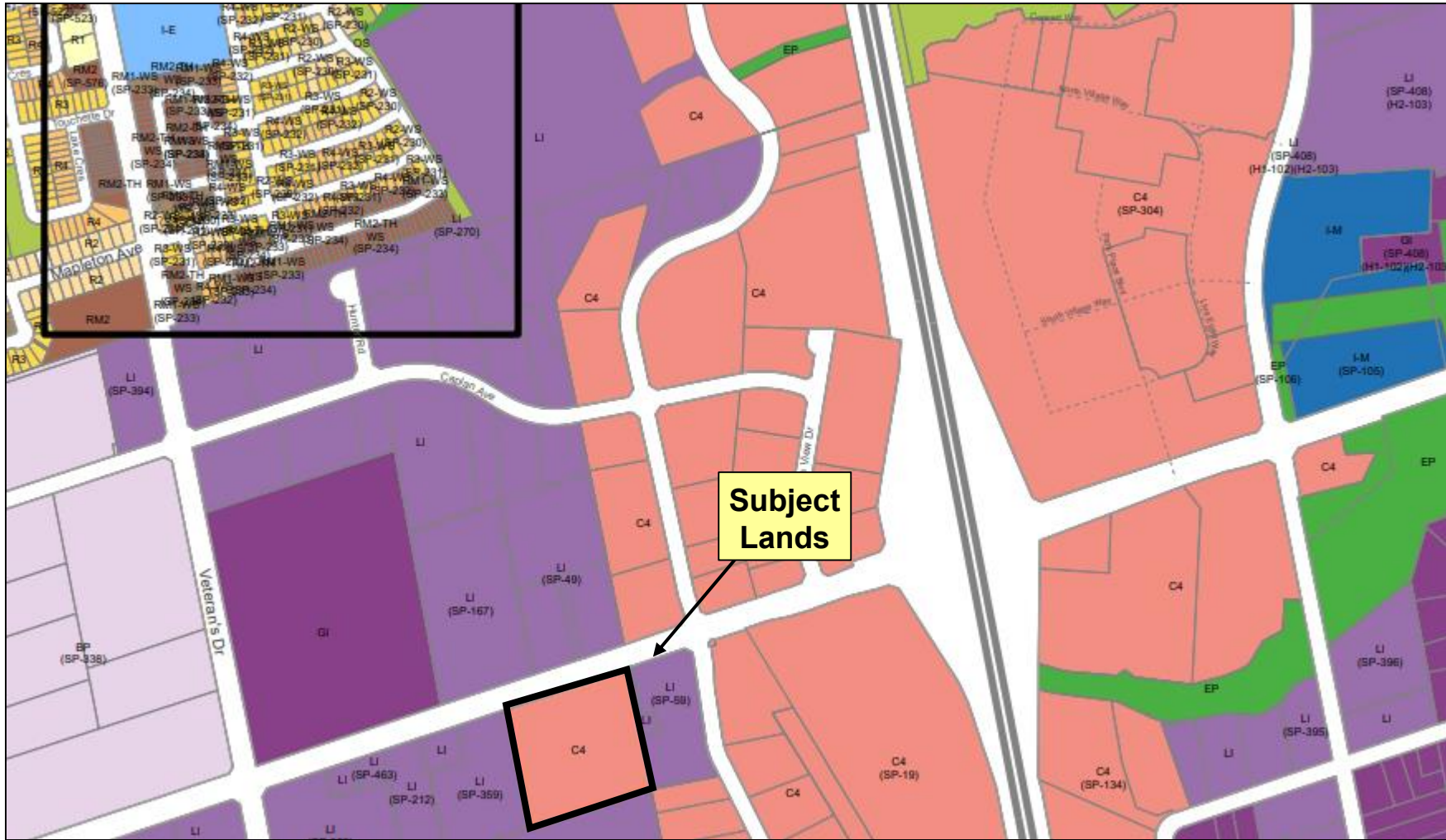
EXISTING - City of Barrie OP Schedule A: Land Use



