




TO: GENERAL COMMITTEE

SUBJECT: REMOVAL OF HOLDING PROVISION – 505 BAYVIEW DRIVE

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DIRECTOR OF PLANNING SERVICES 

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

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER  

RECOMMENDED MOTION

1. That the Holding Provision (H1-102 and H1-104) initiated by By-law 2010-130 for a portion of the lands owned by North American (Park Place East) Corporation, legally described as Part of Lots 2-12 and Lots 8 and 9, Concession 12, more particularly described as 505 Bayview Drive and illustrated on the Plan of Survey prepared by CDN Land Surveyors, Inc. and attached as **Appendix A** to Staff Report PLN015-11, be lifted (D14-1511); and
2. That the City Clerk be directed to provide appropriate notice for the lifting of the Holding Provision (H1-102 and H1-104) for the subject lands pursuant to Section 36 of the *Planning Act*.

PURPOSE & BACKGROUND

Purpose

3. The purpose of this report is to recommend the removal of the Holding Provision (H1-102 and H1-104) from the subject property, identified as the hatched area on the Plan attached as **Appendix A**, in response to an application from R.G. Richards and Associates made on behalf of the owner, North American (Park Place East) Corporation.
4. A Consent Application was approved on February 23, 2011 by the Committee of Adjustment severing the subject property from the parent parcel that was originally identified as 65, 75, and 85 Churchill Drive. The consent allows the owner to sell the subject property to a new end user (purchaser) for a new use (data processing centre) that was not contemplated as part of the original plans for the Park Place Lifestyles Centre.
5. The purchaser submitted a Site Plan Pre-Consultation Application (D11A-0033) and subsequently has submitted a full Site Plan Approval Application (D11-1586) for the construction of a 10,170m² (approx. 109,000sf) building and associated site servicing, parking, access, landscaping and ancillary facilities.

6. The H1 Holding Provision was imposed as part by Zoning By-law 2010-130, which was approved by the Ontario Municipal Board for the subject lands and several surrounding properties on the west and east sides of Bayview Drive as part of the Park Place Lifestyles Centre development project. The purpose of the Holding provision was to ensure that the Park Place project was developed in accordance with the mix of uses and phasing of development identified in the site specific zoning by-law. Additionally, future development was only to occur upon determining and addressing any traffic issues and City approval of proposed detailed site plans. The By-law stipulates (see By-law Excerpt attached as **Appendix B**) that the H1 Holding Provision shall be removed by the City for all or part of the lands upon completion of the following matters (paraphrased by staff as needed) to the satisfaction of the City:
- a Traffic Impact Study has been prepared to the satisfaction of the City establishing that the traffic infrastructure necessary to support the proposed development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, has been entered into, which agreements ensure completion of same prior to building occupancy;
 - the City has circulated the Traffic Impact Study to the owners of the west side of Highway 400 being part of the south half of Lot 7 Concession 13 (in 2006 CHUM Limited Business Park) and Part of Lots 1 to 5, inclusive on Plan 51M-446, designated as Part 4 on Plan 51R-33220 and Part of Barrie View Drive on Plan 51M-446, designated as Parts 2 and 7 on Plan 51R-33220, City of Barrie, County of Simcoe (in 2006 400-Barrie Power Centre) and has consulted with these specified land owners regarding the traffic infrastructure required to support the proposed level of development. In determining whether the traffic impact study is satisfactory, the City shall consider the comments received on the traffic impact study from the specified landowners;
 - a Site Plan pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13. has been approved for all or part of the lands identifying the mix of proposed land uses, location of buildings, landscaping, servicing and provisions of infrastructure; and
 - a Site Plan Agreement satisfactory to the City has been entered into with the owner of the lands specifying the mix of proposed land uses, which shall be consistent with the mix relied upon for purposes of completing the traffic impact study.

