


TO: GENERAL COMMITTEE


SUBJECT: REZONING FROM GENERAL COMMERCIAL (C4) TO RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) AND DRAFT PLAN OF SUBDIVISION APPLICATION FOR 196 BURTON AVENUE

WARD: 2

PREPARED BY AND KEY CONTACT: C. TERRY, M.C.I.P., R.P.P.
SENIOR DEVELOPMENT PLANNER, EXT #4430

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

GENERAL MANAGER APPROVAL: J. WESTON, M.A.Sc., P. ENG., PMP
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT (ACTING) 

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

RECOMMENDED MOTION

1. That the Zoning By-law Amendment Application submitted by Celeste Phillips on behalf of 655423 Ontario Ltd. to rezone a portion of the lands municipally known as 196 Burton Avenue from General Commercial (C4) to Residential Multiple Second Density (RM2) be approved (D14-1557);
2. That the Plan of Subdivision prepared by Rudy Mak Surveying Ltd. & Celeste Phillips Planning Inc. on behalf of 655423 Ontario Ltd, dated September 27, 2013, for lands municipally known as 196 Burton Avenue, be draft approved in accordance with the Draft Plan of Subdivision Conditions outlined in Appendix "C" to Staff Report PLN012-14 (D12-405);
3. The Legal Services staff advise the Ontario Municipal Board of Council's decision in this matter; and
4. That no further public notice is required in accordance with Section 34 (17) and 51 (47) of the Planning Act.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this staff report is to recommend that a portion of the property municipally known as 196 Burton Avenue be rezoned from General Commercial (C4) to Residential Multiple Second Density (RM2) (Appendix "A"). The majority of the subject site is currently zoned RM2 and staff are recommending approval of the change in zoning for the balance of the property to permit medium density residential uses.
6. A Plan of Subdivision application was also submitted for the entire project site to permit the proposed development of 96 street townhouse units and a medium density block with 20 units (Appendix "B"). Although the Plan of Subdivision process has been delegated to staff, in the Memorandum from Planning Services provided to Council on December 16, 2013, it was

identified that the decision on the Draft Plan of Subdivision would proceed through General Committee and Council due to the applicant's appeal to the Ontario Municipal Board (OMB). The OMB appeal is based on the non-decision of the municipality within the Planning Act timelines.

7. Staff and the Ward Councillor have met with the applicant on several occasions to discuss the redevelopment concept. The issues under discussion included, but were not limited to the inclusion of a public park; the protection of a portion of a slope feature along the rear of the subject lands as a natural heritage resource; and, the potential for alternative lot configurations, increased density and variations in built form. The applicant has chosen not to alter the original design and subsequently requested that a decision be issued based on the applications as submitted. Staff have therefore proposed conditions of Draft Plan Approval (Appendix "C") that require revisions to the Draft Plan to include a public park and the preservation of a portion of the slope feature as a natural heritage resource in accordance with City policy.

Location

8. The property is municipally known as 196 Burton Avenue and generally located on the south side of Burton Avenue and east of Robinson Street in the Allandale Secondary Planning Area. The land subject to the Draft Plan of Subdivision application is approximately 4.03 hectares in size and currently used as a mobile home park. The portion of the lands subject to the rezoning is approximately 0.2 hectares in size and fully contained within the proposed Draft Plan of Subdivision.

Surrounding Land Use

North

Commercial, Burton Avenue

East

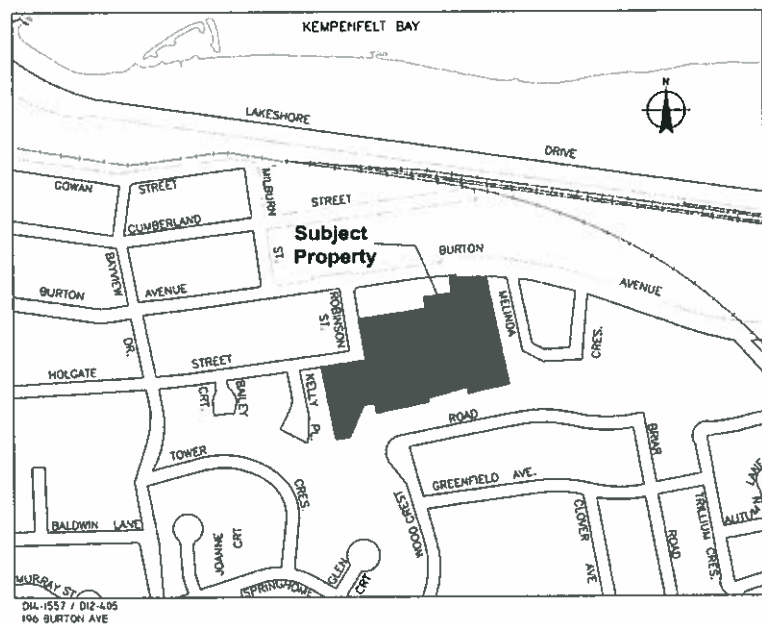
Medium Density Residential
Links/Semi-Detached/
Townhouses, Melinda Court

South

Slope Feature (30 metres),
Woodcrest Ravine,
Residential Single-Detached

West

Robinson Street, Holgate
Street, Medium Density
Residential Townhouses



Background

9. It has been estimated that a trailer/mobile home park has been in existence on the subject lands for over 50 years. At the time of the application being submitted, the applicant advised that there were approximately 100 units on the site. The proposed redevelopment of the property will require the demolition of the trailers in favour of permanent housing. Eviction notices have been issued for the tenants of the park ending July 31, 2014.

10. Reports submitted in support of this application include:

- a) Planning Justification Report (Celeste Phillips Planning Inc., May 2013)
- b) Functional Servicing Report (Gerrits Engineering, May 2013)
- c) Tree Inventory (Envision Tatham, April 2013)

Public Consultation

11. A Public Meeting was held on September 23, 2013, in accordance with the provisions of the Planning Act. Several residents spoke in opposition to the proposal at the public meeting and numerous inquiries and correspondence have been received by the City. The most predominant issue raised by the public is the impact that the redevelopment will have on the existing residents of the subject lands. This issue will be discussed in more detail in section 17-18.

