

Corporate Report

Report from Planning and Development Services, Planning Services

Date of Report: July 31, 2013

Date of Meeting: August 26, 2013

Report Number: PDS-248-2013

File: 60.46.397

Subject: Application for Draft Plan of Condominium (Standard Condominium)
Approval at 26 Wellington Street; Applicant: Penn Terra Group Limited;
Agent: The Larocque Group (Brent Larocque)

Recommendation

That Council refer the report from Planning and Development Services, Planning Services, dated July 31, 2013, regarding an application for draft plan of condominium (standard condominium) approval, for lands known municipally as 26 Wellington Street to Council for consideration after the public meeting scheduled for September 9, 2013. FORTHWITH

Staff Recommendation

That the application for draft plan of condominium (standard condominium) for the lands described as Lots 662, 663 & 664 and Part of Lots 625, 626, 627, 628 & 629 Corporation Plan No. 2, municipally known as 26 Wellington Street, for 28 apartment dwelling units, be approved, as outlined in Appendix 1, subject to the conditions of draft plan of condominium approval outlined in Appendix 2 of this report; and

That staff be directed to process the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended; 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 an application to the Ontario Municipal Board for approval of the draft plan of condominium, if any appeals are received; and

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

Summary

The purpose of the application is to request approval of a draft plan of condominium (standard condominium) for twenty-eight (28) apartment dwelling units (Appendix 1),

currently under construction. A Site Plan Agreement is registered on title, and addresses landscaping, fencing, building elevations, servicing, grading and lighting. Staff recommends that the draft plan of condominium (standard condominium) application be approved to facilitate condominium tenure.

Background

The lands at 26 Wellington Street were originally owned by the City, but declared surplus and sold to Penn Terra Group Limited, as part of an initiative to attract residential development downtown. The subject lands now have an approved Site Plan Agreement. There are no land use changes proposed by the current application. Draft Plan of condominium approval creates units for individual ownership.

Report

Site Analysis

Location:

The Garden City Plan (GCP) identifies the lands as being within the Downtown Planning District (Schedule E10). More specifically, 26 Wellington Street is on the east side of Wellington Street, south of Lake Street (see Appendix 3).

Existing Land Use:

- i. **Site:** The property is irregularly shaped with a lot area of 0.29 hectares (0.7 acres), with 34 metres (111 feet) of frontage on Wellington Street. The four storey, 28 unit apartment building is currently under construction.
- ii. **Neighbourhood:**
The property is located in the City's core area and surrounded by a mix of residential, office, commercial and residential land uses at a range of densities.

Garden City Plan:

The Garden City Plan (GCP), designates 26 Wellington Street as being within the Downtown Area (Schedule D1) and within the defined Urban Growth Centre (Schedule D). 26 Wellington Street is further defined within the Downtown Planning District (Schedule E10) as Medium Density Residential permitting detached, semi-detached, duplexes, multiple attached, and apartments at a density of 25-99 units per hectare and not exceeding 20 metres (66 feet) in height.

Zoning By-law:

The property is zoned Business and Commercial (BC) by Zoning By-law 6756 (Zone 5) permitting a range of retail and office uses as well as stand-alone residential uses including an apartment building.

Circulation Comments

The application was circulated to all applicable City department and agencies for their comments and/or requirements. Since design requirements were addressed through the Site Plan Approval, no objections or requirements were received. The following detailed comments were offered:

- The Development Division of Planning and Development Services has advised that the applicant will be required to post securities for all of the common elements within this development. These securities will be in addition to the requirements of the Site Plan Agreement. Cost estimates will be required in order to establish the required security amounts such as underground servicing & lighting. This requirement will form part of the required Condominium Assumption Agreement.
- The Region of Niagara noted that, in accordance with the Site Plan Agreement, private waste collection will be required for the inground waste containers in the north corner of the property. No conditions of Draft Plan Approval were requested.
- The Traffic Division of Transportation and Environmental Services, and Recreation and Community Services offered no concerns or objections to the proposed Draft Plan of Condominium.

Public Open House

A public open house was hosted by staff on July 25, 2013. The purpose of the open house was to present the applicant's proposal and to allow an opportunity for questions to be asked and comments to be received by City staff before Council makes a decision. Five members of the public were in attendance. Comments are summarized below and will be addressed in the Planning Considerations section of this report.