Location

7. The subject lands are located on the east side of Bayview Drive just south of Churchill Drive. The subject property will have approximately 160 metres of frontage along Bayview Drive and will be identified as municipal address 505 Bayview Drive. A second access will be provided off of Churchill Drive. The property is approximately 104,000 square metres (25 acres) in size.

8. Surrounding Land Uses

North

Vacant parcel to be retained by North American (Park Place East) Corporation zoned Service Industrial (EM3) (SP-408) (H1-102) (H2-103). This parcel will remain subject to the Holding provision.

East

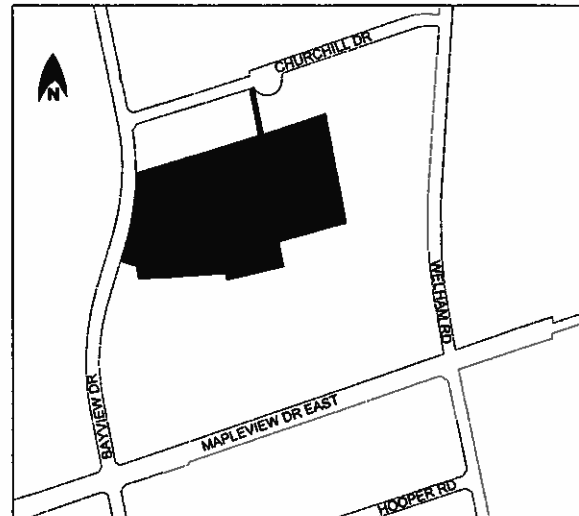
Existing commercial and light industrial businesses zoned General Industrial (EM4).

South

The Barrie Molson Centre zoned General Industrial (EM4), Environmental Protection (EP) and Institutional (I) (SP-105).

West

The Park Place Lifestyles Centre zoned General Commercial (C4) (SP-304).



D14 1511
505 BAYVIEW DRIVE
Date: May 9th 2011

Existing Policy

9. The subject property is designated General Industrial in the City of Barrie Official Plan and is zoned Service Industrial (EM3) (SP-408) (H1-102) (H2-103) and General Industrial (EM4) (SP-409) (H1-104) H2-105) in both Zoning By-law 85-95 and Comprehensive Zoning By-law 2009-141.
10. Section 36 of the *Planning Act* allows the City of Barrie to apply a Holding Provision on zoning by-laws which are passed under Section 34. Policy 6.7.2 of the Official Plan states that a by-law to remove a Holding Provision may be passed when the City is satisfied that the reasons for the use of the Holding symbol no longer apply and/or have been met.

ANALYSIS

11. The removal of the Hold is contingent on satisfying the conditions stipulated in By-law 2010-130 that governs development of the subject property. The conditions as approved are attached as Appendix B and are summarized above.

Traffic Study

12. On behalf of the owner, HDR/iTrans completed a Traffic Study to determine if the traffic infrastructure necessary to support the proposed development is in place. HDR/iTrans concluded that in addition to development of Stage 1 of the Park Place project (currently under construction), the proposed data centre could be accommodated with little impact on the road network. Specifically, they concluded *that there would be little impact on the road network and that the data centre could be accommodated in addition to the Stage 1 development with the planned road network as part of the Stage 1 development.* They further concluded that *the traffic changes due to the data centre are negligible.*
13. The Engineering Department has reviewed the Traffic Study and accept the report's findings. The study was circulated to the Ministry of Transportation (MTO) on April 15, 2011. The MTO has indicated via email that: *we have reviewed the March 29, 2010 iTrans Park Place East Data Centre Impacts study/letter and agree with the conclusion that this phase of Stage 2 Park Place development will not have a substantial impact on Highway 400 / Mapleview Dr. interchange*

operations and that they do not object to development of this data centre, subject to application and receipt of requisite MTO permits. The MTO further commented that they are generally not in favour of piecemeal Park Place developments beyond the approved Stage 1 component prior to submission of a comprehensive traffic impact study for MTO review and approval (to assess traffic impacts associated with all Park Place development beyond Stage 1). We trust that any future Stage 2 and beyond applications will be accompanied by such a study, such that both the City and MTO can ensure that appropriate measures are taken (and costs recovered) to mitigate further impacts beyond those anticipated for Stage 1 at Hwy 400 interchanges. Upon receipt of future development application for the Park Place lands, Staff will continue to work with the owner and the MTO to insure the required studies are submitted and reviewed.

