
TO: GENERAL COMMITTEE




SUBJECT: APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW
AMENDMENT – NORTH AMERICAN (PARK PLACE) CORPORATION –
100 MAPLEVIEW DRIVE EAST (WARD 8)

PREPARED BY AND KEY CONTACT: RYAN WINDLE, M.C.I.P., R.P.P., MANAGER OF DEVELOPMENT CONTROL, EXT. 4324

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

GENERAL MANAGER APPROVAL: R. W. MCARTHUR, P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE

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



RECOMMENDED MOTION

1. That the application to amend the language of the site specific Official Plan Amendment (OPA No. 86), submitted by R.G. Richards and Associates, on behalf of North American (Park Place) Corporation, for lands known municipally as 100 Mapleview Drive East be approved in part, with the exception of removal of Section 3.4: Planning Analysis and removal of general language and performance standard language regarding the Retail Village.
2. That the application to amend the language of the site specific Zoning By-law 2010-130, submitted by R.G. Richards and Associates, on behalf of North American (Park Place) Corporation, for lands known municipally as 100 Mapleview Drive East be approved in part with the exception of the amendment to the definition of "Retail Village" and increasing the maximum percentage of gross floor area of the Retail Village devoted to "small unit" retail stores.
3. That the Director of Planning Services and/or his delegate(s) be authorized to negotiate with the applicant and prepare an amended Official Plan Amendment (OPA) and Zoning By-law to be brought forward for consideration.
4. That Zoning By-law 2010-130 be amended to include the following Special Provisions (SP) and that they be referenced in the amended implementing Zoning By-law for the subject lands:
 - a) That the definition of Retail Village be amended to read as follows: "the Retail Village shall mean a grouping of buildings, designed and developed with a high quality of urban design, with a main street type of urban design, at a pedestrian scale, and with pedestrian amenities. This mixed use employment area consists of retail, restaurant, entertainment and service commercial uses and may contain office, medical office, and/or accommodation uses."
 - b) That no more than 15% of the gross floor area of the Retail Village shall be devoted to retail stores having a minimum floor area of less than 186 square metres (2,000 square feet), excluding kiosks.
 - c) A minimum of 9,290 square metres (100,000 square feet) of office space is to be constructed within the lands zoned C4 (SP-304).

- d) The frontage of individual stores, excluding flankage sides of stores, within the Retail Village be limited to no more than 40 metres.
 - e) That a landscaped centrally located courtyard feature with a minimum area of 570 square metres be provided.
5. That in accordance with Section 17(22) and 34(17) of the Planning Act, no further public notification is required.

PURPOSE & BACKGROUND

Report Overview

6. The purpose of this report is to recommend approval **in part** of an application to amend the language of the site specific Official Plan Amendment and Zoning By-law for property known municipally as 100 Mapleview Drive East (Park Place) in order to permit continued development on the Park Place property. Planning staff are recommending approval of the requested revisions to the OPA and the Zoning By-law with the exception of the following revisions as they are not considered desirable and not considered to be in keeping with the original intent of the Ontario Municipal Board approved OPA and Zoning By-law:

OPA 86

- a) removal of Section 3.4: Planning Analysis; and
- b) removal of general language and performance standard language regarding the Retail Village.

Zoning By-law 2010-130

- a) increasing the maximum gross floor area of the Retail Village devoted to "small unit" retail stores;
 - b) the inclusion of the word "may" in the definition of Retail Village.
7. The analysis pertaining to the amendments to OPA 86 is contained within Paragraphs 27 – 39 of this staff report. The analysis pertaining to the amendments to Zoning By-law 2010-130 is contained within Paragraphs 40 – 66 of this staff report.

Reference Attachments

8. For illustration and references purposes, the following reports and plans are attached as appendices to this report:
- The Original Coloured Concept Plan Approved By the OMB – **Appendix "A"**
 - The Approved Official Plan Amendment (OPA 86) with Corresponding Land Use Map – **Appendix "B"**
 - The Approved Zoning By-law (By-law 2010-130) with Corresponding Zoning Map – **Appendix "C"**
 - Applicant's Strike-Through Version of OPA 86 Illustrating the Proposed Amendments – **Appendix "D"**
 - Applicant's Strike-Through Version of By-law 2010-130 Illustrating Proposed Amendments - **Appendix "E"**
 - Current Approved Master Site Plan including Area 1 Lands (Amended for LA Fitness) – **Appendix "F"**

- Proposed Site Plan Recently Submitted by Applicant Representing Built Form Resulting from the Proposed OPA and Zoning By-law Amendments – **Appendix “G”**
- Proposed Pedestrian Square Concept Plan – **Appendix “H”**
- Concept Plan showing the north and central portion of the amended Retail Village - **Appendix “I”**.

Location

9. The Park Place lands consist of approximately 195 acres and are situated on the east side of Highway 400, north of Maplevue Drive East and on both sides of Bayview Drive. The applicant has indicated that the entire Park Place lands are the subject of the current application. However, the requested revision to the Indexing provisions of the OPA and Zoning By-law is the only revision that applies to the whole property. The requested revisions apply to the portion of the property that is referred to as Area 1 (see **Appendix “A”**), which is the portion of the property that has Site Plan approval and is currently being developed. The portion of the Park Place lands which are the subject of the Area 1 Site Plan application are bounded by an Open Space block to the north, Maplevue Drive East to the south, Bayview Drive to the east and Highway 400 to the west.

Surrounding Land Uses

10. Existing land uses surrounding the Park Place property consist of the following:

North: Vacant and occupied land designated Highway 400 Industrial and General Industrial and zoned Highway 400 Industrial (EM2) and General Industrial (EM4).

South: Maplevue Drive East and lands designated General Commercial and zoned General Commercial (C4). The lands are occupied by Costco, Rona Building Supply Centre, and Ontario Travel Centre.

East: Bayview Drive and lands designated Major Institutional and General Industrial and zoned Service Industrial (EM3) and Major Institutional (I-M). A portion of these lands is vacant and a portion is occupied by the Barrie Molson Centre and the new IBM Data Centre.

West: Highway 400 opposite, lands designated and zoned for commercial uses.

Existing Policy

11. The Park Place property is designated General Industrial, Business Park, General Commercial and Open Space in the City of Barrie Official Plan. Site specific OPA 86 (see **Appendix “B”**) also applies to the subject property. The Park Place property is zoned Business Park EM1 (SP-407) (H-100) (H2-101); General Commercial (C4) (SP-454) (H-98) (H-99); Service Industrial (EM3) (SP-408) (H1-102) (H2-103) (includes IBM property) and General Commercial (C4) (SP-304) in Zoning By-law 2009-141 (see **Appendix “C”**). Site specific Zoning By-law 2010-130 also applies to the subject property. The OPA and Zoning By-law are very specific documents that include specific policies and performance standards, many of which appear in both documents.

Background

12. On November 1, 2006, the City received the decision of the Ontario Municipal Board (Decision #3067 – October 31, 2006) approving the application by North American Inc. for an amendment to the City's Official Plan and Zoning By-law to permit the proposed Park Place development.
13. On February 12, 2007, City Council approved the Site Plan for the above described Area 1 and the final Board Order for approval of the OPA, the Zoning By-law and the Master Site Plan was issued June 28, 2010. The Site Plan Agreement was registered in July 2010.

14. As a result of the OMB approval, approximately 94 acres of land identified as Area 1 were re-designated and rezoned from General Industrial to General Commercial with specific zoning by-law provisions. The woodlot consisting of approximately 21 acres which transects the Park Place lands was re-designated to Open Space (Area 4) and the area north of the Open Space area (Area 5 - 40 acres) was re-designated to Business Park. Lands east of Bayview Drive (Areas 2 and 3 - 38 acres) remain designated as General Industrial with planning permissions for industrial and some commercial uses (see **Appendix "A"**).
15. The OPA and Zoning By-law regulates development of the Park Place property, where development is permitted in stages. Stage 1 permits up to 74,268 square metres (799,414 square feet) of gross floor area (gfa) within Area 1. Within Stage 1, 24,840 square metres (267,376 square feet) of ground floor commercial space, including ground floor office and excluding non-retail hotel space must be constructed within the Retail Village. No less than 13,935 square metres (149,995 square feet) of business and professional offices shall be constructed within the lands zoned C4 (SP-304), including a minimum of 9,290 square metres (99,997 square feet) of second floor business and professional office space as part of the initial phases of development and located within the Retail Village in the buildings surrounding the main (central) roundabout. Up to 20% of the second floor office space may be used for retail, personal service or restaurant uses provided the balance of the 9,290 square metres (99,997 square feet) of office space is constructed elsewhere in the Retail Village. Stage 1 development requires the City's approval of a Site Plan and Site Plan Agreement together with entering into an agreement between the City and/or the Ministry of Transportation (MTO) ensuring the completion of road improvements set out in the implementing Zoning By-law. These conditions have been met and construction has commenced within Area 1.
16. Stage 2 of the development is subject to a Holding provision (H1), which shall be lifted upon completion of a traffic study and an associated agreement for completion of traffic infrastructure and a Site Plan Agreement. The maximum permitted gross floor area for the combination Stage 1 and Stage 2 lands is 267,561 square metres (2,880,000 square feet).
17. Stage 3 of the development is also subject to a Holding provision (H2). If development in addition to the 267,561 square metres (2,880,000 square feet) permitted under the (H) is proposed (Stage 3), a Zoning By-law amendment is required through the existing Zoning By-law.

Supporting Reports

18. In support of the current application, the following reports were submitted:

Planning Justification Report (R.G. Richards and Associates)

This document and addendum concluded that the proposed amendments represent good planning and all are in the best interest of the City, the public and North American, in that they will facilitate the continued development of the Park Place project while maintaining as much as possible, the original vision for the site.

Market Study (Doug Annand - urbanMetrics inc.)

As stated in the report, the purpose of the market review was to evaluate changes in the marketplace since Park Place was originally approved and to consider whether removal of the second floor office space in the Retail Village and changes to the store size restrictions on the ground floor, along with current phasing restrictions, will significantly change the Lifestyle Centre concept originally proposed for Park Place. The study also considers whether the proposed modifications create potential impacts on Downtown Barrie. The author concluded generally that the proposed changes will have little influence on Park Place's ability to still achieve most of the physical characteristics exhibited by the Lifestyle Centre concept. The author also concluded that

the flexibility afforded by the changes would provide leasing flexibility which is important to ensure Park Place can attract significant tenant interest, therefore contributing to the local Barrie economy.

Office Market Viability Letter (Linda Loftus – Sutton Realty)

The purpose of the letter was to provide an opinion on the proposed market viability of the 9,290 square metres (100,000 square feet) of office space to be constructed within the Park Place development. The author generally concluded that the concept of a village is appealing in theory but not practical and that 'a village within a city' is unrealistic today as it was when first conceived due to the high weight placed on the office population expected. Six (6) reasons were listed as to why demand for office space is limited which include the following: 1) Barrie office users will own vs. rent if the opportunity exists, 2) speculative development requires 10+ years for absorption with no rental increase, 3) Cash flow/rental streams do not increase over time due to lack of demand, 4) Office buildings that succeed are built around larger service (hospital) or neighbourhood demand, 5) Corporate interest in Barrie as a Head Office location does not exist, and 6) Creative class exists beyond bricks and mortar i.e. today's workers are virtual and real estate is no longer required to house employees.

Traffic Impact Letter (David Argue - HDR Corporation)

The purpose of the letter and addendum was to provide an opinion on potential transportation impacts resulting from the requested amendments to construction phasing requirements identified in the OPA and Zoning By-law. The author acknowledged that the permitted uses on the site are not changing and generally concluded that trip generation can be the same or there could be some change in trip generation depending on how the site develops. In the author's opinion, a Traffic Study would be more appropriately required at the Site Plan approval stage when tenants become known and can accurately be reflected for trip generation. In addition, the author noted that the road improvements required to accommodate the total build out of Stage 1 (74,322 square metres/800,000 square feet) are complete or near complete. It is for these reasons that a full Traffic Impact Study was not submitted with the current application. A Traffic Study has been submitted in support of the concurrent Site Plan application and is currently being reviewed by the Engineering Department.

Public Meeting

19. A public meeting was held on September 24, 2012, in accordance with the Planning Act. A number of comments were expressed at the public meeting and through correspondence. Comments were received from some of the owners of large commercial and industrial land holdings adjacent to Highway 400, including Barrie Bryne Developments and Calloway REIT (Barrie) Inc., Osmington Inc., and Bell Media. Their comments can be summarized as follows:
- Concerns with the drastic deviations from the Ontario Municipal Board decision;
 - Encouraging the City of Barrie to undertake a thorough review of the application;
 - Request for a proper process to review the retail hierarchy as well as consider the impact the development would have on Barrie as a whole;
 - The special policy provisions that were required as a result of the 2006 OMB hearing and decisions regarding the site development should be maintained; and
 - Careful attention be paid to traffic, phasing and equitable cost sharing proposals.

Additional comments were received in person and in writing in support of the application and progressing to completion of the Park Place development.

Agency/Department Comments

20. Comments were received as a result of the application being circulated to City departments and external agencies.
21. The City Engineering Department indicated originally that a full Traffic Study would be required as part of the OPA and Zoning By-law amendment application. The Engineering Department has since determined that it is sufficient to submit a Traffic Study with Park Place's Site Plan amendment application. Park Place has submitted a Site Plan application reflecting their most recent proposal. A Traffic Study in support of their application has been received and is currently being reviewed.
22. The Building Department has confirmed non-compliance with a number of the current zoning performance standards set out in the site specific OPA and Zoning By-law. Staff have commented that the non-compliance would have to be addressed through the current amendment application or through the Committee of Adjustment at a later date.
23. Parks Planning has suggested that the site specific Urban Design Guidelines originally prepared for Park Place be amended to address the proposed Master Site Plan revisions that result from the proposed OPA and Zoning By-law amendments. Parks Planning has also suggested that if the reduction in the size of the Retail Village is supported that it be conditional upon setting an absolute size minimum so as to prevent its elimination and subsequent streetscape deletion. Also, the Retail Village should not be deprived of the central courtyard focal point and the uniqueness of the multi-storey building massing encasing it.
24. The Ontario Ministry of Transportation (MTO) has indicated that a Traffic Study is not required at the OPA/Zoning By-law amendment stage. The MTO have confirmed that a revised Traffic Study would be required to be submitted to the MTO as part of the Site Plan application for Area 1/Stage 1 lands. MTO also commented that any development beyond Stage 1 would require submission of an additional Traffic Impact Study.

The Current Application

25. The applicant is proposing to significantly modify the detailed OPA and Zoning By-law that currently govern development of the Park Place lands. The applicant has indicated that the amendments are to allow for a modified development scheme in keeping with current market demands and to provide greater leasing flexibility with the intent of moving construction of the development forward. In general terms, the applicant has summarized their application as follows:
 - a) Delete the provision requiring business and professional offices within the lands zoned C4 (SP-304);
 - b) Remove the construction phasing requirements for the lands designated and zoned as C4 (SP-304);
 - c) Reduce the minimum total footprint of the Retail Village in the lands designated and zoned as C4 (SP-304);
 - d) Remove the Indexed Gross Floor Area Table in the OPA and the Zoning By-law; and
 - e) Amend various sections of the Zoning By-law regulations applicable to the Retail Village to allow for greater tenant flexibility.

26. Each proposed major amendment is identified in the Analysis section below with staff comments provided in italics. It should be noted that this staff report deals with the more substantive changes to the OPA and the Zoning By-law and not what are generally considered to be relatively minor or administrative adjustments to the documents that would be required to achieve the recommended motion, if approved. For reference, black lined (strike-through) versions of both the OPA and Zoning By-law illustrating the applicant's proposed revisions are attached as **Appendix "D"** and **Appendix "E"** respectively.

ANALYSIS

Amendments to the Site Specific Official Plan Amendment (OPA 86)

Removing Section 3.4: Planning Analysis in its Entirety

27. The applicant is proposing to remove Section 3.4 Planning Analysis from OPA 86. The Planning Analysis does not form part of the OPA itself, however, it is included in the pre-ambule. Its purpose was to set the Planning rationale for the adoption of the site specific OPA and Zoning By-law. The applicant is proposing to remove this section as it provided planning analysis for the original application and subsequent OMB approval of the OPA and Zoning By-law.
28. *In staff's opinion, this section of the OPA is appropriate as it provides general Planning context and rationale for the approval of the development concept. The primary themes considered desirable such as the general vision, the existence of the retail village, desire for mixed-use development, pedestrian orientation and need for site plan approval remain valid and should remain and amended as needed to guide the development scheme until such time as the project is fully built out. In addition, by its removal it could facilitate erosion of the original concept without policy context. As such, staff do not support deletion of this section.*

Removal of General Language and Performance Standard Language Regarding the Retail Village

29. The applicant is proposing to remove language that describes the general design principles to be included in the Retail Village such as provision of a central pedestrian scale street, requirement that all buildings face each other (except corner buildings); angled or parallel parking on the street, a landscaped median, a central public square feature and promotion of a built form that is pedestrian friendly in terms of scale and streetscape and provision of amenities such as landscaping, street furniture and patios. The applicant has indicated that these items are better addressed through the Zoning By-law and therefore should be removed from the OPA.
30. *The existing general language provides a policy basis for the specific design concepts that are considered to be important to achieve the Retail Village concept. In staff's opinion, the general language remains relevant and is appropriate to guide the ultimate design of the Village and subsequent Site Plan approval. As such, staff does not recommend removal of the general policy language related to the Retail Village.*
31. The applicant is also proposing to remove the specific performance standard language related to the Retail Village. The OPA includes standards such as minimum total building foot print of the Retail Village, maximum size of any retail store within the Retail Village, limits on the number of larger format stores (i.e. food store, book store, music store and home furnishing store) permitted in the Retail Village, minimum size for retail, minimum 2nd storey office space requirements within the Retail Village, and specific landscaping standards.
32. *The above performance standards are also included in the implementing Zoning By-law. In staff's opinion, the inclusion of the appropriate standards in the Zoning By-law, if needed, is sufficient enough to guide development requirements and ensure that the overall vision is*

maintained, particularly given the fact that a substantial amount of construction has begun and the issuance of building permits is dependent on satisfying the standards set in the Zoning By-law. The request to remove the requirement for 2nd storey office is discussed in more detail in the Zoning By-law revision section of this report. In addition, detailed site design elements would be addressed through Site Plan approval, as an amended Site Plan agreement would be required for the balance of the Area 1 lands, including the modified Retail Village.

Removal of Staging/Phasing Requirements

33. OPA 86 includes staging language that separates the entire Park Place development into three (3) stages. Stage 1 is the area of land zoned C4 (SP-304) and Stages 2 and 3 are the lands north of the Open Space block and on the east side of Bayview Drive. In addition, there is phasing of retail use language applying only to Stage 1. The phasing language in Section 4.8.18.1(h) stipulates that issuance of building permits and /or construction of a minimum amount of ground floor commercial space must occur (in stages) inside the Retail Village prior to issuance of permits and/or construction of commercial space outside the Retail Village. The OPA policy states that "the retail commercial development in the area to be zoned General Commercial (C4) (SP-) shall be constructed in phases to ensure that certain minimum segments of the Retail Village are constructed as an integral part of the overall project." The applicant is proposing to delete the staging language and the phasing language applicable to Stage 1.
34. *Park Place has undertaken a significant amount of development on the site to date. Currently 10,952 square metres (117,890 square feet) of commercial space has either been granted building permits, has been constructed or is under construction within the Retail Village and 15,727 square metres (169,290 square feet) of commercial space has been constructed outside the Retail Village. Now that building permits have been issued and construction is substantially underway, staff believe that deletion of the Stage 1 phasing language would not impact the City's ability to ensure the Retail Village (as modified) is constructed. The Zoning By-law, if needed and Site Plan approval would be used to mandate the existence and the design of the Retail Village. Removing this level of limitation could be seen as a positive aspect as issuance of building permits and construction of commercial space outside the Retail Village (i.e. Target) could act as a catalyst to attract tenants leading to construction of the remainder of the Retail Village components.*
35. Policy 4.8.18.4 of OPA 86 stipulates that a "Holding (H) provision shall be used to ensure for specified stages, the provision of appropriate physical servicing in accordance with a functional report, traffic infrastructure improvements and the staging of the proposed commercial development, and to ensure that site plan agreement(s), and, if necessary, other agreements, are provided to the satisfaction of the Council of the City of Barrie prior to the removal of the (H) and the issuance of any occupancy for each appropriate stage." Stage 1 lands (zoned C4 (SP-304)) are not subject to an (H). However, development on these lands is subject to minimum office space requirements (discussed in detail in the Zoning By-law section of this report), Site Plan approval and entering into an agreement with the City and the MTO for completion of specified road improvements. Stage 2 and Stage 3 lands are subject to specific Holding (H) provisions. The lifting of the (H) for those lands is contingent generally on Site Plan approval and preparation of a Traffic Study that is to be circulated to the owners of the land on the west side of Highway 400 and the owners of the lands referred to as the 400-Barrie Power Centre and approved by the City and the Ministry of Transportation.
36. *In staff's opinion, the intent of this language was to set the stage for development controls that were to be included in the implementing Zoning By-law. The approved Zoning By-law included the required staging and phasing and is in full force and effect. A Site Plan Agreement has been registered for Stage 1 and subsequent site plan amendments have been approved. The external road improvements required to accommodate the Stage 1 development have also been completed. The applicant is not requesting removal of the Holding provision language (staging)*

from the Zoning By-law, therefore staff support removal of the duplicate language from OPA 86. In staff's opinion, retention of the language in the Zoning By-law and Site Plan Control is sufficient to ensure the development is constructed efficiently and as proposed. Given the above, staff do not object to removing the staging and phasing language from OPA 86. Staff would note that the removal of this language does not change the applicant's responsibilities under the Road Crossing Works Agreement between the City and North American, where a crossing of Highway 400 at Big Bay Point Road and Harvie Road is to be considered at such time as certain traffic triggers are experienced.

