
TO: GENERAL COMMITTEE

SUBJECT: BDD004-16 Surplusing City Lands for Little Lake Seniors Community Inc. Inc.

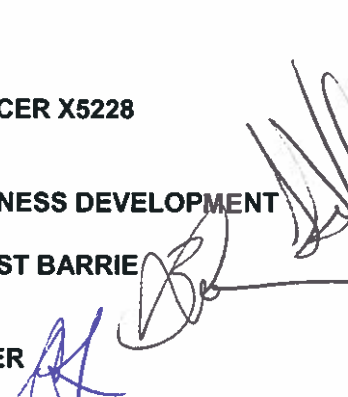
WARD: 3

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



RECOMMENDED MOTION

1. That the Lands at JC Massie Way and Duckworth Street, described as part of PIN's 583610796, 588300051, 583610426, 583610419, 583610425 and 583610249 (the Lands) as depicted in Appendix "A" to Staff Report BDD004-16, to be further described by reference plan to be deposited, be declared surplus to the City's needs.
2. That staff in the Business Development Department be authorized to negotiate an Agreement of Purchase and Sale (APS) with Little Lake Seniors Community Inc. (the Purchaser) for the subject Lands and report back to General Committee for approval.
3. That the Purchaser be authorized to submit an application, on behalf of the City of Barrie (as owner), for an Official Plan Amendment and Rezoning of the Lands at its own expense and with the understanding that the application will be considered on its own merits and no approval being implied.
4. That the City Clerk be authorized to execute any documents to provide such authorization.
5. That fair market value be determined by an appraiser, paid for by the Purchaser, for the Properties to be sold.
6. That the Agreement of Purchase and Sale contain the following conditions and any other conditions, mutually agreed upon by the Director of Legal Services and Director of Business Development:
 - a) The Properties are to be sold in their present condition "as is" and the Purchaser be required to complete any such tests, reports, analysis and plans at its own expense as may be required by the City, at the City's sole discretion, to support the proposed development including but not limited to any reports, analysis, plans and environmental compliance approvals, including those by third parties such as the Conservation Authority;
 - b) The Purchaser is required to obtain the required Official Plan and Zoning By-law Amendments for its development proposal and that these amendments be considered separately and on their own merits with no approval of such Applications being implied;

- c) An easement be provided by the Purchaser across the subject Lands in favour of the City, providing the City unencumbered unlimited access 24 hours per day and 7 days per week access to existing or planned infrastructure, whether the infrastructure is on or under the Lands being surplus.
- d) The design of the proposed parking area be such that it has minimal impact on existing infrastructure that the City may be required to undertake work upon to the satisfaction of the Director of Engineering and Director of Environmental Services via Site Plan Control approvals.
- e) When the City require access to its infrastructure within the easement area, the City shall not be held responsible or liable in any way for the operation of the parking facility or any impact on the Purchaser's business operations for any repair, upgrades or installation of infrastructure.

PURPOSE & BACKGROUND

Report Overview

- 7. The purpose of this staff report is to surplus land that makes up a portion of the intersection and area of the new JC Massie Way and Duckworth Street, as further depicted in Appendix 'A', for a particular use and end user, and to authorize staff to negotiate an agreement of purchase and sale.
- 8. The report also authorizes the proposed purchaser, Little Lake Seniors Community Inc. to submit an application for an Official Plan Amendment and Re-zoning for the subject Lands on behalf of the City (as owner).
- 9. Little Lake Seniors Community Inc. is a large medical, health & retirement living complex situated in the area of JC Massie Way, in the vicinity of Cundles Road East and Duckworth Street. The complex is under construction with the medical/office building (Phase 1, Block A) having been completed and currently in operation in addition to Phase 2 (Block C) of the development that includes an assisted living retirement residence. The third phase (Block B) of the development is proposed to provide a seniors housing condominium development.
- 10. Currently 'Block B' of the development proposal provides 104 of the 195 required parking spaces in support of overall parking for the Little Lake Community Health Centre (Phase 1, Block A).
- 11. The Little Lake Seniors Community Inc. have proposed development of Block 'B' for the purposes of developing Phase 3 of the project, which is the construction of housing for seniors. Little Lake Seniors Community Inc. has secured investment and a developer for the site, and require the relocation of the parking on Block 'B' to facilitate development of Phase 3.
- 12. City-owned lands adjacent to the development offer an opportunity to re-locate parking for the 104 spaces required to maximize the residential density of the development.
- 13. Staff have investigated the identified City-owned parcel and have determined that despite the significant infrastructure and utilities located within the Lands, the parcel would still be suitable for the purposes of creating surface parking and could be considered surplus to the City's needs provided access to the infrastructure remains in perpetuity. The City will require unencumbered, unhindered and immediate access to the property to service, maintain and repair the infrastructure.

