



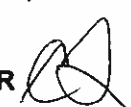
TO: GENERAL COMMITTEE

SUBJECT: DEEMING BY-LAW AND REMOVAL OF HOLD 504, 508 AND 510 BIG BAY POINT ROAD (WARD 9)

PREPARED BY AND KEY CONTACT: S. FARQUHARSON, DEVELOPMENT PLANNER, B.URPL., EXT 4478

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That a Deeming By-law be approved pursuant to Section 50(4) of the Planning Act over Lot 13, Plan 1019 save except Part 19, 51R-33123 (510 Big Bay Point), Lot 14, Plan 1019 save and except Part 7 on 51R-1488, Part 6 on 51R-8113 and Part 18 on 51R-33123 (508 Big Bay Point) and Lot 15, Plan 1019 save and except Part 5 on 51R-8113 & Part 17 on 51R-33123 (504 Big Bay Point), for the property owned by BFM Foundation Real Estate Development.
2. That the Holding Provision (H-72) initiated by By-law 2003-241 for the lands owned by BFM Foundation Real Estate legally described as Lot 13, Plan 1019 save except Part 19, 51R-33123 (510 Big Bay Point), Lot 14, Plan 1019 save and except Part 7 on 51R-1488, Part 6 on 51R-8113 and Part 18 on 51R-33123 (508 Big Bay Point) and Lot 15, Plan 1019 save and except Part 5 on 51R-8113 & Part 17 on 51R-33123 (504 Big Bay Point) be lifted (D14-1531); and
3. That appropriate notice for the lifting of the Holding Provision (H72) for the subject lands pursuant to Section 36 of the Planning Act be provided.

PURPOSE & BACKGROUND

Report Overview

4. The subject lands were zoned Commercial in 2003. The zoning approval was subject to a condition that required the subject lands to be merged into one parcel. The purpose of this report is to consider an application for a Deeming By-law which would result in merging of the subject lands. Subsequently, the report recommends removal of the holding provision as the merger would satisfy the condition. This action would allow commercial development to occur on the property.

Location

5. The three subject parcels of land are on the north side of Big Bay Point just east of the Warinca Elementary School vehicular laneway at Yonge Street. The subject lands are located within the Painswick North Planning Area and are legally described as Lot 13, Plan 1019 save except Part 19, 51R-33123 (510 Big Bay Point), Lot 14, Plan 1019 save and except Part 7 on 51R-1488, Part 6 on 51R-8113 and Part 18 on 51R-33123 (508 Big Bay Point) and Lot 15, Plan 1019 save and except Part 5 on 51R-8113 & Part 17 on 51R-33123 (504 Big Bay Point). The properties

combined have a total lot area of approximately 0.5 hectares (1.2 acres) and a combined frontage of approximately 81 metres (**Appendix "A"**).

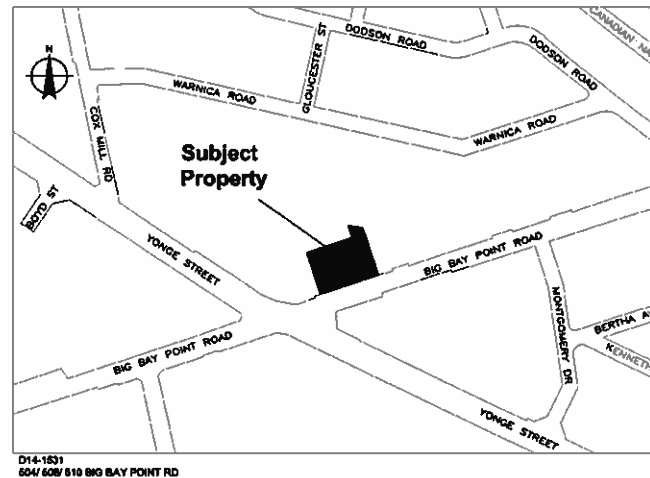
6. Surrounding Land Uses:

North: Warnica Public Elementary School- Institutional (I-E).

East: Existing Single Detached Dwellings- Residential First Density (R1).

South: Gas Station and Convenience Kiosk- General Commercial (C4).

West: Warnica Public Elementary School Parking Area- Institutional (I-E).



Background

7. In support of the subject application, the following technical reports were submitted:

- a) **Planning Justification Report - Lifting of Holding Provision** (February 27, 2012) provides a review of the property's characteristics and surrounding lands as well as the planning policy basis and opinion of Innovative Planning Solutions for the application to be approved.
- b) **Planning Justification Brief – Deeming By-law** (April 20, 2012) – provides a review of the property's characteristics and how the application satisfied planning policies to have the lots merged into one lot. Innovative Planning Solutions provides its professional planning opinion that the deeming by-law be approved in order to facilitate the development of the commercial lot.

Public Meeting

8. There is no requirement under the *Planning Act* to hold a public meeting for either the deeming by-law or the removal of the holding provision.

Existing Policy

9. The subject property is designated General Commercial in the City's Official Plan and is zoned General Commercial (H-72) in Zoning By-law 2009-141.
10. The existing holding provision was imposed by Council through By-law 2003-241 for the subject lands, which is not to be lifted by the City of Barrie until "the merger of the subject lands into one parcel." Section 36 of the *Planning Act* allows for the City of Barrie to apply a holding provision on zoning by-laws which are passed under Section 34.
11. Section 50(4) of the *Planning Act* allows the City to pass a Deeming By-law which enables lot lines to be eliminated and lots to merge. In order to facilitate this to occur, the lots to be merged must all be under one ownership and the plan of subdivision must have been registered for eight years or more.