Removal of Indexing Provisions

37. OPA 86 includes an Indexing provision that regulates the total gross floor area of development permitted in Stages 1, 2, and 3 based on land use categories. The land use categories are assigned a conversion factor and include: Industrial, Business and Professional Office, Retail and Commercial, Hotels, and Institutional. The indexing provisions control land uses based on traffic generation. The applicant is proposing to delete the Indexing language from the OP.
38. *The applicant has requested removal of the language from the OP but is not requesting removal from the Zoning By-law. As such, staff support the deletion from the OPA given the detailed language and restrictions are preserved in the Zoning By-law.*
39. *In summary, with respect to the amendments to OPA 86, staff is supportive of removing the language regarding specific performance standards because the Zoning By-law and Site Plan control are sufficient and the most appropriate tools to ensure the proposed development is actually constructed, which is balanced with the need to be flexible to promote completion of the project. Staff do not support removing the general guiding language in its entirety as it provides a basis to guide the planning and design principles that are to be achieved, with particular emphasis on the Retail Village.*

Amendments to the Site Specific Zoning By-law (By-law 2010-130) for Stage 1 Lands

Addition of the word "may" to the Definition of Retail Village

40. The current definition in Zoning By-law 2010-130 indicates that the "Retail Village" "shall mean a grouping of buildings, designed and developed with a high quality of urban design, with a main street type of urban design, at a pedestrian scale, and with pedestrian amenities. This mixed use employment area consists of retail, office, restaurant, accommodation, entertainment and service commercial uses."
41. The applicant is proposing to delete the word "consists" and replace it with "may consist".
42. *In staff's opinion, this amendment is significant in that it reflects the applicant's proposal to remove the requirement to provide specific land uses within the Retail Village. In staff's opinion, the addition of the word "may" as proposed could provide the opportunity to develop the Retail Village as a homogenous area with minimal mix of uses which is contrary to the original intent of the OPA. As such, staff do not recommend the addition of the word "may" in the proposed location within the definition.*
43. *The applicant has indicated that the intention is to modify the definition to remove what could be interpreted as mandatory language requiring accommodation (hotel) uses and office uses to be located within the Retail Village. The applicant has determined, based on factors such as locational requirements, leasing and marketing, that these uses are not likely to lease space within the Retail Village. Staff is supportive of re-wording the definition so that only accommodation (hotel) uses and office uses can be interpreted as potential uses within the Retail Village but not required. The deletion of the mandatory zoning requirement for office space within*

the Retail Village is specifically discussed in detail later in this staff report. All of the other specific uses listed in the definition would remain as permitted and required uses. The applicant has also indicated that they wish to add medical offices as a potential use within the definition as medical office was not defined separately in the Barrie Zoning By-law at the time. Staff does not object to this as the applicant is currently working with an investor to bring a medical office facility to the Park Place lands north of the Open Space Block.

44. *To address the above, staff recommend that the definition be amended to read as follows: the "Retail Village" shall mean a grouping of buildings, designed and developed with a high quality of urban design, with a main street type of urban design, at a pedestrian scale, and with pedestrian amenities. This mixed use employment area consists of retail, restaurant, entertainment and service commercial uses and may contain office, medical office, and/or accommodation uses.*

Minimum Building Footprint of the Retail Village

45. *The Zoning By-law requires that the "Retail Village" have a minimum building footprint area of 24,840 square metres (267,376 square feet). The proposed revised by-law would require a minimum building footprint for the "Retail Village" of 15,700 square metres (168,993 square feet), which is approximately 64% of the original size contemplated. The applicant has indicated that there are not enough tenants to occupy the amount of space originally planned. In addition, the reduction is also made necessary by the introduction of a new large format department store (Target) to the north of the Retail Village.*
46. *The applicant has generally presented a market argument for reduction in the size of the Retail Village. Staff understands that the ability to lease the buildings is critical to the success of the overall development. Notwithstanding, staff are concerned with the impact on the planning aspects of the Village and the maintenance of the overall development concept/vision for Park Place. The Retail Village is to be a significant component of the Park Place development to provide a unique mixed use, mixed employment, pedestrian oriented development. In staff's opinion, reducing the size of the Retail Village potentially reduces its significance within the larger context of the development. Staff are willing to support the reduction in the size subject to preserving some performance standards to ensure the Village retains its main street, pedestrian scale character as originally presented by the applicant and supported through the OMB decision. These components include but are not limited to including 1.5 - 2 storey construction, providing a central pedestrian focused amenity space, and maximum store frontages. The applicant has prepared a revised conceptual drawing attached as **Appendix "I"**. Staff are generally satisfied that these concepts would preserve the character of the Village. Site Plan control would provide the opportunity to address and require detailed design components to support this objective.*

Removal of Specific Types of Retail Stores Permitted in Retail Village with Size Greater than 1,858 square metres (20,000 square feet)

47. *The Zoning By-law limits the size of retail stores within the Retail Village to maximum of 1,858 square metres (20,000 square feet) with four (4) specific exceptions. Currently a food store, a book store, a music store and a home furnishing store are permitted within the Retail Village with sizes greater than 1,858 square metres (20,000 square feet). To provide leasing flexibility, the applicant is proposing to remove the reference to the specific types of retail stores permitted but will maintain the limit on their individual sizes and the number of larger stores permitted to a maximum of four (4). Specifically, the Applicant is proposing to amend the Zoning By-law to read in part as follows: " a maximum of four (4) stores each no greater than 3,252 square metres (35,000 square feet) may be permitted which may include a food store no greater than 3,716 square metres (40,000 square feet)".*
48. *From a Planning perspective, the size limits of stores within the Retail Village were implemented to maintain the "main street" character and scale of the Retail Village originally proposed by the*

applicant. The intention being that stores greater than 1,858 square metres (20,000 square feet) represent a retail box format that should and can be accommodated elsewhere on the C4 zoned lands. In staff's opinion, the removal of the reference to specific types of retail stores would not significantly change the character of the Retail Village and would provide the necessary leasing flexibility to promote continued development of the site. This is supported given the fact that the number and sizes of larger retail stores permitted are still maintained within the Zoning By-law.

49. The Retail Village provisions of the Zoning By-law require the above mentioned larger stores to provide at least one public entrance directly from the Retail Village (Main Street) to be counted towards the required minimum building footprint of the Village. The Applicant's recent concept plans show smaller retail stores fronting on to the Retail Village with the larger boxes attached at the rear. In this condition the larger stores would not have direct public access from the Retail Village and as such would not be counted as part of the Retail Village. In Staff's opinion, providing smaller commercial units facing on to and accessed directly from the Retail Village is more in keeping with the desired pedestrian character and scale of the Village. Therefore, staff support the proposed amendment with the understanding that the larger units would only be counted if they had direct access from the Retail Village and/or smaller commercial units with direct public access from the Village were constructed directly adjacent to the larger units. Staff would work with the Applicant to formulate the wording within the Zoning By-law to achieve this.

Increase Maximum Gross Floor Area of Retail Village Devoted to Retail Stores with Minimum Gross Floor Area of Less than 279 square metres (3,000 square feet) from 10% to 25%

50. The By-law currently stipulates that "the minimum size of any retail store within the Retail Village shall be 93 square metres (1,000 square feet). Notwithstanding, no more than 10% of the gross floor area of the Retail Village shall be devoted to retail stores having a minimum floor area of less than 279 square metres (3,000 square feet), excluding kiosks." The applicant is proposing to increase the percentage of what can be referenced to as "small unit" retail space permitted within the Retail Village from 10% to 25% for the purposes of increasing the leasing flexibility required to implement the Retail Village portion of the development.
51. *The original intent of the restriction on "small unit" retail stores was to ensure the Retail Village component of the Park Place development was differentiated from Downtown Barrie thus mitigating potential retail sales impacts on the Downtown. At the time of formulation of the Zoning By-law, it was assumed that the average store size in the Downtown was between 132 square metres (1,400 square feet) and 139 square metres (1,500 square feet).*
52. *In Staff Report PLN060-05 (original staff report presented to and approved by Council considering the Park Place application and the City's alternate "all Business Park" proposal), staff noted that the main street format of the Retail Village would compete with the City's historic Downtown main street retailers. However, it would have less of an impact if the stores were restricted to a minimum size allowing the City's Downtown store owners to cater to a niche market, with the differentiation often offered by the sole proprietor, entrepreneur. Within the same staff report, staff also noted that Doug Annand of urbanMetrics inc., in his market study consultant report prepared for the City, commented that "some restrictions on the number of small unit stores in the project under a certain size (e.g. 3,000 square feet) may also be considered to ensure differentiation of the project from the Downtown." The OMB also recognized this point as in its findings it was stated that "Mr. Annand concluded in his July 2003 peer review that the proposal could be sufficiently differentiated from the City's Downtown and subsequently came to the same conclusion after undertaking a full Market Impact Analysis for the City in March 2005. He recognized that there could be risks associated with the proposed development, but that **through proper zoning controls** (emphasis added), it could be ensured that the development is built as proposed and in a manner which differentiates it from the traditional retail hierarchy in the City of Barrie." These comments and references lead to the inclusion of the 10% restriction in the*

Zoning By-law that was negotiated between the City and Park Place and ultimately approved by the OMB.

53. Notwithstanding the above, Mr. Annand, in his 2005 report (as quoted from PLN060-05) stated that "although certain stores that may be included in Park Place could compete with businesses in the Downtown, for the most part, the specific types of shops and services already in the Downtown will not be located in Park Place. Furthermore, although the "lifestyle" village core component of Park Place may have similarities to the Downtown in terms of pedestrian friendly environment and main street design/facades, it will not replace Downtown Barrie given its historical character (old buildings and architecture), mix of uses and location on Kempenfelt Bay." Staff believe that this statement remains true and generally believe that Park Place would not compete directly with the Downtown in all instances and that the success or failure of Downtown would not hinge solely on Park Place. However, staff believe that some protection is still warranted given the importance of the Downtown and the City's continued investment in its future. It is for this reason that staff is concerned about the magnitude of the requested percentage increase.
54. To provide a frame of reference, staff have computed what the theoretical net impact could be in terms of the potential volume of "small unit" retail stores that would be permitted by the increase to 25% in combination with the proposed decrease in the overall size of the Retail Village being proposed by the applicant. For this calculation, staff assumed an average store size of 186 square metres (2,000 square feet) as this falls between the 93 square metres (1,000 square foot) minimum size of store permitted in the Retail Village and the current 279 square metres (3,000 square foot) "small unit" store threshold. The calculations are summarized in the following table:

	Minimum Area of Retail Village	Maximum Percentage of "Small Unit" Space in Retail Village	Maximum Amount of "Small Unit" Space Permitted	Approximate Number of "Small Unit" Stores Permitted**
Current Zoning By-law	24,840m ² (267,376sf)	10%	2,484m ² (26,737sf)	13
Proposed Zoning By-law	15,700m ² (168,993sf)	25%	3,925m ² (42,248sf)	21
Alternative Option (15%)	15,700m ² (168,993sf)	15%	2,355m ² (25,349sf)	13

** Assume Average Size of "Small Unit" Store would be 186 square metres (2,000 square feet)

55. Assuming the average store size of 186 square metres (2,000 square feet), the increase in the "small unit" percentage in combination with a decrease in the overall size of the Retail Village could result in potentially 21 "small unit" stores locating within the Retail Village as opposed to 13 under the current by-law. In staff's opinion, this is a significant increase which could impact the Downtown and therefore do not support the request. Staff believe that removing the staging and phasing requirements, reducing the size of the village, increasing the maximum store frontages and removing the restriction on the types of stores within the village would sufficiently provide the necessary flexibility to ensure leasing and ultimate build out of the project.
56. As an alternative, staff calculated the resulting number of stores if the percentage was increased from the current 10% to 15%. Staff would be willing to support a small increase in the percentage (15%) as the resulting number of "small unit" stores under this scenario would be the same as under the current by-law standard. This would retain the existing planned balance between providing flexibility in leasing and some protection of the Downtown as originally envisioned through the implementation of the performance standard.

57. *Based on further discussion, the applicant proposes to reduce the "small unit" size threshold from 279 square metres (3,000 square feet) to 186 square metres (2,000 square feet). The applicant has indicated that the reason for this is to provide additional leasing flexibility to accommodate the fact that retail stores in general have reduced their typical floor space, i.e. stores are smaller. Given that staff understands from previous research that the average store in the Downtown is generally between 130 square metres (1,400 square) and 140 square metres (1500 square feet), limiting the percentage of "small unit" retail stores based on a size of 186 square metres (2,000 square feet) would be appropriate. As such, staff are recommending that the "small unit" retail store standard be amended to read in part as follows: "Notwithstanding, no more than **15%** of the gross floor area of the Retail Village shall be devoted to retail stores having a minimum floor area of less than **186 square metres (2,000 square feet)**."*

Remove Maximum Store Frontage Requirement within the Retail Village

58. *The Zoning By-law currently limits the frontages of individual stores to 30 metres within the Retail Village. The applicant originally proposed to eliminate this requirement in its entirety. Upon further review and consideration, the applicant has amended their request and is proposing to retain the restriction with an increase to 40 metres for individual stores. The applicant has indicated again that this will provide more flexibility in leasing and allow them to better respond to market forces.*
59. *Once again, the intent of this restriction was to ensure the unique pedestrian scale and main street character of the Retail Village. Wider stores, in staff's opinion, provide less of a pedestrian feel and result in a built form that is more typical of larger format stores. With no limitation on frontages, staff believe that the Retail Village would lose its planned character and would become just another line of large format stores which would be more appropriately accommodated on the balance of the Park Place property. As such, staff were not supportive of the original proposal.*
60. *In staff's opinion, the increase from 30 metres to 40 metres is minor and will provide some additional flexibility to the tenant while preserving the original intent of the Zoning By-law restriction.*

Removal of 2nd Storey Office Requirement and Central Roundabout

61. *The current Zoning By-law requires a minimum of 13,935 square metres (150,000 square feet) of business and professional offices to be constructed on the Area 1 lands (lands zoned C4-SP-304). Of this amount, a minimum of 9,290 square metres (100,000 square feet) is to be constructed as second floor office space within the Retail Village, surrounding the largest and centrally located roundabout (see Schedule of current Zoning By-law attached as **Appendix "C"**). The applicant is proposing to eliminate the minimum office space requirement in its entirety. In addition, the applicant is proposing to delete the central roundabout, on which the 2nd storey office was to be located.*
62. *In staff's opinion, the inclusion of some mandatory office space within the Area 1 lands is an important planning consideration. One of the successful arguments of Park Place in the OMB decision approving their original applications was the inclusion of mandatory office space, intended to attract the types of jobs the City is seeking for its employment base, in addition to the retail and other commercial uses proposed for the lands zoned C4 (SP-304). In addition, the office space being located in the Retail Village and on the same lands as the more typical box stores contributed to the unique mixed use, mixed employment development proposed by the applicant and supported by the OMB. In the OMB decision, it was stated that "the Power Town concept will present a commercial experience unique in Ontario that will attract not only shoppers and restaurant patrons to Barrie, but also prestige office and industrial users looking for an exclusive, well-supported and attractive location."*

63. Staff acknowledge that office uses would still remain to be permitted on the Stage 1 lands and that the development of the IBM building on the west side of Bayview Drive, and the planned future development of a medical office building on the lands north of the Open Space Block serve to provide in part the desired office use component. However, these developments are not located within the Area 1 lands. In staff's opinion, inclusion of office space in close geographic proximity to the Retail Village would result in the mixed employment, pedestrian oriented, vibrant and unique development envisioned by Park Place and supported by the OMB. The market evidence indicates minimal demand for 2nd storey office at this time and therefore to provide flexibility, staff support deletion of the required 2nd storey office within the Retail Village. Notwithstanding, planning considerations should prevail for the overall character of the development and therefore staff do not support the elimination of mandatory office space entirely. Staff are recommending that the amended by-law stipulates that a minimum of 9,290 square metres (100,000 square feet) of office space be constructed somewhere on the Area 1 lands, with the built form and location being approved through Site Plan Control. This equates to the original gross floor area that was to be dedicated to 2nd storey office space.
64. The deletion of the 2nd storey office requirement is being requested in conjunction with the elimination of the central pedestrian oriented roundabout. The current Zoning By-law requires "a landscaped central courtyard feature and roundabout with a minimum diameter of 26 metres or a minimum area of 570 square metres shall be provided". In lieu of providing the roundabout, the applicant is proposing a landscaped square at the north end of the Retail Village (see proposed Site Plan attached as **Appendix "G"** and concept plans attached as **Appendix "H" & "I"**). In staff's opinion, this option provides an acceptable alternative as it would provide a centrally located pedestrian amenity. The applicant envisions restaurants with patios and retail stores being located adjacent to the square, which would contribute to a vibrant "streetscape". As such, staff support the amendment subject to the square meeting the minimum size of 570 square metres required in the current Zoning By-law.
65. It should also be noted that the southern roundabout is being retained. The applicant has indicated that this roundabout will be enhanced to provide additional amenity over what was originally envisioned. The enhancements would be addressed in detail through the Site Plan amendment, which would include detailed drawings for staff review and consideration.

Removal of Phasing Provisions within Stage 1 (Lands zoned C4 (SP-304))

66. As mentioned in the OP section of the report, the current Zoning By-law contains phasing language that requires a minimum amount of gross floor area to be permitted and constructed within the Retail Village prior to permitting and construction of gross floor area outside the Retail Village. The applicant is requesting deletion of the phasing language from Section 13 of the Zoning By-law. For reference, the current Zoning By-law is attached as **Appendix "C"**.
67. The intent of this language was to ensure the Retail Village was constructed as proposed in a timely manner and that development outside the Retail Village did not take precedence, given the significance of the Retail Village within the overall development. North American has currently obtained permits for and/or constructed a significant amount of commercial and restaurant space, in addition to construction of road and parking infrastructure both within and outside the Retail Village. Given this investment, staff are confident that the Retail Village will be built in a reasonable timeframe. The flexibility will allow construction based on leasing contracts and schedules. The removal of the language would also allow the Target development to proceed in a timely fashion as approval and construction of the Target building would not be restricted by timing of construction of other buildings within the Retail Village. In addition, the Target store would act, in staff's opinion, as catalyst for development on the balance of the property including the Retail Village. The existence and design of the Retail Village would still be regulated by the amended Zoning By-law and Site Plan control. It is for these reasons that staff supports removal of the Stage 1 phasing language from the Zoning By-law.

Site Plan Control

68. The applicant has submitted a revised Site Plan that illustrates the desirable built form based on the proposed amendments to the OPA and Zoning By-law. Park Place's architect and planning consultant have prepared an Urban Design Vision which provides a detailed description of the amended project and illustrates the various elements that would be reviewed as part of the Site Plan approval process. The illustrations and supporting plans show conceptual building elevations, pedestrian amenity pace, pedestrian and vehicular linkages, and parking. The vision provides an effective tool for staff to assess the quality and appropriateness of the Site Plan submission. If the OPA and Zoning By-law amendment applications are approved, staff would be requesting more detailed design guidelines and elevations as part of the Site Plan submission. This is to ensure the highest quality of design and preservation of the key elements of the Retail Village, i.e. "Main Street" pedestrian scale, provision of pedestrian amenity, pedestrian scale buildings, and high quality building design. A concept plan showing the north and central portion of the amended Retail Village is attached as **Appendix "I"**.

Conclusion

69. Now that the required traffic improvements have been completed and construction of Park Place has begun, it is staff's opinion that the specific performance standards included in OPA 86 that are mirrored in the implementing Zoning By-law can be removed. Notwithstanding, it is critical that the general Planning analysis language in the Pre-Amble of the OPA and the general language regarding the Retail Village within the body of the OPA should remain as this language provides planning and design context that is necessary to guide the development of the Retail Village and the entire project.
70. The proposed Zoning By-law amendments would result in flexibility for the applicant in leasing and construction. Staff supports the majority of the amendments with the understanding that the modified Zoning By-law, including new site specific provisions in combination with Site Plan control, would, in staff's opinion, ensure that a unique, mixed-use, pedestrian oriented development with high quality urban design would be achieved.
71. The preservation of a required minimum amount of office within Area 1 lands would serve to ensure the Area 1 lands provide a mix of uses as originally envisioned. The applicant has indicated that the amendments would improve their ability to lease the proposed buildings and ultimately lead to build out of the project in a more timely and desirable manner. In staff's opinion, this improved development schedule could act as a catalyst for office development as the presence of restaurants, retail, and fitness uses to name a few would be seen as assets to employers. This in conjunction with Park Place's location on a major arterial and Highway 400, the transportation improvements, and the presence of a major open space block to the north would, in staff's opinion, provide favourable conditions for office development on the Area 1 lands.
72. In staff's opinion, increasing the "small unit" store percentage within the Retail Village from 10% to 25% is a significant increase and could impact the Downtown and therefore staff do not support the request. Staff believe that removing the staging and phasing requirements, reducing the size of the village, increasing the maximum store frontages and removing restriction on the types of stores within the village would sufficiently provide the necessary flexibility to ensure leasing and ultimate build out of the project. Maintaining a slightly increased "small unit" store restriction of 15% in combination with a reduction in the "small unit" gross floor area threshold from 279 square metres (3,000 square feet) to 186 square metres (2,000 square feet) in the Retail Village would, in staff's opinion, minimize the potential negative impacts on Downtown Barrie and would generally be consistent with the original standard.