ANALYSIS

14. 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 surplusing 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 Land as required, in advance of a conditional purchase agreement being brought before General Committee.
15. By-Law 95-104 also requires that fair market value of the land be determined by appraisal. Should the surplusing of the Lands 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 Purchaser.
16. Little Lake Seniors Community and Health Centre is a unique model providing a fully integrated multidisciplinary model of care focusing on seniors through the provision of a holistic suite of health care services and residential components for both assisted and unassisted living. Serving the broader community and region, the Health Centre offers access to Family Health Care, alongside many other key health services such as Medical Specialist Clinics, focused Geriatric Clinics, Rehabilitation Therapy, Pharmacy, Laboratory, Diagnostic Imaging, Dentistry, Optometry, and services of other allied health care providers.
17. The Little Lake Seniors Community comprises approximately 10.7 acres of land which is currently being developed in phases. The first phase (Block A) is the construction of the medical office building, which has been completed. Phase 2 (Block C) is nearing completion with the development of an assisted living retirement residence. Phase 3 (Block B) will see construction of a retirement condominium project.
18. Each phase of the project contains parking requirements based on property usage. At the time of site plan submission for Phase 1 on Block A for the medical/office building, a total of 195 parking stalls were required. Block A of the site accommodated a portion of the required 195 parking stalls. The remaining 104 stalls were permitted to be located on Block B of the development in the interim with the intent that Little Lake Seniors Community Inc. would be required to accommodate the parking in order to develop Block B.
19. The total land area being proposed for surplusing is approximately 2.0 acres in size (7,976 sq.m.), and would provide an additional 116 parking stalls in total, all within close proximity to the community health centre. In addition, the proposed development also seeks to secure surrounding MTO lands to facilitate an additional 26 parking stalls. The developer is engaged with MTO independently to complete their surplus and acquisition process.
20. The proposed surplus area falls within two of the City's zoning categories; Open Space and Commercial, with the majority of the proposed lands to be surplused zoned as Open Space. Those areas of the parking depicted as encroaching on City Right-of-Ways (Cundles & Duckworth) in Appendix 'A' are categorized in accordance with the nearest adjacent zone, as zoning designations are considered to be enforced to the centre-line of the Right of Ways – (roadways).
21. The Open Space designation was initially taken as parkland dedication through subdivision approval. The City will be installing playground equipment at the end of Little Lake Road and therefore would deem the subject Open Space area as surplus to the parkland needs. The proceeds of the sale of the Lands would be returned to Parkland Reserve to support future park development.

22. The Purchaser wishes to enter into an Agreement of Purchase and Sale with the City to acquire the subject Lands so that it may provide the adequate parking for its tenants and customers for all three phases of its proposed development (Blocks A through C). This will require both an Official Plan Amendment and Re-zoning as the affected lands (including the former road allowances) are currently zoned and designated within the Zoning Bylaw and Official Plan as Open Space.
23. The Official Plan Amendment and Re-zoning applications are identified as separate matters from the surplus and disposition process. As such, both Planning applications will be considered on their planning merits only. Should the planning applications not be approved, the agreements for the purchase of the property would not be completed.
24. There are significant municipal services contained within the site and in the right-of-way along the former Duckworth Street including a wastewater force main and water main. It is important to note that staff would not normally recommend surplusing any municipally owned land containing critical infrastructure, however the uniqueness of the proposed project together with the location of the subject lands are acknowledged. As such, the Environmental Services Department, Roads Parks and Fleet and other municipal departments will require unencumbered access to all areas surrounding the wastewater force main, water main(s), storm water pipe and culvert to ensure legislative obligations related to systems operations can be met.
25. In consultation with Legal Services, providing an easement in favour of the City in order to ensure access to the infrastructure and services will provide the rights required to access the land and maintain the infrastructure. This practice occurs with other service infrastructure within the City, although typically the City does not permit paved surfacing of the Lands.
26. In order to complete the surplusing of the Lands, staff are required to circulate the request for feedback from various City Departments. The following relevant feedback and concerns were noted:

