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**TO:** GENERAL COMMITTEE


**SUBJECT:** BDD006-15 Surplus of the 5 Points Laneway, 38 Bayfield St.

**WARD:** 2

**PREPARED BY AND KEY CONTACT:** P.DYCK, BUSINESS DEVELOPMENT OFFICER X5228

**SUBMITTED BY:** S.SCHLICHTER, ACTING DIRECTOR BUSINESS DEVELOPMENT 

**GENERAL MANAGER APPROVAL:** ZVI LIFSHIZ, EXECUTIVE DIRECTOR INVEST BARRIE 

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

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**RECOMMENDED MOTION**

1. That the Property at 38 Bayfield Street, described as part of PIN 587990043 to be further described by reference plan to be deposited, also known as the East portion of the 5 Points Laneway as further depicted on Appendix 'A', be declared surplus to the City's needs, provided it is sold as part of a land assembly.
2. That staff in the Business Development Department be authorized to negotiate a conditional Agreement of Purchase and Sale (APS) with Advance Tech Developments (the Purchaser) for the Property and report back to General Committee for its approval.
3. That the purchase price for the Property be at market value.
4. That the APS be conditional on:
  - a) The Purchaser obtaining the required Zoning By-law Amendments and Site Plan Approval for its development proposal and;
  - b) Any Planning Act application(s) for the lands be at the Buyer's expense and considered separately and on their own merits with no approval of such Applications being implied.

**PURPOSE & BACKGROUND**

**Report Overview**

5. The purpose of this staff report is to surplus land that makes up a portion of the 5 Points laneway between Maple Avenue and Bayfield Street, as further depicted in Appendix 'A'.
6. This staff report has been prepared to address the process of declaring the Property surplus to the City's needs, and to authorize staff to negotiate a conditional agreement of purchase and sale.
7. City staff have received interest from the owner of the adjacent properties who is interested in acquiring the Property for the purpose of consolidating the immediate land holdings with the intent of constructing a mixed use residential development.

8. Advance Tech Developments has applied for a rezoning of the lands in the immediate area, including a portion of the City owned laneway between Maple and Bayfield. The rezoning is proposing increased building height and density.

### **ANALYSIS**

9. By-Law 95-104 as amended requires that any real property to be sold by the City, be declared surplus by Council and public notice be subsequently given of the City's intention to sell the lands. Notice for the surplus of City property is not required other than it must be dealt with at a meeting open to the public. Staff intend on advertising the potential sale of the Property as required, in advance of a conditional purchase agreement being brought before General Committee.
10. By-Law 95-104 also requires that fair market value of the land be determined by appraisal. Should the surplus of the Property be approved by Council, its value will be determined by an outside appraiser. The cost of an appraiser is to be paid for by the buyer.
11. Advance Tech Developments (also operating as 2006536 Ontario Inc.) owns several of the land parcels making up a portion of the intended development site. The property along the north portion of the development area, referred to as 40 Bayfield Street, is owned by Lovers Harbour Inc. 2006536 Ontario Inc. has an authorization letter giving permission for it to oversee planning matters relating to 40 Bayfield Street. See Appendix 'A' for an outline of the proposed development lands. The total land area is approximately 0.7 acres (3,005 sq.m.) including the portion of the laneway being proposed as surplus.
12. Approximately half the laneway from Maple Avenue to Bayfield (the Westerly portion), would be retained by the City. This area provides service access to the buildings fronting Dunlop Street and consequently this portion of the laneway is to be retained. See Appendix 'A' for a description.
13. The purchaser wishes to enter into an APS with the City so that it may provide itself with some confidence in furthering its development application. The City must therefore emphasize to the purchaser that the purchase agreement and rezoning application are two separate matters. The application will be considered on its planning merits only. Should the planning applications not be approved, the Property purchase would not be completed.
14. There are numerous municipal services contained in the laneway (e.g. storm sewer), which run from Maple Ave. to Bayfield Street. These services will need to be relocated or accommodated so that they do not run under the proposed development. The relocation of these services will be at the developer's expense. These details will be addressed as part of the planning and development process.
15. The laneway also acts as a service corridor for those properties along Dunlop, Maple & Bayfield. Snow removal is conducted in the laneway. The City Roads, Parks and Fleet Department has indicated that it uses a pickup truck to clear the laneway by backing into the laneway from both Maple Ave. and Bayfield, and pushing the snow out to the road.
16. Having the trucks back up to clear the laneway is against the City's safety policy, however given the configuration of the laneway, there is currently no other option. As it will be the City's responsibility to continue clearing the retained portion of the laneway, it is the desire of the Road's Department to have a turnaround lane integrated into the proposed development to allow safer snow clearing, resulting in an improvement over the current situation. This matter will be reviewed as part of the planning application and site plan process.

17. For garbage removal, refuse is placed at or near the curb along Maple and Bayfield by residents/businesses, and picked up curb side. There is no pickup in the laneway itself as it is too small to allow truck movement.
18. Barrie Fire and Emergency Service has indicated it does not use the laneway as it is too narrow and all firefighting is done via the adjacent roads.
19. Once the laneway is developed, it is possible there will no longer be any public access completely through from Maple to Bayfield, as is currently the case. There was no concern about the closure on the part of the Downtown BIA, after an informal discussion with the Chair held in June 2015. However, as identified in the Downtown Commercial Master Plan, the maintenance of a pedestrian connection is desirable. Alternatives and options will be explored through the planning approval process.
20. In 2003 & 2004, the City invested approximately \$200,000 in enhancements in the laneway, in the form of storm sewers, interlock brick and lighting standards. This was done in part at the request of Advance Tech Developments who owns property adjacent to the laneway. As is normal, the value of these improvements will have depreciated.

#### **ENVIRONMENTAL MATTERS**

21. The City continues to be involved in the civil litigation matter stemming from environmental matters related to an allegation of contaminated soil being placed on the surrounding lands in the past. The City will continue to remain party to the litigation until it is concluded by disposition at trial or until the City is dismissed from the litigation. 2006536 Ontario Inc. is a party involved in the litigation.

#### **ALTERNATIVES**

22. The following alternatives are available for consideration by General Committee:

**Alternative**

General Committee could choose not to approve the surplusing of the Property.

Although this alternative is available, the developer advises that the laneway is a critical component of the proposed development and would not be feasible without it.

#### **FINANCIAL**

23. Any gain or loss in revenues from the sale of the Property will be charged to GL #01-24-0860-0000-8612, which is a Corporate Revenues account.
24. The Buyer shall pay all the City's legal, advertising and surveying expenses incurred due to the sale of the Property.

**LINKAGE TO 2014-2018 STRATEGIC PLAN**

25. The recommendation included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
- Vibrant Business Environment
26. Should the development of the lands go ahead as proposed, this will help increase residential density in the downtown. This will support increased vibrancy and will also align with the City's policy as the downtown being an urban growth centre.

APPENDIX "A"

Diagram of Property