73. The OMB decision supports the need for the Park Place development to be unique. It is noted in the decision that Park Place's current market consultant, Doug Annand, recognized that through proper zoning controls, it could be ensured that the development is built as proposed and in a manner which differentiates it from the traditional retail hierarchy in the City of Barrie. The Board also agreed with the appellant's (Park Place) witness that in support of the City's commercial goal to maintain, enhance and support the City's role as the primary commercial/service centre of the region, "the City must offer commercial/service facilities that are better a) qualitatively and b) quantitatively. Again, as standard commercial development increases within the regional market, Barrie will need to offer something **unique** (emphasis added) to attract consumers". Preserving the above mentioned guiding policy language in the OPA, and the implementing of revised zoning standards, in combination with Site Plan control would provide the necessary tools to ensure that Park Place is developed generally consistent with the original concept.
74. Staff have considered the stated market realities, the ultimate goal of "uniqueness", the possibility of whether the original plan is achievable given current market realities, the importance of the site within the City and area and the existing controls. Given all of these factors, staff believe that some flexibility is warranted but with some controls remaining and new controls introduced.
75. Finally, staff would note that the current development plan, if proposed for the first time, would constitute an attractive development that differentiates itself from other more typical big box development in the City and area.

ENVIRONMENTAL MATTERS

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

ALTERNATIVES

77. There are two alternatives available for consideration by General Committee:

Alternative #1

General Committee could deny the proposed amendments to the OPA and Zoning By-law.

This alternative is not recommended, as staff believe that a number of the requested amendments both in the OPA and Zoning By-law are redundant. In addition, the majority of the amendments result in a balance between flexibility in leasing and construction for the applicant and staff's ability to preserve some of the original design characteristics of the Retail Village and the development as a whole.

Alternative #2

General Committee could recommend approval of the amendments to the OPA and the Zoning By-law as requested by the applicant.

This alternative is not recommended as staff believe that some components of both the OPA and Zoning By-law should be retained and/or amended so as to provide a balance between flexibility for the applicant for leasing and construction and preservation of the "uniqueness" and primary design elements of the Retail Village and the overall development as originally proposed and approved.

Specifically, the preservation of the "small unit" retail store provision would minimize the potential impacts on the Downtown for which the City has considerable investment.

FINANCIAL

78. There are no direct financial implications resulting from the recommended motion. The Park Place development will generate a significant amount of building permit fees, development charges and property tax assessment. However, these numbers cannot be calculated at this time as the exact uses and corresponding gross floor areas are unknown at this time.
79. The Building Department has provided an estimate of potential Development Charges and Building Permit fees for the proposed Target store which is identified as Building 6-7 on the current Site Plan submission. Based on a building area of 127,929.08 square feet (11,885 square metres) and a retail rate of \$16.94 per square foot, the estimated Development Charges would be \$2,167,118.62. Based on a building area of 11,885 square metres, the estimated Building Permit fees generated, based on the current rate of \$13.25 per square metre, would be \$157,476.25.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

80. The recommendations included in this staff report support the following goals identified in the 2010-2014 City Council Strategic Plan:
- Direct and Manage Economic Development - The amendments would facilitate continued development of a significant parcel of land for commercial and employment uses contributing to the local and regional economy.
 - Manage Growth and Protect the Environment - the amendments and remaining land use controls would ensure the development proceeds in a orderly fashion on lands where required services and transportation infrastructure are already in place.
 - Strengthen Barrie's Financial Condition – the amendments would allow the Park Place development to continue to proceed with obtaining building permits and commencing construction which would increase the City's tax base and result in additional revenues generated through increased taxes, payment of development charges and payment of building permit fees.

Attachments:

- Appendix "A"** - The Original Coloured Concept Plan Approved By the OMB
- Appendix "B"** - The Approved Official Plan Amendment (OPA 86) with Corresponding Land Use Map
- Appendix "C"** - The Approved Zoning By-law (By-law 2010-130) with Corresponding Zoning Map
- Appendix "D"** - Applicant's Strike-Through Version of OPA 86 Illustrating the Proposed Amendments
- Appendix "E"** - Applicant's Strike-Through Version of By-law 2010-130 Illustrating Proposed Amendments
- Appendix "F"** - Current Approved Master Site Plan Including Area 1 Lands (Amended for LA Fitness)
- Appendix "G"** - Proposed Site Plan Recently Submitted by Applicant Representing Built Form Resulting from the Proposed OPA and Zoning Amendments
- Appendix "H"** - Proposed Pedestrian Square Concept Plan
- Appendix "I"** - Concept Plan showing the north and central portion of the amended Retail Village

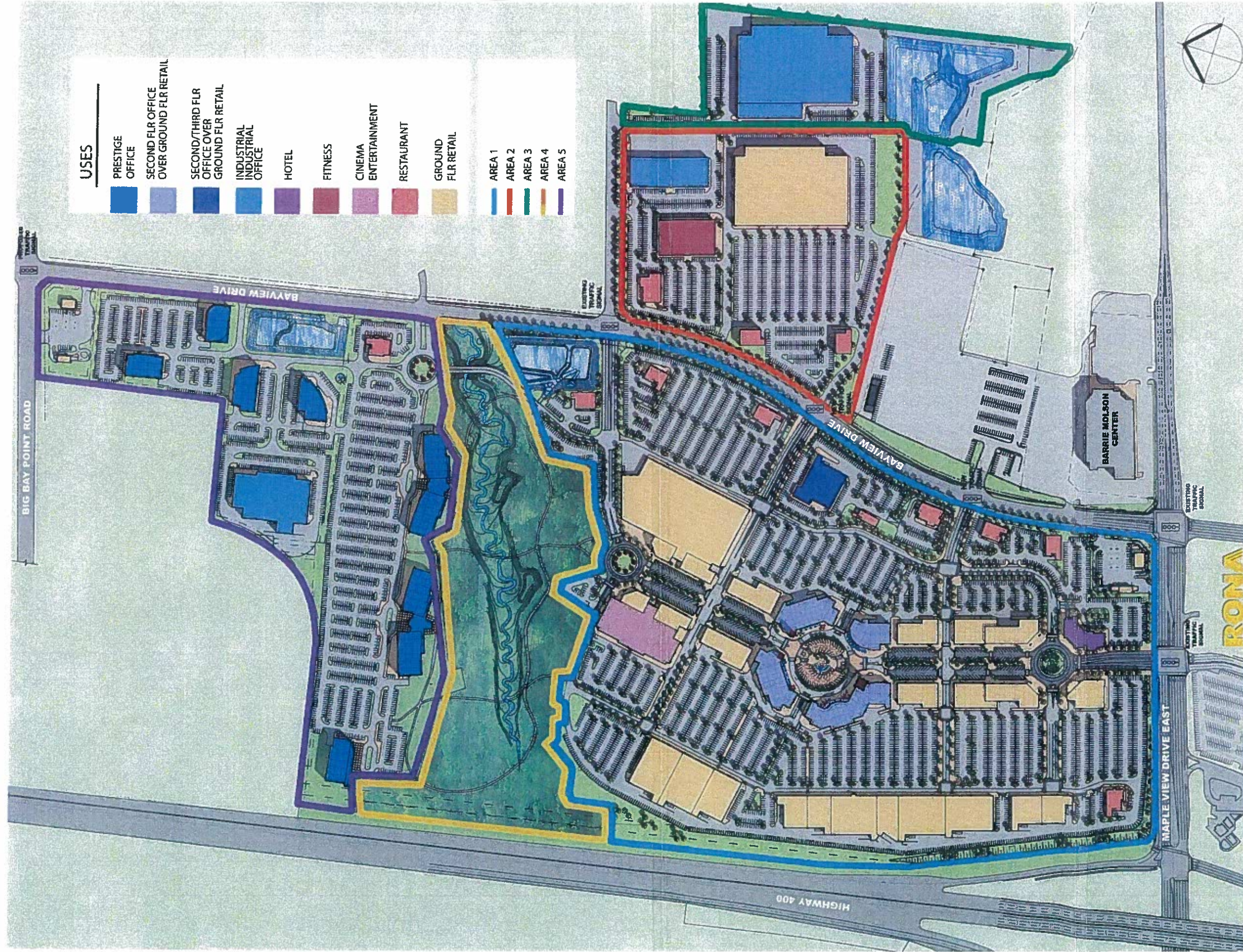
APPENDIX "A"

Original Coloured Concept Plan Approved by the OMB

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USES	
[Blue Box]	PRESTIGE OFFICE
[Light Blue Box]	SECOND FLR OFFICE OVER GROUND FLR RETAIL
[Dark Blue Box]	SECOND/THIRD FLR OFFICE OVER GROUND FLR RETAIL
[Light Blue Box]	INDUSTRIAL OFFICE
[Purple Box]	HOTEL
[Red Box]	FITNESS
[Pink Box]	CINEMA ENTERTAINMENT
[Red Box]	RESTAURANT
[Yellow Box]	GROUND FLR RETAIL
[Blue Line]	AREA 1
[Red Line]	AREA 2
[Green Line]	AREA 3
[Orange Line]	AREA 4
[Purple Line]	AREA 5

A.G.H.
ARV'S RONG • GOLDBERG • HUNTER

PETROFF

NORTH AMERICAN

MASTER PLAN AREAS

APPENDIX "B"

AMENDMENT NO. 86 TO THE OFFICIAL PLAN

FOR THE CITY OF BARRIE

The Constitutional Statement

The following Amendment to the Official Plan for the City of Barrie consists of three parts:

Part A – The PREAMBLE

The PREAMBLE consists of the purpose, location and basis for the Official Plan Amendment and does not constitute part of the actual Amendment.

Part B – THE AMENDMENT

The AMENDMENT consisting of the text constitutes Amendment No. 86 to the Official Plan of the City of Barrie.

PART C – THE APPENDIX

The APPENDIX consisting of the information pertinent to this Amendment in the form of background information. This section does not constitute part of the actual Amendment.

PART A – THE PREAMBLE

1.0 THE PURPOSE

The purpose of Official Plan Amendment No. 86 is to redesignate lands in the City of Barrie to permit a mixed use commercial, business park and industrial development on a large and highly visible site. The Amendment redesignates a part of the subject lands situated east of Highway 400, west of Bayview Drive and between Mapleview Drive East and a wooded area which transects the subject lands, from a "General Industrial" designation to a "General Commercial – Special Policy Area" designation and establishes certain locational, permitted uses, phasing and design provisions to enable the development of the lands as described for commercial purposes in the form of a "Lifestyle Centre", including a Retail Village, large and small box retail stores, offices, an hotel(s) and restaurants. The wooded area is redesignated from General Industrial to Open Space.

The lands north of the Open Space area are redesignated from General Industrial to Business Park, in order to facilitate the development of prestige office and industrial uses in a "campus like" setting. The lands situated immediately south west of the intersection of Big Bay Point Road and Bayview Drive are redesignated as General Commercial to enable the development of an automotive service station, car wash and convenience commercial retail.

The lands immediately east of Bayview Drive, designated "General Industrial" are intended for Service Industrial uses, including automobile sales and service and freestanding restaurant uses. The most easterly of the subject lands, east of Bayview Drive are to remain designated General Industrial for industrial uses.

2.0 LOCATION

The lands affected by this Amendment are located in the northeast quadrant of the Highway 400/Mapleview Drive interchange. More particularly, the lands are located east of Highway 400 north of Mapleview Drive East, and on the east and west sides of Bayview Drive. The lands affected by this Amendment consist of approximately 81 hectares. The lands were known as "Molson Park" although the former Molson Brewery does not form part of the subject lands as it was severed from the original holding in 2001 and sold to other parties and has since been demolished

3.0 BASIS

3.1 SITE CHARACTERISTICS

The topography of the site is generally well suited to the proposed development. The area where development is proposed is generally flat with gentle sloped areas. The wooded area, where development is not proposed, is valley like in character. The lands comprising the General Commercial Special Policy Area have been cleared for development.

3.2 SURROUNDING USES

These lands are located in the northeast quadrant of the Highway 400-Mapleview Drive interchange. The three other quadrants of this interchange are already designated and zoned for General Commercial use and are described as follows:

Northwest Quadrant

Commercial development is located in the northwest quadrant of the Highway 400-Mapleview Drive interchange. The extension of a new roadway (Barrie View Drive), running parallel to Highway 400 allowed for the construction of an automobile dealership, a building supply centre

and a variety of commercial uses including larger retail operations such as Chapters, Pier 1 and Sportmart and smaller retail users such as restaurants and service stations. In this quadrant of the interchange, the General Commercial designation and zoning extends approximately 550 metres westerly from Highway 400 and approximately 700 metres northerly from Mapleview Drive.

Southwest Quadrant

Lands on the south side of Mapleview Drive, west of Highway 400 have also been developed commercially, including a variety of uses such as: Wal-Mart, Sobey's, Mark's Work Wearhouse, Cineplex, Good Life Fitness, Pet Smart as well as free-standing restaurants and smaller commercial uses. Barrie View Drive does not extend southerly across Mapleview Drive West. In this quadrant, the General Commercial designation extends approximately 750 metres west of Highway 400 and in a southerly direction, approximately 900 metres.

Southeast Quadrant

Lands to the south of the subject property are designated and zoned for General Commercial use. Current uses include a Costco Store and the Ministry of Transportation Travel Information Centre. A large home improvement store (RONA) to the immediate south and a gas station/car wash/convenience store with a Tim Horton's component at the southeast corner of Bayview Drive and Mapleview Drive East are also existing commercial land uses.

Lands to the East

The Barrie Molson Centre Arena and associated parking is located east of Bayview Drive on lands designated Major Institutional. To the north, but still along Bayview Drive, the vacant lands are designated for General Industrial use.

3.3 OFFICIAL PLAN POLICY

The City of Barrie Official Plan sets out Goals for Commercial areas in Section 4.3.1 as follows:

4.3.1 Goals

- To maintain, enhance and support the City's role as the primary commercial/ service centre of the region
- To encourage the maintenance and expansion of commercial/service sector activity through the adoption of land use designations and policies which complement and enhance the efforts of the private sector in the provision of goods, services and employment opportunities.
- To promote a distribution of commercial facilities that provide a high level of convenience and accessibility for residents and limit the need for traveling extensive distances for minor purchases and local service facilities.

The redesignation of the subject lands for General Commercial and Business Park purposes at this location is consistent with the objectives and intent of this Section of the Plan, particularly given the accessibility of the site to the City and wider region.

3.4 PLANNING ANALYSIS

The entire original Molson Park site was developed as a part of the brewery in the 1970's. The 'park' component of the site was originally used as a series of baseball and soccer fields with

cross-country skiing facilities available in the winter. In the 1980's Molson's created an event facility that was added to over time, eventually hosting major outdoor concert events.

While the subject lands were originally developed as the only use in the area other than agricultural holdings, when the City of Barrie annexed the surrounding lands, and lands to the south, the development of the adjacent area proceeded. Beginning with the Costco store in the early 1990's and the development of a wide variety of retail, service and entertainment uses on the west side of Highway 400, the other three quadrants of the 400/Mapleview Drive interchange are now one of the City's major focal points of commercial uses.

The mixed-use development on the overall land holdings will consist of a wide range of employment uses including retail, office, hotel, industrial and service commercial uses. The southerly half of the property will be developed as a type of "Lifestyle Centre" featuring a Retail Village with a central boulevard. This concept provides for a pedestrian friendly shopping area. Parking areas are located to provide access without dominating the streetscape. Uses are intended to be mixed, allowing for a diverse character, creating interest for the user. Office uses are proposed within the Retail Village as well as north of the proposed Open Space area that traverses the site. It is also intended that hotel, recreational and restaurant uses will complement the retail and employment areas.

When considered in the context of the City's Land Use Plan, Schedule "A" of the Official Plan, the subject lands form the fourth and remaining quadrant at Highway 400 and Mapleview Drive, an interchange which has largely evolved into a "super regional commercial node", in industry terms. A second "super regional commercial node" exists in the City of Barrie, along Bayfield Street, north of the interchange of Highway 400 and Bayfield Street, and is locally known as the "Golden Mile".

The subject lands are essentially vacant, and possess considerable visibility to the regional traffic corridor of Highway 400 at the southerly entrance to the City of Barrie. The development of the southern portion, and the eastern portion, in part, of the subject lands for commercial purposes together with the northern portion of the subject lands for prestige employment and the most easterly portion of the subject lands for traditional industrial use(s) will create a vibrant and synergistic quadrant of mixed employment uses, supportive of the employment and service commercial objectives for the Barrie area.

As such, the redesignation of the subject lands for the uses permitted by this Amendment and the built form of the development represents good planning, subject to the provisions of this Amendment, including the phasing of the proposed development, functional studies, including transportation, infrastructure, urban design guidelines and site plan agreements.

The focus of this proposed development, being the Retail Village, represents an opportunity for commercial development characterized by high quality urban design and a pedestrian scale, in a built form that does not exist in the City of Barrie or the broader Barrie region. The development of such a unique Retail Village will further enable the City to enhance its role as the area's regional urban growth centre.

The support for this Amendment is predicated on the implementing planning documents under the Planning Act (zoning by-law and site plan control) being drafted to ensure and enable the realization of the proposed location, scale and high quality built form of the Retail Village. Provision has also been made to incorporate public transit access, to enable the integration of the Park Place development with the City's broader public transit system.

The Amendment includes site specific policies for the commercial, business park and industrial areas that would be designated "General Commercial", "Business Park" and "General Industrial". The specific policies are detailed in Part B, The Amendment.

PART B – THE AMENDMENT**1.0 INTRODUCTION**

All of this part of the document entitled Part B – the Amendment, consisting of the following text, constitutes Amendment No. 86 to the Official Plan of the City of Barrie.

2.0 DETAILS OF THE AMENDMENT

The Schedule "A" – Land Use Plan to the Official Plan for the City of Barrie is amended by redesignating lands as shown on Schedule 'A' to the Amendment, from "General Industrial" to "General Commercial", "Business Park", and "Open Space".

Schedule "C" – Special Policy Area Plan to the Official Plan of the City of Barrie is amended by designating the lands shown on Schedule "C" to this Amendment as "Special Policy Area [R]".

Section 4.8 – Special Policy Areas of the Official Plan is hereby amended to include the following:

"4.8.18 SPECIAL POLICY AREA [R]**4.8.18.1 LANDS DESIGNATED GENERAL COMMERCIAL**

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "General Commercial" on Schedule "A" shall be subject to the following provisions:

- (a) Uses The subject lands are intended to accommodate a wide range of uses generating employment including retail, office, hotel, entertainment and service commercial uses. The lands being redesignated to "General Commercial", located west of Bayview Drive and south of the Open Space area shall be zoned General Commercial (C4) (SP__). The lands designated as General Commercial south west of the intersection of Big Bay Point Road and Bayview Drive shall be zoned General Commercial (C4) (SP_) (H) to permit an Automotive Service Station, Car Wash and Convenience Retail Store.

Within the area to be zoned General Commercial (C4) (SP__), will be located the Retail Village, with location, scale, phasing and performance measures designed to require the construction of the central Retail Village as opposed to simply permitting it to occur. Certain uses which are clearly not intended to form part of the Retail Village component of the proposed development such as automobile service stations, the sale and leasing of automobiles and auto repair and taverns are not permitted as part of the Retail Village. Certain of these uses, for example, automotive sales and leasing, automotive service centres, and automotive repair uses in conjunction with automotive sales and leasing establishments or department stores shall be permitted on other lands designated and zoned General Commercial (C4) (SP) outside of, and/or adjacent to, the Retail Village.

The uses of a food store, a bookstore, a music store, or a home furnishing store may be located within the Retail Village, subject to a maximum size restriction and the gross floor areas of such stores shall be included in the overall gross floor area of the Retail Village. Office space and non-retail hotel space are permitted within the Retail Village but the gross floor area of the non-retail hotel space shall not be part of the calculation of the gross floor area of the Retail Village.

A department store and/or cinema shall be permitted outside of, and/or adjacent to, the Retail Village and the gross floor area thereof shall not be part of the calculation of gross floor area for the Retail Village. Adult entertainment parlours shall not be permitted on any of the subject lands.

Parking standards have been varied from the typical General Commercial (C4) provisions to reflect the needs of the project as identified in a parking report to the satisfaction of the City.

- (b) Master Site Plan Agreement The subject lands shall be developed in accordance with high standards of urban design and shall be subject to site plan control. The general location of buildings, design criteria, servicing and landscaping shall be identified through a Master Site Plan and Servicing Agreement, including road infrastructure, and one or more site plan agreements. The Master Site Plan Agreement shall include the provisions related to the establishment of the Retail Village, and shall include drawings showing the massing, conceptual design, and conceptual elevations of the proposed buildings, demonstrating the general intent and built form of the Retail Village, and shall be executed by the owner prior to the issuance of a building permit for all or a part of the lands designated "General Commercial".
- (c) Urban Design Guidelines The subject lands shall be developed in accordance with high standards of urban design as contained in the Urban Design Guidelines demonstrating the general intent and built form of the Retail Village and shall be approved as an Appendix to this Amendment. The Urban Design Guidelines shall include the architectural and landscaping treatment of the rear elevations/loading spaces of the buildings with exposure to Highway 400.
- (d) Retail Village Within the lands to be zoned General Commercial (C4) (SP__) the zoning by-law shall set out requirements for the Retail Village, requiring that the main entrance and entry feature for the Retail Village shall be off of Mapleview Drive. The Retail Village shall be comprised of a central pedestrian scale street and shall require that all buildings within the Retail Village face each other, except for corner buildings. Buildings are to front on not more than one internal street designed for the safe movement of a single lane in one way traffic, associated turning movements for angle and/or parallel parking, and fire and emergency vehicle access, separated by a landscaped median as described in Section (g) Landscaping.

