



CITY OF  
ST. CATHARINES

## Corporate Report

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**Report from** Planning and Development Services, Planning Services

**Date of Report:** July 22, 2013

**Date of Meeting:** August 12, 2013

**Report Number:** PDS-219-2913

**File:** 60.46.378 Vol. 2

**Subject:** Draft Plan of Condominium Approval - 168 Martindale Road; Owner: Glenbrook Homes Ltd.; Agent: Glenn Barr, Barr Associates

### Recommendation

That Council grant Draft Plan of Condominium approval for a second time, for the lands described as Part Lots 3 and 4, Plan 30M-167, known municipally as 168 Martindale Road, subject to the conditions outlined in Appendix 1 of this report; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P 13, as amended, be processed by staff; and

That, after notice of Council's decision has been given, the City Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

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

### Background

This application was previously approved by Council. Due to a clerical oversight Council is requested to approve this application for a second time, so that compliance with the Planning Act requirements regarding notice of Council's decision may be achieved.

### Report

On May 27, 2013, Council granted Draft Plan of Condominium approval for the lands described as Part Lots 3 and 4, Plan 30M-167, known municipally as 168 Martindale Road, subject to the conditions of draft plan of condominium approval outlined in Appendix 1 in a report to Council on May 27, 2013. Section 51 (37) of the Ontario Planning Act requires notice of Council's decision to be given within 15 days.

In this case, staff inadvertently failed to issue notice of Council's decision within 15 days, and accordingly, the approval is not in accordance with the requirements of the

Planning Act. Council is requested to approve the application a second time so that notice of Council's decision may be issued within 15 days in accordance with the Planning Act. There are no revisions or changes to Council's previous approval.

### **Financial Implications**

Not Applicable.

### **Conclusion**

Council is requested to approve, for a second time, the Draft Plan of Condominium approval for the lands described as Part Lots 3 and 4, Plan 30M-167, known municipally as 168 Martindale Road, subject to the conditions of draft plan of condominium approval, outlined in Appendix 1 of this report so that notice may be issued in accordance with Section 51 (37) of the Ontario Planning Act.

### **Notification**

It is in order to notify Glenn Barr, Barr Associates.

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Prepared by:**

Jessica Button, MCIP, RPP  
Planner 1

### **Approved by:**

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

## Draft Plan Conditions

### Condition of Draft Plan of Condominium 168 Martindale Road FILE No. 60.46.378 Vol. 2

#### General Approval

1. That this approval applies to lands known as Part of Lots 3 & 4, Plan 30M-167, in the City of St. Catharines, designated as parts 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 24, 26, 32 on reference plan 30R-11396, known municipally as 168 Martindale Road, prepared by William A. Mascoe, O.L.S., dated January 18, 2013, identifying Lots 1-12 (townhouse units), Lot 13 (apartment building) and a common private road.

#### Site Plan Agreement

2. That prior to final registration of the plan of condominium, the owner enter into a Site Plan Agreement with the City of St. Catharines, to be registered against the lands.

The site plan agreement shall include but not be limited to the following Regional concerns:

- i) That the Site Plan Agreement include the following warning clause and that the owner agree in the Site Plan Agreement to include in all offers and agreements of purchase and sale or lease for each unit the following warning clause:

“Prospective purchasers/tenants are advised that due to the proximity of existing or potential future industrial uses to the east, including the General Motors of Canada Limited plant that is currently idle, resulting noise, odour, dust and/or vibration may have adverse effects and occasionally interfere with some activities of the dwelling occupants”.

- i) That the owner shall agree in the Site Plan Agreement to enter into an Indemnity Agreement with the Regional Municipality of Niagara regarding the provision of garbage/waste/recycling collection service in accordance with Regional policy C3.C17, Collection of Material By Way of Entry on Private Property and by-laws relating to the curbside collection of waste and that the following clause be included in the Site Plan Agreement:

“To be eligible for the provision of collection service by way of entry on private property, the private roadways must be designed to meet the requirements of Regional Municipality of Niagara policy C3.C17, Collection of Material By Way of Entry on Private Property and by-

laws relating to the curbside collection of waste (i.e. providing through passage, minimum roadway width/curb radius, private roadways must be designed to permit unobstructed access to the location of the material to be collected, etc.) so that collection vehicles can access collection locations without the need to reverse. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services”.

(City of St. Catharines,  
Niagara Region)

### **Condominium Assumption Agreement**

3. That the applicant enter into a Condominium Assumption Agreement with the City of St. Catharines.

*(City of St. Catharines)*

### **Administration**

4. That if final approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wished to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be received by the City prior to lapsing date. An updated review and revision to the conditions of approval may be necessary at that time.

*(City of St. Catharines)*

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been met satisfactorily.

### **Clearance of Conditions**

**Prior to granting final plan approval, the City of St. Catharines must be in receipt of written confirmation that these requirements have been met satisfactorily:**