Environmental Services and Roads, Parks & Fleet

- a) Within the Duckworth ROW there is a City-owned underground wastewater force main and water main running in a north/south direction. There is also a water main that runs east/west along a portion of the proposed parking lot in addition to other servicing including a storm drain and culvert at 750mm and 600mm respectively.
- b) The City has legislative obligations that require the City have unencumbered access 24 hours a day/7 days a week to the existing underground infrastructure. Consideration must be given for the event of repair/maintenance as these works would require the construction of a trench that would need to be of a size that would allow the work to be completed safely and in compliance with the Ontario Construction Regulations for Construction Projects.
- c) Further examination of the location of the infrastructure and impact that will have on design of the parking area is necessary as trench requirements are needed to service the infrastructure. Location of parking lot design elements such as proposed retaining walls, etc. will need to be defined and examined in order to ensure that unencumbered access is attainable at any time.
- d) Full access to the proposed parking lot via JC Massie Way is the sole access point to this parking lot. Consideration for a permanent or temporary alternate access would be advantageous for incidents of emergency or maintenance repair.

27. To address the concerns of the Environmental Services Department and Roads, Parks & Fleet to maintain access to the parking lot, Little Lake Seniors Community Inc. have proposed an alternative access point onto Cundles Road. This access will be used only for exiting purposes in instances where the main access must be closed for access for repair/maintenance purposes.
28. Little Lake Seniors Community Inc. has also developed a contingency plan for periods of interruption to access to the proposed parking lot for instances when the City is required to access the site for repair/maintenance purposes.
29. While the existing wastewater force main has experienced more frequent failures over recent years, it has since been replaced with a twin-force main as part of the road reconstruction work and is scheduled for commissioning by the end of this year.
29. Legal Services has identified that an easement over the Lands would provide the City the access it would require to maintain/service the infrastructure.

Planning Services

- a) Official Plan and Zoning By-law amendments are required to re-designate and re-zone the Lands to allow for their intended use as a parking area to satisfy parking requirements for the development. Said applications would be considered independently and on its own planning merits.
- b) Should the property be declared surplus and the lands be approved for re-designation/rezoning, the Lands would be added to the adjacent medical building portion of the development known as Block A. The existing approved site plan agreement would therefore need to be amended to include the proposed Lands. At that time, servicing and infrastructure maintenance requirements, landscaping and design will be identified and confirmed. A site plan agreement will need to be re-registered to include the amendments.
- c) MTO, PowerStream and NVCA are to be consulted as part of the development.

Engineering Services

- a) Concern over the parking lot/landscaping overlapping the Duckworth Street right-of-way. The Duckworth Street right-of-way, although the roadway is decommissioned, has underground utilities owned by Barrie and other utility companies and is a significant drainage route for the Highway 400 Duckworth Street Interchange storm runoff.
- b) As part of the reconstruction of the Hwy 400 and Duckworth Street interchange, the City has already constructed the sidewalk through the development and has also installed lighting. Any removal or relocation of the sidewalk and lighting will be at the expense of the Purchaser.
- c) The additional asphalt over what is now a pervious surface will require quantity/quality storm controls that will need to be reviewed and approved by the City of Barrie and NVCA.
- d) Prior to sale of the subject Lands, the applicant undertake a Tree Inventory and Assessment of the remaining forest to determine if it constitutes a woodlot as defined in the Tree Removal By-laws. A development application will require a Tree Preservation

Plan to document what the tree removal and preservation limits are. Under the Public Tree By-law, a compensation for the loss of forest canopy is to be calculated as a cash contribution, which is in addition to site plan planting requirements.

- e) At site plan stage, details of design will be finalized and identify adequate landscape areas, planting densities, accessible pedestrian linkages, snow loading, lighting, grading and site drainage.
 - f) When the City is required to access its infrastructure on the subject Lands, restoration of the Lands will be to minimum standard and reflected in the Agreement of Purchase and Sale.
30. Little Lake Seniors Community Inc. have consulted with MTO, PowerStream and NVCA as part of their proposal for the utilization of the City-owned parcel, should it be declared surplus and will be share and reflect their comments within their site plan.
31. Comments received from Engineering Services have been provided to Little Lake Seniors Community Inc. and will be considered via their site plan application.
32. The Little Lake Seniors Community Inc. has undertaken a tree inventory to calculate compensation required under the Public Tree By-law and will be addressed as part of the Agreement of Purchase and Sale.
33. The Agreement of Purchase and Sale will contemplate the restoration responsibilities should any infrastructure maintenance/services works need to be undertaken resulting in the construction of the parking area. In addition, a Reference Plan will be created as part of the property disposition process, should it be approved by Council.