Location and boundaries are approximate

Figure 4

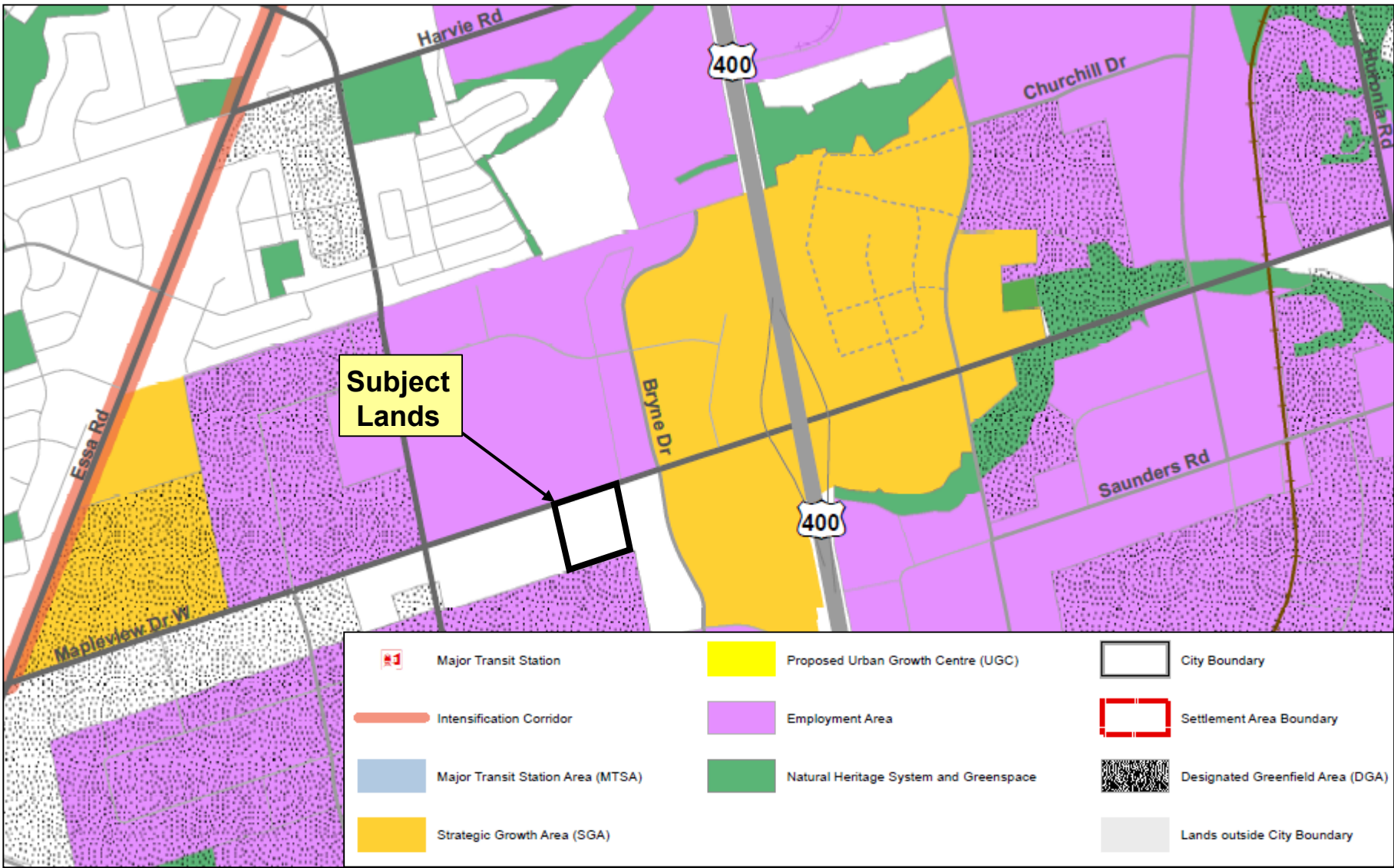
EXISTING - City of Barrie Zoning By-law 2009-141