12. Additional comments received by the City noted the following issues with the redevelopment plan:

- a) Increased traffic on Robinson Street and Holgate Street;
- b) Consideration of an additional entrance on Burton Avenue;
- c) Too many units proposed; and
- d) A portion of the land identified for redevelopment was not in the applicants' ownership.

13. In response to the concerns raised by the public on the redevelopment plan, staff offer the following comments:

- a) The applicant submitted traffic data that was subsequently reviewed by staff, including a letter update based on the comments received at the Public Meeting. The traffic counts have identified that the redevelopment can be serviced by one access as illustrated on the draft plan. Staff have identified that an all-way stop at Robinson Street and Holgate Street will be required to accommodate the traffic flow. The all-way stop requirement has been included in the proposed Draft Plan of Subdivision conditions.
- b) The possibility of a road connection to Burton Avenue for the subject land was discussed at the Public Meeting by both the public and members of General Committee. As noted above, the traffic counts have identified that the redevelopment can be serviced by the single access shown from Robinson Street. A road connection to Burton Avenue is not required to manage traffic flow into/out of the site. Further, the distance separation from Melinda Court to the proposed access would not be sufficient to meet the standards of the City for locating a safe access onto an arterial road.
- c) The current and proposed zoning for the property is for medium density housing. The applicant has identified that the proposed street townhouses and potential medium density block would meet the zoning standards currently permitted in the RM2 zone. The number of units proposed by the Draft Plan is not significantly increased from the number of mobile homes that exist on the site.
- d) A minor error in the ownership records was found and corrected by the applicant's surveyor. A strip of land south from Burton Avenue to the redevelopment site, identified as Part 5 on 51R-18966, has since been removed from the plan. The removal of this

Part is a minor revision to the Draft Plan proposed by the applicant and does not alter the lot configuration or unit count.

Departmental and Agency Comments

14. City staff circulated the application and supporting documentation to internal departments and applicable agencies for comments, generally summarized below:
 - a) Engineering

Staff have reviewed the Functional Servicing Report submitted in support of this application and have provided comments and conditions for the future development of the site. Updated and detailed engineering for water, sanitary and stormwater management will be required through the Draft Plan of Subdivision process, as is typically required to be completed at this stage. Staff have also identified that the site is within the Issues Contributing Area for Municipal Drinking Water wells and will require special consideration for water quality. A potential road widening may also be required on Burton Avenue.
 - b) Engineering – Traffic

Staff have reviewed the Traffic information submitted by the applicant and have found it to be acceptable. Staff have identified that an all-way stop at Robinson Street and Holgate Street will be required to accommodate the traffic flow.
 - c) Engineering – Parks

Staff have reviewed the proposed redevelopment and have provided comments and conditions for the future development of the site. Detailed examination of the project has determined that the area is underserved for public open space, therefore a park is required to be included in the redevelopment in accordance with City policy. Staff have also provided comment on the significance of the slope feature, the importance of a natural connectivity linkage with the City owned Woodcrest Ravine, and the requirements for the protection and buffering of boundary trees.
 - d) Metrolinx (Go Transit)

This Agency has requested that their standard requirement for a Noise Study and a warning clause on title for lands within 300 metres of the rail right-of-way be included.
 - e) Lake Simcoe Region Conservation Authority (LSRCA)

Staff have reviewed the proposed redevelopment and provided comments and conditions for the future development of the site, with particular reference to stormwater management and erosion and sediment controls. Although not in a regulated area, LSRCA has also acknowledged the natural heritage significance of the slope feature and the representation of the feature on the Environmental Land Classification (ELC) Mapping.
 - f) Utilities and School Boards

These agencies have requested that their standard conditions reflecting their interests be applied to this development proposal.
15. The proposed Draft Plan Conditions (Appendix "C") include all of the above requirements.

Ontario Municipal Board (OMB)

16. The applicant has appealed both the Zoning By-law Amendment and Plan of Subdivision applications to the OMB based on the non-decision of the municipality. At the time of writing this report, a Hearing date had not been finalized for this project. The decision rendered by Council will form the basis for the City's position at the Board.

Burton Avenue Trailer Park

17. In anticipation of the redevelopment of this property, the tenants of the Park were provided with a 1 year Eviction Notice ending on July 31, 2014. The applicant has identified that the appropriate process has been followed in accordance with the Residential Tenancies Act.
18. Since the submission of this application, the Mayor, Ward Councillor, City staff and interested members of the public have participated in discussions with the tenants of the Park about the redevelopment of the site and implications of this if it were to occur. While staff are fully aware of these implications, the land owner does have the right to submit an application for redevelopment.

ANALYSIS

Provincial Policy

19. The redevelopment of the subject lands for medium density housing units is consistent with the Provincial Policy Statement (PPS) which supports and encourages the efficient use of land and infrastructure with existing settlement areas.
20. The Growth Plan has designated the centre of the Barrie Urban Area as an Urban Growth Centre, and this property falls within that boundary. The Growth Plan also supports the principle of redevelopment, in particular for properties that are located in the designated Urban Growth Centre, that are intended for growth and intensification.
21. It is staff's opinion that the application is consistent with Provincial policy.

Official Plan Policy

22. The lands are designated as Residential and Commercial in the City's Official Plan. Staff have identified that the rezoning of the 0.2 hectare parcel of land from Commercial (C4) to Residential Multiple Second Density (RM2) maintains the intent of the Official Plan designations in this area and does not require an amendment to the Official Plan. The Residential land use proposed by the applicant is permitted in the Residential designation.