ENVIRONMENTAL MATTERS

34. There are no environmental matters related to the recommended motion.

ALTERNATIVES

35. There are 2 alternatives are available for consideration by General Committee:

Alternative #1

General Committee could choose to retain the Duckworth Street Right of Way and approve surplusing of the remainder of the property.

This alternative is available, but is not recommended. Retaining ownership of the right of way would require the City to either enter into a lease of the property or provide an easement in favour of the Purchaser to allow Little Lake Senior Community to utilize the right of way as part of their development proposal.

In consultation with Legal Services, making the transfer of land subject to an easement to permit the City to access and maintain the infrastructure and services will provide for the access to the land.

As such, it is recommended that General Committee choose to surplus the entire property for purpose of disposition.

Alternative #2

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

Although this alternative is available, Little Lake Senior's Centre advises that the external lands are a critical component for the development and its customers.

The maximum density achievable for senior residence units would be negatively impacted should the parking be required to be included in the Phase 3 (Block B) development, as additional parking floors would be required to satisfy parking requirements for Phase 1 (Block A).

When contemplating the sometimes fragile nature of the clientele, accommodating parking on the subject Lands, will provide greater, easier access to the Medical Centre and is more conducive to the pedestrian flow of its customers.

FINANCIAL

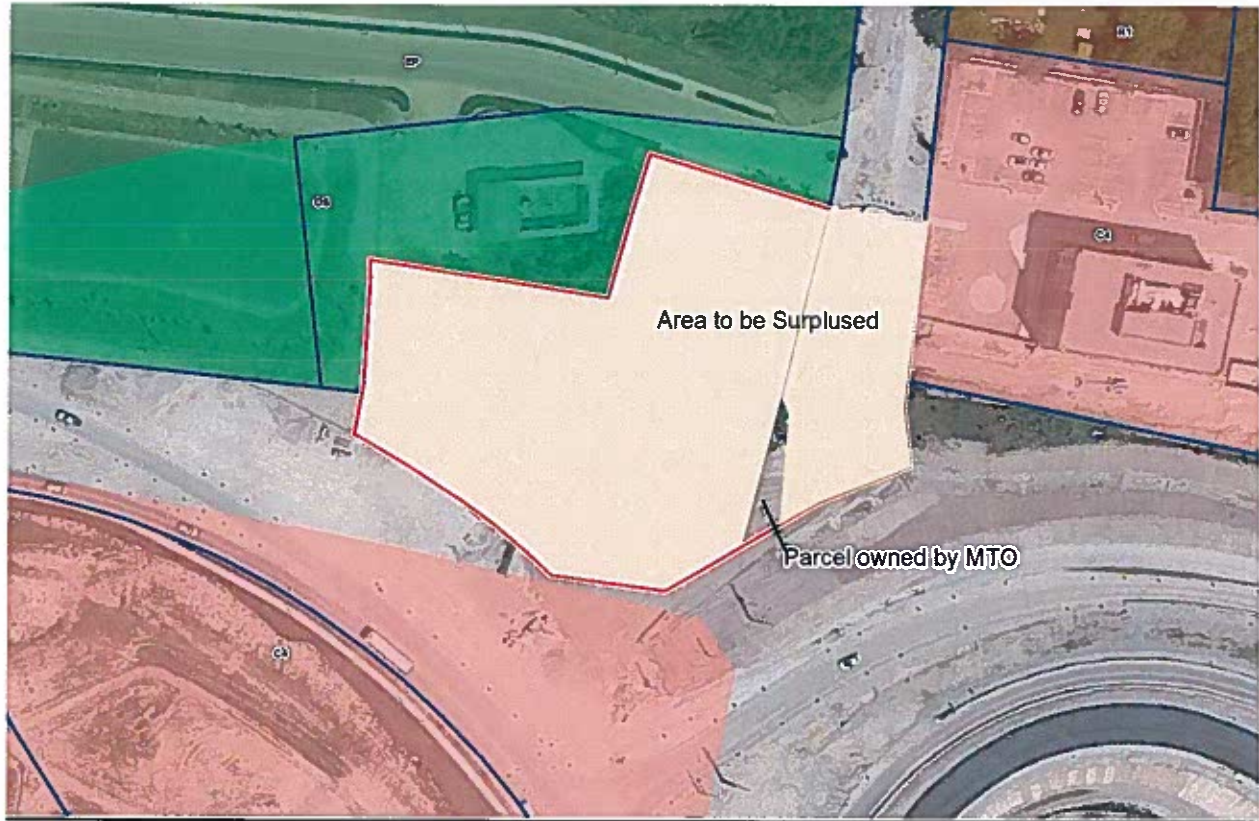
36. As the subject Lands were part of a parkland dedication, any gain in revenues from the sale of the Property will be charged to the Parkland reserve account.
37. Should the Lands be declared surplus, re-calculation of cash-in-lieu and parkland values will be undertaken and contemplated as part of the Agreement of Purchase and Sale.
38. Placing the property in private ownership will result in annual property tax revenues. Estimated value would be based upon the approved zoning and usage of the property for commercial purposes.
39. 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

