



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning & Development Services, Implementation

Date of Report: November 12, 2012 **Date of Meeting:** November 12, 2012

Report Number: PDS-645-2012 **File:** 60.35.990 Vol. 2

Subject: Application to Remove Holding Provision from Zoning – 527A Glendale Avenue; Applicant: Upper Canada Consultants

Recommendation

That Council grant approval to remove the Holding (H) designation from the zoning for lands known as 527A Glendale Avenue; and

That the City Solicitor be directed to prepare the necessary by-law to give effect to Council's decision; and

Further, that the Clerk be directed to make the necessary notifications. FORTHWITH

Summary

The current Third Density Residential - Holding (R3-H) zone requires that certain conditions be met prior to the zoning taking effect. Those conditions have now been met. Staff is supportive of the removal of the Holding (H) designation.

Background

As part of the rezoning of this property in September of this year, the Region expressed some concern regarding the environmental integrity of the site. The Region's concerns were based on environmental issues regarding abutting lands to the east and potential impact on the site which might not have been detected as part of the Phase I Environmental Site Assessment completed for the site. The Holding provision was approved as part of the zoning amendment at the Region's request to ensure the applicant had addressed this potential impact.

The site specific zoning by-law requires that certain conditions be met prior to lifting the Holding (H) provision so that the underlying zoning can take effect. The condition is:

That Soil Mat Engineers and Consultants confirm the following:

- a) The results from the Ministry of Environment database search confirm the findings of the Phase I ESA for this site, dated April 12, 2012.

- b) The review of the ESA completed for the Victoria Meadows subdivision to the east of this site, does not alter the conclusions of the Phase I ESA for this site, dated April 12 2012.

In accordance with the Planning Act, the Holding (H) provision can be removed by Council, without any further public meeting, once these conditions have been met to the satisfaction of the City.

Report

Staff have received a request to remove the Holding (H) provision attached to the zoning for 527A Glendale Avenue (Appendix "1"). The lands are zoned Third Density Residential - Holding (R3-H) by amending By-law 2012-257 (Zone 7), which was passed by Council on September 12, 2012.

In correspondence to the City dated September 21, 2012, the applicant has submitted the results from the Ministry of Environment database search which relays the findings of the Phase I ESA for this site, dated April 12 2012. This documentation confirms the ESA for the Victoria Meadows subdivision to the east of this site does not alter the conclusions of the Phase I ESA for this site.

The Niagara Region had originally requested that the Holding provision be placed on the zoning for the property. The Region has reviewed the information and is satisfied that the requirements under By-law 2012-257 have been satisfied and that the Holding provision may be lifted.

No further public meeting is required prior to Council considering the lifting of the Holding (H) provision. The notice of Council's intent to remove the Holding (H) provision has been issued to the owner of the property as required by the Planning Act.

Staff have reviewed the request to remove the Holding (H) provision and advise that the conditions required in accordance with By-law 2012-257 have been satisfied with respect to 527A Glendale Avenue.

Financial Implications

Not Applicable.

Conclusion

Staff have reviewed the request to remove the Holding (H) provision and advise that the conditions required pursuant to By-law 2012-257 have been satisfied. Staff recommends that the Holding (H) designation be removed for lands municipally known as 527A Glendale Avenue as illustrated on Appendix "1".

Notification

It is in order to advise Jennifer Vida, Upper Canada Consultants, 261 Martindale Road, Unit 1, St. Catharines, ON, L2W 1A1.

Submitted by:

Judy Pihach, M.C.I.P., R.P.P.
Manager of Planning Services

Prepared by:

Jessica Button, M.C.I.P., R.P.P.
Planner I

Approved by:

James N. Riddell, M.Pl., M.C.I.P., R.P.P.
Director of Planning and Development Services

APPENDIX 1

Location: 527A Glendale Avenue
File #: 60.35.990 Vol. 2