Natural Heritage Resource

23. With the application for redevelopment of the subject property, City staff and the Lake Simcoe Region Conservation Authority (LSRCA) have had the opportunity to examine the site in the context of a new development. Although not formally regulated by the LSRCA, the Environmental Land Classification (ELC) mapping identifies the entire slope area located at the rear of the property, as a Natural Heritage Resource. (Appendix "D")
24. The applicant has indicated that they will not construct a retaining wall to maintain the integrity of the slope at the rear of property. The slope will remain intact and all development activities will take place outside of the toe of slope which will be clearly defined in all future plans for the site. Staff have proposed Draft Plan of Subdivision Conditions that will require buffering and mitigation for the slope feature both during and post construction, as well as recognition of the significance

of the feature through dedication of a portion of the slope to the City as environmental protection lands.

Affordable Housing Strategy

25. Staff reviewed the Provincial Policy Statement and the City's Official Plan as it pertains to Affordable Housing policy. The intent of both the PPS and Official Plan policies is to encourage, but not require, the development of affordable housing, and a mix and range of housing types throughout the City. There are no specific policies in these documents that refer to preventing the removal of affordable housing.
26. According to the County of Simcoe 10-Year Affordable Housing Homelessness Prevention Strategy a minimum of 840 units are required in the City of Barrie over the next 10 years which clearly demonstrates the need for affordable housing in the City. As a result of this need, and in recognition of the limited planning tools currently available to both restrict the removal, and require the provision of affordable housing, the City has undertaken an Affordable Housing Strategy.
27. Staff Report PLN005-14, which included a draft Affordable Housing Strategy, was forwarded to Council on February 24, 2014. A Public Meeting to present the Strategy is scheduled for May 5, 2014. At the time of writing this report, the Strategy, which is subject to Council approval, identifies a number of potential municipal affordable housing initiatives, including a recommendation to consider adoption of Demolition Control By-law through a detailed review and separate report and recommendation to Council.
28. Through the analysis of these applications, staff were aware of the potential impacts of the removal of the trailers from the affordable housing stock. In particular, the potential use of Section 99.1 of the Municipal Act. This section of the Municipal Act provides the City the power to pass a by-law to regulate the demolition of residential rental properties provided it is not in conflict with the Building Code Act.
29. It should be noted that a Demolition Control By-law, if implemented, would not necessarily prevent the demolition of rental units. Based on a review of the legislation, it is staff's understanding that the By-law would set out conditions under which a demolition permit could be issued, but it is not intended to fully restrict the rights of property owners. Also, it should be noted that if a by-law were to be adopted any time after the submission of the subject applications it would not apply retroactively.
30. Staff have had an opportunity to discuss and review the pending redevelopment of the subject site with the applicant and identified the desire to see a range of built-form and potentially more density on the site. While increased density does not guarantee that a particular housing form is affordable, it often does result in a more affordable housing choice.
31. With the potential loss of affordable housing on the subject lands, the City pursued a variety of avenues in the hope of finding alternative housing options for the residents. These avenues included seeking assistance from the County of Simcoe (which is the local Housing Authority); discussing potential sites for affordable housing projects in other locations within the City; attempting to find available space in other trailer parks within the surrounding area; and seeking assistance from other levels of government. Unfortunately none of these initiatives has resulted in a solution which could be achieved in the short-term.
32. The residents retained the assistance of the Institute without Boundaries (George Brown College), Susan Speigel Architect Inc. and Canada Housing and Mortgage Corporation to conduct a charrette in February, 2014. The purpose of the Charrette was to bring together stakeholders to understand the issues and concerns, explore affordable housing options, and to

reduce the social and economic impact of eviction. City officials attended the event. While Staff understands that the Charrette generated good discussion around the affordable housing issue, there were no solutions to assist with the short-term challenges for the Burton Avenue lands. The Institute without Boundaries will review the results of the Charrette through a more detailed feasibility analysis. This will determine the most viable options for moving forward and a presentation will be prepared to share these ideas with the community. Once this process is complete, a final report documenting the results will be created. This report will first be shared with the Community and then to the City of Barrie. Staff have not received any indication to-date as to when the final report will be released.

Allandale Centre Community Improvement Plan

33. Although the subject lands were outside of the original boundary for the Allandale Centre Community Improvement Plan, the boundary was revised through the Allandale Centre Revitalization Plan (October, 2006) to include these lands. The applicant is therefore eligible to submit an application for Financial Incentives under the Community Improvement Plan. The City has received the application, and if the development is approved, staff will evaluate the application based on funding availability and the contribution of this redevelopment proposal to the vision for Allandale Centre. A separate report will be provided to Council on this matter in the future for consideration.

Zoning By-law

34. The lands are zoned General Commercial (C4) and Residential Multiple Second Density (RM2) in the City's Zoning By-law. The rezoning application is to rezone a relatively small land area, 0.2 hectares which is equal to approximately 5% of the lands subject to the proposed plan of subdivision, from C4 to RM2 to facilitate the Draft Plan of Subdivision application. The RM2 zone permits a variety of medium density housing types, including the street townhouse development proposed by the applicant.
35. Technically, a change in land use from Commercial to Residential is considered to be a more sensitive land use. Dependant on the site specific situation, the City has in the past placed a Hold on the zoning provisions for certain developments pending the submission of a Record of Site Condition to the Ministry of the Environment. In this instance, staff have not recommended the Hold for the rezoning, but have instead requested the submission of a satisfactory Phase 1, 2 and/or 3 Environmental Assessment for the entire property through the proposed Draft Plan of Subdivision conditions, prior to the final Plan being released for registration.
36. This Environmental Assessment is required to evaluate the potential for soil and/or water contamination on a property intended to be developed for a sensitive land use such as residential. Staff have a general concern with the history of use on the property, including but not limited to, the potential for buried tanks, fuel spills, private service leakages and refuse. The applicant would subsequently be required to mitigate or verify that the soil and/or water quality meets the Ministry of Environment criteria for a sensitive land use prior to final approval of the Plan of Subdivision.

