



Mi-Ko Urban Consulting Inc.

• Land Use Planners • Development Consultants
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Planning Justification Brief

Re: 924 King Street
Town of Midland
Quality Inn & Conference Centre

Territorial Acknowledgement:

The Town of Midland has been the homeland of the Huron-Wendat Nation, Métis and the Anishinabek people, It is recognized that the First Nations within the Great Lakes region have a unique relationship with the lands and its resources.

Introduction:

MiKo Urban Consulting Inc. has been retained by 1489338 Ontario Inc. on July 24, 2022. The purpose of the retainer was to:

1. Assess the development potential of an area of the site. The existing conditions are indicated on *Appendix A, 2019 Topographic Plan* by Dearden and Staton Ltd. OLS.
2. Prepare a redevelopment proposal which is in keeping with the purpose and intent of the applicable laws and policies. The proposed redevelopment plan is on *Appendix B-1, Concept Plan* by MiKo Urban Consulting, revision date May 2024.
3. To prepare a Planning Justification Report [PJR] in support of the proposal.
4. Liaison between the property owner and the municipality and Ministry of Transportation

The application will only be for a Zoning Bylaw Amendment pursuant to Section 34 of the Planning Act for a parking variance to the parking requirements as prescribed in Section 4 of the Town's Zoning Bylaw 2004-90. A draft of the Bylaw is included as *Appendix C*.

It should be noted that a Site Plan Approval application pursuant to Section 41 of Planning Act will follow afterwards.

This application process was started on July 2021 by the previous owner, Abdul Quadir, President of 2286261 Ontario Ltd. On June 21, 2022, a pre-consultation meeting was held with staff from the Town of Midland [Town], the County of Simcoe [County], and the Ministry of Transportation [MTO]. The comments from the meeting are attached as *Appendix D (2021MTO Comments)*.

On June 11, 2024, a virtual meeting was held with the Town Planner, Andy Warzin, the Town, the Manager of Planning, Tomasz Wierzba, the client, Andy Sahota, and myself. The purpose of the meeting was to discuss the need for another Pre-Application Consultation meeting considering that there was no material change to the proposal nor the planning policies since the 2021 meeting. The outcome of that meeting was that the application can move forward to submission.

As required, this PJR will include the review of the applicable laws which are as follows:

- 1.0 The Planning Act, R.S.O. 1990, as amended (Dec. 6, 2023)
- 2.0 The Provincial Planning Statements, 2024
- 3.0 The South Georgian Bay Lake Simcoe Source Protection Plan, January 26, 2015, amended December 22, 2023
- 4.0 The County of Simcoe of York Official Plan, adopted November 25, 2008, amended January 22, 2019.
- 5.0 The Town of Midland Official Plan November 2019
- 6.0 The Town of Midland Zoning Bylaw 2004-90, as amended

The Assessment:

The Property is located in the Town of Midland [Town], County of Simcoe. The Town is a small community of 17,800. Being located on the shores of Georgian Bay and with access to Great Lakes, it was “an important shipping and trade centre in the late 1800’s” with lumber and farm trade, ship building and manufacturing. *Appendix E, Southern Ontario Mapping, Source Google Maps.*

It is just off the Trans-Canada Highway which provides access from the east coast to the west coast. Over the years, with its proximity to the cottage country and the City of Toronto, tourism became an important industry. *Appendix E-1, Trans-Canada Highway Mapping.*

The Property is located in the southern portion of the Town and is less than 2.0 kilometres from the Town’s downtown area. On June of 2021, I had attended the Property. It is surrounded by big box stores (Home Depot, Walmart), car dealerships (Midland Honda, Bourgeois Ford), retail stores, personal service shops, medical and professional offices, liquor store, educational facilities (Georgian College), hotel/motels (Quality Inn, Comfort Inn, Hampton Inn), and standalone restaurants.

The property is elevated above the intersection which provides good exposure for the travelling public. Access to the Property is from a shared 20.12m (66’) wide private roadway which abuts the Property to the north. This roadway is connected to King Street, and is about 185m north of the Heritage/King intersection.