- Neighbours were advised that the building would be comprised of rental units
- The site is overdeveloped, the site does not have sufficient parking. Owners of a condominium will require more parking than tenants of a rental unit.
- Was the condominium tenure reflected in the price the city charged when the land was sold?
- How is public parking being maintained? What is the definition of public parking?

Planning Considerations

Provincial Policies

The Provincial Policy Statement (PPS) and Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan) contain policies that direct growth to settlement areas where appropriate levels of services and infrastructure exist. Growth management policies also direct a significant portion of new growth to the built-up areas through intensification. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available. The proposal is in conformity with Provincial policies.

Regional Policy Plan

The property is within the City's Urban Area Boundary, as defined by the Regional Policy Plan (RPP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area. The RPP promotes the use of land for infilling, intensification and redevelopment to promote a more compact urban form of development. Regional staff has confirmed that the proposal complies with Regional policies.

Garden City Plan

The lands are designed as Medium Density Residential, which permit a range of residential uses at a density range between 25 and 99 units per hectare. The proposed development of 28 apartment units provides a density of 94 units per hectare which meets the density requirements in the GCP.

Zoning By-law

The property is zoned Business and Commercial (BC) by Zoning By-law 6756 (Zone 5) permitting a range of retail and office uses as well as stand-alone residential uses including an apartment building. The zoning by-law does not require the provision of any parking on site, although the owner has chosen to construct parking to address the needs of potential purchasers. The proposed development complies with all provisions of the Zoning By-law.

Draft Plan of Condominium

The draft plan of condominium (standard condominium) proposes ownership tenure for 28 apartment units. Upon assumption, the condominium corporation will be responsible for the ongoing maintenance of all items within the common element areas (parking lot and landscaping areas etc.)

Section 50.1(24) of the Planning Act guides staff in assessing applications for draft plan of condominium approval and staff are satisfied that the proposal fulfills these criteria. The lands can be serviced with municipal services.

Site Plan Agreement and Condominium Assumption Agreement

Site plan control applies to all residential development with five or more dwelling units, including the proposed development. The applicant has entered into a site plan agreement with the City. This site plan review and agreement process is the principal tool through which staff will implement design considerations to maximize compatibility with the surrounding neighbourhood and to ensure long term functionality.

To bind the future condominium corporation to the terms of the site plan amendment agreement, the applicant will be required to enter into a condominium assumption agreement with the City.

Staff recommends that the requirement to enter into a condominium assumption agreement be included as a condition of draft plan of condominium approval (Appendix 2).

Open House Comments

Comment: Neighbours were advised the building would be rental units.

Response: The application for draft plan of condominium indicates condominium tenure. There have been no commitments from the owners that the proposed 28 unit apartment building would be rental units.

Comment: The site is overdeveloped, the site does not have sufficient parking, parking spaces are too small. Owners of a condominium will require more parking than tenants of a rental unit.

Response: The development of the site has been approved through a Site Plan Agreement. The proposal complies with all requirements of the zoning by-law, including parking requirements. The by-law does not require the provision of any parking on site. The Site Plan Agreement, as well as the proposed Draft Plan of Condominium includes 26 parking spaces.

Comment: How is public parking being maintained? What is the definition of public parking? Was the condominium tenure reflected in the price the city charged when the land was sold?

Response: This previously vacant land was never constructed as a formalized public parking lot by the City. Neither was the site part of the City's public parking inventory nor subject to parking fees. Notwithstanding, staff understand that the lot was often used for parking since it was not monitored and people could park for free. The site has been sold and all conditions relating to the sale of the land have been satisfied.

Council should be aware that this application relates to tenure only. Parking was considered and approved as part of the site plan approval for this site and that agreement is now registered on title. Penn Terra has met all obligations relating to the sale of this property.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

Notice

In accordance with established procedures the date for the public meeting is provided in the recommendation and notices for the public meeting have been circulated.

Financial Implications

Not applicable.

Conclusion

The proposed draft plan of condominium (standard condominium) is consistent with Provincial, Regional and local planning policies, including the Garden City Plan and Zoning By-law. Staff recommends that the application be approved, subject to the conditions outlined in Appendix 2.