A conceptual plan showing the general location, layout and intent of the Retail Village is included in the Urban Design Guidelines attached as Appendix 'A'. A minimum of one central feature, such as a fountain with a public square, will be required as a design element along the main street of the Retail Village. Alterations to specific aspects of the general location, scale and design elements of the Retail Village area shall not be permitted without further amendment to this Plan unless, in the opinion of Council at the time of execution of the applicable site plan agreement, the general intent and built form of the Retail Village as shown on Appendix 'A' are maintained.

- (e) Pedestrian Scale of Retail Village. The built form and design of the Retail Village will promote a strong pedestrian-related character, with cohesion between buildings, from block to block. The Retail Village is intended to create an identity and continuity of the built form environment, and be pedestrian friendly in terms of scale and streetscape amenities. Such amenities shall include trees and other high quality landscaping, street furniture and lighting fixtures, temporary and permanent kiosks and suitable sidewalks and patios. Vehicular access and on-street parking facilities shall be permitted on the central street separated by the landscaped area described in Section (g) Landscaping to avoid separating the retail stores facing one another with a vehicle dominated street and parking area, and also to provide for the safe movement of pedestrians.

(f) Scale and Built Form of Uses in Retail Village The minimum total building foot print of the Retail Village shall be 24,840 sq. m. The maximum size of any one retail store within the Retail Village shall be 1,858 sq. m., subject to the following:

(i) one or more of the following types of retail stores or parts thereof may be constructed as part of the Retail Village, and where such stores or parts of stores are located with the Retail Village, 100% of the ground floor area of the store shall be included within any calculation of ground floor area for the Retail Village, where at least one public entrance is accessed from the Retail Village:

- a food store which may be no greater than 3,716 sq. m.;
- a book store which may be no greater than 3,252 sq. m.;
- a music store which may be no greater than 3,252 sq. m.;
- a home furnishing store which may be no greater than 2,787 sq. m.; and
- the minimum size of any retail store within the Retail Village shall be 93 sq.m.. Notwithstanding, no more than 10% of the gross floor area of the Retail Village shall be devoted to retail stores within the Retail Village having a minimum floor area of less than 279 sq. m., excluding kiosks.

(ii) A minimum of 13,935 sq. m. of gross floor area shall be provided and used as office space within Stage 1 as identified in Section 4.8.18.4 of this Plan and shall include a minimum of 9,290 sq. m. of second floor office space within the Retail Village unless otherwise provided within the Retail Village as permitted in Section 4.8.18.4 of this Plan.

(g) Landscaping In keeping with the intent to develop the Retail Village with enhanced and attractive amenities and visual interest, the following landscaping provisions shall apply:

- (a) a minimum landscaped area of 8 m wide, after any road widenings required by the MTO, adjacent to the Highway 400 frontage;
- (b) a minimum landscape area of 6 m wide, after any road widenings required by the City of Barrie, adjacent to the arterial roads of Mapleview Drive and Bayview Drive, except that
 - (i) From the main entrance to the Retail Village on Mapleview Drive East to the entrance to the gas bar from Mapleview Drive East, the landscape strip shall be a minimum of 4.5 m;
 - (ii) From Mapleview Drive East entrance of the gas bar, to the daylight triangle at the intersection of Mapleview Drive East and Bayview Drive, the landscape strip shall be a minimum of 4.2 m;
 - (iii) From the daylight triangle at Mapleview Drive East and Bayview Drive to the entrance to the gas bar from Bayview Drive the landscape strip shall be a minimum of 3.5 m; and
- (c) a landscaped central feature and roundabout within the Retail Village of a minimum diameter of 26 m, or a minimum area of 570 sq. m..

It is intended that within the Retail Village, individual retail commercial uses shall be of an appropriate scale, having attractive store fronts, with varying facades and frontages. Individual store front widths within the Retail Village shall be limited to maintain the intended main street fabric. The built form within the Retail Village shall be designed in keeping with the Retail Village theme. A mix of retail and restaurant uses (including outdoor seating areas) and office uses shall be encouraged. Loading areas shall be screened and/or provided at the rear or below grade.

- (h) Phasing of Retail Uses. The retail commercial development in the area to be zoned General Commercial (C4) (SP__) shall be constructed in phases to ensure that certain minimum segments of the Retail Village are constructed as an integral part of the overall project. To achieve suitable phasing, the zoning by-law shall include provisions that require minimum standards of phasing of commercial space in this zone in relation to the issuance of building permits and construction of ground floor commercial space within the Retail Village. The following phasing is to be contained within the implementing zoning by-law:

Phase 1: No more than 9,290 sq. m. of commercial space may be constructed outside the Retail Village prior to the issuance of a building permit(s) for at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space within the Retail Village.

Phase 2: No more than 18,580 sq. m. of commercial space may be constructed outside the Retail Village unless:

- (a) at least 9,290 sq. m of ground floor commercial space including office and excluding non-retail hotel space have been constructed within the Retail Village; and
- (b) one or more building permits have been issued for a total of at least 18,580 sq. m. of ground floor commercial including ground floor office and excluding non-retail hotel space within the Retail Village.

Subsequent Phases: Additional commercial space may be constructed without further restrictions relating to the phasing of the Retail Village following the completion of construction of at least 18,580 sq. m. and the issuance of one or more building permits for a total of at least 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.

No more than 60,387 sq. m. of the Stage 1 commercial space may be constructed without the construction of at least 9,290 sq. m. of office space within the Retail Village and one or more building permits have been issued for at least 4,645 sq. m. of office space within the lands to be zoned General Commercial (C4) (SP__).

- (i) At least one public transit facility shall be provided on the lands to be zoned General Commercial (C4) (SP__), which may include a bus layaway lane(s) and a public transit shelter.

Development of all the lands that are the subject of this Amendment shall be phased to ensure that existing or planned road and intersection capacities are adequate to enable the phased construction of the Retail Village.

4.8.18.2 LANDS DESIGNATED GENERAL INDUSTRIAL

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "General Industrial" on Schedule "A" shall be subject to the following provisions:

The lands designated as "General Industrial" immediately east of Bayview Drive shall be zoned Service Industrial (EM3) (SP__) (H) and may be used for purposes in accordance with the Service Industrial (EM3) zone plus automobile sales and no more than two freestanding restaurants along the frontage of Bayview Drive.

4.8.18.3 LANDS DESIGNATED BUSINESS PARK

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "Business Park" on Schedule "A" shall be subject to the following provisions:

The lands designated as "Business Park" shall be zoned Business Park EM 1 (SP) (H) to accommodate Business Park type land uses in a campus-like setting in accordance with Section 4.4.2.3 of this Plan. It is the policy of this Plan that these Business Park lands be used for such purposes and as such, it is the policy of this Plan that the Business Park land use, for these lands, shall not be reviewed for at least a 10 year period after this Special Policy Area comes into full force and effect.

4.8.18.4 STAGING POLICIES

A (H) Holding provision shall be used to ensure for specified stages, the provision of appropriate physical servicing in accordance with a functional report, traffic infrastructure improvements and the staging of the proposed commercial development, and to ensure that site plan agreement(s) and, if necessary, other agreements, are provided to the satisfaction of the Council of the City of Barrie prior to the removal of the (H) and the issuance of any occupancy for each appropriate stage.

Sections 4.8.18.1 to 4.8.18.3 establish the principle of land use for the entire Special Policy Area, in accordance with the policies of each respective land use designation. Development of lands within this Special Policy Area shall be staged to ensure that the necessary transportation infrastructure is constructed prior to occupancy being permitted for each stage of development. The stages of development and the Official Plan provisions directing the release of each stage are as follows:

- (1) Stage 1 is not subject to an (H) provision. Subject also to Sections 4.8.18.1 of this Plan a maximum gross floor area of 74,840 sq. m. may be permitted, of which:
 - (i) 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space shall be constructed with the Retail Village.

No less than 13,935 sq. m. of business and professional offices shall be constructed with the lands to be zoned General Commercial (C4) (SP__) including a minimum of 9,290 sq. m of second floor business and professional office space as part of the initial phases of development and located within the Retail Village in the buildings surrounding the main (central) roundabout. Up to 20% of the second floor office space may be used for retail, personal service or restaurant uses provided the balance

of the 9,290 sq. m. of office space is constructed elsewhere in the Retail Village.

- (ii) the gross floor area of the former Molson House is excluded from the Stage 1 gross floor area calculations.

and subject to the following:

- (a) a Site Plan pursuant to Section 41 of the Planning Act 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 3(1), location of buildings, landscaping, servicing and provisions of infrastructure;
 - (b) a Site Plan Agreement satisfactory to the City respecting the matters referenced in Subsection 3(1)(a) has been entered into with the owner of the lands.
 - (c) one or more agreements between the City and/or the Ministry of Transportation ("MTO"), where required, have been entered into, which agreements shall ensure the completion of the specified road improvements to be set out in the implementing Zoning By-law and the said agreement.
- (2) Stage 2 is subject to an (H) provision. The (H1) symbol shall be removed by the City for all or part of the lands within this amendment area upon completion of the following matters to the satisfaction of the City:
- (a) 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 shall ensure completion of same prior to building occupancy;
 - (b) the City has circulated the traffic impact study referred to in Section 3(2)(a) 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;
 - (c) a Site Plan pursuant to Section 41 of the Planning Act has been approved for all or part of the lands identifying the mix of proposed land uses which shall be consistent with the mix of uses relied upon for purposes of completing the traffic impact study referenced in subsection 3(2)(a), location of buildings, landscaping, servicing and provisions of infrastructure;

- (d) 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 (2)(a).
- (e) For the purpose of this Plan, "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:

Land Use Category	Conversion Factor
<i>Industrial</i>	1.0
<i>Business and Professional Office</i>	1.7
<i>Retail and Commercial</i>	2.5
<i>Hotels</i>	1.25
<i>Institutional</i>	3.0

- (f) 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 Special Policy.
- (g) Notwithstanding any other provision of Subsection 3(2) of this Amendment, the maximum Retail and Commercial entitlement within 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 Section (2)(e).
- (3) Stage 3 is subject to an (H) provision. For Stage 3, a zoning by-law amendment is required to remove the Holding provisions to permit additional floor area above the maximum Indexed Floor Area of 267,561 sq m. As part of the review of the traffic information in support of such a zoning by-law amendment, in accordance with the land use designation and policies of this Plan, an Official Plan Amendment to the Transportation schedules and/or policies of the Plan may be required. The purpose of requiring a zoning by-law amendment is to permit a review of existing traffic capacity and identification of additional transportation infrastructure required by the additional floor area.

Subject to the requirement for a zoning by-law amendment and, if necessary, an Official Plan Amendment, the (H2) symbol restriction on additional floor area above 267,561 sq. m. that applies to Stage 3 shall be removed by the City for all or part of the lands within the amendment area upon completion of the following matters to the satisfaction of the City:

- (a) A traffic impact study prepared to the satisfaction of the City establishing that traffic infrastructure necessary to support development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, which agreement(s) has been entered into to ensure the completion of same prior to building occupancy;
- (b) the City has circulated the traffic impact study referred to in Section (3)(a) 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;

- (c) a Site Plan pursuant to Section 41 of the Planning Act has been approved for all or part of the lands identifying the mix of proposed land uses which shall be consistent with the mix of uses relied upon for purposes of completing the traffic impact study referenced in subsection (3)(a), location of buildings, landscaping, servicing and provisions of infrastructure;
- (d) 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 (3)(a).

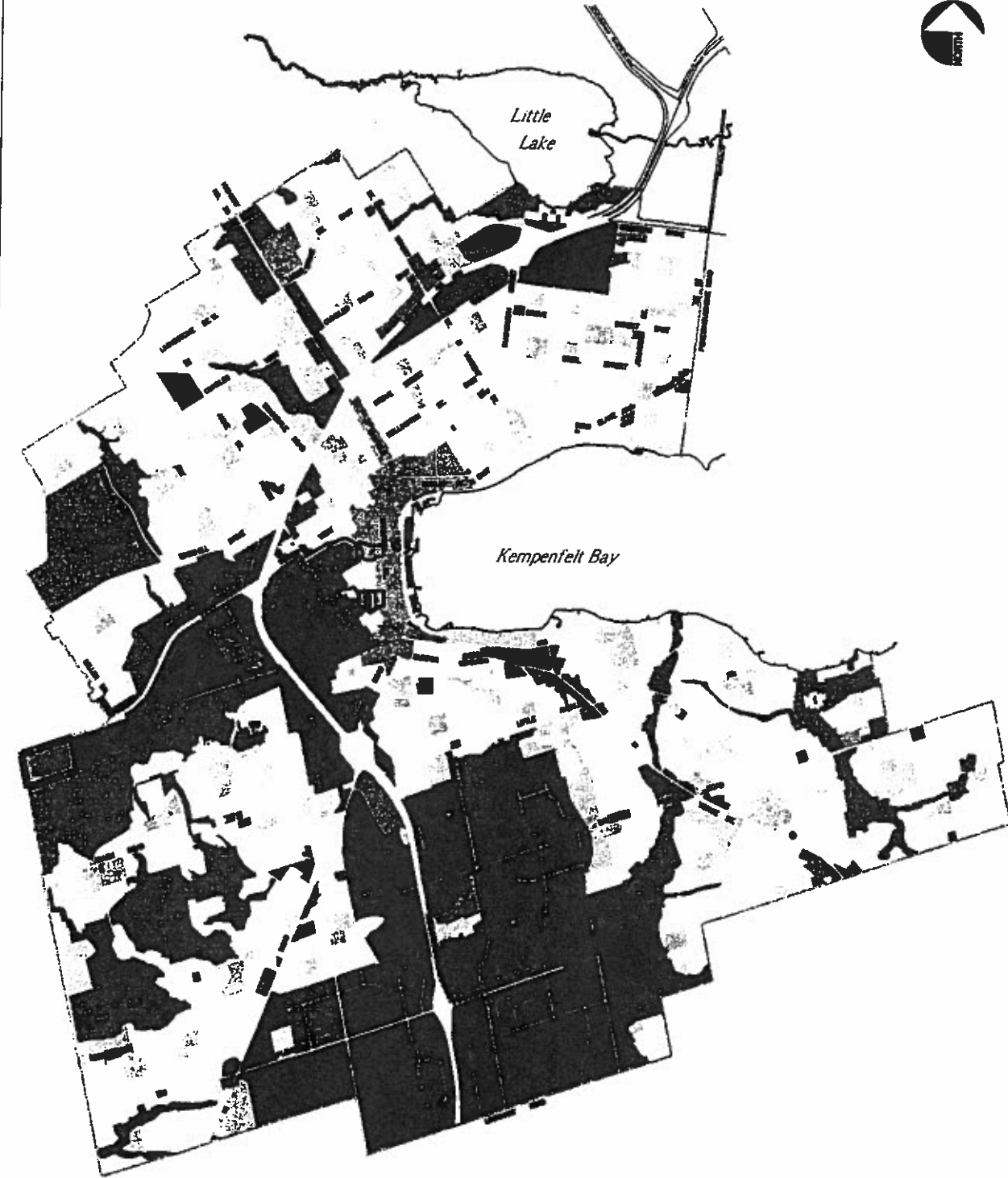
3.0 IMPLEMENTATION

The provisions of the Official Plan for the City of Barrie concerning the implementation of that Plan shall also apply to this Amendment.

A by-law amendment to the City of Barrie Zoning By-law (85-95) will be approved to rezone the subject lands from Restricted Industrial (M1) and Heavy Industrial (M2) to General Commercial (C4) (SP__), General Commercial (C4) (SP) (H1) (H2) Service Industrial (EM3) (SP__ (H1) H2), Business Park (EM1) (SP__ (H1) (H2), General Industrial (EM4) (SP) (H1) (H2) and Open Space (OS) zones. The project may be developed in phases, followed by detailed site plan agreement(s) for individual phases. The implementing Zoning By-law shall include provisions that ensure that the Retail Village is constructed as part of the initial phase(s) of the project.

4.0 INTERPRETATION

The provisions of the Official Plan for the City of Barrie concerning the interpretation of the Plan, as amended from time to time, shall apply to this Amendment.

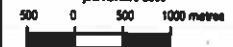


The City of
BARRIE
OFFICIAL PLAN

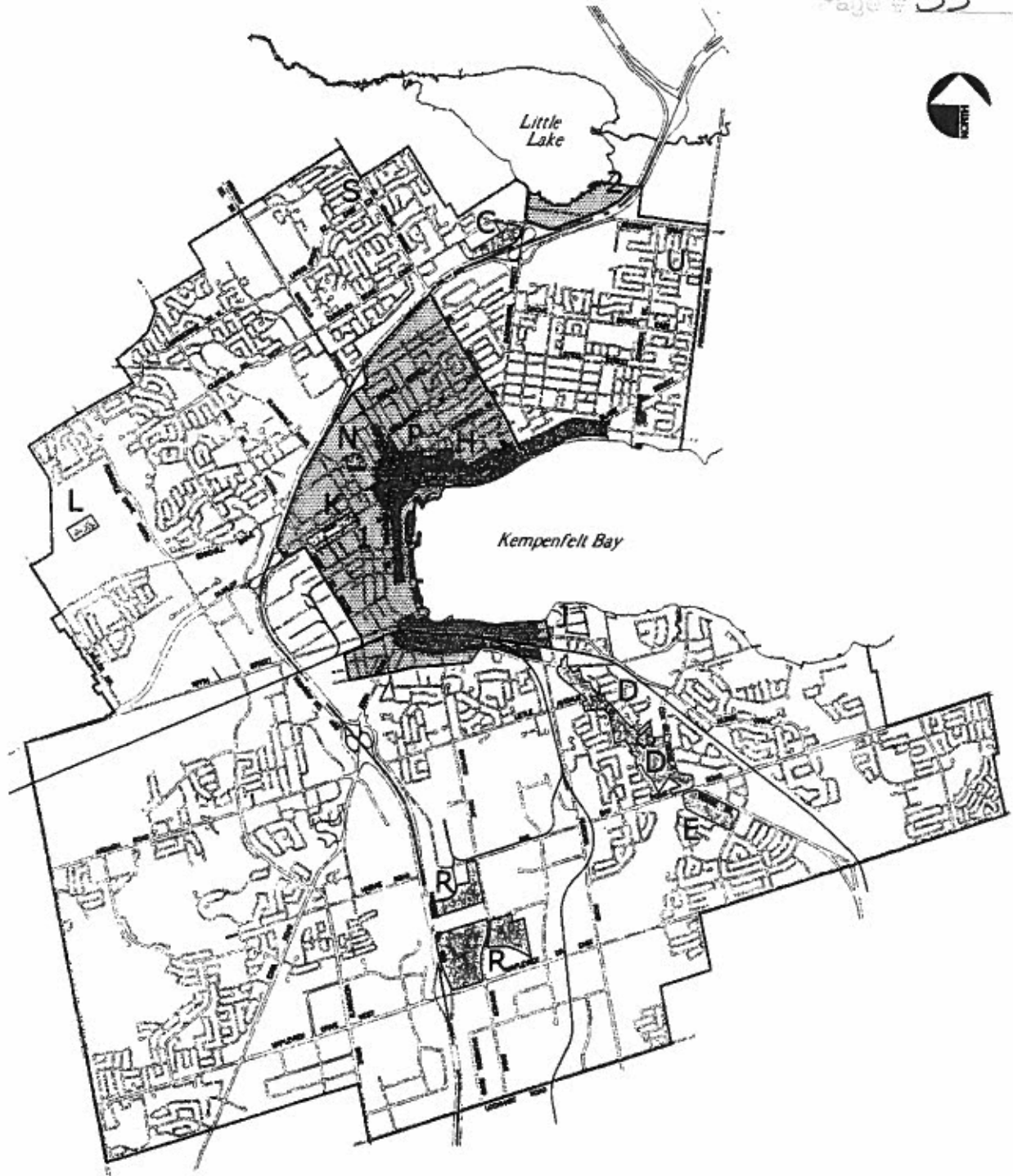
	Residential		Highway 400 Industrial		Water Treatment Centre
	City Centre		Restricted Industrial		Waste Management Facility
	General Commercial		Institutional		Future Urban
	Community Centre Commercial		Educational Institutional		Waste Disposal Assessment Area see (Section 4.7.2.4) Non-Decision
	Regional Centre Commercial		Major Institutional		City Boundary
	Business Park		Open Space		Application currently before the Ontario Municipal Board (OMB)
	General Industrial		Environmental Protection Area		Application currently before the OMB see (Section 6.4.10-Defined Policy Area B)

SCHEDULE A
Land Use

JANUARY 2010



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The City of
BARRIE
 OFFICIAL PLAN

-  SPECIAL POLICY AREA
-  CITY BOUNDARY
-  HEIGHT REVIEW STUDY
-  COMMUNITY IMPROVEMENT POLICY AREAS 1 AND 2

SCHEDULE C
Special Policy
Areas
 FEBRUARY 2009

Note: Office consultation, please consult the Planning Services Department for an accurate reference. Not to be reproduced without permission from the City of Barrie Planning Services Department.