ANALYSIS

13. The removal of the hold is contingent on satisfying the conditions stipulated in By-law 2003-241, that governs the development of the subject lands. The Council imposed condition was that the lots be merged into one single parcel, which requires the passing of a deeming by-law. The conditions as approved are attached as **Appendix "B"** and are summarized above.
14. The plan of subdivision that created the subject lots (Plan 1019) was registered on May 31, 1952. The deeming by-law would serve to merge the three lots to create one contiguous commercial property that would otherwise remain undevelopable commercial lands. The development of the lands cannot occur until the holding provision is lifted, which requires the lands to be merged under one ownership and be deemed not part of plan of subdivision.
15. The subject application satisfies Section 50(4) of the Planning Act, as the subject lands have been registered as part of a plan of subdivision for longer than eight years. This will allow for the development of the properties as one commercial property. By approving the deeming by-law, the properties will merge, and allow for the holding provision to be removed and allow for the potential new development of the lands.
16. Policy 6.7.2 of the Official Plan states that a by-law to remove the holding provision may be passed when the City is satisfied that the reasons for the use of the holding symbol no longer apply or have been met.

ENVIRONMENTAL MATTERS

17. There are no environmental concerns related to the recommendation.
18. There is one alternative available for consideration by General Committee:

Alternative #1 General Committee could deny the proposed deeming by-law and removal of the hold (H-72) for the subject lands.

This alternative is not recommended, as the lands would be precluded from development under their approved commercial designation and zoning.

FINANCIAL

19. There are no direct financial implications for the Corporation resulting from the proposed recommendations.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

20. The recommendations included in this staff report are specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.
 Direct and Manage Economic Growth
21. One of Council's strategic goals is to direct and manage economic growth, which includes attracting and promoting sector clustering. As the subject lands are zoned commercial and are located in an area that has commercial uses, it satisfies this goal.

Attachments: Appendix A – Subject Lands
 Appendix B- By-law 2003-241

APPENDIX "B"

By-law 2003-241

Bill No. 248

BY-LAW NUMBER 2003 - 241

A by-law of The Corporation of the City of Barrie to amend By-law 85-95 a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 85-95 to rezone Part Lot 15, Plan 1019, municipally known as 504 Big Bay Point Road and Part Lot 14, Plan 1019, municipally known as 508 Big Bay Point Road and Lot 13, Plan 1019, municipally known as 510 Big Bay Point Road, all in the City of Barrie, County of Simcoe from Residential Single Family Dwelling (1st Density)(R1) to General Commercial (C4)(H-72);

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. THAT the zoning map is amended to change the zoning of Part Lot 15, Plan 1019, municipally known as 504 Big Bay Point Road and Part Lot 14, Plan 1019, municipally known as 508 Big Bay Point Road and Lot 13, Plan 1019, municipally known as 510 Big Bay Point Road, all in the City of Barrie, County of Simcoe from Residential Single Family Dwelling (1st Density)(R1) to General Commercial (C4)(H-72) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map.
2. THAT the (H) symbol that appears on Schedule "A" attached hereto identifies a Holding Zone pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P.13. This indicates that the lands so zoned cannot be used for a purpose permitted by the General Commercial (C4) zone until the (H) symbol is removed pursuant to Section 36 of the *Planning Act*.
3. THAT the (H-72) provision shall be lifted by the Corporation of the City of Barrie upon completion of the following matter to the satisfaction of the Corporation of the City of Barrie:
 - (i) the merger of the subject lands into one parcel;
4. THAT except as varied by the provisions of this By-law, all other terms and provisions of By-law 85-95 as amended shall apply to the subject property herein.

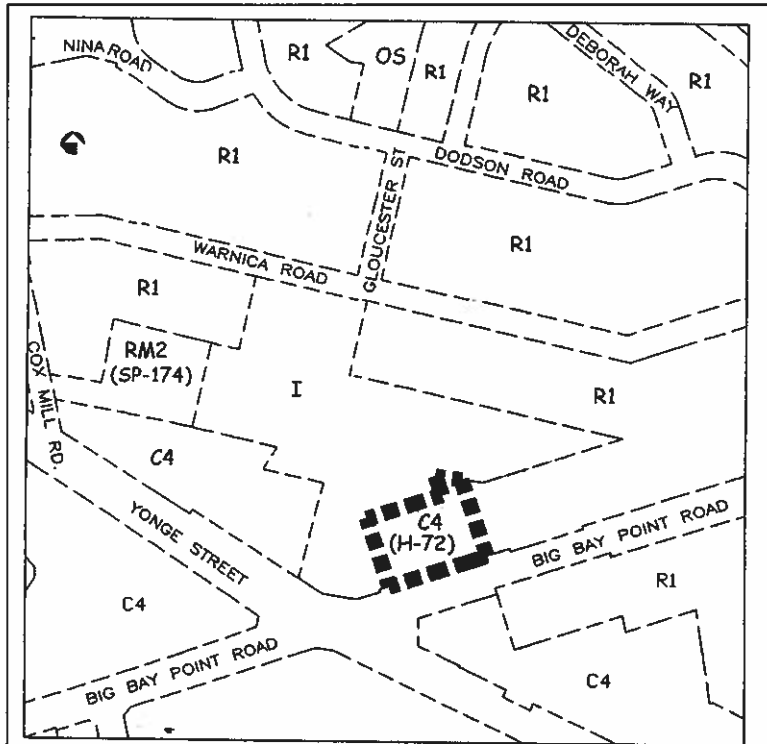
READ a first and second time this 17th day of November, 2003.

READ a third time and finally passed this 17th day of November, 2003.

THE CORPORATION OF THE CITY OF BARRIE


MAYOR - JIM PERRI


CLERK - JOHN R. SISSON



D14-1309
Gartner, Wrightman and Zimmerman

October 20, 2003

Schedule "A" to attached By-law 2003-241


MAYOR - JIM PERRY


CLERK - JOHN R. STINSON