Draft Plan of Subdivision

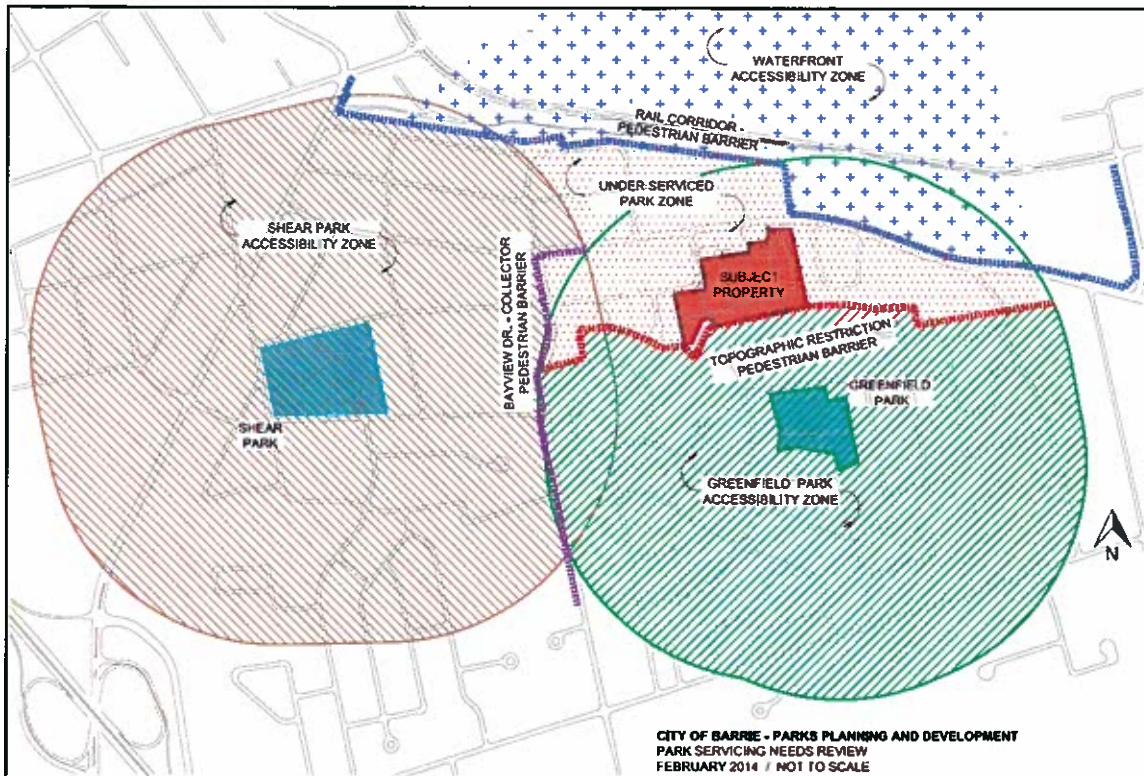
37. The Draft Plan of Subdivision submitted to the City for review, with the minor amendment to remove the lands not in the applicant's ownership, has been circulated and reviewed by staff, external agencies and the public. In addition to the more technical requirements for the proposed Draft Plan, staff have expressed that the redevelopment of this property could provide a unique opportunity for more innovative forms of medium density residential development than the street townhouse development proposed.

38. However, the built-form indicated by the applicant is permitted in the RM2 zone and the applicant has requested that staff move forward with a recommendation on the application submitted to the City without consideration of an alternative design concept. Staff Report PLN012-14 has provided a recommendation for approval in principle for the proposed Draft Plan of Subdivision, subject to revising the Plan to include a public park and environmental protection lands dedicated to the City.

Parkland Dedication

39. Under Section 42 of the Planning Act, municipalities are authorized to require parkland dedication as a condition of development or redevelopment of land. In those instances where it has been determined that adequate parks have been provided as part of a larger development or secondary plan process, the municipality has the ability to accept cash in lieu for parkland dedication. Staff have determined that this redevelopment project and the immediately surrounding area is underserved for parkland, therefore staff are recommending that the plan be revised to incorporate a park in accordance with City policy at a rate of up to 1 hectare per 300 units.
40. Staff have identified that the ideal location for a park block would be at the intersection of Robson Street, Holgate Street and Street A. This site is the most visual and accessible to the entire neighbourhood. Revising the plan to include the park at this location would result in the removal of approximately 6 townhouses (Block 3) and the north portion of the Future Medium Density Block. In the event that this land dedication is less than the 1 hectare per 300 units required by City policy, staff would also require that the remaining parkland dedication consist of cash-in-lieu.
41. The south portion of the Medium Density Block, from toe of slope to the rear of the property, is part of the slope feature and not considered developable land for residential or active recreation use. As noted previously in this report, the slope feature is considered a natural heritage resource and staff have recommended that a portion of the feature be dedicated as environmental protection lands due to the direct connectivity to the City owned open space and naturalized area at the top of the slope feature.
42. Staff have been consistent in their justification that parkland dedication is required for this redevelopment, including but not limited to:
- a) The site is not connected to the waterfront and its park systems;
 - b) Shear Park falls outside the recommended 500 metre distance for parkland, as well as its use by future residents of the subject lands being restricted by the un-signalized pedestrian crossing of a collector road (Bayview Street); and
 - c) Although Greenfield Park appears to be within the 500 metre distance for parkland, the actual walking distance to the park is approximately 1.4 kilometres due to private property and topographical features restricting a more direct route.

43. The following diagram shows the approximate 500 metre catchment area for parks as per the policy of the City together with the physical constraints noted above.



Environmental Land Dedication

44. The presence of the slope feature has been acknowledged by the applicant, City staff and LSRCA. The applicant has identified that the intent is to keep the slope feature in private ownership and the integrity of the slope would not be disturbed. Staff have determined that the protection and preservation of the slope feature at the rear of the townhouse blocks could be accomplished through property restrictions, however have recommended that the portion of the slope feature that provides a connectivity link to the City owned open space and naturalized area (Appendix "D") should be dedicated to the City as environmental protection lands as part of the integration of the public park.