APPENDIX "C"

Approved Zoning By-law (By-law 2010-130)

ISSUE DATE:

June 28, 2010



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL050527

North American Acquisition Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Barrie to redesignate land on the north side of Molson Park Drive and east of Highway 400 from "General Industrial" to "Business Park" and "General Commercial" or "Mixed Employment" to permit the development of a General Commercial and Business Park area
OMB File No. O050095

North American Acquisition Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 85-95 of the City of Barrie to rezone lands respecting Part Lot 9, Concession 12, Molson Park Drive from Restricted Industrial M1 and Heavy Industrial M2 to C4 General Commercial Space 304 (H), C4 General Commercial Space 305 (H), EM1 Business Park and Open Space to permit the development of commercial and industrial development
OMB File No. Z050076

North American (Park Place) Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lot 7 and Lot 8, Concession 12 in the Township of Innisfil, now the City of Barrie
OMB File No. M050128

S U B M I S S I O N S :**Parties****Counsel*/Agent**

North American Acquisition Inc.

N. J. Pepino*

City of Barrie

R. Carlson*

400 Barrie-Power Centres Inc. and 400
Barrie-Power Centres I Inc.

Y. E. Choi for M. Bull*

CHUM Ltd.

T. Barlow*

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER ON
JUNE 28, 2010 AND ORDER OF THE BOARD**

This is a hearing of the Board regarding the issuing of its final Order following from Decision/Order 3067 issued October 31, 2006 by the Board otherwise constituted. This hearing was held by telephone conference call with the above-noted Parties connected.

The matter relates to the appeals by North American Acquisition Inc. (Applicant) from the Council of the City of Barrie's (City) refusal to enact proposed amendments to the applicable City Official Plan (OP) and to By-law 85-95, as amended, (By-law) to permit the development of general commercial and business park uses (proposal) on land at the northeast corner of Highway No. 400 and Molson Park Drive including lands on the east and west sides of Bayview Drive (subject property). The subject property is widely known as the former Molson Park lands. The applications were submitted in 2002 and further revised in the fall of 2004.

The Parties have now fully resolved the outstanding matters set out in Attachment "3" to the Board's Decision/Order 3067. These resolutions are set out in a joint submission of the City and Applicant presented as Exhibit No. 158.

J. W. Taylor, on behalf of the City, and M. Goldberg, on behalf of the Applicant, present their expert land use planning evidence and opinion in the form of Affidavits, included in Exhibit No. 158, in support of the final form of Official Plan Amendment No. 86, Exhibit "K" to the Affidavit of Taylor, and the Amendment to the By-law, Exhibit "L" to the Affidavit of Taylor. They confirm both being consistent with the determination of the Board in Decision/Order 3067. They also confirm the changes to be minor and that they result from the final details of the Site Plan. They confirm that the changes represent good planning. The final Site Plan Agreement, now executed by the Parties, is Exhibit "N" to the Affidavit of Taylor.

No other evidence was proffered.

The Board relies upon and adopts the evidence of the land use planners that was not contradicted.

Having received and reviewed the joint submissions of the Applicant and City, the Board finds that the requirements set out in Attachment "3" to the Board's Decision/Order 3067 issued October 31, 2006 have been satisfied.

The Board Orders that Official Plan Amendment No. 86 for the City of Barrie, a copy of which is found at Exhibit "K" to the Affidavit of James W. Taylor set out in Exhibit No. 158, is hereby approved.

The Board Orders that By-law 85-95 is amended in the manner as set out in Exhibit "L" to the Affidavit of James W. Taylor set out in Exhibit No. 158. The City Clerk is authorized to assign a number to the By-law Amendment for record keeping purposes.

The Board Orders that the Site Plan is approved pursuant to the executed Site Plan Agreement found at Exhibit "N" to the Affidavit of James W. Taylor set out in Exhibit No. 158.

The Board commends the efforts of the Parties in the final resolution of these planning instruments.

"D. R. Granger"

D. R. GRANGER
VICE-CHAIR

May 27, 2010

Bill No. 136BY-LAW NUMBER 2010-130

A by-law of The Corporation of the City of Barrie to amend By-law 85-95 and By-law 2009-141 a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Ontario Municipal Board deems it expedient to amend By-law 85-95 as set out hereafter:

AND WHEREAS as of the time of the approval of this by-law, By-law 2009-141 has been passed by Council but is under appeal and therefore it is required that By-law 2009-141 also be amended.

NOW THEREFORE the Ontario Municipal Board approves as follows:

1. THAT the zoning of the lands described as:
 - (i) firstly, lots 7, 8 and 9, Concession 12, former Township of Innisfil, designated as Parts 1-18 on Plan 51R-31901; and
 - (ii) secondly lots 7, 8 and 9, Concession 12, former Township of Innisfil, designated as Parts 19, 23, 24, 25, 28, 31, 40 and 41 on Plan 51R-31901,

is amended to change the zoning thereof from Restricted Industrial M1 and Heavy Industrial M2 to General Commercial (C4) (SP-304), General Commercial (C4) (SP-454) (H1-98) (H2-99), Business Park (EM1) (SP-407) (H1-100) (H2-101), Service Industrial (EM3) (SP-408) (H1-102) (H2-103), General Industrial (EM4) (SP-409) (H1-104) (H2-105) and Open Space (OS) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map. Upon the Holding (H) symbols being removed from the zoning provision related to all or part of such lands, they may be used in accordance with the respective provisions of this By-law.

2. All definitions, provisions and performance standards of By-law 85-95 and By-law 2009-141 as they existed on (the date of the OMB's Final Order), 2010 will apply insofar as they pertain to these lands save for the exceptions set out in this By-law. In the event of a conflict between any provision of By-law 85-95 as it existed on (the date of the OMB's Final Order), 2010 and By-law 2009-141 as it existed on (the date of the OMB's Final Order), 2010, the more restrictive provision of the two By-laws shall apply.

DEFINITIONS

3. THAT for the purpose of this By-law the following definitions shall apply:

"RETAIL VILLAGE" shall mean a grouping of buildings, designed and developed with a high quality of urban design, with a main street type of urban design, at a pedestrian scale and with pedestrian amenities. This mixed use employment area consists of retail, office, restaurant, accommodation, entertainment and service commercial uses.

"Kiosk" shall mean a free-standing permanent or temporary building or structure, located within the Retail Village, not exceeding 50 sq. m., used for the selling of wares and/or services and/or for promotional purposes and/or the preparation and selling of food and beverages and/or administrative and maintenance, including public washroom, purposes.

PERMITTED USES

Table A

COMMERCIAL	General Commercial C4(SP-304)	General Commercial C4(SP-454)	Business Park EM1 (SP-407)	Service Industrial EM3 (SP-408)	General Industrial EM4 (SP-409)
Accessory Employee Use			X	X	X
Accessory Retail			X	X	X
Animal Hospital	X				
Assembly Hall			X	X	
Auto Leasing Establishment	X			X	
Auto Repair Establishment	X			X	X
Auto Sales Establishment	X			X	
Automotive Service Station	X	X			
Bake Shop	X				
Bank	X		X	X	
Bingo Hall	X				
Building Supply Centre	X			X	X
Bus Terminal	X				
Bus Transfer Station	X				
Car Wash	X	X		X	X
Clinic (By-law 86-265)	X				
Conference Centre	X		X	X	
Custom Workshop	X			X	X
Data Processing Centre	X		X	X	X
Drive-Through Facility	X		X	X	X
Dry Cleaning Establishment				X	X
Entertainment Establishment	X				
Fair Grounds	X				
Farm Implement Dealer	X				

Fitness or Health Club	X		X	X	
Florist	X				
Funeral Establishment	X				
Golf Driving Range					X
Golf Driving Range (Indoor)	X				
Hotel, Motel,	X		X	X	
Kennel in wholly enclosed building	X				
Laundry or Dry Cleaning Depot	X				
Local Convenience Retail	X				
Marina,	X				
Miniature Golf (Indoor)				X	
Miniature Golf (Outdoor)	X			X	
Nursery or Garden Supply Centre	X			X	X
Office	X		X	X	X
Office, Medical	X				
Outdoor Display and Sales Area	X				
Parking Lot,	X				
Personal Service Store	X				
Photography Studio	X		X	X	
Private Club	X				
Private/Public Art Gallery	X				
Recreational Establishment	X			X	
Rental Store	X				
Restaurant	X		X ⁽¹⁾	X ⁽¹⁾	X ⁽¹⁾
Retail Store,	X	X ⁽³⁾			
Service Store,	X		X	X	X
Shopping Centre	X				
Theatre	X				
Trade Centre	X			X	
Transmission Establishment (Cellular or Electronic)					X
Veterinary Clinic			X	X	X
Wholesale Establishment	X			X	X
INDUSTRIAL					
Animal Pound				X	X
Bakery				X	X
Concrete Product Manufacturing					X
Foundry					X
Manufacturing & Processing in Wholly Enclosed Building			X	X	X

Material Recovery Facility					X ⁽²⁾
Outside Storage					X
Printing & Publishing			X	X	X
Rail Transfer Facility				X	X
Recyclable Materials Transfer Stations					X ⁽²⁾
Rental Store Excluding Video & Electronic Rental				X	X
Research & Development Facility			X	X	X
Self Storage				X	X
Truck Terminal					X
Warehousing in Wholly Enclosed Building excluding Self Storage			X	X	X
AGRICULTURAL					
Heavy Equipment Dealer					X
Kennel					X
Kennel in a Wholly Enclosed Building				X	
INSTITUTIONAL					
Arena	X				
Art Gallery	X				
Assembly Hall, Library	X				
Commercial School	X		X	X	
Community Centre	X				
Court House, Gaol (By-law 93-46)	X				
Day Nurseries (By-law 86-265)	X		X	X	
Industrial School				X	X
Places of Worship (By-law 86-18 and 93-107)	X				
Police Station	X				

1. Shall only be permitted as part of a multi-tenant Building and shall not exceed 25% of the total gross floor area of such a building to a maximum of 300m².
2. Shall be conducted only within a fully enclosed building. No outside storage or accessory outside storage will be permitted with these uses.
3. Shall only be convenience commercial retail not to exceed 25% or 300m² of the total gross floor area of the building.

RETAIL VILLAGE SPECIAL PROVISIONS

4. The Retail Village shall be developed in accordance with the following provisions:

- (a) The Retail Village shall be located within that part of the lands zoned General Commercial (C4) (SP-304) as shown on Schedule "A".
- (b) The Retail Village shall have a minimum building footprint area of 24,840 sq. m. of ground floor area subject to the phasing provisions of this by-law.
- (c) The maximum size of any retail store within the Retail Village shall be 1,858 sq. m. subject to the following:
- (i) one or more of the following types of retail stores or parts thereof may be constructed as part of the Retail Village, and where such stores or parts of stores are located within the Retail Village, 100% of the ground floor area of the store shall be included within any calculation of ground floor area for the Retail Village where at least one public entrance is accessed from the Retail Village:
- a food store not greater than 3,716 sq. m.;
 - a book store not greater than 3,252 sq. m.;
 - a music store not greater than 3,252 sq. m.;
 - a home furnishing store not greater than 2,787 sq. m.
- the minimum size of any retail store within the Retail Village shall be 93 sq. m. Notwithstanding, no more than 10% of the gross floor area of the Retail Village shall be devoted to retail stores having a minimum floor area of less than 279 sq. m., excluding kiosks.
- (ii) a department store and/or cinema may be located immediately adjacent to one or more of the buildings comprising the Retail Village, but the gross floor area of a department store or cinema shall not be included within any calculation of gross floor area for the Retail Village.
- (d) The frontage of individual stores, excluding flankage sides of stores within the Retail Village shall be limited to no more than 30 m.
- (e) The ground floor area of any retail store located in a hotel within the Retail Village and having frontage on the central street thereof shall be included in the calculation of ground floor area for the Retail Village.
- (f) The ground floor area of any office use within the Retail Village shall also be included in any calculation of ground floor area for the Retail Village.
- (g) A minimum of 13,935 sq m. of gross floor area shall be provided and used as office space within Stage 1 as identified in Section 9.2 of this By-law and shall include a minimum of 9,290 sq. m. of second floor office space within the Retail Village as identified on Schedule "A" attached, unless otherwise provided within the Retail Village per Section 9.2 of this By-law.
- (h) The front of all buildings or structures located within the Retail Village shall face each other provided, however, that buildings located on corners may front on both intersecting streets. Such buildings, other than corner buildings, shall front on no

more than one-internal street comprised of a single lane of one way traffic in each direction, associated turning movements for angle and/or parallel parking and fire and emergency vehicle access, separated by a landscaped median of a minimum 3 m. including a minimum 1.5 m. wide planting area. No landscaped median south of the southern turning circle is required. The 1.5 m wide planting area may be bisected by pedestrian sidewalks and other hard landscaping elements such as, but not limited to benches, raised planters and public art.

- (i) The Retail Village shall be orientated to front on Mapleview Drive East, including a main entry feature.
- (j) Within the Retail Village, a height limit of 16 meters shall apply for all buildings or structures used for retail stores, restaurants, entertainment and personal service uses but not for hotels, buildings used predominantly for office commercial purposes or architectural features which may include a recreational component.
- (k) A landscaped central courtyard feature and roundabout with a minimum diameter of 26 m. or a minimum area of 570 sq. m. shall be provided. Sitting areas, kiosk structures, fountains and an outdoor fireplace area and temporary installations may be permitted within this area.
- (l) The Retail Village is to be located within the hatched area shown on Schedule "A" attached.

Prohibited uses

- 5. Notwithstanding the Table of Permitted Uses (Table A), a tavern, an adult entertainment parlour, a freestanding amusement arcade, an automotive service station, an automotive sales and/or leasing establishment, an automotive repair establishment and a residential use shall not be permitted within the lands zoned General Commercial (C4) (SP-304) comprising the Retail Village as shown on Schedule 'A' to this By-law.

Prohibited uses on lands zoned General Commercial C4 (SP-304) not comprising the Retail Village

- 6. For lands zoned General Commercial C4 (SP-304) not comprising the Retail Village, a tavern, an adult entertainment parlour and a residential use shall not be permitted. An auto repair establishment shall only be permitted in conjunction with an automotive sales and/or leasing establishment or department store. Only a maximum of 400 sq. m. of gasoline service station convenience retail shall be permitted.

BUSINESS PARK AND SERVICE INDUSTRIAL SPECIAL PROVISIONS

- 7. Notwithstanding the Table of Permitted Uses (Table A), one freestanding restaurant shall be permitted within the lands zoned Business Park EM1 (SP-407) (H1-100) (H2-101) and two freestanding restaurants shall be permitted within the lands zoned Service Industrial EM3 (SP-408) (H1-102) (H2-103).

DEVELOPMENT STANDARDS

Table B

		General Commercial C4(SP-304)	General Commercial C4 (SP-454)	Business Park EM1 (SP-407)	Service Industrial EM3 (SP-408)	General Industrial EM4 (SP-409)
Lot Area (min)		450m ²	450m ²	1300m ²	700m ²	700m ²
Lot Frontage (min)		15m	15m	30m	15m ⁽¹⁾	15m ⁽¹⁾
Front Yard (min)		6m	6m	6m	7m	7m
Side Yard (min)		3m	3m	4m	3m	
Side Yard Adjoining	Residential Zone (min)	6m	6m	10m	10m	10m
	Street (min)	5m	5m	6m	7m	7m
Rear Yard (min)		7m	7m	6m	7m	7m
Rear Yard Adjoining	Residential Zone (min)	10m	10m	15m	15m	15m
	Street (min)	6m	6m	6m	7m	7m
Lot Coverage (max)		50%	50%	50%	60%	60%
Building Height (max)			14m	45m ⁽²⁾	16m ⁽²⁾	-

1. Except in the case where an Industrial Zone abuts onto an arterial road as identified in the City of Barrie Official Plan in which case the lot frontage shall be increased to 30m.
 2. Cranes, conveying equipment and incidental equipment required for manufacturing and processing shall also be exceptions to the maximum building height standard.
8. THAT within the lands zoned General Commercial (C4) (SP-304) not comprising the Retail Village the following special provisions shall apply:
- (a) No height limit shall apply.
 - (b) a minimum landscape area 8 m. wide, after any road widening required by MTO, shall be provided adjacent to the Highway 400 frontage. No further landscaping area will be required if any additional road widenings are taken by the MTO following the first Site Plan approval.
 - (c) a minimum landscape area of 6 m. wide, after any road widenings required by the City of Barrie, shall be provided adjacent to Mapleview Drive East and Bayview Drive. Notwithstanding the aforementioned, the following landscaping provisions apply:
 - (i) From the main entrance to the Retail Village on Mapleview Drive East to the entrance to the gas bar from Mapleview Drive East, the landscape strip shall be a minimum of 4.5 m.
 - (ii) From the Mapleview Drive East entrance to the gas bar to the daylight triangle at the intersection of Mapleview Drive East and Bayview Drive the landscape strip shall be a minimum of 4.2 m.

- (iii) From the daylight triangle at Mapleview Drive East and Bayview Drive to the entrance to the gas bar from Bayview Drive the landscape strip shall be a minimum of 3.5 m.
 - (d) all loading spaces shall be located either:
 - (i) on the side of a building, or
 - (ii) screened from view, or
 - (iii) provided below grade.
 - (e) at least one public transit facility shall be provided in the area zoned General Commercial (C4) (SP-304), which may include a bus lay-by lane(s) and a public transit shelter.
 - (f) the lot line and yard adjoining Mapleview Drive shall be deemed to be the front lot line and yard and the provisions of the Table of Standards (Table B) of this by-law shall apply accordingly.
 - (g) where the lot of the General Commercial (C4)(SP-304) zone abuts the Open Space (OS) the yard requirements do not apply.
 - (h) where a lot has access via a private lane or right-of-way no yard shall apply except where it is adjacent a street.
 - (i) the prescribed time as to when a temporary building shall be removed, shall be set out in the building permit.
 - (j) the conducting of a temporary sales event and/or occasional or special event including an outside garage sale or rummage sale, whether or not for profit, shall be permitted in all zones a maximum of four (4) days per event unless a temporary permit for longer period is obtained.
 - (k) where an area has been set aside for future development a continuous poured concrete curb shall not be required.
 - (l) where a lot is adjacent an Open Space (OS) or Environmental Protection (EP) zone storm water management facilities and related outfalls as well as private roads or lanes are permitted in the OS and EP lands.
9. THAT within the lands zoned Business Park EM1 (SP-407) (H1-100) (H2-101) the following special provisions shall apply:
- (a) the lot line and yard adjoining Bayview Drive shall be deemed to be the front lot line and yard and the provisions of the Table of Standards (Table B) of this by-law shall apply accordingly.

PARKING STANDARDS

10. THAT for the lands zoned General Commercial (C4) (SP-304), parking spaces shall be supplied based on the following parking rates:

Table C

Uses	Parking
Retail Stores, Personal Service Stores, Service Stores, Banks, Hotel, Amenity Areas, Entertainment Uses, Restaurants and Cinemas	1 space for every 20.65 sq. m
Restaurants occupying in excess of 14% of the gross leasable floor area of the overall development within the General Commercial (C4) (SP-304) zone, excluding Hotels and any Restaurant space within a Hotel	1 space for every 9.29 sq. m.
Hotels	1 space for every hotel suite

LOADING SPACES

11. Except for automotive sales and leasing facilities, loading spaces shall be located adjacent to the structure for which they serve and shall be screened from view of any public street or Highway.

LANDSCAPED BUFFER AREAS

12. A minimum landscape area 8 m wide, after any widening required by MTO, shall be provided adjacent to the Highway 400 frontage. No further landscaping area will be required if any additional road widenings are taken by the MTO following the first Site Plan approval.

STAGING PROVISIONS

13. THAT notwithstanding any other provisions of this By-law, on the lands zoned General Commercial (C4) (SP-304), no building permit shall be issued unless the following requirements are met:

Phase 1: No more than 9,290 sq. m. of commercial space may be constructed outside the area identified as the Retail Village prior to the issuance of a building permit(s) for at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space within the Retail Village.

Phase 2: No more than 18,580 sq. m. of commercial space may be constructed outside the Retail Village unless:

- (a) at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space have been constructed within the Retail Village; and

- (b) one or more building permits have been issued for a total of at least 18,580 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.

Subsequent Phases: Additional commercial space may be constructed without further restrictions related to the phasing of the Retail Village following the completion of construction of at least 18,580 sq. m. and the issuance of one or more building permits for a total of at least 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.

No more than 60,387 sq. m. of the Stage 1 commercial space may be constructed without the construction of at least 9,290 sq. m. of office space within the Retail Village and one or more building permits have been issued for at least 4,645 sq. m. of office space within the lands zoned (C4) (SP 304).

14. THAT the following staging and holding provisions shall apply to the lands:
- 14.1 (a) Stage 1 will not be subject to an H provision and shall be subject to the provisions of Section 14.2 of this By-law.
- (b) Stage 2 will be subject to an H1 and shall be subject to the provisions of Section 14.4 of this By-law.
- (c) Stage 3 will be subject to an H2 and shall be subject to the provisions of Section 14.5 of this By-law.

14.2 Stage 1

That subject also to the foregoing Sections of this by-law, a maximum gross floor area of 74,268 sq. m. of which:

- (i) 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space shall be constructed within the Retail Village.

No less than 13,935 sq. m. of business and professional offices, shall be constructed within the lands zoned (C4) (SP 304) including a minimum of 9,290 sq. m. of second floor business and professional office space as part of the initial phases of development and located within the Retail Village in the buildings surrounding the main (central) roundabout as shown on Schedule "A" of this By-law. Up to 20% of the second floor office space may be used for retail, personal service or restaurant uses provided the balance of the 9,290 sq. m. of office space is constructed elsewhere in the Retail Village.