Location and boundaries are approximate

Figure 5

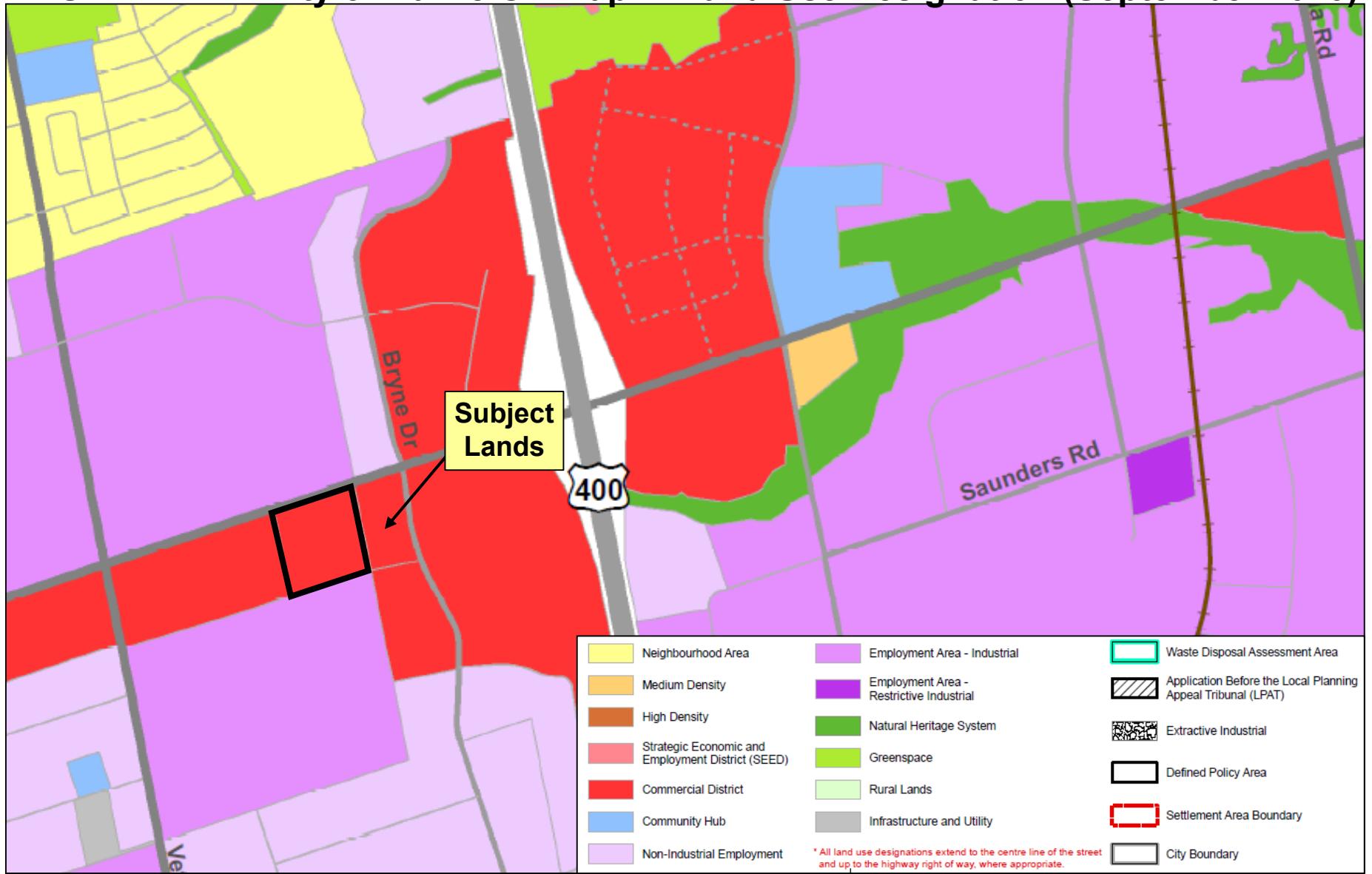
FIRST DRAFT - City of Barrie OP Map 1: Community Structure (September 2020)