Special Conditions

45. As part of the Draft Plan of Subdivision Conditions (Appendix "C"), staff have recommended several site specific conditions which include, but are not limited to, the points generally described below:
- a) A revision to the Draft Plan to include a public park in accordance with the Official Plan policy of up to 1 hectare per 300 residential units;
 - b) A revision to the Draft Plan to dedicate a portion of the slope feature to the City as Environmental Protection land;

- c) The submission of a Geotechnical Evaluation to ensure the appropriate buffer and mitigation measures are provided for the slope feature during construction and to protect the integrity of the slope feature for the future owners of the proposed townhouse units;
- d) The submission of a Noise Study to the satisfaction of Metrolinx (Go Transit) and the City because the site is within 300 metres of the rail right-of-way and in close proximity to a 5-lane arterial road;
- e) The submission of a satisfactory Phase 1, 2 and/or 3 Environmental Assessment and Record of Site Condition (RSC) or equivalent will be required to evaluate the potential for soil and/or water contamination due to the history of use on the property, and subsequently recommend mitigation or verify that the soil and/or water quality meets the Ministry of Environment criteria for a sensitive land use; and
- f) The requirement for alternative fencing detail for townhouse Blocks 6 and 7 to reduce the potential impacts of the proposed streetscape design that will create reverse lot frontage on the interior ring road.

ENVIRONMENTAL MATTERS

46. The following environmental matters have been considered in the development of the recommendation:
- a) Protection and preservation of the slope feature as a natural heritage resource;
 - b) The potential long term impact of the mobile home park use on soil and water quality; and
 - c) Redevelopment of the subject site within the Issues Contributing Area for municipal wells 11, 12 and 14 (Source Water Protection).

ALTERNATIVES

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

Alternative #1

General Committee could deny the application to rezone a portion of the subject lands from General Commercial (C4) to Residential Multiple Second Density (RM2) (i.e. Status Quo).

This alternative is not recommended as the rezoning only impacts a small portion of the redevelopment project and does not remove the existing General Commercial (C4) zoning from those lands directly adjacent Burton Avenue. The rezoning will not result in a significant loss of commercial lands and the proposed RM2 zone is consistent with the existing zoning for the remainder of the redevelopment site.

Alternative #2

General Committee could deny the Draft Plan of Subdivision application.

Although the current street townhouse development is a permitted use under the RM2 zoning, this alternative could be considered. As noted in this report, the Draft Plan of Subdivision Conditions recommended by staff requires revisions to the Draft Plan to include a park and environmental protection lands. In addition, staff have indicated their desire to see the integration of different housing types and identified concern with the interior streetscape created by the single-loaded centre block of townhouses.

Alternative #3

General Committee could alter the proposed recommendation by revising the Proposed Draft Plan of Subdivision Conditions.

This alternative is not recommended by staff, however if this Alternative is supported by General Committee and Council, it is recommended that any significant alterations to the conditions be referred back to staff for writing. Staff would then provide the revised Conditions to Council with a memorandum to verify that the intent of the revision has been met. This process would ensure that any additional conditions desired by Council are written in a technically correct manner and continue to represent the full interest of the City.

FINANCIAL

48. If approved as submitted, the Draft Plan of Subdivision identifies the potential for 96 townhouses and 20 medium density units. At 2013 rates, these units would produce taxes in the amount of approximately \$213,911.00. The taxes collected for the property in 2013 were \$38,727.18, therefore the increased taxes could be \$175,183.00.
49. At current rates, Development Charge revenue would be \$23,016.00 per townhouse unit and \$17,803.00 per apartment unit for a total of \$2,565,596.00. However, in accordance with the Development Charge By-law, if the redevelopment occurs within 5 years of the removal of the trailers from the site, the owner would be eligible for a credit of \$30,788.00 per trailer. If it is estimated that 96 trailers exist on the site, the total credited value for the trailers would be \$2,955,648.00, which would be greater than the corresponding Development Charge. The overage would not be refunded, however the City would not collect Development Charges for this redevelopment.
50. Through the Plan of Subdivision process, the applicant will be required to enter into a Development Agreement with the City that includes the payment of fees and securities for development of the property. The owner/developer would be responsible for the initial costs for the new infrastructure required for the development, however following assumption, the infrastructure would be transferred to the City. Costs associated with asset ownership including ongoing maintenance and operation cost, lifecycle intervention expenses to ensure that assets reach their maximum potential for use, as well as cost to ultimately replace (and possibly dispose) of assets. The City would also incur additional operating cost associated with extending municipal services to that area such as fire protection, policing, snow clearing, boulevard landscaping maintenance and increased contributions to reserves to plan for the eventual replacement of the municipal assets.
51. Following Council's direction with respect to this proposed development, staff will provide a status and update of the Ontario Municipal Board Hearing and estimated costs.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

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

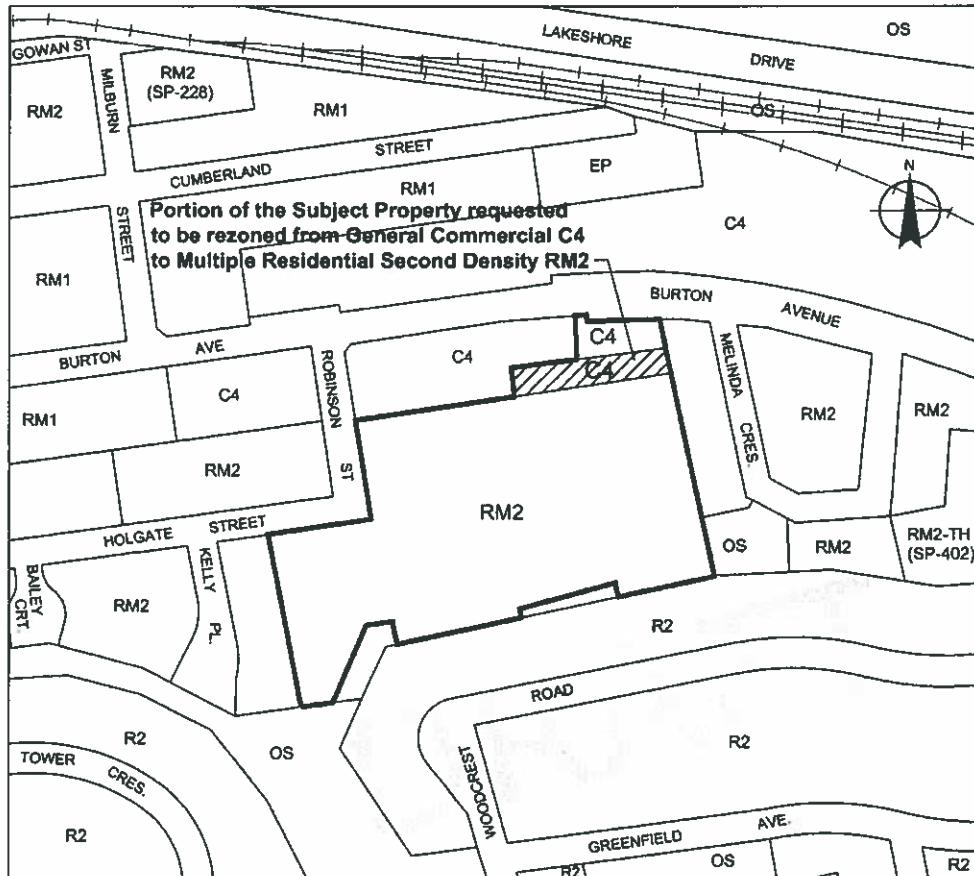
Manage Growth and Protect the Environment