- (ii) the gross floor area of the former Molson House is excluded from the Stage 1 gross floor area calculations.

may be permitted subject to the following:

- (a) 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 Section 14.2, location of buildings, landscaping, servicing and provisions of infrastructure;
- (b) a Site Plan Agreement satisfactory to the City respecting the matters referenced in subsection 14.2(a) has been entered into with the owner of the lands.
- (c) one or more agreements between the City and/or the Ministry of Transportation ("MTO"), where required, have been entered into, which agreements ensure the completion of the following road improvements prior to building occupancy:
 - (i) Widening of Highway 400 southbound off-ramp at Mapleview Drive to four lanes;
 - (ii) Widening of Highway 400 northbound off-ramp at Mapleview Drive to four lanes;
 - (iii) An eastbound right turn lane on Mapleview Drive at the Highway 400 southbound ramp terminal intersection;
 - (iv) An additional (fourth) eastbound through lane on Mapleview Drive between Barrie View Drive and the Highway 400 southbound ramp terminal intersection, aligned with one of the existing eastbound left turn lanes east of the intersection;
 - (v) Intersection improvements at Mapleview Drive and Barrie View Drive consisting of an additional (fourth) eastbound through lane;
 - (vi) Fourth westbound lane on Mapleview Drive from Bayview Drive to Highway 400 northbound ramp, with channelization at the northbound ramp and widening of the northbound on-ramp by one additional lane;
 - (vii) Fourth eastbound connecting lane on Mapleview Drive from the Highway 400 northbound ramp to Park Place/Costco driveway, and from the Park Place/Costco driveway to Bayview Drive;
 - (viii) Intersection improvements at Mapleview Drive/Costco Driveway consisting of dual eastbound left-turn lanes, and exclusive right-turn lanes on all approaches;

- (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

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:

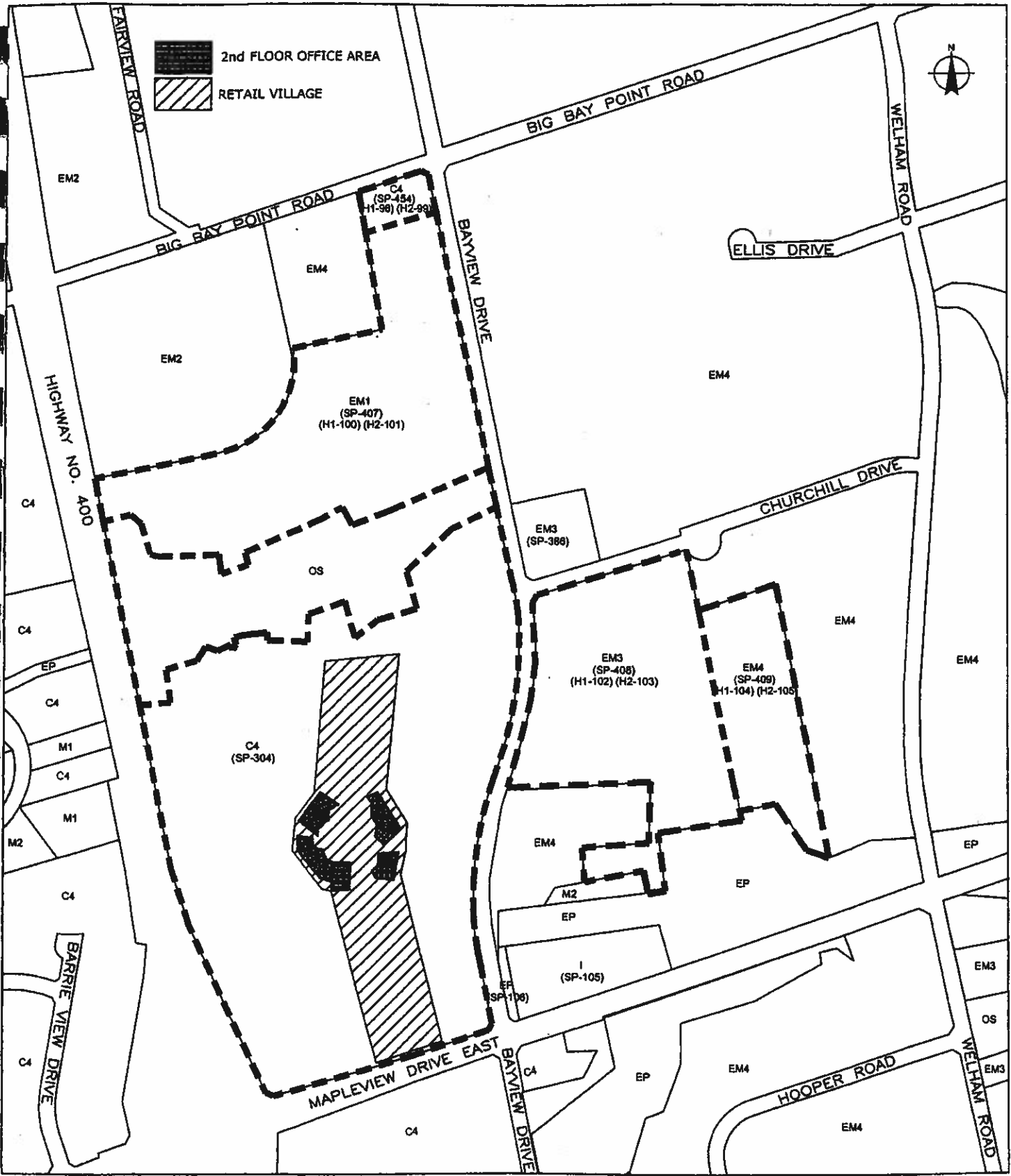
<i>Land Use Category</i>	<i>Conversion Factor</i>
<i>Industrial</i>	<i>1.0</i>
<i>Business and Professional Office</i>	<i>1.7</i>
<i>Retail and Commercial</i>	<i>2.5</i>
<i>Hotels</i>	<i>1.25</i>
<i>Institutional</i>	<i>3.0</i>

- (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.

- (b) Subject to the requirement for a zoning by-law amendment and, if necessary, an Official Plan Amendment, the (H2) symbol restriction on additional floor area above 267, 561 sq. m that applies to Stage 3 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 prepared to the satisfaction of the City establishing that traffic infrastructure necessary to support development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, which agreement(s) has been entered into to ensure the completion of same prior to building occupancy;
 - (ii) the City has circulated the traffic impact study referred to in subsection 14.5(b)(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 study is satisfactory, the City shall consider the comments received on the traffic impact study from the specified landowners;
 - (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 mix of uses relied upon for purposes of completing the traffic impact study referenced in subsection 14.5(b)(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 subsection 14.5(b)(i).
15. THAT notwithstanding any other provision of this By-law, on the lands zoned General Commercial (C4) (SP-304), General Commercial (C4) (SP-454) (H1-98) (H2-99), Business Park(EM1) (SP-407) (H1-100) (H2-101), Service Industrial (EM3) (SP-408) (H1-102) (H2-103), and General Industrial (EM4) (SP-409) (H-104) (H2-105) the provisions of this by-law shall apply collectively to the lands within each respective zone notwithstanding their future severance, partition or division for any purpose.
16. THAT except as varied by the provisions of this By-law, all other terms and provisions of By-law 85-95, as amended, shall apply to the lands set out in heavy outline on Schedule "A" attached hereto.



D14-1305 - Zoning 85-95
Park Place

APPENDIX G: OPA 86 – STRIKETHROUGH.

Proposed additions to OPA No. 86 are italicized in red, proposed deletions are with strikethrough.

May 28, 2010

**AMENDMENT NO. X86 TO THE OFFICIAL PLAN
FOR THE CITY OF BARRIE**

The Constitutional Statement

The following Amendment to the Official Plan for the City of Barrie consists of three parts:

Part A – The PREAMBLE

The PREAMBLE consists of the purpose, location and basis for the Official Plan Amendment and does not constitute part of the actual Amendment.

Part B – THE AMENDMENT

The AMENDMENT consisting of the text constitutes Amendment No. X86 to the Official Plan of the City of Barrie.

PART C – THE APPENDIX

The APPENDIX consisting of the information pertinent to this Amendment in the form of background information. This section does not constitute part of the actual Amendment.

PART A – THE PREAMBLE

1.0 THE PURPOSE

The purpose of Official Plan Amendment No. ~~xx~~ is to *refine and amend development policies related to* redesignate lands in the City of Barrie, ~~to permit a mixed use commercial, business park and industrial development on a large and highly visible site. The Amendment redesignates a part of the subject lands situated east of Highway 400, east and west of Bayview Drive and between Mapleview Drive East and Big Bay Point Road.~~

~~, from a "General Industrial" designation to a "General Commercial – Special Policy Area" designation and establishes certain locational, permitted uses, phasing and design provisions to enable the development of the lands as described for commercial purposes in the form of a "Lifestyle Centre", including a Retail Village, large and small box retail stores, offices, an hotel(s) and restaurants. The wooded area is redesignated from General Industrial to Open Space.~~

~~The lands north of the Open Space area are redesignated from General Industrial to Business Park, in order to facilitate the development of prestige office and industrial uses in a "campus like" setting. The lands situated immediately south west of the intersection of Big Bay Point Road and Bayview Drive are redesignated as General Commercial to enable the development of an automotive service station, car wash and convenience commercial retail.~~

~~The lands immediately east of Bayview Drive, designated "General Industrial" are intended for Service Industrial uses, including automobile sales and service and freestanding restaurant uses. The most easterly of the subject lands, east of Bayview Drive are to remain designated General Industrial for industrial uses.~~

2.0 LOCATION

The lands affected by this Amendment are located in the northeast quadrant of the Highway 400/Mapleview Drive interchange. More particularly, the lands are located east of Highway 400 north of Mapleview Drive East, and on the east and west sides of Bayview Drive and south of Big Bay Point Road. The lands affected by this Amendment consist of approximately 81 hectares. ~~The lands were known as "Molson Park" although the former Molson Brewery does not form part of the subject lands as it was severed from the original holding in 2001 and sold to other parties and has since been demolished~~

3.0 BASIS

3.1 SITE CHARACTERISTICS

The topography of the site is generally well suited to the proposed development. The area where development is proposed is generally flat with gentle sloped areas. The wooded area, where development is not proposed, is valley like in character. The lands comprising the General Commercial Special Policy Area have been cleared for development.

3.2 SURROUNDING USES

These lands are located in the northeast quadrant of the Highway 400-Mapleview Drive interchange. The three other quadrants of this interchange are already designated and zoned for General Commercial use and are described as follows:

Northwest Quadrant

Commercial development is located in the northwest quadrant of the Highway 400-Mapleview Drive interchange. The extension of a new roadway (Barrie View Drive), running parallel to Highway 400 allowed for the construction of an automobile dealership, a building supply centre and a variety of commercial uses including larger retail operations such as Chapters, Pier 1 and Sportmart and smaller retail users such as restaurants and service stations. In this quadrant of the interchange, the General Commercial designation and zoning extends approximately 550 metres westerly from Highway 400 and approximately 700 metres northerly from Mapleview Drive.

Southwest Quadrant

Lands on the south side of Mapleview Drive, west of Highway 400 have also been developed commercially, including a variety of uses such as: Wal-Mart, Sobey's, Mark's Work Warehouse, Cineplex, Good Life Fitness, Pet Smart as well as free-standing restaurants and smaller commercial uses. Barrie View Drive does not extend southerly across Mapleview Drive West. In this quadrant, the General Commercial designation extends approximately 750 metres west of Highway 400 and in a southerly direction, approximately 900 metres.

Southeast Quadrant

Lands to the south of the subject property are designated and zoned for General Commercial use. Current uses include a Costco Store and the Ministry of Transportation Travel Information Centre. A large home improvement store (RONA) to the immediate south and a gas station/car wash/convenience store with a Tim Horton's component at the southeast corner of Bayview Drive and Mapleview Drive East are also existing commercial land uses.

Lands to the East

The Barrie Molson Centre Arena and associated parking is located east of Bayview Drive on lands designated Major Institutional. To the north, but still along Bayview Drive, the vacant lands are designated for General Industrial use.

3.3 OFFICIAL PLAN POLICY

The City of Barrie Official Plan sets out Goals for Commercial areas in Section 4.3.1 as follows:

4.3.1 Goals

- To maintain, enhance and support the City's role as the primary commercial/ service centre of the region
- To encourage the maintenance and expansion of commercial/service sector activity through the adoption of land use designations and policies which complement and enhance the efforts of the private sector in the provision of goods, services and employment opportunities.
- To promote a distribution of commercial facilities that provide a high level of convenience and accessibility for residents and limit the need for traveling extensive distances for minor purchases and local service facilities.

~~The redesignation of the subject lands for General Commercial and Business Park purposes at this location is consistent with the objectives and intent of this Section of the Plan, particularly given the accessibility of the site to the City and wider region.~~

3.4 PLANNING ANALYSIS

The entire original Molson Park site was developed as a part of the brewery in the 1970's. The 'park' component of the site was originally used as a series of baseball and soccer fields with cross-country skiing facilities available in the winter. In the 1980's Molson's created an event facility that was added to over time, eventually hosting major outdoor concert events.

While the subject lands were originally developed as the only use in the area other than agricultural holdings, when the City of Barrie annexed the surrounding lands, and lands to the south, the development of the adjacent area proceeded. Beginning with the Costco store in the early 1990's and the development of a wide variety of retail, service and entertainment uses on the west side of Highway 400, the other three quadrants of the 400/Mapleview Drive interchange are now one of the City's major focal points of commercial uses.

The mixed use development on the overall land holdings will consist of a wide range of employment uses including retail, office, hotel, industrial and service commercial uses. The southerly half of the property will be developed as a type of "Lifestyle Centre" featuring a Retail Village with a central boulevard. This concept provides for a pedestrian friendly shopping area. Parking areas are located to provide access without dominating the streetscape. Uses are intended to be mixed, allowing for a diverse character, creating interest for the user. Office uses are proposed within the Retail Village as well as north of the proposed Open Space area that traverses the site. It is also intended that hotel, recreational and restaurant uses will complement the retail and employment areas.

When considered in the context of the City's Land Use Plan, Schedule "A" of the Official Plan, the subject lands form the fourth and remaining quadrant at Highway 400 and Mapleview Drive, an interchange which has largely evolved into a "super regional commercial node", in industry terms. A second "super regional commercial node" exists in the City of Barrie, along Bayfield Street, north of the interchange of Highway 400 and Bayfield Street, and is locally known as the "Golden Mile".

The subject lands are essentially vacant, and possess considerable visibility to the regional traffic corridor of Highway 400 at the southerly entrance to the City of Barrie. The development of the southern portion, and the eastern portion, in part, of the subject lands for commercial purposes together with the northern portion of the subject lands for prestige employment and the most easterly portion of the subject lands for traditional industrial use(s) will create a vibrant and synergistic quadrant of mixed employment uses, supportive of the employment and service commercial objectives for the Barrie area.

As such, the redesignation of the subject lands for the uses permitted by this Amendment and the built form of the development represents good planning, subject to the provisions of this Amendment, including the phasing of the proposed development, functional studies, including transportation, infrastructure, urban design guidelines and site plan agreements.

The focus of this proposed development, being the Retail Village, represents an opportunity for commercial development characterized by high quality urban design and a pedestrian scale, in a built form that does not exist in the City of Barrie or the broader Barrie region. The development of such a unique Retail Village will further enable the City to enhance its role as the area's regional urban growth centre.

The support for this Amendment is predicated on the implementing planning documents under the Planning Act (zoning by law and site plan control) being drafted to ensure and enable the realization of the proposed location, scale and high quality built form of the Retail Village. Provision has also been made to incorporate public transit access, to enable the integration of the Park Place development with the City's broader public transit system.

~~The Amendment includes site specific policies for the commercial, business park and industrial areas that would be designated "General Commercial", "Business Park" and "General Industrial". The specific policies are detailed in Part B, The Amendment.~~

PART B – THE AMENDMENT

1.0 INTRODUCTION

All of this part of the document entitled Part B – the Amendment, consisting of the following text, constitutes Amendment No. ~~X86~~ to the Official Plan of the City of Barrie.

2.0 DETAILS OF THE AMENDMENT

The Schedule "A" – Land Use Plan to the Official Plan for the City of Barrie is amended by redesignating lands as shown on Schedule 'A' to the Amendment, from "General Industrial" to "General Commercial", "Business Park", and "Open Space".

Schedule "C" – Special Policy Area Plan to the Official Plan of the City of Barrie is amended by designating the lands shown on Schedule "C" to this Amendment as "Special Policy Area [R]".

Section 4.8 – Special Policy Areas of the Official Plan is hereby amended to include **the** following:

"4.8.18 SPECIAL POLICY AREA [R]

4.8.18.1 LANDS DESIGNATED GENERAL COMMERCIAL

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "General Commercial" on Schedule "A" shall be subject to the following provisions:

(a) **Uses** The subject lands are intended to accommodate a wide range of uses generating employment including retail, office, hotel, entertainment and service commercial uses. The lands ~~being redesignated to~~ **as** "General Commercial", located west of Bayview Drive and south of the Open Space area shall be zoned General Commercial (C4) (SP304). The lands designated as General Commercial south west of the intersection of Big Bay Point Road and Bayview Drive ~~shall be~~ **are** zoned General Commercial (C4) (SP304) (H) to permit an Automotive Service Station, Car Wash and Convenience Retail Store.

~~Within the area to be zoned General Commercial (C4) (SP304), will be located the Retail Village, with location, scale, phasing and performance measures designed to require the construction of the central Retail Village as opposed to simply permitting it to occur.~~ Certain uses which are clearly not intended to form part of the Retail Village component of the proposed development such as automobile service stations, the sale and leasing of automobiles and auto repair and taverns are not permitted as part of the Retail Village. Certain of these uses, for example, automotive sales and leasing, automotive service centres, and automotive repair uses in conjunction with automotive sales and leasing establishments or department stores shall be permitted on other lands designated and zoned General Commercial (C4) (SP304) outside of, and/or adjacent to, the Retail Village.

Large format stores, such as but not limited to, ~~The uses of~~ a food store, a bookstore, a music store, or a home furnishing store may be located within the Retail Village, subject to a maximum size restriction and the gross floor areas of such stores shall be included in the overall gross floor area of the Retail Village. Office space and non-retail hotel space

are permitted within the Retail Village but the gross floor area of the non-retail hotel space shall not be part of the calculation of the gross floor area of the Retail Village.

Ad Department stores and/or cinemas shall be permitted outside of, and/or adjacent to, the Retail Village and the gross floor area thereof shall not be part of the calculation of gross floor area for the Retail Village. Adult entertainment parlours shall not be permitted on any of the subject lands.

Parking standards have been varied from the typical General Commercial (C4) provisions to reflect the needs of the project as identified in a parking report to the satisfaction of the City.

- (b) Master Site Plan Agreement The subject lands shall be developed in accordance with high standards of urban design and shall be subject to site plan control. The general location of buildings, design criteria, servicing and landscaping shall be identified through a Master Site Plan and Servicing Agreement, including road infrastructure, and one or more site plan agreements. The Master Site Plan Agreement shall include the provisions related to the establishment of the Retail Village, and shall include drawings showing the massing, conceptual design, and conceptual elevations of the proposed buildings, demonstrating the general intent and built form of the Retail Village, and shall be executed by the owner prior to the issuance of a building permit for all or a part of the lands designated "General Commercial".
- (c) Urban Design Guidelines The subject lands shall be developed in accordance with high standards of urban design as contained in the Urban Design Guidelines demonstrating the general intent and built form of the Retail Village and shall be approved as an Appendix to this Amendment. The Urban Design Guidelines shall include the architectural and landscaping treatment of the rear elevations/loading spaces of the buildings with exposure to Highway 400.
- (d) Retail Village Within the lands to be zoned General Commercial (C4) (SP304) the zoning by-law shall sets out requirements for the Retail Village, requiring that the main entrance and entry feature for the Retail Village shall be off of Mapleview Drive. The Retail Village shall be comprised of a central pedestrian scale street and shall require that all buildings within the Retail Village face each other, except for corner buildings. Buildings are to front on not more than one internal street designed for the safe movement of a single lane in one way traffic, associated turning movements for angle and/or parallel parking, and fire and emergency vehicle access, separated by a landscaped median as described in Section (g) Landscaping.