40. The recommendation included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
 - Vibrant Business Environment
41. Declaring the subject Lands surplus for the purposes of entering into an Agreement of Purchase and Sale with Little Lake Seniors Community Inc. supports the development of a unique business and community approach to integrated and multi-disciplinary model of health care for seniors and all residents in our community.

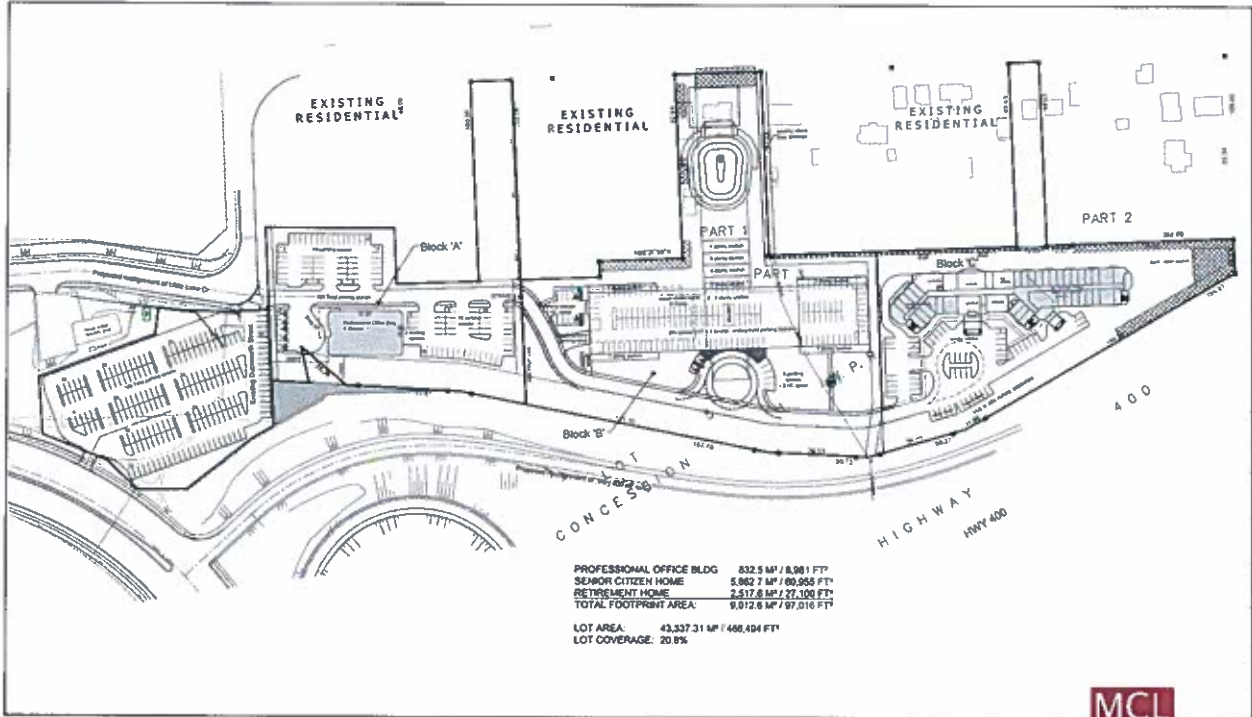
APPENDIX "A"

Diagram of Property



APPENDIX 'B'

Proposed Site Plan – Little Lake Seniors Community Inc.



Project:
Little Lake Seniors Site Plan with Parking on City Land
13 Little Lake Road, Barrie, Ontario

Scale 1:1500 @11x17
April 16, 2012