Location and boundaries are approximate

Figure 6

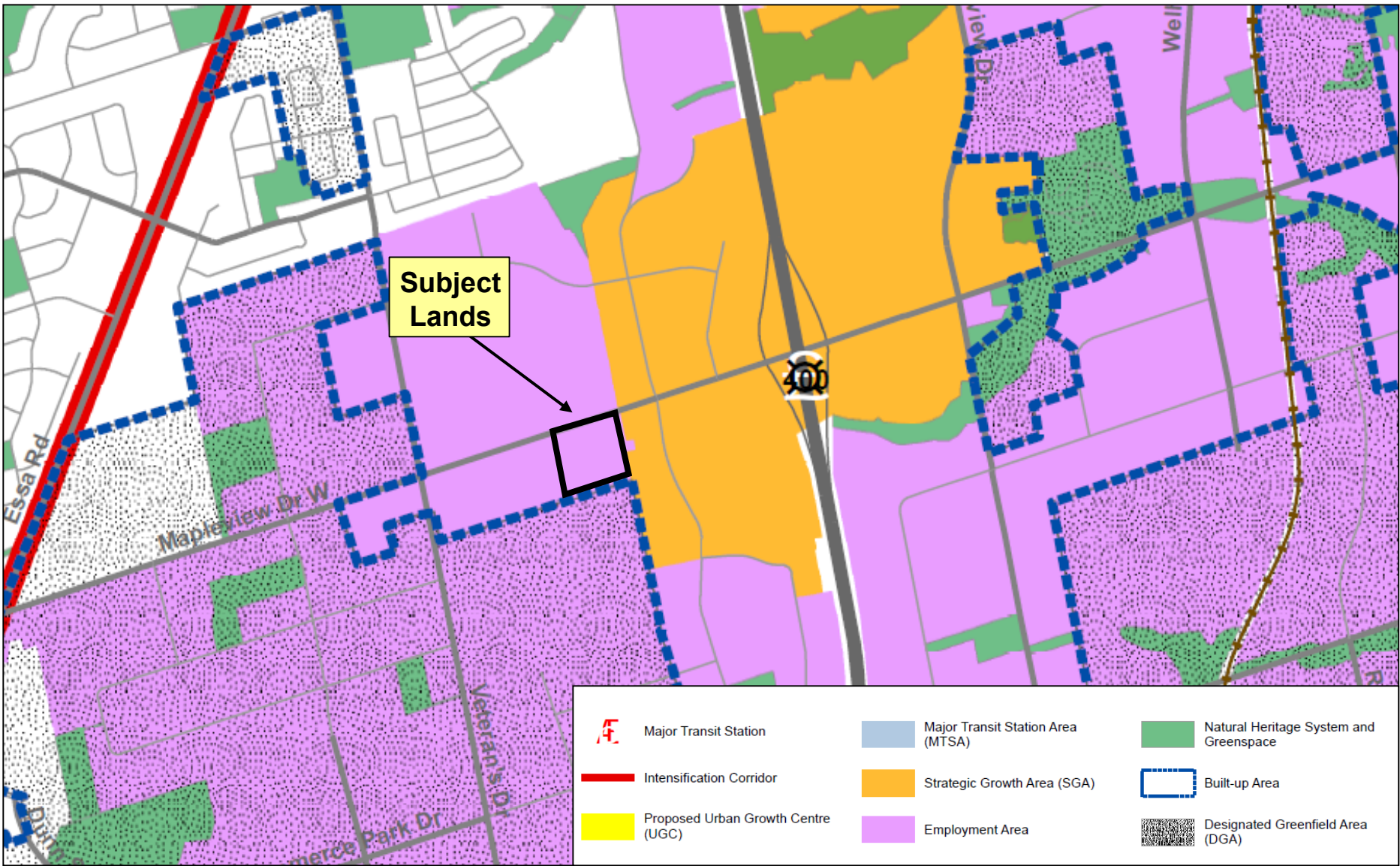
FIRST DRAFT - City of Barrie OP Map 2: Land Use Designation (September 2020)