It is a large corner lot with 1.92 ha. (4.73 acres) of land which located at the north-west corner of Heritage Drive and King Street. Heritage Drive is a 4 lane Provincial highway, Hwy 12. King Street is at this location is a 4 lane Provincial arterial road with left turn lanes onto Heritage Drive. This is a signalized intersection with left turn signals. *Appendix F, Surrounding Aerial and Streetview Photographs, source: Google Maps.*

Currently on the Property is a hotel and a conference centre which service the recreational and tourist industry. It is laid out with 254 parking spaces, 3 handicap spaces and no loading spaces. This is indicated on *Appendix A, 2019 Topographic Plan.* The parking is mostly around the existing hotel and conference centre, with a parking area located by King Street.

The existing Site Statistics are as follows:

Lot Area of	19,158.278m ²
Lot Frontage (King Street):	118.97m
Exterior Lot Frt. (Heritage):	164.72m
Hotel/Conference Centre Coverage:	4936.998m ²
Hotel/Conference Centre GFA:	4936.998m ²

No. of Rooms:	106
Restaurant – No. of Seats	90
Banquet Hall #1 No. of Seats:	320
Banquet Hall #2 No. of Seats:	100
Banquet Hall #3 No. of Seats:	70
Banquet Hall #4 No. of Seats:	22
Motel Coverage/GFA:	554.955m2
No. of Rooms:	15
Loading Spaces:	0

The Property is zoning HC (Highway Commercial). This zoning provides for a wide range of uses. *Appendix G, Zoning Bylaw 2004-90 Excerpts S.6.2.2, 6.2.3 Commercial Zones.* The Town’s parking standard is provided in *Appendix H, Zoning Bylaw 2004-90 Excerpts S.4 Parking and Loading]*

Ministry of Transportation [MTO]

The Ministry’s mapping indicates that the Property is ‘an area within MTO permit Control’, as noted in Appendix B-1, attached. Subsequently, a request for a Pre-Consultation with the MTO was submitted. Through discussions with the MTO Corridor Management Planner, Mr. Cameron Blaney, I was informed of the following:

1. A criterion is that the MTO required a 14m buffer strip along frontages of King Street and Heritage Road. This has to be indicated on the Site Plan, *Appendix C.*
2. Within this buffer, building, no signage, parking spaces and aisle is allowed.
3. A Site Plan indicating how access, aisleways, parking and fire route can be accommodated without encroaching onto the 14m buffer *Appendix B-1.*
4. A Zoning Bylaw which does not require the MTO buffer parking in its calculations. *Appendix D*
5. The requirement for a Stormwater Management report as per the MTO guidelines, Chishlom, Fleming and Associates, September 23, 2023.
6. The requirement for a Traffic Impact Study as per the MTO guidelines, ARCADIS TTR, August 29, 2023.
7. The MTO Emails/Correspondences, *Appendix D*

The Planning Act, R.S.O. 1990, as amended:

The purposes of the Act are,

- (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4. [S.1.1]

The Act further provides for provides for the Provincial Interests [S.2]; Provincial Policy Statements [S. 3 PA]; Official Plans [S.16]; land use controls such as Zoning Bylaw [S.34]; and Site Plan Control [S.41];

Section 2: The Provincial Interests:

Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) the minimization of waste;*
- (h) the orderly development of safe and healthy communities;*
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,
 - (i) is well-designed,**
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994,*

Section 3: The Provincial Planning Statement [PPS]:

The PPS is a streamlined land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. It came into effect October 20, 2024.

It provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

It also supports the provincial goal to support development and align development with infrastructure to build a strong and competitive economy that is investment-ready.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use

planning system.

2.1 Planning for People and Homes

- 6. Planning authorities should support the achievement of complete communities by:*
- a) accommodating an appropriate range and mix of land uses,*

2.3.1 General Policies for Settlement Areas

- 1. 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.*
- 2. 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;*
- 3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities*
- 5. Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.*
- 6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.*

2.4 Strategic Growth Areas

2.4.1 General Policies for Strategic Growth Areas

- 1. Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.*
- 2. To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:*
 - a) to accommodate significant population and employment growth;*
 - b) as focal areas for education, commercial, recreational, and cultural uses;*
 - c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and*
- 3. Planning authorities should:*
 - a) prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;*
 - b) identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;*
 - c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;*
 - e) support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.*

2.8 Employment

2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:

- 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

2.9 Energy Conservation, Air Quality and Climate Change

1. 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;

3.2 Transportation Systems

1. Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles.