Circulation of Traffic Study to Landowners

14. Traffic Study was circulated to the representatives of the identified landowners on April 19, 2011 and a deadline for comments was set for May 6, 2011. No comments and/or objections were received.

Site Plan Approval

15. As mentioned above, the purchaser has submitted an application for Site Plan approval. Staff have completed a full technical review of the plans and draft approval conditions have been issued. The purchaser is currently completing final plans for City approval and preparation of the Site Plan Agreement has been initiated. Purchaser sign off of the draft conditions and final plan submission is expected in the next 7 – 10 days. Staff do not anticipate any issues with final sign off, as the purchaser has or will address any outstanding issues/comments through their final plan submission.
16. The owner and purchaser have informed staff that their Agreement of Purchase and Sale includes a closing date of July 15, 2011. Closing is contingent upon the owner obtaining the removal of the hold and therefore all conditions would need to be satisfied and City approval of a by-law would need to be concluded prior to that date. Staff recognizes that a Site Plan Agreement has not been registered as per the removal conditions. Notwithstanding, staff are comfortable moving forward with a recommendation to remove the hold at this time as Site Plan approval is substantially complete. Presenting the staff recommendation to General Committee on May 16, 2011 will allow for Council ratification of the motion (if approved), the required notice of passing of by-law and presentation of the by-law to Council for adoption (June 27, 2011) prior to the closing date of July 15, 2011. Given the General Committee and Council schedule, summer recess, and bylaw notice requirements, presentation of the staff recommendation to General Committee on June 6, 2011 would not allow for removal of the hold prior to the closing date.
17. Staff make this recommendation with the understanding that the actual by-law that removes the hold would not be brought forward to Council for approval on June 27, 2011 unless the conditions are fulfilled in their entirety.
18. In conclusion, staff believe that Site Plan Approval process has progressed far enough to warrant the removal of the hold. Proceeding in this manner will allow the owner and purchaser to meet the conditions of the sale of the property and will facilitate the completion of a significant development project and economic development initiative for the City of Barrie.

ENVIRONMENTAL MATTERS

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

ALTERNATIVES

20. There is one alternative available for consideration by General Committee:

Alternative #1 General Committee could deny the removal of Holding Provision (H1-102 and H1-104) from the subject lands.

This alternative is not recommended as the conditions of removal have been substantially met and are anticipated to be completed prior to the projected by-law adoption date. Denial would also jeopardize the purchase of the property by the new end user and the subsequent development of the property for a data processing centre, which is a significant economic development initiative for the City.

FINANCIAL

21. There are no direct financial implications for the Corporation resulting from the proposed recommendation. Indirectly, the development of the property would result in increased assessment and property tax revenue.
22. The owner/applicant would be responsible for any costs arising from the development of the project in accordance with the Site Plan Agreement.
23. Building permit fees would be realized at time of construction and the City's portion of the development charges would be collected at the time of building permit issuance based on current rates.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

24. The recommendation(s) included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:

☒ Direct and Manage Economic Development

25. One of Council's Strategic Priorities is to Direct and Manage Economic Development, which includes attracting and promoting sector clustering. Data Centres are an emerging sector for Barrie, whereby two major facilities have located in Barrie with potential for future similar facilities.

Attachment: Appendix A – Plan of Survey prepared by CDN Land Surveyors, Inc. Showing Parcel Subject to Removal of Hold

Appendix B – By-law 2010-130 Holding Provision Excerpt.

