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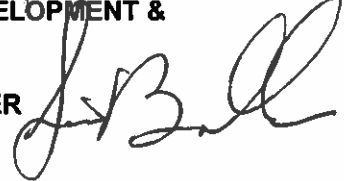
**TO:** GENERAL COMMITTEE

**SUBJECT:** REMOVAL OF HOLDING PROVISION – 261 ESSA ROAD

**PREPARED BY AND KEY CONTACT:** C. TERRY, SENIOR PLANNER EXT. 4430

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

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

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

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**RECOMMENDED MOTION**

1. That the Holding Provision (H-71) initiated by By-law 2003-009 for the lands owned by Ferndale Meadows Inc., legally described as Part of Lots 4 & 5, Concession 14, located at 261 Essa Road as illustrated on Appendix A of Staff Report PLN021-11, be lifted (D14-1515).
2. That the City Clerk be directed to provide appropriate notice for the lifting of the Holding Provision (H-71) for the subject lands pursuant to Section 36 of the *Planning Act*.

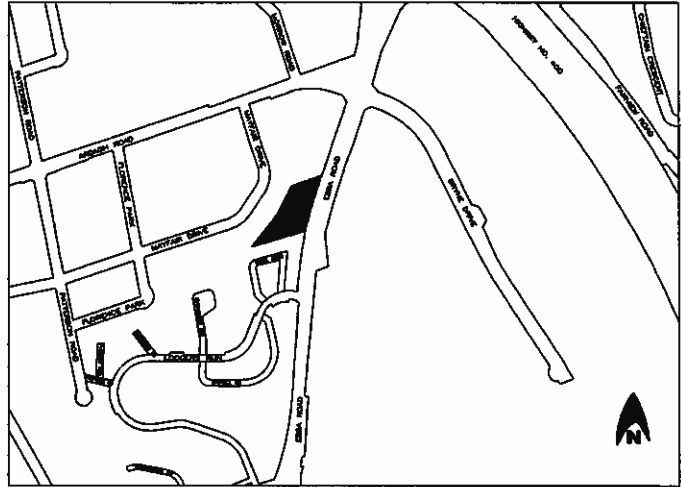
**PURPOSE**

3. The subject property is designated Commercial Area in the City's Official Plan and is zoned General Commercial [C4(SP-308)(SP-312)(H-71)] in both Zoning By-law 85-95 and Comprehensive Zoning By-law 2009-141.
4. The purpose of this report is to recommend the removal of the Holding Provision (H-71) from the subject property, in response to an application from Hardial Dhir Architects made on behalf of the owner, Jaswant Dass. A concurrent Site Plan Application (D11-1566) has been submitted and processed by the City to permit a 71 unit hotel on the captioned lands.
5. Until recently, the site was underdeveloped as a single detached residential property. The residence and accessory structure have been demolished to permit the development of the hotel. As demonstrated by the Official Plan designation and Zoning for the site, the principle for development was established as more appropriate for commercial use.
6. The Holding Provision imposed by site specific Zoning By-law 2003-209 requires a landscape buffer strip between the commercial use and the adjacent residential lands, and that the owner enter into a Site Plan Agreement for the development of the property. The applicant has entered into a Site Plan Agreement to implement the plans as approved by the City, including the required buffer strip, thereby meeting the requirements of the Holding Provision. The by-law to remove the Holding Zone will be submitted for Council's consideration passed upon confirmation of the Site Plan Agreement being registered.

## BACKGROUND

### Location

7. The subject lands are located on the west side of Essa Road within the Ardagh Planning Area. The property is legally described as Part of Lots 4 & 5, Concession 14, City of Barrie, County of Simcoe and municipally identified as 261 Essa Road. The land has approximately 110 metres of frontage along Essa Road and is 6,490 square metres in size.



D14 1515  
261 ESSA ROAD  
Date: July 7th 2011

### Surrounding Uses

8. Surrounding land uses include: commercial to the north; Essa Road and vacant industrial lands to the east; a residential condominium development (Timberwalk) to the south; and residential single family dwellings to the west.

### Existing Policy

9. Section 36 of the *Planning Act* allows the City of Barrie to apply a Holding Provision on zoning by-laws which are passed under Section 34.
10. The City of Barrie may consider the removal of a Holding Provision once the conditions have been satisfied. A by-law pursuant to Section 36 of the *Planning Act* must be passed prior to the removal occurring.
11. To remove the Holding Provision, the City is required to give notice of its intent to pass the by-law that will remove the "H" symbol from the subject lands, in accordance with the *Planning Act*.

## ANALYSIS

12. The subject property is designated Commercial Area in the City's Official Plan and is zoned General Commercial [C4(SP-308)(SP-312)(H-71)] in both Zoning By-law 85-95 and Comprehensive Zoning By-law 2009-141.
13. Zoning By-law 2003-009, to implement the site specific zoning, was approved as amended by the Ontario Municipal Board on April 19, 2004 (City of Barrie file D14-1297). In addition to the General Commercial (C4) zone, the decision of the Board included special provisions for this property including the following:
  - a) **SP-308:** notwithstanding the list of permitted uses in the C4 zone, the site shall not be permitted to have a tavern, private club or adult entertainment parlour.
  - b) **SP-312:** development shall provide a continuous landscape buffer strip of a minimum of 6 metres in width along any yards abutting lands zoned or used for residential purposes and that activity be restricted in that buffer area.