2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

3.6 Sewage, Water and Stormwater

1. Planning for sewage and water services shall:

a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services

b) ensure that these services are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;
2. is feasible and financially viable over their life cycle;
3. protects human health and safety, and the natural environment, including the quality and quantity of water; and
4. aligns with comprehensive municipal planning for these services, where applicable.

c) promote water and energy conservation and efficiency;

d) integrate servicing and land use considerations at all stages of the planning process;

e) consider opportunities to allocate, and re-allocate, if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services

8. Planning for stormwater management shall:

a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;

b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and

contaminant loads;

c) minimize erosion and changes in water balance including through the use of green infrastructure;

d) mitigate risks to human health, safety, property and the environment;

e) maximize the extent and function of vegetative and pervious surfaces;

f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and

g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

8: Definitions

Complete communities:

means places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

Settlement areas:

means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

Settlement areas are:

a) built-up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long term.

Strategic growth areas: means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher density mixed uses in a more compact built form. Strategic growth areas include major transit station areas, existing and emerging downtowns, lands in close proximity to publicly-assisted post secondary institutions and other areas where growth or development will be focused, that may include infill, redevelopment (e.g., underutilized shopping malls and plazas), brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas

Section 16: Official plan:

An official plan shall contain,

(a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;

County of Simcoe Official Plan, Adopted November 25, 2008, amended January 22, 2013:

The County of Simcoe has a large area which encompasses The southerly shores of Georgian Bay to the north and the boundary of the Regional Municipality of York to the south.

Section 1.3: The applicable goals of the of the County is to:

- To implement effective municipal servicing, development and land use;*
- To further community economic development which promotes economic sustainability in Simcoe County communities, providing employment and business opportunities;*
- To positively influence the creation of built environments within the County for people of all ages and abilities, which serve to establish complete healthy communities and enhance the quality of life for our residents; and*
- To promote, protect and enhance public health and safety.*

3.5.24 The compact development of settlements as stated in Section 3.5.2 shall be based on specific density targets for local municipalities in Simcoe County. Accordingly, it is a policy of this Plan that development on designated Greenfield areas will be planned to achieve a minimum density target of residents and jobs combined per hectare as follows:

Local Municipality Density Target (residents and jobs/ha)

Town of Midland 50

The Subject Lands is located in the ‘Settlements’ area of the County [Sch. 5.1]. The applicable policy of the County is that:

4.10.1 Local municipal official plans shall establish planning strategies and policies for the local municipality which are consistent with all applicable provincial policies, conform to all applicable provincial plans, and which implement and are in conformity with this Plan. Local municipal official plans may include policies which are more restrictive to development than the policies in this Plan, but may not be more permissive than the policy direction established in this Plan. New local municipal official plans approved subsequent to the adoption of this Plan may refine the designations and mapped information contained within this Plan subject to documentation approved as satisfactory to the County and appropriate agencies based on scale of mapping using more detailed information.

4.10.3 Local municipalities in the County in which the strategic settlement employment areas and the economic employment districts are located will delineate the areas and districts in their official plans and will develop official plan policies to implement the matters determined by the Minister of Infrastructure.

5.10.2 Settlement boundaries shall be mapped in local municipal official plans to be consistent with the County’s Plan.

Appendix I, County of Simcoe OP Maps

Town of Midland Official Plan OP:

The Property is designated:

1. Within Strategic Growth Areas I [Schedule ‘A’ Growth Areas];
2. As Mixed-Use Districts [Schedule ‘B; Urban Structure];
3. As Commercial Corridor [Schedule ‘C’ Land Use];
4. With King Street as an Arterial Road and Heritage as Provincial Highway [Schedule ‘E’ Roads]
5. Within the “Urban Service Area” [Schedule ‘F’ Infrastructure]
6. Within the WHPA-Q1 area [Schedule ‘G’ Source Protection]

It should be noted that in Schedule ‘D’ [Active Transportation], there is a proposed Multi-Use Trails

along the south side of Heritage Road and along King Street portion which is south of Heritage.