Location and boundaries are approximate

Figure 7

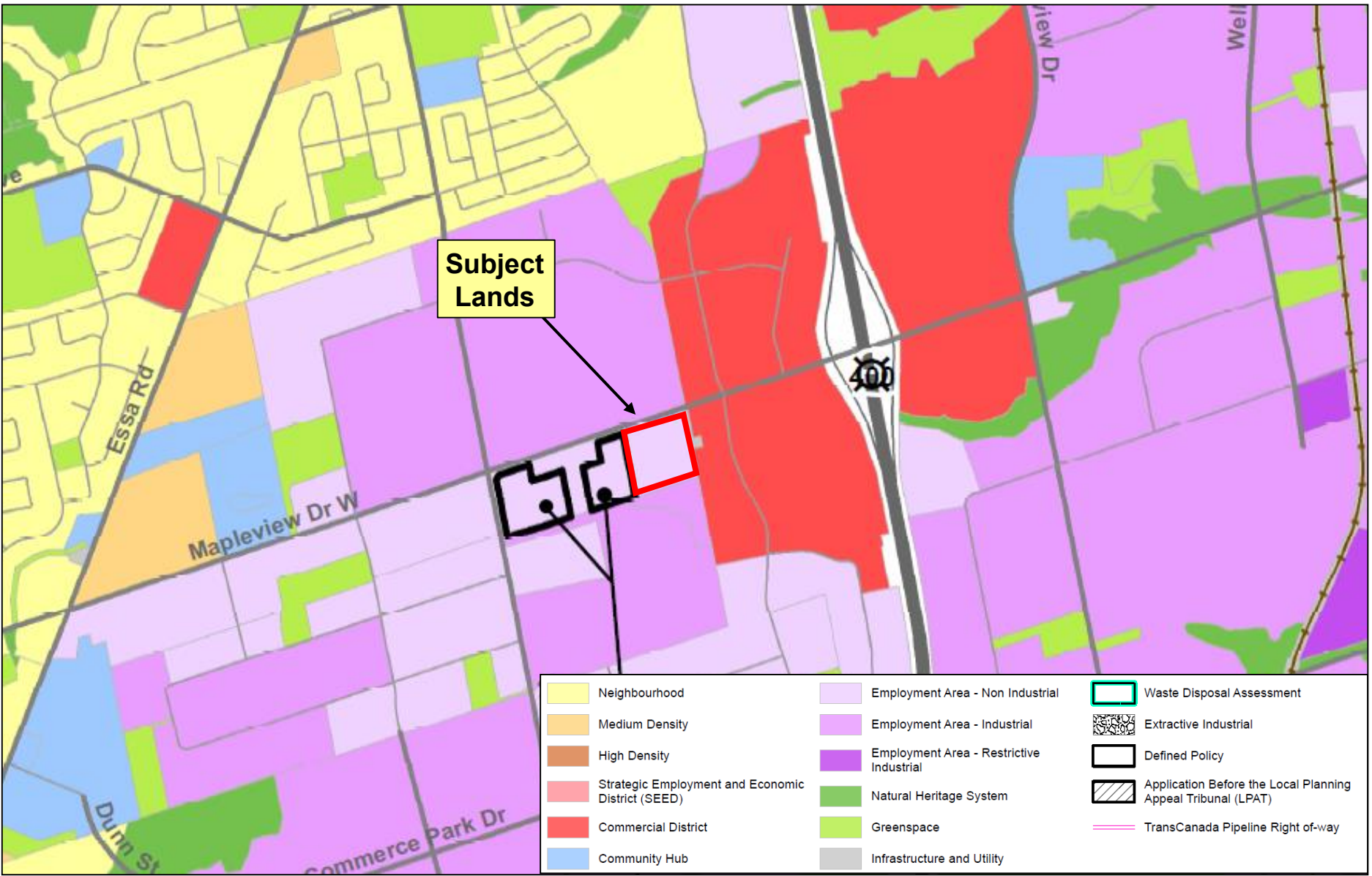
PROPOSED - City of Barrie OP Map 1: Community Structure (Feb 2022)



Location and boundaries are approximate

Figure 8

PROPOSED - City of Barrie OP Map 2: Land Use Designation (Feb 2022)



Location and boundaries are approximate

VIA EMAIL

January 17, 2022

City of Barrie
City Hall
70 Collier Street
Barrie, ON L4M 4T5

Attention: Wendy Cooke, City Clerk

Dear Wendy Cooke:

**Re: Draft New Official Plan – Final Draft
Preliminary Comments on Behalf of Canadian Tire Real Estate Limited
Various Properties
Barrie, Ontario
Our File: CAT/BAR/19-01**

We are the planning consultants for Canadian Tire Real Estate Limited (“Canadian Tire”) for the City of Barrie Official Plan Review. Canadian Tire owns the lands known municipally as 75 Maplevue Drive West, and is the tenant at 320 Bayfield Street in the City of Barrie.

On behalf of Canadian Tire, we have been monitoring the City of Barrie Official Plan Review process and provided preliminary comments dated December 16, 2020, June 2, 2021 and November 10, 2021, and met with Staff on March 18, 2021 and July 28, 2021. We made a deputation to Council on behalf of Canadian Tire at the June 2, 2021 Public Meeting. We have reviewed the fourth draft of the Official Plan (‘Draft OP’) and the associated Schedules/Maps in the context of the Canadian Tire Lands and we have preliminary comments as outlined below. We will continue to review the Urban Design Guidelines and may provide future comment.

We continue to have outstanding comments and concerns with the Draft OP. Our preliminary comments are outlined below. We will continue to review the Draft OP in more detail and may provide further comments as required.

