


---


**TO:** GENERAL COMMITTEE


**SUBJECT:** SALE OF 36 MULCASTER STREET – AMENDMENTS TO THE TERMS OF AGREEMENT AND CONSULTATION PERIOD

**WARD:** WARD 2

**PREPARED BY AND KEY CONTACT:** J. FOSTER, RPP, MCIP  
SENIOR DEVELOPMENT PLANNER, EXT. 4517

**SUBMITTED BY:** S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

**GENERAL MANAGER APPROVAL:** R. FORWARD, MBA, M.Sc., P. ENG.  
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT 

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

---

**RECOMMENDED MOTION**

1. That the Option to Purchase Agreement between The Corporation of the City of Barrie ("City") and PACC Mulcaster Corporation ("PACC") for the purchase of 36 Mulcaster Street be amended to reflect the following changes:
  - (a) That the completion date be extended from 60 days after the exercising of the Option to Purchase to no later than 30 days after the removal of all conditions.
  - (b) That the date in which the City's conditions must be satisfied be extended from on or before the completion date to May 31, 2015.
  - (c) That the City continue to operate the existing municipal parking lot after the sale to the PACC and until such time as a building permit is issued for the proposed development.
  - (d) That all parking related infrastructure be excluded from the sale of 36 Mulcaster Street.
2. That the City Clerk be authorized to execute any documents requisite to amending the Option to Purchase Agreement in a form approved by the Director of Legal Services.
3. That consultation with Heritage Barrie regarding a development concept that retains the historic and architectural significance of the Armouries building and site occur through site plan approval, after closing of the sale of the property.

**PURPOSE & BACKGROUND**

Report Overview

4. The purpose of this staff report is to amend the Option to Purchase Agreement for the sale of 36 Mulcaster Street and delay consultation with Heritage Barrie regarding the design of the development to site plan stage.

5. On June 3, 2013, City Council adopted motion 13-G-140 regarding **PLAN FOR THE SALE OF CITY OWNED PARKING LOTS IN THE CITY CENTRE** as follows:
  - "2. That the 36 Mulcaster Street parking lot and adjacent greenspace, excluding the Armouries Building and Fire Fighters' Memorial be declared surplus, subject to an appropriate redevelopment that retains the historic and architectural significance of the building and site, in consultation with Heritage Barrie and Council approval."
6. On February 10, 2014, Council adopted motion 14-G-024 regarding **SALE OF 36 MULCASTER STREET – OPTION TO PURCHASE** as follows:
  - "1. That the Mayor and City Clerk be authorized to execute an Option to Purchase Agreement with 1244947 Ontario Inc. for the purchase of 36 Mulcaster Street, in the form attached as Appendix "A" to this Staff Report LGL003-14, provided that:
    - a) The purchase price is the appraised value as determined by Andrew, Thompson & Associates Ltd., as presented concurrently to Council in a confidential memorandum.
  2. That the proceeds from the sale of 36 Mulcaster Street, net of legal and appraisal costs, be applied to the Parking Reserve."
7. On April 28, 2014, Council adopted motion 14-G-103 regarding **36 MULCASTER STREET – CLARIFICATION TO OPTION TO PURCHASE** as follows:
  - "1. That the Mayor and City Clerk be authorized to execute a clarified and revised Option to Purchase Agreement with 1244947 Ontario Inc. for the purchase of 36 Mulcaster St., in the form attached as Appendix "A".
  2. That the purchase price and direction of sale proceeds be in accordance with Council Motion 14-G-024."
8. The lands proposed for sale known as 36 Mulcaster Street include the parking lot area, the greenspace to the north and the right of way easement just west of the parking lot. The lands to be sold do not include the Fire Fighters' Memorial or the Armouries building. In addition, the City will retain a setback/buffer for access and loading for the Armouries building and for landscaping and maintenance of the Memorial. The city is preparing a draft reference plan that will provide a minimum 3m buffer for the Armouries building and approximately 4m buffer for the Memorial to allow for landscaping treatments.

#### **ANALYSIS**

9. The Option to Purchase Agreement entered into with 1244947 Ontario Inc. has been assigned to PACC as is permitted by the terms of the Agreement.
10. The Option to Purchase Agreement identifies that PACC was to exercise the option to purchase with a deposit of \$25,000 by March 5, 2015. This was completed. The Agreement provided that the PACC had 60 days to complete the transaction and close on the sale. That date would be May 4, 2015.
11. In order to deem the property surplus and close on the sale prior to May 4, 2015, Council approval of a development concept that retains the historic and architectural significance of the site in consultation with Heritage Barrie is required.
12. PACC has not finalized its development concept. As a result, staff at this time do not have the necessary information to provide a recommendation to Council.

13. PACC has indicated it would like to close prior to the end of May 2015. Staff are targeting a staff report for consideration of a concept plan by General Committee on May 11, 2015 and Council consideration for May 25, 2015. If the transaction can occur prior to the end of May, it will; however, staff are recommending the completion date be extended to no later than 30 days after the removal of all conditions to provide for additional flexibility should it be required.
14. Heritage Barrie has been notified that the concept plans are being prepared and that the Committee will be consulted. However, given their committee meetings are once monthly, consultation may not occur until after Council approval of the concept plan. As such, staff are recommending that Heritage Barrie input be coordinated at the time of site plan application.
15. Following the sale of the property, PACC will be required to submit application for site plan approval, at which time Heritage Barrie will be involved to ensure the design of the development is considerate of the historic significance of the site and that there is no negative impact on the Armouries building. The Ward Councillor will be involved in the review and approval of the site plan and if required, or deemed appropriate by the Ward Councillor the site plan can be bumped up for Council approval.
16. There is City parking infrastructure/equipment within the parking lot that is to be excluded from the sale of lands. In addition, the City shall continue to operate and maintain the parking lot until such time as a building permit is issued for the development of the project. This has been discussed with the purchaser. Therefore, at the time of building permit issuance, staff will remove and reuse/recycle the parking infrastructure and cease to operate and maintain the parking lot.

#### **ENVIRONMENTAL MATTERS**

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

#### **ALTERNATIVES**

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

**Alternative #1** General Committee could choose not to extend the completion and condition dates.

This alternative is not recommended as the transaction has progressed, PACC has provided the deposit, has agreed to the purchase price, and has commissioned the design of the proposed building.

**Alternative #2** General Committee could alter the proposed recommendation by including Heritage Barrie for consultation prior to the sale of the lands.

This alternative is available in order to ensure that the historical and architectural significance of the design is acceptable to Heritage Barrie prior to Council decision on the matter. However, the sale of the lands may be delayed. If this option is chosen, it is recommended that the extension to closing and condition date be extended further allowing enough time to consult with Heritage Barrie and report to Council on the design of the development.

#### **FINANCIAL**

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

**LINKAGE TO 2014-2018 STRATEGIC PLAN**

20. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.