It is the intention of the OP that:

- a) Mixed-Use Districts are to *accommodate, a mixture of retail, service commercial, office, and institutional uses.*
- b) The Mixed-Use Districts within the Delineated Built-up Area are *intensification opportunities.*
- c) *It is anticipated that a substantial portion of new jobs ... will be accommodated on these lands.*
- d) New development on full urban services is required for growth in the Mixed-Use Districts. expected.
- e) The WHPA Q1 – in according to the Drinking Water Source Protection’s Key Terms, the WHPA-Q1 designation *is associated with an area that has a water quantity threat and that the WHPA-Q1 is mapped as the combined area of the cone of influence of the well and the whole of the cones of influence of all other wells.*

3.3 Economic Development

3.3.1b) The objectives of the Plan are to:

- ii. *Promote and strengthen the Mixed-Use Districts as significant locations for commercial retail uses, commercial office space, administration, business, services, hotel and convention facilities, and plan for these areas to be well connected to a multi-modal transportation network, including access to transit;*
- iii. *Support the retail sector by promoting compact built form and intensification and the integration of these uses with other land uses to support the achievement of complete communities;*
- iv. *Provide strategically located highway commercial facilities within the Mixed-Use Districts based on the need for expansive land requirements and optimum business exposure. These areas can also be considered as strategic locations for large footprint retail development*

4.4 Mixed Use Districts

4.4.1 Introduction

General Discussion

- a) *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. The Mixed-Use Districts also play a crucial role in defining the planned urban structure of the Town, in accommodating growth through intensification and in supporting a successful transit system.*
- b) *The Mixed-Use Districts are intended to be flexible and responsive to land use pattern changes and demands, and permit a broad range of uses at different scales and intensities depending on the location within the Town’s urban structure. An appropriate mix and range of commercial, retail, office, institutional and residential uses at different scales and intensities will be encouraged and supported within the various Mixed-Use Districts.*

Objectives

- c) *With respect to the Mixed-Use Districts identified on Schedule B – Urban Structure, the objectives of the Town are to:*
 - i. *Promote the accommodation of substantial anticipated growth in medium and higher density built forms;*
 - ii. *Ensure a significant and diverse supply of designated lands that provide*

- opportunities for a diversified economic base, taking into account the needs of existing and future residents and businesses;*
- iii. Ensure that the necessary infrastructure is available to support current and projected growth and development; and,*
 - iv. Require that all development within the Mixed-Use Districts is transit- supportive and incorporates high-quality design to support active transportation and a strong public realm, including built form, architectural details, landscaping and signage.*

4.4.4 Commercial Corridor Designation

Intent

a) Lands designated Commercial Corridor on Schedule C - Land Use are intended to serve the commercial/retail needs of the Town. They are characterized as major corridors for retail activity in the Town that, in addition to commercial uses, allow for higher density forms of housing, and a full range of institutional, community and service commercial land uses. Lands within the Commercial Corridor designation are considered to be key routes for an enhanced transit system.

b) The lands within the Commercial Corridor designation are intended to represent a key commercial component of the Urban Structure, and will be designed as focal points for retail and other associated commercial development. It is the intent of this Plan to allow the ongoing evolution of the retail sector throughout the Town to occur with a minimum of policy interventions with respect to the amount and type of space/facilities. This Plan focuses on broadening the mixture of land uses within the Commercial Corridor designation, and promoting good urban design and high quality architecture and landscapes.

c) Buildings and sites throughout the Commercial Corridor designation may develop as comprehensively planned commercial centres, consisting of individual buildings or multi-unit buildings. New development is encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. Uses within stand-alone buildings are also permitted, unless specified otherwise within the policies of this Plan or the implementing Zoning Bylaw.

Permitted Uses

d) Permitted uses on lands designated as Commercial Corridor, 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 of all types and scales,*
- iii. Office uses of all types and scales;*
- vi. Hotels and motels, including ancillary uses;*
- vii. Convention/conference facilities;*
- xiii. Parking facilities at-grade and/or in structure;*

e) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site specific or area wide basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.

Development Policies are:

f) *Development in the Commercial Corridor designation shall generally be part of a retail commercial centre, where a group of retail, service commercial or other shopping facilities function with some common parking and/or loading facilities and shared ingress and egress. Freestanding buildings are also permitted on individual sites, provided they do not adversely affect access or traffic circulation within the broader Commercial Corridor designation.*

h) *Within the Commercial Corridor designation, the minimum building height for new development or redevelopment should be 2 storeys, or 8 metres, whichever is greater. The maximum building height shall be 4 storeys, or 16 metres, whichever is less*

