

ISSUE DATE:

Mar. 27, 2006

DECISION/ORDER NO:

0908



PL051073

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Calloway REIT (St. Catharines) 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 64-270 (Zone 4) of the City of St. Catharines to rezone lands respecting 275 Fourth Avenue to amend the zoning to expand the range of permitted uses to allow offices and remove the requirement for minimum retail unit size and adjust certain setback and landscaping requirements in order to allow a commercial development on the subject lands.

O.M.B. File No. Z050147

APPEARANCES:

Parties

Calloway REIT

City of St. Catharines

Counsel

Sharmini Mahadevan

Annette Poulin

MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON 22 MARCH 2006 AND ORDER OF THE BOARD

At the hearing, the parties advised the Board that a settlement has been reached in the case at hand.

The property is zoned Industrial Service (IS) and subject to site specific By-law 2000-17, which permits a commercial power centre. The Applicant seeks to expand the permitted uses on the property to allow office uses; to reduce the required setbacks along Fourth Avenue, Martindale Road and Vansickle Road from 12 metres to 3 metres; to eliminate the minimum unit size requirement of 900 square metres; and to reduce the landscape buffer requirement from 3 metres to 2 metres with no requirement for height or spacing of plant material. The Committee of Adjustment granted a variance for setback reduction from 12 metres to 3 metres along Fourth Avenue, and the attached amended Zoning By-law reflects that setback reduction.

Planner Kevin Blozowski of the City of St. Catharines provided his expert planning opinion that the proposed amendment to the Zoning By-law represents good

planning. When considered in the context of the relevant planning documents as presented to the Board, the Board accepted his uncontradicted evidence and professional opinion in this regard. He added that the issue of planting will be dealt with through the municipality's site plan agreement process.

The Board approves amending Zoning By-law No. 64-270 as attached and as set out in Attachment 1 to this Order.

So orders the Board.

"R. Rossi"

R. ROSSI
MEMBER

ATTACHMENT FILED WITH ORIGINAL DECISION