53. The redevelopment is within the designated Urban Growth Centre and is proposed to utilize and connect with existing roads and municipal services. If revised as recommended by Staff, the Plan will integrate a public park and provide protection for the slope feature as active and passive public open space.

Attachments: Appendix "A" – Proposed Zoning By-law
Appendix "B" – Proposed Draft Plan of Subdivision
Appendix "C" – Proposed Draft Plan of Subdivision Conditions
Appendix "D" - Illustration of City Proposed EP Lands

APPENDIX "A"

Proposed Zoning By-law



D14-1557 / D12-405
196 BURTON AVE

APPENDIX "C"

Proposed Draft Plan of Subdivision Conditions

196 Burton Avenue (655423 Ontario Ltd.)

Prior to final approval and registration of the Plan of Subdivision for the subject lands, the owner/developer must comply with the following conditions and/or agree to comply with that condition in the Subdivision Agreement. Confirmation of clearance for each condition must be received from the appropriate department or agency to the satisfaction of the City of Barrie (the City) as summarized in Condition 47.

1. The owner/developer shall prepare the Final Plan of Subdivision on the basis of the approved Draft Plan of Subdivision, prepared by Rudy Mak Surveying Ltd., File No. 10892, dated revised Sept. 27, 2013, which illustrates Blocks 1-16 for Street Townhouses, Block 17 for Commercial, a road and a Future Medium Density Residential Block, subject to the following revisions:
 - a. The inclusion of a public park block; and
 - b. The inclusion of a portion of the slope feature as a block for the purpose of preserving it as a natural heritage resource in City ownership.

SPECIAL CONDITIONS

2. The owner/developer shall agree to provide parkland dedication to the City in accordance with the provisions of the Planning Act and City policy.
3. The owner/developer shall agree to dedicate a portion of the slope feature to the City as Environmental Protection lands.
4. The owner/developer shall acknowledge and agree that Blocks 4-8 include a slope feature that is a natural heritage resource. The integrity of the slope feature cannot be disturbed through the construction process and future property owners are required to be advised, in a manner that is satisfactory to the City, that no development or site alteration will be permitted from toe of slope to the rear property line.
5. The owner/developer shall submit a Geotechnical Evaluation to the satisfaction of the City and Lake Simcoe Region Conservation Authority (LSRCA) that includes, but is not limited to, mitigation and buffering requirements to preserve the long-term integrity of the slope feature.
6. The owner/developer shall submit a Phase 1, Phase 2 and Phase 3 (if necessary) Environmental Assessment for potential soil and/or water contamination to the satisfaction of the City, and submit a Record of Site Condition or equivalent to the Ministry of Environment.
7. The owner/developer shall submit a noise and vibration study, completed to the satisfaction of Metrolinx (Go Transit) and the City to address the potential impacts arising from the proximity to the railway corridor and an arterial road (Burton Avenue). The owner/developer shall agree that the recommendations of that study, including all required mitigation measures, be implemented to the satisfaction of the Metrolinx and the City prior to occupancy.
8. The owner/developer shall acknowledge and agree to the installation of an All-Way Stop sign at the intersection of Robinson Street/Development Access/Holgate Street.
9. The owner/developer shall acknowledge and agree that a road widening dedication of up to 5 metres will be required along the entire Burton Avenue frontage.

10. The owner/developer shall acknowledge and agree to provide, given that Blocks 15 and 16 create a single loaded road interior to the development concept, an alternative fencing and/or landscaping detail prevent the rear yards of the Blocks 15 and 16 from having a 2 metre tight board fence along the property lines at the side and rear of the units.
11. The owner/developer shall agree to provide appropriate buffering and/or fencing at full cost to the applicant for Blocks 1 and 10-13 to provide adequate separation between the proposed commercial and residential uses, as approved by the City.