~~A conceptual plan showing the general location, layout and intent of the Retail Village is included in the Urban Design Guidelines attached as Appendix 'A'. A minimum of one central feature, such as a fountain with a public square, will be required as a design element along the main street of the Retail Village. Alterations to specific aspects of the general location, scale and design elements of the Retail Village area shall not be permitted without further amendment to this Plan unless, in the opinion of Council at the time of execution of the applicable site plan agreement, the general intent and built form of the Retail Village as shown on Appendix 'A' are maintained.~~

- (e) Pedestrian Scale of Retail Village. ~~The built form and design of the Retail Village will promote a strong pedestrian related character, with cohesion between buildings, from block to block. The Retail Village is intended to create an identity and continuity of the built form environment, and be pedestrian friendly in terms of scale and streetscape amenities. Such amenities shall include trees and other high quality landscaping, street furniture and lighting fixtures, temporary and permanent kiosks and suitable sidewalks and patios. Vehicular access and on-street parking facilities shall be permitted on the~~

~~central street separated by the landscaped area described in Section (g) Landscaping to avoid separating the retail stores facing one another with a vehicle dominated street and parking area, and also to provide for the safe movement of pedestrians.~~

(f) ~~Scale and Built Form of Uses in Retail Village~~—The minimum total building foot print of the Retail Village shall be 24,840 sq. m. The maximum size of any one retail store within the Retail Village shall be 1,858 sq. m., subject to the following:

~~(i) one or more of the following types of retail stores or parts thereof may be constructed as part of the Retail Village, and where such stores or parts of stores are located within the Retail Village, 100% of the ground floor area of the store shall be included within any calculation of ground floor area for the Retail Village, where at least one public entrance is accessed from the Retail Village:~~

~~— a food store which may be no greater than 3,716 sq. m.;~~

~~— a book store which may be no greater than 3,252 sq. m.;~~

~~— a music store which may be no greater than 3,252 sq. m.;~~

~~— a home furnishing store which may be no greater than 2,787 sq. m.; and~~

~~— the minimum size of any retail store within the Retail Village shall be 93 sq. m. Notwithstanding, no more than 10 % of the gross floor area of the Retail Village shall be devoted to retail stores within the Retail Village having a minimum floor area of less than 279 sq. m., excluding kiosks.~~

~~(ii) A minimum of 13,935 sq. m. of gross floor area shall be provided and used as office space within Stage 1 as identified in Section 4.8.18.4 of this Plan and shall include a minimum of 9,290 sq. m. of second floor office space within the Retail Village unless otherwise provided within the Retail Village as permitted in Section 4.8.18.4 of this Plan.~~

(g) ~~Landscaping~~ In keeping with the intent to develop the Retail Village with enhanced and attractive amenities and visual interest, the following landscaping provisions shall apply: *landscaping provisions are provided in the implementing by-law*

~~(a) a minimum landscaped area of 8 m wide, after any road widenings required by the MTO, adjacent to the Highway 400 frontage;~~

~~(b) a minimum landscape area of 6 m wide, after any road widenings required by the City of Barrie, adjacent to the arterial roads of Mapleview Drive and Bayview Drive, except that~~

~~(i) From the main entrance to the Retail Village on Mapleview Drive East to the entrance to the gas bar from Mapleview Drive East, the landscape strip shall be a minimum of 4.5 m;~~

~~(ii) From Mapleview Drive East entrance of the gas bar, to the daylight triangle at the intersection of Mapleview Drive East and Bayview Drive, the landscape strip shall be a minimum of 4.2 m;~~

- ~~_____ (iii) From the daylight triangle at Mapleview Drive East and Bayview Drive to the entrance to the gas bar from Bayview Drive the landscape strip shall be a minimum of 3.5 m; and~~
- ~~_____ (c) a landscaped central feature and roundabout within the Retail Village of a minimum diameter of 26 m, or a minimum area of 570 sq. m..~~

~~It is intended that within the Retail Village, individual retail commercial uses shall be of an appropriate scale, having attractive store fronts, with varying facades and frontages. Individual store front widths within the Retail Village shall be limited to maintain the intended main street fabric. The built form within the Retail Village shall be designed in keeping with the Retail Village theme. A mix of retail and restaurant uses (including outdoor seating areas) and office uses shall be encouraged. Loading areas shall be screened and/or provided at the rear or below grade.~~

- ~~(h) Phasing of Retail Uses. The retail commercial development in the area to be zoned General Commercial (C4) (SP___) shall be constructed in phases to ensure that certain minimum segments of the Retail Village are constructed as an integral part of the overall project. To achieve suitable phasing, the zoning by-law shall include provisions that require minimum standards of phasing of commercial space in this zone in relation to the issuance of building permits and construction of ground floor commercial space within the Retail Village. The following phasing is to be contained within the implementing zoning by-law:~~

~~_____ Phase 1: No more than 9,290 sq. m. of commercial space may be constructed outside the Retail Village prior to the issuance of a building permit(s) for at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space within the Retail Village.~~

~~_____ Phase 2: No more than 18,580 sq. m. of commercial space may be constructed outside the Retail Village unless:~~

~~_____ (a) at least 9,290 sq. m of ground floor commercial space including office and excluding non-retail hotel space have been constructed within the Retail Village; and~~

~~_____ (b) one or more building permits have been issued for a total of at least 18,580 sq. m. of ground floor commercial including ground floor office and excluding non-retail hotel space within the Retail Village.~~

~~_____ Subsequent Phases: Additional commercial space may be constructed without further restrictions relating to the phasing of the Retail Village following the completion of construction of at least 18,580 sq. m. and the issuance of one or more building permits for a total of at least 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.~~

~~_____ No more than 60,387 sq. m. of the Stage 1 commercial space may be constructed without the construction of at least 9,290 sq. m. of office space within the Retail Village and one or more building permits have been issued for at least 4,645 sq. m. of office space within the lands to be zoned General Commercial (C4) (SP___).~~

- (l) At least one public transit facility shall be provided on the lands to be zoned General Commercial (C4) (SP304), which may include a bus layaway lane(s) and a public transit shelter.

Development of all the lands that are the subject of this Amendment shall be phased to ensure that existing or planned road and intersection capacities are adequate to enable the phased construction of the Retail Village.

4.8.18.2 LANDS DESIGNATED GENERAL INDUSTRIAL

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "General Industrial" on Schedule "A" shall be subject to the following provisions:

The lands designated as "General Industrial" immediately east of Bayview Drive shall be zoned Service Industrial (EM3) (SP408) (H) and may be used for purposes in accordance with the Service Industrial (EM3) zone plus automobile sales and no more than two freestanding restaurants along the frontage of Bayview Drive.

4.8.18.3 LANDS DESIGNATED BUSINESS PARK

The lands identified as Special Policy Area [R] on Schedule "C" and designated as "Business Park" on Schedule "A" shall be subject to the following provisions:

The lands designated as "Business Park" shall be zoned Business Park EM 1 (SP) (H) to accommodate Business Park type land uses in a campus-like setting in accordance with Section 4.4.2.3 of this Plan. It is the policy of this Plan that these Business Park lands be used for such purposes and as such, it is the policy of this Plan that the Business Park land use, for these lands, shall not be reviewed for at least a 10 year period after this Special Policy Area comes into full force and effect.

4.8.18.4 STAGING POLICIES

A (H) Holding provision shall be used to ensure for specified stages, the provision of appropriate physical servicing in accordance with a functional report, traffic infrastructure improvements and the staging of the proposed commercial development, and to ensure that site plan agreement(s) and, if necessary, other agreements, are provided to the satisfaction of the Council of the City of Barrie prior to the removal of the (H) and the issuance of any occupancy for each appropriate stage. *Provisions directing the release of each stage are set out in the zoning by-law.*

~~Sections 4.8.18.1 to 4.8.18.3 establish the principle of land use for the entire Special Policy Area, in accordance with the policies of each respective land use designation. Development of lands within this Special Policy Area shall be staged to ensure that the necessary transportation infrastructure is constructed prior to occupancy being permitted for each stage of development. The stages of development and the Official Plan provisions directing the release of each are as follows:~~

- ~~(1) Stage 1 is not subject to an (H) provision. Subject also to Sections 4.8.18.1 of this Plan a maximum gross floor area of 74,840 sq. m. may be permitted, of which 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space shall be constructed within the Retail Village.~~

~~No less than 13,935 sq. m. of business and professional offices shall be constructed with the lands to be zoned General Commercial (C4) (SP)~~

~~including a minimum of 9,290 sq. m of second floor business and professional office space as part of the initial phases of development and located within the Retail Village in the buildings surrounding the main (central) roundabout. Up to 20% of the second floor office space may be used for retail, personal service or restaurant uses provided the balance of the 9,290 sq. m. of office space is constructed elsewhere in the Retail Village.~~

- ~~(ii) the gross floor area of the former Molson House is excluded from the Stage 1 gross floor area calculations.~~

~~and subject to the following:~~

- ~~(a) a Site Plan pursuant to Section 41 of the Planning Act 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 3(1), location of buildings, landscaping, servicing and provisions of infrastructure;~~
- ~~(b) a Site Plan Agreement satisfactory to the City respecting the matters referenced in Subsection 3(1)(a) has been entered into with the owner of the lands.~~
- ~~(c) one or more agreements between the City and/or the Ministry of Transportation ("MTO"), where required, have been entered into, which agreements shall ensure the completion of the specified road improvements to be set out in the implementing Zoning By-law and the said agreement.~~
- ~~(2) Stage 2 is subject to an (H) provision. The (H1) symbol shall be removed by the City for all or part of the lands within this amendment area upon completion of the following matters to the satisfaction of the City:~~

- ~~(a) 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 shall ensure completion of same prior to building occupancy;~~
- ~~(b) the City has circulated the traffic impact study referred to in Section 3(2)(a) 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;~~
- ~~(c) a Site Plan pursuant to Section 41 of the Planning Act has been approved for all or part of the lands identifying the mix of proposed land uses which shall be consistent with the mix of uses relied upon for~~

~~purposes of completing the traffic impact study referenced in subsection 3(2)(a), location of buildings, landscaping, servicing and provisions of infrastructure;~~

~~(d) 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 (2)(a).~~

~~(e) For the purpose of this Plan, "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:~~

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

~~(f) 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 Special Policy.~~

~~(g) Notwithstanding any other provision of Subsection 3(2) of this Amendment, the maximum Retail and Commercial entitlement within 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 Section (2)(e).~~

~~(3) Stage 3 is subject to an (H) provision. For Stage 3, a zoning by law amendment is required to remove the Holding provisions to permit additional floor area above the maximum Indexed Floor Area of 267,561 sq. m. As part of the review of the traffic information in support of such a zoning by law amendment, in accordance with the land use designation and policies of this Plan, an Official Plan Amendment to the Transportation schedules and/or policies of the Plan may be required. The purpose of requiring a zoning by law amendment is to permit a review of existing traffic capacity and identification of additional transportation infrastructure required by the additional floor area.~~

~~Subject to the requirement for a zoning by law amendment and, if necessary, an Official Plan Amendment, the (H2) symbol restriction on additional floor area above 267,561 sq. m. that applies to Stage 3 shall be removed by the City for all or part of the lands within the amendment area upon completion of the following matters to the satisfaction of the City:~~

~~(a) A traffic impact study prepared to the satisfaction of the City establishing that traffic infrastructure necessary to support development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, which agreement(s) has been entered into to ensure the completion of same prior to building occupancy;~~

- ~~(b) the City has circulated the traffic impact study referred to in Section (3)(a) 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;~~
- ~~(c) a Site Plan pursuant to Section 41 of the Planning Act has been approved for all or part of the lands identifying the mix of proposed land uses which shall be consistent with the mix of uses relied upon for purposes of completing the traffic impact study referenced in subsection (3)(a), location of buildings, landscaping, servicing and provisions of infrastructure;~~
- ~~(d) 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 (3)(a).~~

3.0 IMPLEMENTATION

The provisions of the Official Plan for the City of Barrie concerning the implementation of that Plan shall also apply to this Amendment.

A by-law amendment to the City of Barrie Zoning By-law (85-95) will be approved rezoning the subject lands to reflect these amendments to the Official Plan

~~A by-law amendment to the City of Barrie Zoning By-law (85-95) will be approved to rezone the subject lands from Restricted Industrial (M1) and Heavy Industrial (M2) to General Commercial (C4) (SP304), General Commercial (C4) (SP454) (H1) (H2) Service Industrial (EM3) (SP408) (H1) (H2), Business Park (EM1) (SP407) (H1) (H2), General Industrial (EM4) (SP409) (H1) (H2) and Open Space (OS) zones. The project may be developed in phases, followed by detailed site plan agreement(s) for individual phases. The implementing Zoning By-law shall include provisions that ensure that the Retail Village is constructed as part of the initial phase(s) of the project.~~

4.0 INTERPRETATION

The provisions of the Official Plan for the City of Barrie concerning the interpretation of the Plan, as amended from time to time, shall apply to this Amendment.

APPENDIX I ZONING BY-LAW 2010-130 STRIKETHROUGH*Proposed additions are in red and italicized, proposed deletions are strikethrough*

May 27, 2010

Bill No. _____

BY-LAW NUMBER _____

A by-law of The Corporation of the City of Barrie to amend By-law 2009-141 *as amended and by-law 2010-130 85-95* land use control by-laws to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS ~~the Ontario Municipal Board deems it expedient to amend By-law 85-95 as set out hereafter:~~

~~AND WHEREAS as of the time of the approval of this by-law, By-law 2009-141 has been passed by Council but is under appeal and therefore it is required that By-law 2009-141 also be amended.~~

~~NOW THEREFORE the Ontario Municipal Board approves as follows:~~

1. THAT *tThe* zoning of the lands described as:

(i) ~~firstly, lots 7, 8 and 9, Concession 12, former Township of Innisfil, designated as Parts 1-18 on Plan 51R-31901; and~~

(ii) ~~secondly lots 7, 8 and 9, Concession 12, former Township of Innisfil, designated as Parts 19, 23, 24, 25, 28, 31, 40 and 41 on Plan 51R-31901;~~

is amended to change the zoning in accordance with Schedule " " attached to this By-law being a portion of the zoning map. Upon the Holding (H) symbols being removed from the zoning provision related to all or part of such lands, they may be used in accordance with the respective provisions of this By-law; ~~thereof from Restricted Industrial M1 and Heavy Industrial M2 to General Commercial (C4) (SP-304), General Commercial (C4) (SP-454) (H1-98) (H2-99), Business Park (EM1) (SP-407) (H1-100) (H2-101), Service Industrial (EM3) (SP-408) (H1-102) (H2-103), General Industrial (EM4) (SP-409) (H1-104) (H2-105) and Open Space (OS)~~

2. All definitions, provisions and performance standards of By-law 85-95 and By-law 2009-141 as they existed on June 28, 2010 (the date of the OMB's Final Order), 2010 will apply insofar as they pertain to these lands save for the exceptions set out in this By-law. In the event of a conflict between any provision of By-law 85-95 as it existed on June 28, 2010 (the date of the OMB's Final Order), 2010 and By-law 2009-141 as it existed on June 28, 2010 (the date of the OMB's Final Order), 2010, the more restrictive provision of the two By-laws shall apply.

DEFINITIONS

3. THAT for the purpose of this By-law the following definitions shall apply:

"RETAIL VILLAGE" shall mean a grouping of buildings, designed and developed with a high quality of urban design, with a main street type of urban design, at a pedestrian scale and with pedestrian amenities. This mixed use employment area may consist of retail, office, medical offices, restaurant, accommodation, entertainment and service commercial uses.

"Kiosk" shall mean a free-standing permanent or temporary building or structure, located within the Retail Village, not exceeding 50 sq. m., used for the selling of wares and/or services and/or for promotional purposes and/or the preparation and selling of food and beverages and/or administrative and maintenance, including public washroom, purposes.

PERMITTED USES

Table A

COMMERCIAL	General Commercial C4(SP-304)	General Commercial C4(SP-454)	Business Park EM1 (SP-407)	Service Industrial EM3 (SP-408)	General Industrial EM4 (SP-409)
Accessory Employee Use			X	X	X
Accessory Retail			X	X	X
Animal Hospital	X				
Assembly Hall			X	X	
Auto Leasing Establishment	X			X	
Auto Repair Establishment	X			X	X
Auto Sales Establishment	X			X	
Automotive Service Station	X	X			
Bake Shop	X				
Bank	X		X	X	
Bingo Hall	X				
Building Supply Centre	X			X	X
Bus Terminal	X				
Bus Transfer Station	X				
Car Wash	X	X		X	X
Clinic (By-law 86-265)	X				
Conference Centre	X		X	X	
Custom Workshop	X			X	X
Data Processing Centre	X		X	X	X
Drive-Through Facility	X		X	X	X
Dry Cleaning Establishment				X	X
Entertainment Establishment	X				
Fair Grounds	X				
Farm Implement Dealer	X				
Fitness or Health Club	X		X	X	
Florist	X				
Funeral Establishment	X				
Golf Driving Range					X
Golf Driving Range (Indoor)	X				
Hotel, Motel,	X		X	X	
Kennel in wholly enclosed building	X				
Laundry or Dry Cleaning	X				

Depot					
Local Convenience Retail	X				
Marina,	X				
Miniature Golf (Indoor)				X	
Miniature Golf (Outdoor)	X			X	
Nursery or Garden Supply Centre	X			X	X
Office	X		X	X	X
Office, Medical(per CoA)	X		X		
Outdoor Display and Sales Area	X				
Parking Lot,	X				
Personal Service Store	X				
Photography Studio	X		X	X	
Private Club	X				
Private/Public Art Gallery	X				
Recreational Establishment	X			X	
Rental Store	X				
Restaurant	X		X ⁽¹⁾	X ⁽¹⁾	X ⁽¹⁾
Retail Store,	X	X ⁽³⁾			
Service Store,	X		X	X	X
Shopping Centre	X				
Theatre	X				
Trade Centre	X			X	
Transmission Establishment (Cellular or Electronic)					X
Veterinary Clinic			X	X	X
Wholesale Establishment	X			X	X
INDUSTRIAL					
Animal Pound				X	X
Bakery				X	X
Concrete Product Manufacturing					X
Foundry					X
Manufacturing & Processing in Wholly Enclosed Building			X	X	X
Material Recovery Facility					X ⁽²⁾
Outside Storage					X
Printing & Publishing			X	X	X
Rail Transfer Facility				X	X
Recyclable Materials Transfer Stations					X ⁽²⁾
Rental Store Excluding Video & Electronic Rental				X	X
Research & Development Facility			X	X	X
Self Storage				X	X
Truck Terminal					X
Warehousing in Wholly Enclosed Building excluding Self Storage			X	X	X

AGRICULTURAL

Heavy Equipment Dealer					X
Kennel					X
Kennel in a Wholly Enclosed Building			X		

INSTITUTIONAL

Arena	X				
Art Gallery	X				
Assembly Hall, Library	X				
Commercial School	X	X		X	
Community Centre	X				
Court House, Gaol (By-law 93-46)	X				
Day Nurseries (By-law 86-265)	X	X		X	
Industrial School				X	X
Places of Worship (By-law 86-18 and 93-107)	X				
Police Station	X				

1. Shall only be permitted as part of a multi-tenant Building and shall not exceed 25% of the total gross floor area of such a building to a maximum of 300m².
2. Shall be conducted only within a fully enclosed building. No outside storage or accessory outside storage will be permitted with these uses.
3. Shall only be convenience commercial retail not to exceed 25% or 300m² of the total gross floor area of the building.

RETAIL VILLAGE SPECIAL PROVISIONS

4. The Retail Village shall be developed in accordance with the following provisions:
 - (a) The Retail Village shall be located within that part of the lands zoned General Commercial (C4) (SP-304) as shown on Schedule "A".
 - (b) The Retail Village shall have a minimum building footprint area of ~~24,840~~ 15,700sq. m. of ground floor area subject to the phasing provisions of this by-law.
 - (c) The maximum size of any retail store within the Retail Village shall be 1,858m² subject to the following:
 - (i) ~~one or more of the following types of retail stores or parts thereof may be constructed as part of the Retail Village, and where such stores or parts of stores are located within the Retail Village, 100% of the ground floor area of the store shall be included within any calculation~~

of ground floor area for the Retail Village where at least one public entrance is accessed from the Retail Village:

- a maximum of four stores each no greater than 3252m² may be permitted which may include a food store no greater than 3716m² and;
 - a food store not greater than 3,716 sq. m.;
 - a book store not greater than 3,252 sq. m.;
 - a music store not greater than 3,252 sq. m.;
 - a home furnishing store not greater than 2,787 sq. m.
 - the minimum size of any retail store within the Retail Village shall be 93 sq. m. Notwithstanding, no more than 10-25% of the gross floor area of the Retail Village shall be devoted to retail stores having a minimum floor area of less than 279 sq. m., excluding kiosks.
- (ii) ~~a d~~ Department stores and/or cinemas may be located immediately adjacent to one or more of the buildings comprising the Retail Village, but the gross floor area of a department store or cinema shall not be included within any calculation of gross floor area for the Retail Village.
- (d) ~~The frontage of individual stores, excluding flankage sides of stores within the Retail Village shall be limited to no more than 30 m.~~
- (e) The ground floor area of any retail store located in a hotel within the Retail Village and having frontage on the central street thereof shall be included in the calculation of ground floor area for the Retail Village.
- (f) The ground floor area of any office use within the Retail Village shall also be included in any calculation of ground floor area for the Retail Village.
- ~~(g) A minimum of 13,935 sq. m. of gross floor area shall be provided and used as office space within Stage 1 as identified in Section 9.2 of this By-law and shall include a minimum of 9,290 sq. m. of second floor office space within the Retail Village as identified on Schedule "A" attached, unless otherwise provided within the Retail Village per Section 9.2 of this By-law.~~
- (h) The front of all buildings or structures located within the Retail Village shall face each other provided, however, that buildings located on corners may front on both intersecting streets. Such buildings, other than corner buildings, shall front on no more than one internal street comprised of a single lane of one way traffic in each direction, associated turning movements for angle and/or parallel parking and fire and emergency vehicle access, separated by a landscaped median of a minimum 3 m. including a minimum 1.5 m. wide planting area. No landscaped median south of the southern turning circle is required. The 1.5 m wide planting area may be bisected by pedestrian

sidewalks and other hard landscaping elements such as, but not limited to benches, raised planters and public art.

(i) The Retail Village shall be orientated to front on Mapleview Drive East, including a main entry feature.

(j) Within the Retail Village, a height limit of 16 meters shall apply for all buildings or structures used for retail stores, restaurants, entertainment and personal service uses but not for hotels, buildings used predominantly for office commercial purposes or architectural features which may include a recreational component.