k) *Development or redevelopment within the Commercial Corridor designation will have regard for an adjacent land use or area, with respect to existing built form, building mass, height, setbacks, scale, orientation, landscaping, and visual impact. As such, where a development in the Commercial Corridor designation abuts a residential use, or lands within the Neighbourhood Residential designation, the Town shall moderate the height of new development through the application of an angular plane, setbacks, step backs and/or landscape buffer requirements.*

l) *Adequate parking, loading and garbage collection/storage facilities for all permitted land uses shall be provided on the site. To promote a high-quality appearance, these facilities, except for a limited amount of visitor parking, generally shall not be located between the building(s) and the Provincial Highway, County Road or Arterial Road network for new development or redevelopment. Shared access and parking among various properties is encouraged*

Appendix J, Town of Midland OP Maps

Zoning Bylaw:

Parking:

Hotel and Motel: 1.25 per guest room plus 1 for each 4 persons that can be accommodated at any one time in a dining room, licensed beverage room, banquet room

Eating Establishment: 1 per every 4 persons seating Capacity

Business or Professional Office: 1 per 30 m2 GFA

Bank or Financial Institution: 1 per 30 m2 GFA

Retail store, personal service establishment, service shop, studio: 5 per 90 m2 GFA

Commercial uses not specifically listed in this Section: 1 for each 20 m2 of GFA

Table 4.3 Handicap Parking

Capacity of Parking Area, No. Spaces No. of parking Spaces Required

1 – 10: 0

11 – 100: 1

101 – 200: 2

201 – 300: 3

301 – 400: 4

4.1.10 Loading Provisions

4.1.10.1 Where any new development occurs in a commercial or industrial zone, save and except for the DC Zone, or when any existing use is changed, enlarged or increased in capacity, off-street vehicular loading spaces shall be provided and maintained in accordance with the following:

- (a) The minimum width of an off-street loading space shall be 4.0 m and the minimum length 21.0 metres with a minimum clear height of 4.5 metres.
- (b) Loading spaces must be located either within or abutting the building containing the use.
- (c) No loading spaces may be provided within any required yards.

Table 4.4

Floor Area of Building Minimum Number of Loading Spaces

Non-Residential

500 m² or less: 0

501 m² up to and including 2000m²: 1

2001 m² and greater: 1 space for each 2000 m² of gross floor area

Drive-Through Facility Minimum Required Ingress Spaces Minimum Required Egress Spaces

Drive-Through facility associated with a financial institution: 3 with 1 egress spaces

Drive-Through Restaurant: 10 with 2 egress spaces

Drive-Through facility associated with convenience retail and service kiosk: 5 with 1 egress spaces

4.1.11.4 Queuing lanes and all order boxes using voice communication to order shall be located no closer than 7.5 metres from any street line or any Residential Zone.

Zoning HC:

The Lands are zoned HC, under the Town's current zoning Bylaw 2004-90, Section 6.2 Highway Commercial. The bylaw permitted uses includes, but not limiting to the following:

Section 6.2.2.

Adult Learning Centre

Animal Hospital

Childcare Centre

Commercial Entertainment Establishment

Commercial School

Eating Establishment

Financial Institution

Hotel or Motel

Laundromat

Liquor or Beer Store

Medical Laboratory

Medical Practitioner

Microbrewery

Mobile Fast-Food Facility

Personal Service Establishment

Pharmacist

Professional Office

Public Hall

Public Use

Rent-all Shop

Retail Store

Service Shop

6.2.3 Zone Requirements

- 6.2.3.1 Minimum Lot Area: 3000.0 m²
- 6.2.3.2 Minimum Lot Frontage: 30.0 m
- 6.2.3.3 Maximum Lot Coverage: 50 %
- 6.2.3.4 Minimum Yard Setbacks
 - (a) Front 7.5 m
 - (b) Rear 3.3 m
 - (c) Interior side 0.0 m
 - (d) Exterior side 4.5 m
- 6.2.3.5 Maximum Building Height 11.0 m

Appendix K, Town of Midland Zoning Bylaw Maps

6.0 Assessment:

In brief, this is a non-residential intensification project on a parcel of underutilized land within a Settlement Area, as contemplated in the Provincial Policy Statements, The Growth Plan, and County's and Town's Official Plans.

Being proposed are two stand-alone buildings with drive-throughs for commercial/retail use. These uses being contemplated in the Town's OP and are permitted as Zoning Bylaw 2004-90. It is the Town's ZBL's parking rate.