STANDARD CONDITIONS

12. The owner/developer shall confirm that all lots and blocks are in accordance with the City's Zoning By-law.
13. The owner/developer shall submit plans showing the proposed phasing and/or staging arrangements to the City for review and approval if this subdivision is to be developed by more than one registration.
14. The owner/developer shall ensure that the road allowances included in this draft plan are shown as public highways on the final plan and shall agree to dedicate those allowances to the City.
15. The owner/developer shall acknowledge and agree that the road allowances included in this draft plan will be named to the satisfaction of the City.
16. The owner/developer shall ensure that any dead ends and open side of road allowance created by this draft plan are terminated in 0.3m reserves and shall agree to convey those reserves to the City at no expense and free and clear of any encumbrances.
17. The owner/developer shall agree to be responsible for the provision of all works, roads, and services including the connections to existing municipal services, in accordance with all City of Barrie Development Standards and Policies.
18. The owner/developer shall acknowledge and agree that the proposed development must be serviced from the municipal water distribution system. The water distribution system for the subject land shall be of sufficient size to provide the maximum day usage plus maintain minimum fire flows.
19. The owner/developer shall agree to be responsible for removing any wells in accordance with Ministry of the Environment guidelines.
20. The owner/developer shall agree to be responsible for the provision of all appropriate storm and sanitary conveyance systems, including outlet work and/or other related facilities including the provision of servicing facilities external to the plan, where required.
21. The owner/developer shall agree to convey any blocks and/or easements required for the provisions of utilities, municipal sanitary and water service, and stormwater management to the City and/or appropriate authority.
22. The owner/developer shall ensure that fire break lots acceptable to the City are provided and represented on the Final Plan.
23. The owner/developer shall acknowledge and agree to be responsible for complying with and satisfying all applicable policies and requirements of approval from the City of Barrie, LSRCA, and any other applicable agency.
24. The owner/developer shall agree to enter into a Subdivision Agreement with the City to satisfy all requirements financial or otherwise, including but not limited to the provision of roads, services,

- grading, landscaping, naturalization and restoration, fencing, payment of development charges and engineering studies to support municipal services.
25. The owner/developer is advised that draft approval does not in itself constitute a commitment by the City of Barrie or the Ministry of Environment to provide servicing access to the City's Wastewater Treatment Plant or Water Supply Plant. The subject plan may proceed to registration provided there is sufficient plant capacity and capability to serve the development. Plant capacity will be allocated for new development on a priority basis at the time of payment of Development Charges.
 26. Prior to any site alteration or grading, the following plans and reports must be prepared in accordance with existing Master Studies and submitted to the satisfaction of the City, LSRCA, and any other applicable agencies:
 - a) A detailed Stormwater Management Report;
 - b) An Erosion and Sedimentation Control Strategy;
 - c) A detailed Grading and Drainage Plan; and
 - d) A Tree Inventory, Tree Assessment and Tree Preservation Plan.
 27. Prior to any site alteration or grading, proper erosion and sediment control measures must be in place in accordance with the approved Grading and Drainage Plan and Erosion and Sediment Control Plan.
 28. The owner/developer shall acknowledge and agree that for any undeveloped lots which have an overall gradient of 15% or greater, special lot grading plans will be required that identify areas of significant grades and excessive potential tree loss, but maintain an overall drainage scheme in accordance with the City's Lot Grading Policies and Guidelines.
 29. The owner/developer shall obtain a Site Alteration Permit, as described within By-law 2006-101 prior to any site alteration. All requirements, obligations, and control measures as described within By-law 2006-101 will be in place and undertaken to the satisfaction to the City and the LSRCA in accordance with City policy. The owner/developer shall maintain said works for the duration of the subject development.
 30. Prior to issuance of a Site Alteration Permit, the owner/developer shall obtain a tree removal permit and shall not remove any trees from the site without written approval of the City. Any trees which are removed, injured or damaged as a result of construction activities without written consent shall be replaced and the City compensated.
 31. The owner/developer shall engage the services of a Landscape Architect to prepare and submit a comprehensive set of drawings including but not limited to streetscape, landscape, fencing, restoration, naturalization, details and specifications. The owner/developer shall be required to implement the plans at their cost and expense to the satisfaction of the City.
 32. The owner/developer shall obtain a permit from LSRCA, if required, to fulfil the requirements of Ontario Regulation 179/06 under the Conservation Authorities Act.
 33. The owner/developer shall pay all development fees applicable to LSRCA in accordance with the approved fees policy under the Conservation Authorities Act.
 34. The owner/developer shall acknowledge and agree to maintain all existing vegetation until a maximum of 30 days prior to any grading or construction on-site.

35. The owner/developer may be required to submit a Financial Impact Analysis to the satisfaction of the City that describes the capital and operating costs estimated to be borne by the City, and the timing thereof, as a consequence of the subject development.
36. The owner/developer shall agree to prepare and distribute an Information Package, approved by the City, to the prospective purchasers and tenants that generally addresses the various land use components of the development, including but not limited to: the environmental protection and natural heritage resource areas; and the location of major utilities, roads, transit and active transportation routes, lot sizes and types.
37. The owner/developer shall complete an archaeological assessment of the subject property and agree to complete all recommendations and requirements of such assessment, including the mitigation and/or salvage of any significant archaeological remains to the satisfaction of the Development Plans Review Unit of the Ministry of Culture and Communications, and the City if such significant archaeological remains are found within the lands to be dedicated to the City.
38. The owner/developer shall agree to satisfy the requirements of PowerStream with respect to the provision of electrical utilities.
39. The owner/developer shall agree in the Subdivision Agreement, in wording acceptable to Metrolinx, to include the following clause in all Purchase and Sale or Lease Agreements:

Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alteration to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measure in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.
40. The owner/developer shall agree in the Subdivision Agreement, in wording satisfactory to Bell Canada that any easements for telecommunication services are to be granted to Bell Canada as required, and in the event of any conflict with existing facilities, the owner/developer shall be responsible for the relocation of such facilities or easements.
41. The owner/developer shall agree in the Subdivision Agreement in wording satisfactory to Enbridge Consumers Gas:
 - a) To coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities;
 - b) That streets are to be constructed in accordance with municipal standards;
 - c) That streets be graded to final elevation prior to the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas; and
 - d) That all of the natural gas distribution system will be installed within the proposed municipal road allowances therefore easements will not be required.
42. The owner/developer shall agree in the Subdivision Agreement, in wording acceptable to the Simcoe County District School Board, to include the following clause in all Purchase and Sale or Lease Agreements:

"That students from this development attending facilities operated by the Simcoe County District School Board may be transported and accommodated in temporary facilities outside of the neighbourhood school's area."

