
TO: **GENERAL COMMITTEE**

SUBJECT: **SURPLUSING CITY LANDS FOR INCLUSION IN INDUSTRIAL DEVELOPMENT PROPOSAL D30-004-2021 (140 LOCKHART ROAD)**

WARD: **8**

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

SUBMITTED BY: **S. SCHLICHTER, DIRECTOR, ECONOMIC & CREATIVE DEVELOPMENT**

GENERAL MANAGER APPROVAL: **B. ARANIYASUNDARAN, P. ENG, PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT**

CHIEF ADMINISTRATIVE OFFICER APPROVAL: **M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

RECOMMENDED MOTION

1. That the property referred to as Rawson North Open Space, also described as PIN 587280511, as depicted in Appendix "A" (the Lands) to Staff Report ECD006-22, and to be further described by reference plan to be deposited, be declared surplus to the City's needs.
2. That the Proponent be authorized to submit a pre-consultation application, on behalf of the City of Barrie (as owner), for the Lands at the Proponent's own expense, for the purpose of determining the viability of integrating the Lands within the Proponent's adjacent industrial development proposal.
3. That the City Clerk be authorized to execute any documents to provide such authorization.
4. That should the property be deemed appropriate to support the development, staff in the Economic and Creative Department in consultation with Legal Services be authorized to negotiate an Agreement of Purchase and Sale (APS) with the Proponent of Development Application D30-004-2021 (the Proponent) for the subject lands and report back to General Committee for approval.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this Staff Report is to surplus City-owned industrial-zoned land that is adjacent to the Proponent's planned industrial subdivision located at 140 Lockhart Road as further depicted in Appendix "A" and authorize the Proponent of Development Application D30-004-2021 to include the subject Lands as part of the submission for the development of its lands at 140 Lockhart Road. It is legal requirement that the Proponent obtain City approval in order to include the subject Lands in its development application. The City Clerk is therefore authorized to sign the necessary documents once the surplus is approved by Council.
6. Further, the Staff Report provides authorization for staff to negotiate an Agreement of Purchase and Sale (APS), should the property be deemed required to support the development application.

7. The Proponent currently owns 140 Lockhart Road, which consists of approximately 91 acres of industrial land located between Saunders, Welham and Lockhart Roads. The City-owned parcel is approximately 3 acres in size and sits adjacent to the Proponent's land. Currently the land is unused, save for drainage purposes that help drain water coming from Welham Road, running south and east of both properties. Although the City's property is referred to informally as the Rawson North Open Space, the lands are zoned General Industrial and have historically been reserved for potential sale to industrial users.
8. The Proponent purchased 140 Lockhart Road in October 2018 with the intent of relocating its metal recycling business from Toronto to Barrie. The Proponent intends to utilize roughly 30 acres and develop and subdivide the rest of its lands for an industrial subdivision.
9. Given its proposed use as a metal recycling facility, the Proponent is required to obtain an Official Plan Amendment (OPA) as well as a Zoning By-Law Amendment to permit the proposed use. The Proponent in part, acquired 140 Lockhart Road due to its strategic location adjacent to the City-owned Barrie Collingwood Railway (BCRY). The Proponent intends to utilize BCRY for shipments of the recycled materials. As such, the Proponent's intended location within the 91-acre parcel is directly adjacent to the rail line.
10. Due to the need for the Proponent to be directly adjacent to the railway along with the Welham Road realignment and additional requirements for intended plan of subdivision, the Proponent is limited in terms of its ability to make use of its land west of its intended location within the planned subdivision. Because of this, the Proponent approached the City and expressed a desire to explore the utilization and potential future purchase the Rawson North Open Space lands.
11. The Proponent has submitted OPA and rezoning applications that are currently under review by City staff as well as external agencies such as the LSRCA. Appendix "B" depicts the Proponent's early concept plan of the proposed layout of the site. Staff have also been reviewing the feasibility of selling its land parcel, and as required, a memorandum was circulated to the relevant departments for feedback relating to any concerns and possible issues in order to determine the feasibility of selling the land.

ANALYSIS

12. City departments such as Development Services (Planning, Approvals), Facilities and Risk Management provided feedback to the memorandum regarding the proposed sale of the subject Lands. While there was no overwhelming requirement that would preclude a sale to the Proponent from taking place, it was noted that the subject Lands are utilized by the City for drainage purposes and if the Lands are to be sold, they must contain provisions for the City to retain easements over the parcel for drainage and infrastructure purposes. This will likely preclude the Proponent from erecting any buildings on the Lands and limits its potential use. Depending on the provisions and outcome of the OPA, rezoning and development process, it is expected that the Proponent will be limited to using the Lands for parking and/or drainage or other similar low functional use.
13. Development Services (Approvals) noted the following in its response to an early development concept; *"if the subdivision goes ahead as per the submitted concept an easement will need to remain in effect for the ditch from the cul-de-sac, in addition to the recommended easement along the tracks..."*. The aforementioned comment is not exhaustive and further analysis will be required as part of the development application and site design.

14. The response from Planning, in part, indicated the following: *"Planning does not object to the surplus of the lands in question, provided if sold to the applicant, the parcel is incorporated into the active development applications for the adjacent lands known municipally as 140 Lockhart Road. The surplus and sale of the parcel referenced as the "Rawson North Open Space" does not prejudice the planning and technical review process for any potential development of the subject lands."*
15. As indicated, Planning has noted the subject Lands can be incorporated into the Proponent's development proposal via an amendment to the Plan of Subdivision at a later date.
16. Should the site design, appraised value of the Lands, or other factor make the Lands irrelevant to the Proponent, it is likely the sale of the Lands would not be completed, in which case the City would retain the lands for its own use as per its current state as part of the municipal drainage network. Given the location of the lands, its configuration and existing use, it is unlikely that another industrial user would be in a position to utilize the Lands.
17. Given its type of use and need for rail, the Proponent would require a rail spur to be constructed from the BCRY onto its lands. It is unknown at this time whether the surplus Lands would be required to support the rail spur.
18. 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 given of the City's intention to sell the lands. Staff intend on advertising the potential sale of the Land as required in advance of a conditional purchase agreement being brought before General Committee at a later date.

ENVIRONMENTAL MATTERS

19. There are no environmental matters related to the recommendation.

ALTERNATIVES

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

Alternative #1

General Committee could decide to not declare the proposed lands, surplus. This alternative is not recommended as declaring the Lands surplus may help to enhance the feasibility of the Proponent's operations and in turn may also help increase utilization of industrial acreage. The City's industrial land market is constrained and adding the Proponent's available lands from its proposed Industrial Subdivision will put some much-needed land on the market.

Alternative #2

General Committee could alter the proposed recommendation by directing staff to put the Surplus Lands onto the market for sale to the general public. Although this alternative is available, the size, configuration and presence of municipal infrastructure – both current and future – would likely preclude any other business from being able to construct or utilize the subject Lands. Therefore, this alternative is not recommended.

FINANCIAL

21. There are no financial implications for the Corporation resulting from the proposed recommendation.

LINKAGE TO 2018–2022 STRATEGIC PLAN

22. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

☒ Growing Our Economy

23. The possible sale of the surplus Lands has the potential to not only assist a new business in Barrie, but also support the development of a new industrial subdivision at a time when industrial lands are in short supply.

APPENDIX "A"

Surplus Lands: Rawson North Open Space



Proponent's Tentative Proposed Site Layout