The two proposed drive throughs of 64 seats each. They will require an additional 16 parking spaces each. Based on the current Bylaw, the required parking will be 345 spaces, 4 barrier free spaces, 6 loading spaces and 20 stack spaces. What is available is 232 parking spaces + 23 queuing spaces + 1 loading space. Of the 232 spaces, 92 are MTO Buffer Spaces, 58 are tandem spaces, and 3 barrier free spaces.

However, as noted in the Arcadis Parking Letter, dated September 3, 2024 *Appendix L*, "the highest monthly average occupancy of 76% was observed in August 2018" and "the conference rooms' (banquet halls and conference studios/rooms) highest monthly average occupancy of 12% was seen in October 2018". As noted in that letter, 230 would be "deemed sufficient".

This assessment was based on information that was provided by the owner's franchisor, Quality Inn & Suites, attached as *Appendix M*. It was for the period from a 2013 to 2021 which covers the period both pre-pandemic and post-pandemic.

At no time are all the conference halls being used at the same time. It is not unusual that attendees to the conference halls will also occupy the some of the rooms.

In addition, the Lands are located along the Midland Penetang Transit System *MPTS* route *Appendix N*. This route service both towns, Midland and Penetang. With the MPTS app, it provides convenient commuting for many of the staff members which reduces the need for staff parking. Transit use is environmentally friendly and desirable.

Well Head Protection:

The Lands are located outside any of the Wellhead Protection classes, i.e. WHPA-A, WHPA-C, WHPA-D AND WHPA-E. However, it is within the WHPA-Q1 designation, as noted in Schedule G – Source Protection, of the Town's Official Plan, *Appendix P*. is associated with an area that has a water quantity threat and the approved South Georgian Bay Lake Simcoe Source Protection Plan,

as amended May 1, 2024. The Lands primarily consists non-permeable material, namely asphalt and building.

It is serviced with municipal sanitary sewer and water. No onsite sanitary septic system is being proposed or a private well.

For the stormwater, it is currently being discharged to a MTO stormwater ditch. However, this discharge is without any quality or quantity controls. Post-development, the developer is proposing quality and quantity controls. These controls will improve the post-development flows to the pre-development levels. Please see Chisholm Fleming and Associates report.

In addition, no chemicals or salt storage are being contemplated on site. As such, there will not be any adverse on the aquifer and/or any wells within it

MTO Buffer:

In regards to the MTO and its requirements that the parking spaces are not to be required by the Bylaw, there are two remedies. On behalf of the owners, we have prepared a draft Bylaw with Site-Specific provisions what reduces the required parking spaces, the barrier free spaces and the loading spaces *Appendix C*.

In addition to the assessment by ARCADIS, the rationale behind our position is:

1. The Ministry expropriated the widenings of Heritage Drive and King Street in 1970, with the Certificate of Approval on September 24, 1970. The Order -in-Council designating the expropriated lands as the King's Highway on May 5, 1971.

At the time of the expropriation, the Lands were owned by Jones Farm Dairy Limited. Over the years, the residual lands were developed as the hotel and conference centre. Being a commercial development, a Zoning Bylaw Amendment and Site Plan Approval application would have to be made to facilitate this development.

It is through those processes, the MTO would have been circulated and as such, would have aware that the parking spaces are being construction within those lands which is their buffer.

2. The expropriation on took lands entirely from the northside of Heritage and westside of King Street. This 'taking' has provided for the 5-lane (two travel lanes + a left turn lane) and an exceptionally wide boulevard ranging from 15.5m to 26m. This is wide enough to accommodate two additional travel lands and still have enough land to provide for an 8.5m boulevard.

It is not conceivable that it would be appropriate for a 7-lane highway to go through an urbanized area of a developed community. However, if expansion of the highway and its intersections are required, these alterations or modifications will be subject to the Environmental Assessment Act, 1990, as amended, be it a Class or Individual. As required by the Act, considerations which includes, 'do nothing' and a bypass on the outskirts has to be one of the considerations.

3. As noted in the Town's Official Plan Schedule 'D' – Active Transportation, there is a planned "all-purpose" path being proposed along the southerly side of Heritage Road. These paths are normally 3.0m wide. The existing boulevards should be able to accommodate it.

