

ISSUE DATE:

Nov. 15, 2005

DECISION/ORDER NO:

3006



PL030357

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Bridgcam Shopping Centres Limited 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 150-85 of the City of Cambridge to rezone lands respecting Part of Lot 4, Registrar's Compiled Plan 1365, being designated as Parts 1 to 50 and 52 on Plan 67R-3638, located in the southeast quadrant of Highway 401 and Hespeler Road in the City of Cambridge to permit the expansion of the Regional Power Centre and to changed the composition of the permitted store sizes
OMB File No: Z030053

Bridgcam Shopping Centres Limited 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 Cambridge to redesignate lands respecting Part of Lot 4, Registrar's Compiled Plan 1365, being designated as Parts 1 to 50 and 52 on Plan 67R-3638, located in the southeast quadrant of Highway 401 and Hespeler Road in the City of Cambridge to permit the expansion of the Regional Power Centre and to changed the composition of the permitted store sizes
OMB File No: O030077

Bridgcam Shopping Centres Limited 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 Regional Official Policies Plan for the Regional Municipality of Waterloo to redesignate lands respecting Part of Lot 4, Registrar's Compiled Plan 1365, being designated as Parts 1 to 50 and 52 on Plan 67R-3638, located in the southeast quadrant of Highway 401 and Hespeler Road in the City of Cambridge to permit the expansion of the Regional Power Centre and to changed the composition of the permitted store sizes
OMB File No: O030088

APPEARANCES:

Parties

Bridgcam Shopping Centres Limited

City of Cambridge

Region of Waterloo

Counsel

M. K. Bull and S. M. Mahadevan

J. A. Matera

D. Arnold

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER ON
NOVEMBER 4, 2005 AND ORDER OF THE BOARD**

This is the final hearing regarding the appeals by Bridgecam Shopping Centres Limited (applicant) from the Council of the City of Cambridge's (City) refusal to enact proposed amendments to the City Official Plan (OP) and By-law 150-85 (By-law) and from the Council of the Regional Municipality of Waterloo's (Region) refusal to enact a proposed amendment to the Regional Official Policies Plan (ROPP) to permit retail commercial expansion (proposal) on an existing approximate 68-acre regional power centre site at the northeast corner of Hespler Road and Pinebrush Road immediately south of Highway No. 401 (subject property).

At the commencement of the hearing the Board was informed of a full settlement of the appeals in accordance with Minutes of Settlement presented as Exhibit No. 3 and now dated November 4, 2005.

The settlement results from a lengthy prehearing process and successful Board conducted mediation over the course of approximately three years. Included in that period was a statutory public meeting and initial prehearing conference of the Board with appropriate notice that included adjacent property owners.

The recognized parties and participants to these appeals have worked diligently in arriving at this settlement.

W. Wright, on behalf of the City, provided uncontradicted expert land use planning evidence in support of the proposed amendments to the ROPP, OP and By-law 150-85 as set out in Schedules A, B and C of Exhibit No. 3. No other evidence was proffered.

The proposal results in an increase in maximum gross retail commercial floor area to 672,000 square feet on the lands of Bridgecam shown as Site A on Exhibit No. 6, a one-store area of 38,280 square feet on Site B and no retail commercial floor area space on Site C in keeping with a previous condition of approval of a consent to convey lands in 1998.

With respect to the proposed Amendment No. 21 to the Regional Official Policies Plan (ROPP 21), the planner for the City confirmed it recognizing the increase in gross

retail commercial floor area, refining the definition of regional power centre and setting out policies for minor expansions.

With respect to the proposed Amendment No. 18 to the City Official Plan (OPA 18), the planner confirmed it recognizing a more enforceable definition of gross retail commercial floor area, the increased retail space, policies for minor expansions, retail commercial caps for Sites A, B and C noting no change to Site C, the range and distribution of store sizes on Sites A and B and provisions related to the application of a holding provision in the amending by-law.

With respect to the proposed amendment to By-law 150-85, the planner confirmed it implementing the ROPP 21 and OPA 18 setting out specific performance requirements and including detailed provisions for the removal of the holding provision remaining on Site A.

The City planner confirmed her opinion that no unacceptable impacts on the existing commercial core areas or other planned commercial areas result for the settled proposal. She carefully reviewed all market and traffic studies and peer reviews undertaken in arriving at her opinion.

The City planner is of the opinion that the proposed amendments represent good planning, are in the public interest and should be approved.

Having carefully considered the uncontradicted evidence and recognizing the long standing open public planning approval process leading up to this settlement, the Board finds that the proposed ROPP 21 and OPA 18 are appropriate, represent good planning and are in the overall public interest of the community. The Board finds that the proposed amendment to By-law 150-85 conforms to ROPP 21 and OPA 18 and appropriately implements the policies of those two documents.

In conclusion, with full consent of the parties, the appeals by Bridgecam Shopping Centres Limited are allowed and Amendment No. 21 to the Regional Official Policies Plan of the Regional Municipality of Waterloo and Amendment No. 18 to the

Official Plan of the City of Cambridge are approved. These are Attachments 1 and 2 respectively to this decision.

In addition, the appeal by Bridgecam Shopping Centres Limited is allowed and By-law 150-85 is amended in the manner as set out in Attachment 3 to this decision. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

The Board again congratulates the parties and participants for their successful efforts in the full resolution of this dispute.

The Board so Orders.

“D. R. Granger”

D. R. GRANGER
MEMBER

Attachments filed with original decision