Preliminary Comments on Draft City of Barrie Official Plan

General Comments

It is imperative that Canadian Tire be able to maintain its existing operations, plan for short and medium term modest infill or expansion to respond to the market demand, and protect for future redevelopment.

Comments Specific to 75 Maplevue Drive West

We continue to have concerns with the redesignation of 75 Maplevue Drive West as ‘Employment Area – Non Industrial’ and the removal of existing residential permissions.

Sufficient justification for the need to redesignate lands that are currently used as a major commercial use from their existing commercial designation under the existing Official Plan, to an employment designation and within an employment area under the Draft OP has not

been provided. As outlined in our November 10, 2021 letter, it is appropriate for the lands to be designated as Commercial District, as was the case in the September 24, 2020 Draft OP.

We reviewed the Watson Lands Needs Study dated May 21, 2019 informing the OP review where there were no recommendations that we are aware of for the redesignation of the non-employment lands to employment purposes in order to meet Provincial growth targets. The Canadian Tire lands were not counted within the existing employment area base nor were they recommended to be redesignated for employment purposes from a lands needs perspective.

The Addendum to the Lands Needs Assessment speaks to the City's recommendation for the conversion of 43 hectares of Employment Areas to Community Areas. The results of which are stated to be "a need to expand the City's designated post-2031 Employment Area land supply in the Salem and Hewitt's Secondary Plan Areas by an additional 53 gross ha." There is a directive to expand the Employment Area within the Secondary Plan Areas, but there continues to be no recommendation for the redesignation of Community Areas to Employment Areas within the existing built boundary to accommodate the shortfall of employment lands in the City. Rather, we understand based on the Watson memo that the Community Areas, such as the subject lands are currently considered, are anticipated to make up approximately 41% of the City's forecasted employment, through means such as retail/commercial uses, as the existing use is currently considered.

The Canadian Tire lands are not identified in an existing employment area and there are no Provincially Significant Employment Zones within the City of Barrie.

There are existing Provincial policies for a change in land use prior to the introduction of sensitive land uses. Similarly, the Draft OP proposes policy that would require a series of tests on lands introducing sensitive land uses proximate to employment areas. In our submission, there are existing policies and guidelines that will protect the introduction of sensitive land uses on the subject lands.

The lands immediately to the west of the Canadian Tire lands at 99-105 Mapleview Drive West are proposed to be designated with a site specific policy under section 2.8.1 to permit residential and other sensitive land uses. Lands located just east of the Canadian Tire lands on the east side of Bryne Drive are proposed to be designated as Commercial District, permitting sensitive land uses that include residential land uses.

Under the existing Official Plan designation and Zoning By-law context, residential land uses are permitted on the Canadian Tire lands.

In our submission, a justification for the need to redesignate the Canadian Tire lands as part of the new Official Plan has not been provided and it is appropriate for the lands to continue to be a commercial site, reflective of their longstanding function, their existing designation and their future use. The proposed Employment Area – Non Industrial designation is a shift in direction from commercial, since as noted in the Draft OP, Policy 2.3.5f): "*Lands in Employment Areas shall be appropriately designated as to primarily encourage and protect industrial-type uses*". Policy 2.3.5 states that retail, major retail and commercial uses are permitted only "where appropriate". The current and intended function of the Canadian Tire lands for retail uses is altered by their redesignation to an employment function; such uses are considered as secondary to the primary function of the area. We have significant concerns for the long term implications of such a redesignation of the lands.

As Staff are well aware, recent changes to the *Planning Act* removed the landowners' right to appeal a new Official Plan for a single tier municipality. Further there is a 2 year moratorium on amendments to the Official Plan. **As there has been no justification for the redesignation of the commercial site at 75 Mapleview Drive West to an employment related designation, and same is not supported by the Land Needs Assessment, we ask that 75 Mapleview Drive remain designated as a commercial site.**

