



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning & Development Services, Implementation

Date of Report: January 28, 2013

Date of Meeting: February 11, 2013

Report Number: PDS-044-2013

File: 60.35.733 Vol. 5

Subject: Application to Remove Holding Provision from Zoning, 26 Wellington Street
Applicant: Penn Terra Group Limited

Recommendation

That Council grant approval to remove the Holding (H) designation from the zoning for lands known as 26 Wellington Street; 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 Business and Commercial - Holding (BC-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 sale of this property, Council re-zoned the subject lands to add a Holding (H) provision to the existing Business and Commercial (BC) zoning in order to insure that future development meets the City's goals and objectives relating to residential development in the downtown core, and to ensure the retention of public parking spaces provided at 136 James Street.

The site specific Holding provision requires that certain conditions be met prior to lifting the Holding (H) provision so that the underlying zoning can take effect. The Holding (H) designation will be removed by Council without further public hearing once:

- i) The Chief Building Official confirms that a building permit may be issued once the Holding (H) provision is removed and the Business and Commercial (BC) zoning takes effect.
- ii) Documentation is provided, by a qualified professional, outlining the manner in which the public parking currently located at 136 James Street, is to be provided on one or both of these parcels of land, and

the manner in which the public parking is to be located, controlled, managed and offered to the public, to the satisfaction of the Director of Transportation and Environmental Services.

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 has received a request to remove the Holding (H) provision attached to the zoning for 26 Wellington Street (Appendix "1"). The lands are zoned Business Commercial- Holding (BC-H) by amending By-law 2012-24 (Zone 5), which was passed by Council on February 26, 2012.

In correspondence January 15, 2013, the Chief Building Official confirms that a full building permit may be issued, and Transportation and Environmental Services confirms that the parking study submitted is sufficient and that the Holding (H) provision can be removed from the zoning.

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 has reviewed the request to remove the Holding (H) provision and advise that the conditions required in accordance with By-law 2012-24 have been satisfied with respect to 26 Wellington Street.

Conclusion

Staff has reviewed the request to remove the Holding (H) provision and advise that the conditions required pursuant to By-law 2012-24 have been satisfied. Staff recommend that the Holding (H) designation be removed for lands municipally known as 26 Wellington Street as illustrated on Appendix 1.

Notification

It is in order to advise Penn Terra Group Limited, 2425 Matheson Blvd. E, Suite 800 Mississauga, ON L4W 5K4 .

Submitted by: Judy Pihach, MCIP, RPP, Manager of Planning Services

Prepared by: Jessica Button, MCIP, RPP
Planner I

Approved by: James N. Riddell, MPI, MCIP, RPP, Director of Planning and Development Services



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