APPENDIX B

By-law 2010-130 Holding Provision Excerpt

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- (ix) Intersection improvements at Mapleview Drive/Bayview Drive consisting of widening of Bayview Drive to four through lanes through the intersection, southbound channelized right-turn lane, exclusive eastbound right-turn lane, and double northbound left turn lanes;
- (x) Intersection improvements at Big Bay Point Road/Bayview Drive consisting of widening of Bayview Drive to four through lanes through the intersection;
- (xi) Bayview Drive widening to five lanes from Mapleview Drive to Big Bay Point Road;

Acquisition of right-of-way as well as utility and traffic signal equipment relocation may be required in order to implement the above road improvements.

- 14.3 Holding Provisions - That the (H) symbols which appear on Schedule "A" attached hereto identify Holding provisions pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13. The lands subject to the (H) symbols shall not be used for any purpose permitted by the provisions of this By-law until such time as the (H) symbols are removed by amendment to this By-law in accordance with Sections 14.4 and 14.5.

14.4 Stage 2

- (a) The (H1) symbol applies to Stage 2 and shall be removed by the City for all or part of the lands subject to this By-law upon completion of the following matters to the satisfaction of the City:
 - (i) a traffic impact study has been prepared to the satisfaction of the City establishing that the traffic infrastructure necessary to support the proposed development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, has been entered into, which agreements ensure completion of same prior to building occupancy;
 - (ii) the City has circulated the traffic impact study referred to in subsection 14.4(a)(i) to the owners of the west side of Highway 400 being part of the south half of Lot 7 Concession 13 (In 2006 CHUM Limited Business Park) and Part of Lots 1 to 5, inclusive on Plan 51M-446, designated as Part 4 on Plan 51R-33220 and Part of Barrie View Drive on Plan 51M-446, designated as Parts 2 and 7 on Plan 51R-33220, City of Barrie, County of Simcoe (In 2006 400-Barrie Power Centre) and has consulted with these specified land owners regarding the traffic infrastructure required to support the proposed level of development. In determining whether the traffic impact

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study is satisfactory, the City shall consider the comments received on the traffic impact study from the specified landowners; and

- (iii) a Site Plan pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13. has been approved for all or part of the lands identifying the mix of proposed land uses which shall be consistent with the uses specified in subsection 14.4(a)(i), location of buildings, landscaping, servicing and provisions of infrastructure;
- (iv) a Site Plan Agreement satisfactory to the City has been entered into with the owner of the lands specifying the mix of proposed land uses, which shall be consistent with the mix relied upon for purposes of completing the traffic impact study referenced in 14.4(a)(i).
- (b) For the purpose of this By-law, "Indexed Gross Floor Area" shall mean the Gross Floor Area for each land use category multiplied by the conversion factor set out in the following Table 1:

Table 1	
Land Use Category	Conversion Factor
Industrial	1.0
Business and Professional Office	1.7
Retail and Commercial	2.5
Hotels	1.25
Institutional	3.0

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- (c) The maximum permitted Indexed Gross Floor Area shall be 267,561 sq. m. for the combination of Stages 1 and 2 for all uses on the lands subject to this By-law.
- (d) Notwithstanding any other provision of Section 14.4 of this By-law, the maximum Retail and Commercial entitlement within combined Stage 1 and 2 shall not exceed 75% of the Indexed Gross Floor Area for Retail and Commercial uses, with the remaining 25% of Stage 2 uses comprised of any combination of land uses, other than Retail and Commercial uses, shown in Table 1 of subsection 14.4(b).

14.5 Stage 3

- (a) The (H2) symbol applies to Stage 3. For Stage 3, a zoning by-law amendment is required to permit additional floor area above the maximum Indexed Gross Floor Area of 267,561 sq. m. As part of the review of the traffic information in support of any zoning by-law amendment, in accordance with the zone categories and provisions of this By-law, an Official Plan Amendment to the Transportation schedules and/or policies of the Official Plan may be required. The purpose of requiring a zoning by-law amendment is solely to permit a review of existing traffic capacity and identification of additional transportation infrastructure required by the additional floor area.