

March 19, 2015

Our File No.: 84682

Dawn McAlpine, City Clerk
City of Barrie
P.O. Box 400
Barrie, ON L4M 4T5

Dear Ms. McAlpine :

**Re: Written Submission on Report to General Committee
 Permitted Uses Within Industrial Section of the City's Comprehensive
 Zoning By-law 2009-141
 North American Park Place Corporation**

We are counsel to North American Park Place Corporation ("North American"), the owner and developer of the Park Place mixed-employment project located in the northeast quadrant of Highway 400 and Mapleview Drive East.

As the City is aware, North American received approval from the Ontario Municipal Board in 2006 to proceed with the Park Place project. The approval has been reflected in the City's zoning by-law since that time. More specifically, Park Place's zoning is contained within site-specific "Special Provisions" in Comprehensive Zoning By-law 2009-141. With respect to the industrial and business park portions of Park Place, the relevant Special Provisions are found at sections 13.3.34, 13.3.35, 13.3.36, and 13.3.44.

North American's concern with respect to the City's proposed repeal-and-replace of its industrial zoning sections is that the above-noted Special Provisions respecting Park Place's industrial and business park uses continue to be recognized. This includes the zoning uses originally approved for Park Place and any rezoning/minor variances that have been approved for Park Place since its original approval.

North American's planning consultant (R.G. Richards & Associates) originally submitted a letter to the City (c/o Mr. Steven Farquharson) on behalf of North American on August 5, 2014. A copy of that letter is attached. Our understanding is that to date, neither North American or its consultant have received a response from the City.

We note from the Staff Report dated September 8, 2014 (in particular, paragraphs 21-23) that it is the City's intention to continue to have its Special Provisions apply notwithstanding the changes to the industrial section of the City's Comprehensive Zoning By-law. We write to ensure that this intention is specified in the amendment itself so that there is no confusion or assertion that lands subject to a Special Provision are "legal non-conforming" with respect to the new industrial zoning provisions. The existing Special Provisions will continue to apply and will prevail in the case of a conflict with the City's new industrial zoning regulations.

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Please ensure this written submission is placed before the Mayor and Members of Council in advance of any decision being rendered on proposed amendments to the City's industrial zoning provisions arising from the February 23, 2015 recommendations of Development Services Committee. Should you have any questions or require clarifications, please feel free to contact either the undersigned or North American's planning consultant, Mr. Ron Richards of R.G. Richards and Associates.

Yours very truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/

cc. S. Bishop
R. Richards

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R.G. Richards & Associates

August 5th, 2014

Mr. Steven Farquharson
Development Planner
City of Barrie
70 Collier Street
Barrie, Ontario
L4M 4T5

Dear Mr. Farquharson

**Re: Park Place, 100 Maplevue East
North American (Park Place) Corporation
City of Barrie Industrial Lands Review (D14-1574)**

We act for North American (Park Place) Corporation, the owners of the above noted lands and have had a chance to review the presentation that was made to the General Committee on May 26th, 2014 and other material completed in support of this review. Some concerns have been noted during this review that requires attention at your earliest convenience.

This land is governed by an OMB approved site specific zoning by-law and has experienced an evolving development history that includes several minor variances, consents and site plan revisions, and amendments to the OMB approved policy. We request greater clarity on how the OMB approved by-law will be applied to the new zones, either as site specific or superseding the proposed zone changes entirely. Will approved minor variances continue to be recognized?

If it is not the City's intention to continue to recognize the OMB approved by-law, we have noted some issues with the proposed zone changes that have been outlined in the image attached to this letter. Primarily, the lands to the east of the commercial centre have not been rezoned under the intended zone consolidations noted in the City's initial release of information. Specifically we note the lands identified as #5 and #6 in the attached image have not been zoned under the intended consolidation, which has resulted in a number of issues and removal of currently permitted uses.

We would appreciate your earliest review of this material and possibly a meeting to discuss required action.

Yours very truly,

Nick Michael M.PL.
Associate

c.c Steve Bishop, North American

