

ISSUE DATE:

**October 31, 2006**

DECISION/ORDER NO:

**3067**

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Ontario

PL050527

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

North American Acquisition Inc. 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 Barrie to redesignate land on the north side of Molson Park Drive and east of Highway 400 from "General Industrial" to "Business Park" and "General Commercial" or "Mixed Employment" to permit the development of a General Commercial and Business Park area

OMB File No. O050095

North American Acquisition Inc. 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 85-95 of the City of Barrie to rezone lands respecting Part Lot 9, Concession 12, Molson Park Drive from Restricted Industrial M1 and Heavy Industrial M2 to C4 General Commercial Space 304 (H), C4 General Commercial Space 305 (H), EM1 Business Park and Open Space to permit the development of commercial and industrial development

OMB File No. Z050076

North American (Park Place) Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lot 7 and Lot 8, Concession 12 in the Township of Innisfil, now the City of Barrie

OMB File No. M050128

North American Acquisition Inc. and North American (Park Place) Corporation, 400 Barrie-Power Centres Inc. and 400 Barrie-Power Centres I Inc. and CHUM Limited have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Barrie to approve Proposed Amendment No. 85 to the Official Plan for the City of Barrie

(Approval Authority File No. D08-85)

OMB File No. O060061

North American Acquisition Inc. and North American (Park Place) Corporation, 400 Barrie-Power Centres Inc. and 400 Barrie-Power Centres I Inc. and CHUM Limited have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 2006-041 of the City of Barrie

OMB File No. R060075

## **APPEARANCES:**

### **Parties**

City of Barrie

North American Acquisition Inc.

400 Barrie Power Centres Inc.

### **Counsel**

I. J. Rowe

J. Pepino  
P. J. Harrington

M. Kemmerer

CHUM Ltd.

W. T. Barlow

**DECISION DELIVERED BY R. G. M. MAKUCH AND PARTIAL ORDER OF THE BOARD**

**Background**

The subject lands known as the "Molson Park" lands and comprising of approximately 76.59 hectares (189.18 acres) are located in the southern portion of the City at the north-east quadrant of the interchange at Molson Park Drive and Provincial Highway 400, where a full interchange is provided. The lands lie on the east and west sides of Bayview Drive, which runs generally parallel to Highway 400.

It is part of the City's "southern node", which has evolved since the early to mid 1990's as the newest regional serving retail and service commercial node in the City. The subject lands are in a "General Industrial" designation and the other three quadrants at the intersection of Highway 400 are designated as "General Commercial" and are used for general retail and service commercial purposes.

The owner/appellant (North American Acquisition Inc.) submitted Official Plan and Zoning By-law Amendment applications in 2002 to permit the development of general commercial and business park uses known as "Park Place" in a format referred to as a "Power Town", which includes what is referred to as a "Lifestyle Centre" on the subject property.

City Council refused/neglected to approve the applications and on June 13, 2005, the owner/applicant filed appeals with this Board from such refusals. On August 11, 2005, a site plan control application was also filed for the development of Area 1 referred to below and the appeal under Section 41 herein is with respect to City Council's refusal/neglect to settle the details of that site plan application.

On March 6, 2006, City Council enacted Official Plan Amendment No. 85 and Zoning By-law No. 2006-041 implementing its Business Park vision for the subject lands. On March 26, 2006, the owner/appellant filed appeals (Board File Nos. O060061 and R060075) against these recent enactments.

The hearing of the appeals under Board File Nos. O060061 and R060075 by North American Acquisition Inc. against Official Plan Amendment No. 85 and Zoning