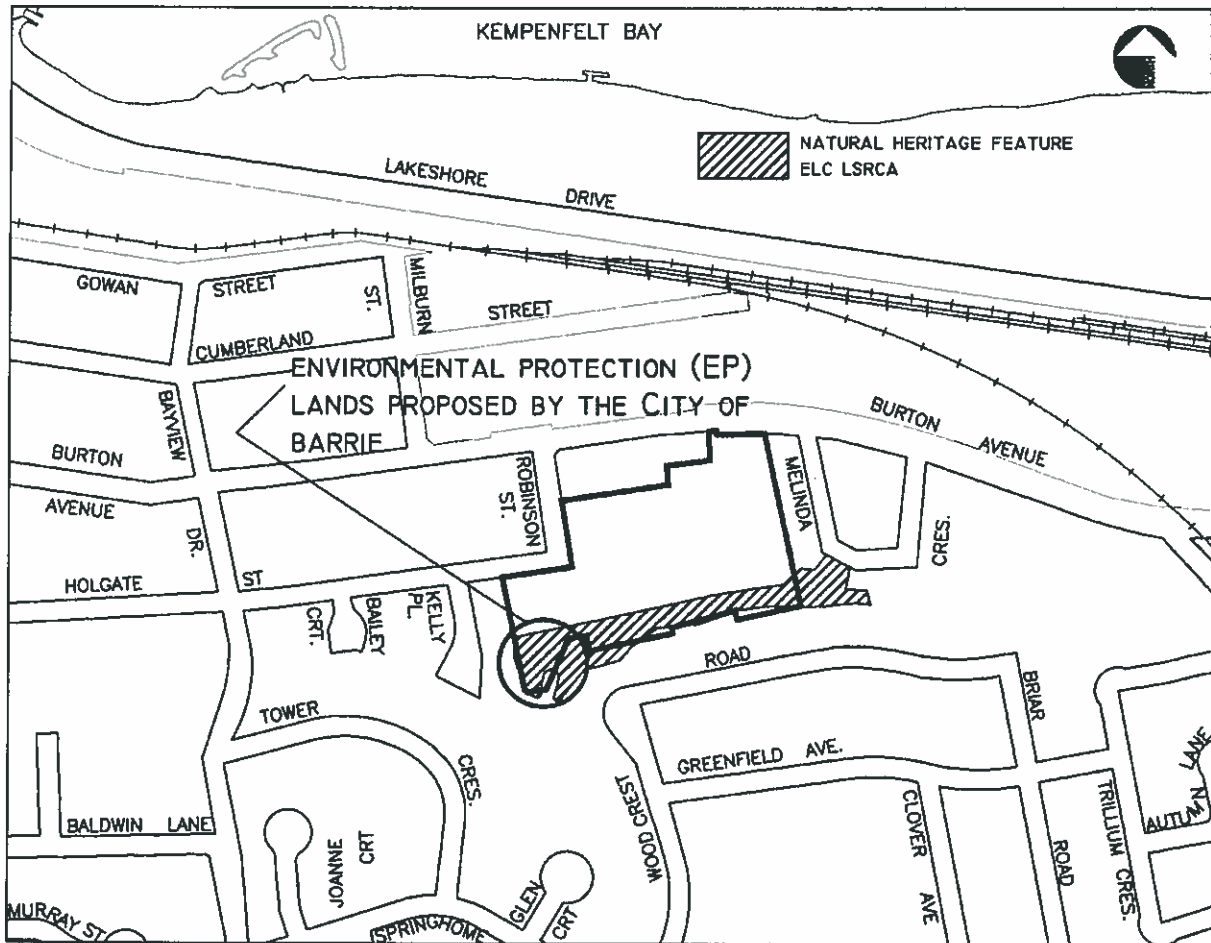
43. The owner/developer shall agree in the Subdivision Agreement, in wording acceptable to the Simcoe Muskoka Catholic District School Board to include the following clause in all Purchase and Sale or Lease Agreements:

"That pupils from this development attending educational facilities operated by the Simcoe Muskoka Catholic District School Board may be transported to/accommodated in temporary facilities out of the neighbourhood school's area."

44. The owner/developer shall provide the registered Plan of Subdivision, and all other associated plans, referring to horizontal control surveys UTM (Zone 17) NAD83 to the City. These are to be supplied in both hard copy and in digital format in accordance with City standards.
45. The owner/developer shall agree in the Subdivision Agreement, in wording acceptable to the City, LSRCA, and any other applicable agencies, to carry out or cause to be carried out, the recommendations and measures contained within the plans and requirements set out in the Draft Plan of Subdivision Conditions.
46. The Subdivision Agreement shall require qualified professionals acceptable to the City, LSRCA, and any other applicable agencies, to certify in writing, that all works were constructed in accordance with the plans, reports and specifications, approved as part of this review process.
47. Prior to final approval, the City is to be advised in writing by each department or applicable agency how each of their conditions has been satisfied:
- a) Planning Services and/or Legal Services, conditions 1 – 6, 10 – 16, 22 – 24, 26, 31, 35 – 37, and 45 – 49.
 - b) Engineering Department, conditions 2, 7 – 9, 13, 16 – 31, 36, and 44 – 46.
 - c) Lake Simcoe Region Conservation Authority, conditions 23, 26, 32 – 34, 45 and 46.
 - d) Metrolinx, conditions 7 and 39.
 - e) Ministry of Citizenship and Culture, condition 37.
 - f) PowerStream, condition 38.
 - g) Bell Canada, condition 40.
 - h) Enbridge Consumers Gas, condition 41.
 - i) Simcoe County District School Board, condition 42.
 - j) Simcoe Muskoka Catholic District School Board, condition 43.
48. The Subdivision Agreement shall be registered on title at the owner/developer's expense.
49. The owner/developer shall agree to register the Final Plan of Subdivision within three (3) years of Draft Approval. If the Final Plan is not registered within that time, the City of Barrie may withdraw draft approval or grant an extension to Draft Approval which shall be based on written information provided by the owner/developer to substantiate the extension. Any draft plan extension application must be made a minimum 120 days prior to lapsing of the draft subdivision approval.

APPENDI X "D"

Illustration of City Proposed EP Lands



D14-1557 / D12-405
196 BURTON AVE
APRIL 7-2014