(k) A landscaped ~~central~~ courtyard feature and roundabout with a minimum diameter of 26 m. or a minimum area of 570 sq. m. shall be provided. ~~Sitting areas, kiosk structures, fountains and an outdoor fireplace area and temporary installations may be permitted within this area.~~

(l) The Retail Village is to be located within the hatched area shown on Schedule "A" attached. - amended

Prohibited uses

5. Notwithstanding the Table of Permitted Uses (Table A), a tavern, an adult entertainment parlour, a freestanding amusement arcade, an automotive service station, an automotive sales and/or leasing establishment, an automotive repair establishment and a residential use shall not be permitted within the lands zoned General Commercial (C4) (SP-304) comprising the Retail Village as shown on Schedule 'A' to this By-law.

Prohibited uses on lands zoned General Commercial C4 (SP-304) not comprising the Retail Village

6. For lands zoned General Commercial C4 (SP-304) not comprising the Retail Village, a tavern, an adult entertainment parlour and a residential use shall not be permitted. An auto repair establishment shall only be permitted in conjunction with an automotive sales and/or leasing establishment or department store. Only a maximum of 400 sq. m. of gasoline service station convenience retail shall be permitted.

BUSINESS PARK AND SERVICE INDUSTRIAL SPECIAL PROVISIONS

7. Notwithstanding the Table of Permitted Uses (Table A), one freestanding restaurant shall be permitted within the lands zoned Business Park EM1 (SP-407) (H1-100) (H2-101) and two freestanding restaurants shall be permitted within the lands zoned Service Industrial EM3 (SP-408) (H1-102) (H2-103).

DEVELOPMENT STANDARDS

Table B

	General Commercial C4(SP-304)	General Commercial C4 (SP-454)	Business Park EM1 (SP-407)	Service Industrial EM3 (SP-408)	General Industrial EM4 (SP-409)

Lot Area (min)		450m ²	450m ²	1300m ²	700m ²	700m ²
Lot Frontage (min)		15m	15m	30m	15m ⁽¹⁾	15m ⁽¹⁾
Front Yard (min)		6m	6m	6m	7m	7m
Side Yard (min)		3m	3m	4m	3m	
Side Yard Adjoining Residential Zone (min)		6m	6m	10m	10m	10m
Street (min)		5m	5m	6m	7m	7m
Rear Yard (min)		7m	7m	6m	7m	7m
Rear Yard Adjoining Residential Zone (min)		10m	10m	15m	15m	15m
Street (min)		6m	6m	6m	7m	7m
Lot Coverage (max)		50%	50%	50%	60%	60%
Building Height (max)			14m	45m ⁽²⁾	16m ⁽²⁾	-

1. Except in the case where an Industrial Zone abuts onto an arterial road as identified in the City of Barrie Official Plan in which case the lot frontage shall be increased to 30m.
2. Cranes, conveying equipment and incidental equipment required for manufacturing and processing shall also be exceptions to the maximum building height standard.

8. THAT within the lands zoned General Commercial (C4) (SP-304) not comprising the Retail Village the following special provisions shall apply:

(a) No height limit shall apply.

(b) a minimum landscape area 8 m. wide, after any road widening required by MTO, shall be provided adjacent to the Highway 400 frontage. No further landscaping area will be required if any additional road widenings are taken by the MTO following the first Site Plan approval.

(c) a minimum landscape area of 6 m. wide, after any road widenings required by the City of Barrie, shall be provided adjacent to Mapleview Drive East and Bayview Drive. Notwithstanding the aforementioned, the following landscaping provisions apply:

(i) From the main entrance to the Retail Village on Mapleview Drive East to the entrance to the gas bar from Mapleview Drive East, the landscape strip shall be a minimum of 4.5 m.

(ii) From the Mapleview Drive East entrance to the gas bar to the daylight triangle at the intersection of Mapleview Drive East and Bayview Drive the landscape strip shall be a minimum of 4.2 m.

(iii) From the daylight triangle at Mapleview Drive East and Bayview Drive to the entrance to the gas bar from Bayview Drive the landscape strip shall be a minimum of 3.5 m.

(d) all loading spaces shall be located either:

(i) on the side of a building, or

(ii) screened from view, or

(iii) provided below grade.

(e) at least one public transit facility shall be provided in the area zoned General Commercial (C4) (SP-304), which may include a bus lay-by lane(s) and a public transit shelter.

(f) the lot line and yard adjoining Mapleview Drive shall be deemed to be the front lot line and yard and the provisions of the Table of Standards (Table B) of this by-law shall apply accordingly.

(g) where the lot of the General Commercial (C4)(SP-304) zone abuts the Open Space (OS) the yard requirements do not apply.

(h) where a lot has access via a private lane or right-of-way no yard shall apply except where it is adjacent a street.

(i) the prescribed time as to when a temporary building shall be removed, shall be set out in the building permit.

(j) the conducting of a temporary sales event and/or occasional or special event including an outside garage sale or rummage sale, whether or not for profit, shall be permitted in all zones a maximum of four (4) days per event unless a temporary permit for longer period is obtained.

(k) where an area has been set aside for future development a continuous poured concrete curb shall not be required.

(l) where a lot is adjacent an Open Space (OS) or Environmental Protection (EP) zone storm water management facilities and related outfalls as well as private roads or lanes are permitted in the OS and EP lands.

9. THAT within the lands zoned Business Park EM1 (SP-407) (H1-100) (H2-101) the following special provisions shall apply:

(a) the lot line and yard adjoining Bayview Drive shall be deemed to be the front lot line and yard and the provisions of the Table of Standards (Table B) of this by-law shall apply accordingly.

PARKING STANDARDS

10. THAT for the lands zoned General Commercial (C4) (SP-304), parking spaces shall be supplied based on the following parking rates:

Table C

Uses

Parking

Retail Stores, Personal Service Stores,
Service Stores, Banks, Hotel, Amenity Areas, Entertainment Uses,
Restaurants and Cinemas

1 space for every 20.65 sq. m

Restaurants occupying in excess of 14% of the gross leasable floor
area of the overall development within the General Commercial (C4)
(SP-304) zone, excluding Hotels and any Restaurant space within a
Hotel

1 space for every 9.29 sq. m.

Hotels

1 space for every hotel suite

LOADING SPACES

11. Except for automotive sales and leasing facilities, loading spaces shall be located adjacent to the structure for which they serve and shall be screened from view of any public street or Highway.

LANDSCAPED BUFFER AREAS

12. A minimum landscape area 8 m wide, after any widening required by MTO, shall be provided adjacent to the Highway 400 frontage. No further landscaping area will be required if any additional road widenings are taken by the MTO following the first Site Plan approval.

STAGING PROVISIONS

~~13. THAT notwithstanding any other provisions of this By law, on the lands zoned General Commercial (C4) (SP 304), no building permit shall be issued unless the following requirements are met:~~

~~Phase 1: No more than 9,290 sq. m. of commercial space may be constructed outside the area identified as the Retail Village prior to the issuance of a building permit(s) for at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space within the Retail Village.~~

~~Phase 2: No more than 18,580 sq. m. of commercial space may be constructed outside the Retail Village unless:~~

~~(a) at least 9,290 sq. m. of ground floor commercial space including office and excluding non-retail hotel space have been constructed within the Retail Village; and~~

~~(b) one or more building permits have been issued for a total of at least 18,580 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.~~

~~Subsequent Phases: Additional commercial space may be constructed without further restrictions related to the phasing of the Retail Village following the completion of construction of at least 18,580 sq. m. and the issuance of one or more building permits for a total of at least 24,840 sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space within the Retail Village.~~

~~No more than 60,387 sq. m. of the Stage 1 commercial space may be constructed without the construction of at least 9,290 sq. m. of office space within the Retail Village and one or more building permits have been issued for at least 4,645 sq. m. of office space within the lands zoned (C4) (SP 304).~~

14.13 THAT the following staging and holding provisions shall apply to the lands:

~~14.13.1(a)~~ Stage 1 will not be subject to an H provision and shall be subject to the provisions of Section 13.2 of this By-law.

(b) Stage 2 will be subject to an H1 and shall be subject to the provisions of Section 13.4 of this By-law.

(c) Stage 3 will be subject to an H2 and shall be subject to the provisions of Section 13.5 of this By-law.

14.213.2 Stage 1

That subject also to the foregoing Sections of this by-law, a maximum gross floor area of 74,268 sq. m. of which ~~24,840~~ **15,700** sq. m. of ground floor commercial space including ground floor office and excluding non-retail hotel space shall be constructed within the Retail Village **subject to the following:**

~~No less than 13,935 sq. m. of business and professional offices, shall be constructed within the lands zoned (C4) (SP 304) including a minimum of 9,290 sq. m. of second floor business and professional office space as part of the initial phases of development and located within the Retail Village in the buildings surrounding the main (central) roundabout as shown on Schedule "A" of this By-law. Up to 20% of the second floor office space may be used for retail, personal service or restaurant uses provided the balance of the 9,290 sq. m. of office space is constructed elsewhere in the Retail Village.~~

~~(ii) the gross floor area of the former Molson House is excluded from the Stage 1 gross floor area calculations.~~

~~may be permitted subject to the following:~~

(a) 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 Section ~~14.2~~ **13.2**, location of buildings, landscaping, servicing and provisions of infrastructure;

(b) a Site Plan Agreement satisfactory to the City respecting the matters referenced in subsection ~~14.2(a)~~ **13.2(a)** has been entered into with the owner of the lands.

(c) one or more agreements between the City and/or the Ministry of Transportation ("MTO"), where required, have been entered into, which agreements ensure the completion of the following road improvements prior to building occupancy:

(i) Widening of Highway 400 southbound off-ramp at Mapleview Drive to four lanes;

(ii) Widening of Highway 400 northbound off-ramp at Mapleview Drive to four lanes;

(iii) An eastbound right turn lane on Mapleview Drive at the Highway 400 southbound ramp terminal intersection;

- (iv) An additional (fourth) eastbound through lane on Maplevue Drive between Barrie View Drive and the Highway 400 southbound ramp terminal intersection, aligned with one of the existing eastbound left turn lanes east of the intersection;
- (v) Intersection improvements at Maplevue Drive and Barrie View Drive consisting of an additional (fourth) eastbound through lane;
- (vi) Fourth westbound lane on Maplevue Drive from Bayview Drive to Highway 400 northbound ramp, with channelization at the northbound ramp and widening of the northbound on-ramp by one additional lane;
- (vii) Fourth eastbound connecting lane on Maplevue Drive from the Highway 400 northbound ramp to Park Place/Costco driveway, and from the Park Place/Costco driveway to Bayview Drive;
- (viii) Intersection improvements at Maplevue Drive/Costco Driveway consisting of dual eastbound left-turn lanes, and exclusive right-turn lanes on all approaches;
- (ix) Intersection improvements at Maplevue 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 Maplevue 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.

14.313.3 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.

14.413.4 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 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:~~

Land Use Category	Conversion Factor
<i>Industrial</i>	1.0
<i>Business and Professional Office</i>	1.7
<i>Retail and Commercial</i>	2.5
<i>Hotels</i>	1.25
<i>Institutional</i>	3.0

(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).~~

14.513.5 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.

(b) Subject to the requirement for a zoning by-law amendment and, if necessary, an Official Plan Amendment, the (H2) symbol restriction on additional floor area above 267, 561 sq. m that applies to Stage 3 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 prepared to the satisfaction of the City establishing that traffic infrastructure necessary to support development is in place, or an agreement or agreements satisfactory to the City and/or MTO, where required, which agreement(s) has been entered into to ensure the completion of same prior to building occupancy;

(ii) the City has circulated the traffic impact study referred to in subsection 14.5(b)(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 study is satisfactory, the City shall consider the comments received on the traffic impact study from the specified landowners;

(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 mix of uses relied upon for purposes of completing the traffic impact study referenced in subsection 14.5(b)(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 subsection 14.5(b)(i).

15.14 THAT notwithstanding any other provision of this By-law, on the lands zoned General Commercial (C4) (SP-304), General Commercial (C4) (SP-454) (H1-98) (H2-99), Business Park(EM1) (SP-407) (H1-100) (H2-101), Service Industrial (EM3) (SP-408) (H1-102) (H2-103), and General Industrial (EM4) (SP-409) (H-104) (H2-105) the provisions of this by-law shall apply collectively to the lands within each respective zone notwithstanding their future severance, partition or division for any purpose.

16.15 THAT except as varied by the provisions of this By-law, all other terms and provisions of By-law ~~85-95~~ 2010-130, as amended, shall apply to the lands set out in heavy outline on Schedule "A" attached hereto.

UPDATED MARCH 20, 2012

Proposed Site Plan Recently Submitted by Applicant Representing Built Form Resulting from the Proposed OPA and Zoning Amendments

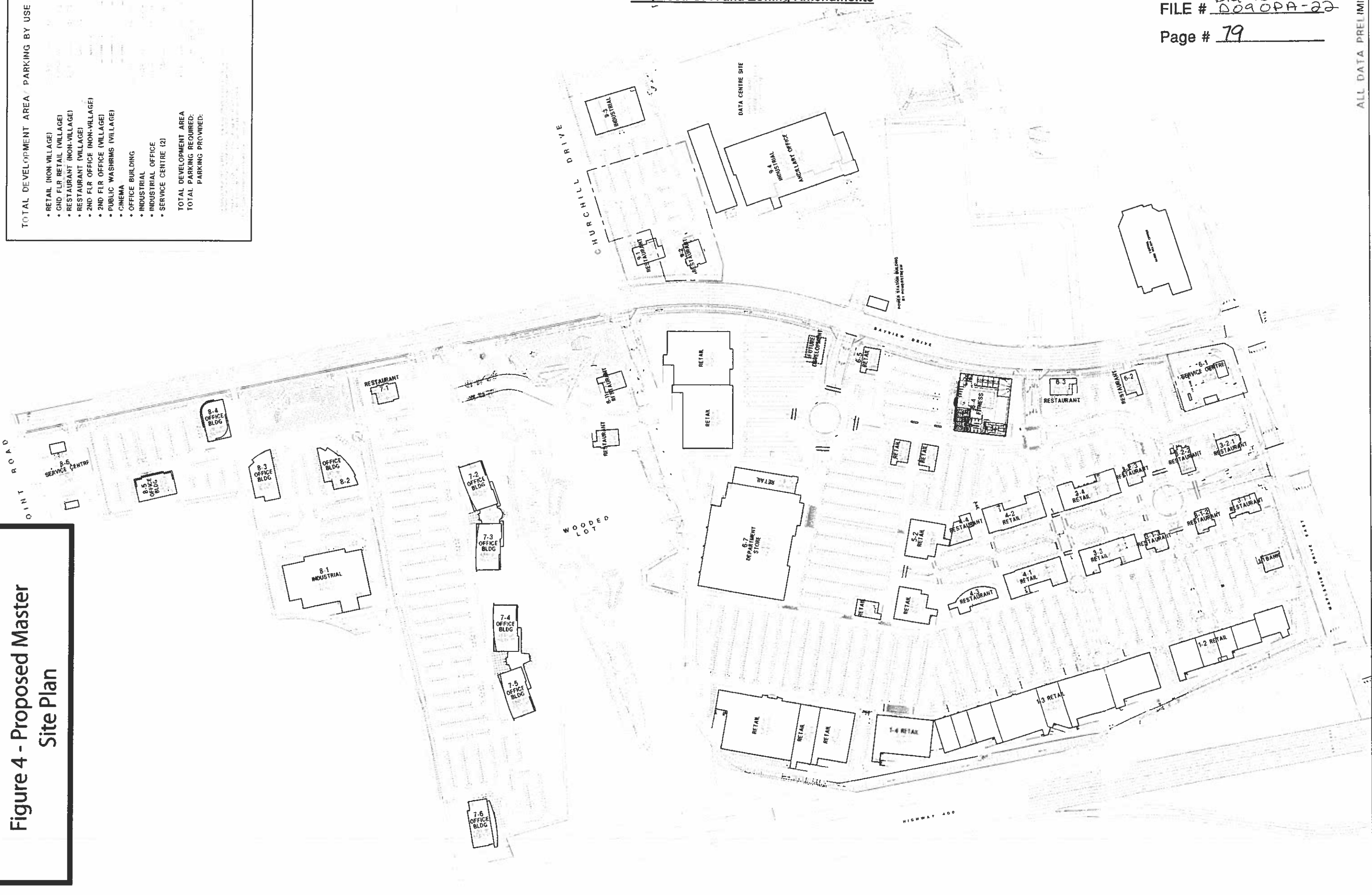
S.R. # PN049-12
FILE # D4-1542
Page # 79

TOTAL DEVELOPMENT AREA / PARKING BY USE :

- RETAIL (NON VILLAGE)
- GND FLR RETAIL (VILLAGE)
- RESTAURANT (NON-VILLAGE)
- RESTAURANT (VILLAGE)
- 2ND FLR OFFICE (NON-VILLAGE)
- 2ND FLR OFFICE (VILLAGE)
- PUBLIC WASHRMS (VILLAGE)
- CINEMA
- OFFICE BUILDING
- INDUSTRIAL
- INDUSTRIAL OFFICE
- SERVICE CENTRE (2)

TOTAL DEVELOPMENT AREA
TOTAL PARKING REQUIRED:
PARKING PROVIDED:

Figure 4 - Proposed Master Site Plan



ALL DATA PRELIMINARY

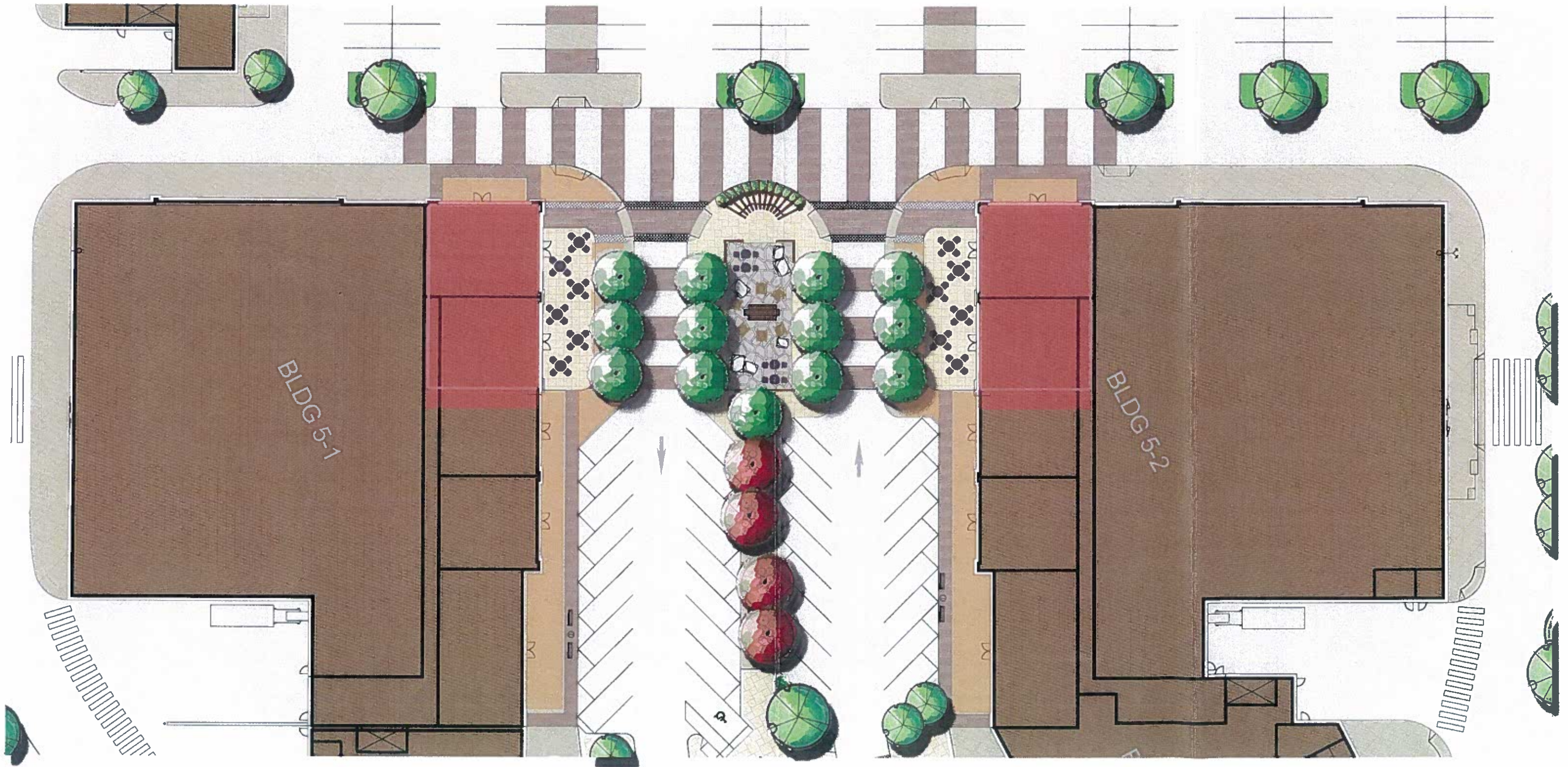
PFIBROT PARTNERSHIP ARCHITECTS
PETROFF
SUITE 100
42 PETER STREET
TORONTO ONTARIO CANADA M5Y 2R8
TEL: 416 777 3800 FAX: 416 777 3801

SD-327

MARCH 20, 2012
PROJECT No. 02138
SCALE: NTS

PARK PLACE
CONCEPTUAL MASTER PLAN

NORTH AMERICAN



THE NORTH PARK - BARRIE PARK PLACE

APPENDIX "I"

Concept Plan Showing North & Central Portion of Amended Retail Village



THE NORTH PARK

ARTIST CONCEPT

PETROFF PARTNERSHIP ARCHITECTS