- c) **H-71:** requires the owner to enter into a Site Plan Agreement for the development of the property.
14. Until recently, the site was underdeveloped as a single detached residential property. The residence and accessory structure have been demolished to permit the development of the hotel. As demonstrated by the Official Plan designation and Zoning for the site, the principle for development was established as more appropriate for commercial use and a hotel is permitted in the General Commercial (C4) zone.
15. A Site Plan Application (D11-1566) has been submitted for the development of the subject property. The proposed use of the site for a hotel and the proposed property design conforms to the City's Zoning By-law, including the required landscaping buffer as outlined by the Holding Provision. As part of the site plan process, the applicant must enter into a Site Plan Agreement to implement the conditions of development and site plans approved by the City. The by-law to remove the Holding Zone will be submitted for Council's consideration upon confirmation of the Site Plan Agreement being registered.

#### **ENVIRONMENTAL MATTERS**

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

#### **ALTERNATIVES**

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

**Alternative #1** General Committee could deny the lifting of the Hold for the subject property.

This alternative is not recommended as the principle of commercial development was established by decision of the Ontario Municipal Board and approved as By-law 2003-209. The applicant has conformed with the provisions of the Zoning By-law imposed for this development.

#### **FINANCIAL**

18. The development of the property for commercial use would result in increased assessment and property tax revenue. The property was previously underdeveloped as a residential use therefore paying municipal residential taxes based on the existing dwelling. The development of commercial use on the site, specifically a hotel, will result in property taxes of approximately \$1,070 per hotel suite based on the 2010 BMA Study. The taxes for 71 suites would be \$75,970, a significant increase from previous residential taxes which were \$4520 for 2011.
19. Building permit fees would be realized at time of construction and the City's portion of the development charges would be collected at the time of building permit issuance based on current rates.

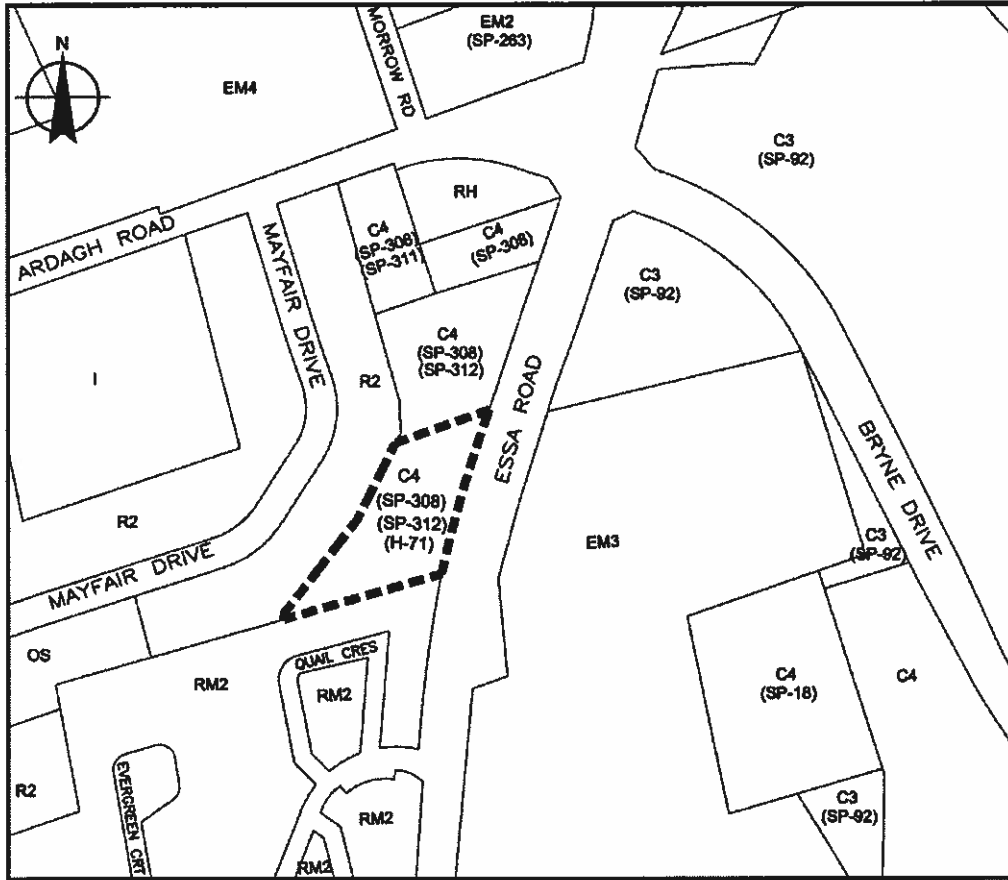
#### **LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

20. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

Attachment: Appendix A – Zoning Map

APPENDIX "A"

Zoning Map - 261 Essa Road



D14-1515  
261 ESSA RD

July 21, 2011