4. To date, the MTO had not provided a rationale for the insistence of a 14m buffer, especially with the current expanded boulevard along this reach. In accordance to the Ministry of Environment, Conservation and Parks, the existing and proposed land uses at the Subject Lands are not considered to be 'sensitive'.
5. The MTO acknowledges and recognizes the existing signs that are located within the MTO 14m buffer.
6. The parking spaces and aiseways within the MTO buffer are existing and are not being altered.
7. The requested the MTO, an Alternative Site Plan has been prepared and attached as *Appendix B-2*. This Alternative clearly indicates how a Fire Route and the drive-throughs would function without the 14m buffer.

Conclusion:

The proposed development is an infill development. It utilizes a large, underused parcel of land located within an urban boundary. There are urban services to accommodate this development and the traffic and parking analysis has indicated no internal or external adverse impact are anticipated.

This development is consistent with the Provincial Planning Statements, and is in keeping with the intent of the County's Official Plan and the Town's Official Plan as follows:

Provincial Planning Statements:

1. It assist in building 'complete communities. [2.1.6(a)]
2. This is an infill development on an underutilized parcel of land which is an efficient use of land and services. [2.3.1.2(b)]
2. It is optimizing the servicing which is readily available on site [2.3.1.2(b)][3.1][3.6]
3. This is an intensification and redevelopment project *which supports the achievement of complete communities. [2.3.2.3;2.8.1]*
4. Stormwater Management is being implemented. The post-development conditions are improved from the existing pre-development conditions. [4.2]

County Official Plan:

1. The development is designated as 'Settlement Area', the County's Official Plan [SCHEDULE 5.1]
2. It is an intensification infill project within a built-up area [3.5]
3. It is implementing Stormwater Management to control the post-development conditions to pre-development conditions [3.12.41]

Town Official Plan:

1. The development is located within a Mixed-Use District
2. It is an intensification infill project [2.2]
3. It is designated as Commercial Corridor within the Mixed-Use District
4. It is a commercial development with a proposed built form that is consist with the adjacent built forms. The proposed on-site parking, loading and garbage collection is sufficient. [4.4.4]
5. The proposed buildings will be 1 storey with a height of approximately 6m. In response to the minimum number of storeys and height noted in Section 4.4.4 h), this conflicts with the provisions of Section 4.4.4 k) which states that development/redevelopment shall have

regard “to existing built form, building mass, height, setbacks, scale, ... and visual impact.

The adjacent developments, including the more recent ones are single storeys with a height of about 5m +/-.

In addition, the provisions of Section 4.4.4 h) states “*should be*” and not have to be. This allows for flexibility to consider an alternative height based on the surrounding built forms as provided in Section 4.4.4 k).

Zoning Bylaw:

1. The existing and future uses are in compliance with the Town’s Zoning Bylaw [Section 6]
2. The parking and loading provisions are deficient. [Section 4]

The variances to Zoning Bylaw are as follows:

- i. Provision of Parking Space
- ii. Location of queuing space
- iii. Provision of Barrier Free Parking
- iv. Provision of Loading Space

In closing, it is my opinion that the development’s deficiencies are minor and not material in consideration that this development will provide the additional needed commercial space and the employment benefits that comes with it.


November 9, 2024
Peter K. Chee, R.P.P., M.C.I.P.

Appendixes:

- Appendix A, 2019 Topographic Plan
- Appendix B-1, Concept Plan with MTO Buffer
- Appendix B-2, Concept Plan without MTO Buffer
- Appendix C, Draft Bylaw
- Appendix D, 2021MTO Comments.
- Appendix E, Southern Ontario Mapping, Source Google Maps
- Appendix E-1, Trans-Canada Highway
- Appendix F, Surrounding Aerial and Streetview Photographs, source: Google Maps.
- Appendix G, Zoning Bylaw 2004-90 Excerpts S.6.2.2, 6.2.3 Commercial Zones.
- Appendix H, Zoning Bylaw 2004-90 Excerpts S.4 Parking and Loading
- Appendix I, County of Simcoe OP Maps
- Appendix J, Town of Midland OP Maps
- Appendix K, Town of Midland Zoning Bylaw Maps
- Appendix L, Arcadis Parking Letter, dated September 3, 2024
- Appendix M, Quality Inn & Suites Reports
- Appendix N, MPTS route
- Appendix O, WHPA-Q1 designation Map