Comments on Draft Policies

- Policy 2.3.3f) requires the incorporation of winter city elements in Strategic Growth Areas. In our review of the most recent draft urban design guidelines, there are only 7 references to “winter”, related to 6 different guidelines. It remains unclear what is required to be implemented as it relates to Winter City elements. We suggest that flexibility should be afforded to Policy 2.3.3f);
- Policy 2.3.5h) states “Lands within Employment Areas are subject to the conversion policies and provisions of the Planning Act, the Growth Plan, the Provincial Policy Statement, and this Plan. The conversion of Employment Area lands to non-employment uses outside of a municipal comprehensive review is not permitted”. We note that no areas within Barrie are considered as a Provincially Significant Employment Zone, and therefore conversions are permitted by the Growth Plan outside of an MCR. Policy 2.4.2.1h) indicates that employment conversions may only be considered in accordance with Section 7.3.6 of the OP, while Policy 7.3.6 does permit conversions of employment uses outside of an MCR, and appears to translate the employment conversion policies of the Growth Plan. We suggest that Policy 2.3.5h) requires revision for conformity with the Growth Plan and should not preclude a conversion outside of an MCR;
- Under Policy 2.4.2.1, when measuring density of a site, the gross land area is to be calculated following the removal of a number of areas, including all “employment areas”. It is unclear how density is supposed to be calculated in an employment area and we suggest clarification;
- Under Policy 2.5c), there is a policy for calculating residential density targets, which is separate from Policy 2.4.2.1. It is unclear which policy prevails to measure density, and why multiple policies are required. We suggest clarification to simplify interpretation for measuring density;
- Policy 2.5.5b)ii) relates to a conversion of land uses where a more sensitive land use is being introduced. The policy as written appears to require a number of buffering measures to be implemented, including setbacks, landscaping/screening, and measures to reduce nuisance and where necessary additional mitigation measures. As written, the policy would require all such buffering measures. Such measures should be determined on a case by case basis and as a result of technical analysis and we suggest that revisions be considered accordingly;
- Policy 2.6.5.3c) notes a minimum residential density of 125 units per hectare, whereas Policy 2.4.2.1d) specifies that density is generally to be measured as a metric of persons and jobs per gross hectare. For clarity, we suggest revisions so that a consistent metric is used to measure density throughout the City;
- Policy 2.6.9.2g)ii) related to existing commercial, retail and Major Retail expansion is unclear, and we suggest minor changes to clarify the intent of the Policy;
- Policies 2.6.9.2i) and j) speak to the introduction of sensitive land uses in the Employment Area Non-Industrial designation, however it is unclear what this is

- intended to regulate, and if limited to parks and open space areas. Further, there is reference to sensitive land uses being at least 70 m from an Employment Area-Industrial designation “as required by provincial guidelines”. We are unclear as to this reference, as the provincial D series guidelines, which are recommendations and not requirements, and are dependent upon type of use, are in our understanding not being appropriately translated by this policy;
- Policy 2.6.9.2e) continues to establish a 5,000 sq. m cap on Major Retail uses. We continue to seek clarification that this policy is not applicable to existing major retail uses (including the existing Canadian Tire at 75 Mapleview Drive West);
 - Policy 3.1.3.1a) provides direction for interpreting the Urban Design policies of Sections 3.2, 3.3 and 3.4, indicating a required conformity where the terms ‘will’ or ‘shall’ are used. In our review, there are a number of instances where the policies use the terms ‘will’ or ‘shall’, but also specify ‘where appropriate’. In our opinion, the direction to interpret the urban design policies does not sufficiently reflect the flexibility afforded in the policy framework and we suggest that revised wording be considered;
 - We suggest that Section 3.2.3.1 continues to be overly onerous for requiring demonstration of the noted green development criteria through OPA, ZBA, Subdivision or SPA applications;
 - Section 3.3 provides direction for specific building types. It continues to be unclear whether certain building typologies including low-rise development, is to apply to commercial/retail buildings not including shopping malls or major retail. We continue to suggest clarification in this regard;
 - Policy 3.3.6b)ii) requires a variation in built form for Major Retail uses. We continue to suggest that this is a development standard that is inefficient and flexibility is appropriate;
 - Policy 3.3.6f) encourages private streets to be designed to a similar standard as public roads. We suggest that this is a development standard that is inefficient, and not necessarily appropriate for this type of built form; and
 - Policy 6.4.2e)iii), we continue to have concerns that the phrasing of this policy will create an arbitrary 40 unit threshold that future developments may seek to not surpass, which may be counterproductive to the intent of the policy. We continue to suggest that revisions be considered to avoid such a threshold.

We would welcome the opportunity to meet with Staff to discuss our comments further.

In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matters as well as Notice of the approval of the Official Plan.

Yours very truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Senior Planner

cc. Canadian Tire Real Estate Limited (via email)
Cassels Brock & Blackwell LLP (via email)
Tomasz Wierzba, City of Barrie (via email)