Notification

It is in order to notify Brent Larocque, The Larocque Group Limited, 12 Lyman Street, St. Catharines, ON, L2R 5M7.

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

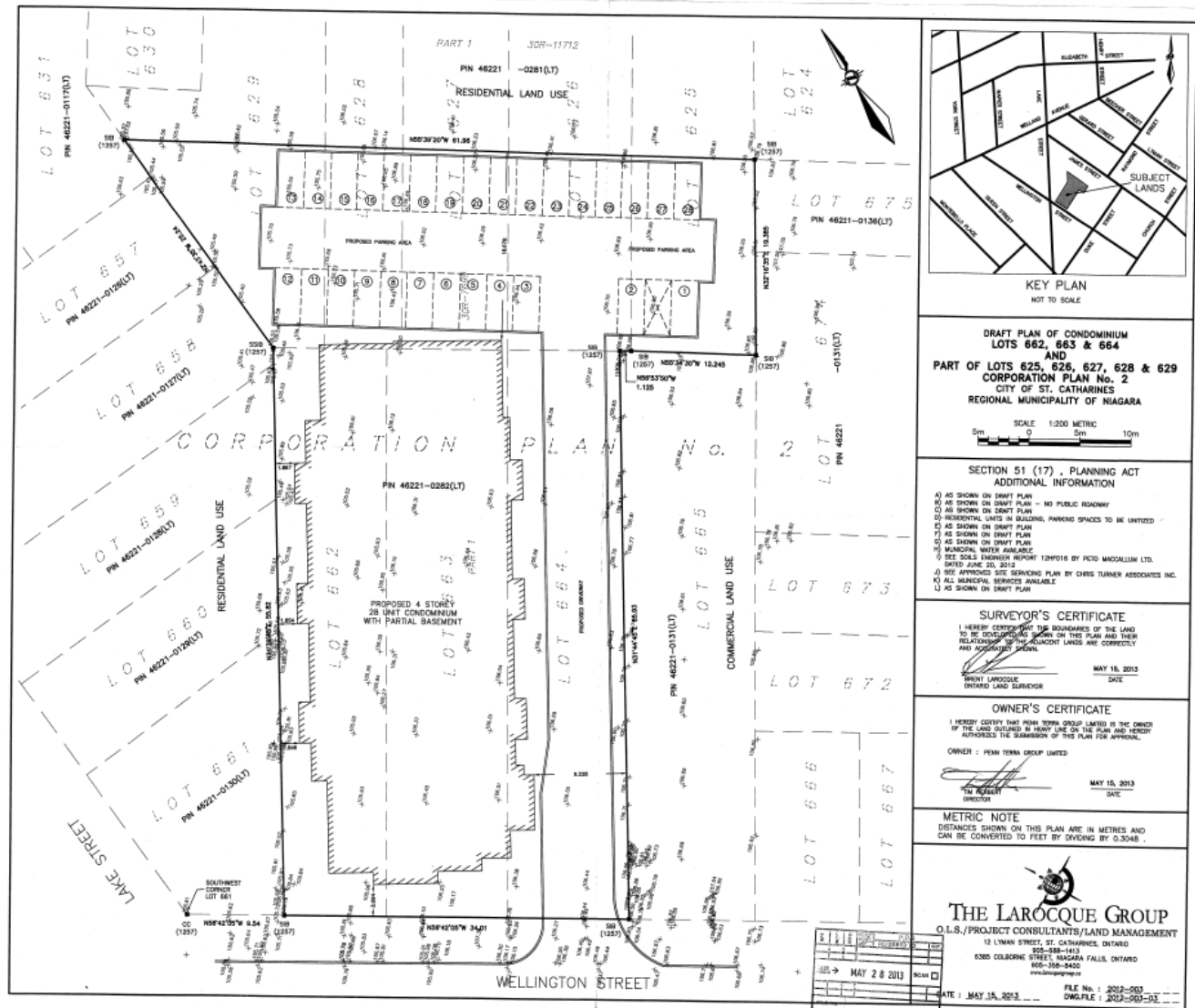
Prepared by:

Jessica Button, MCIP, RPP
Planner 1

Approved by:

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

Proposed Draft Plan of Condominium



Draft Plan Conditions

Conditions of Draft Plan of Condominium Approval 26 Wellington Street File No. 60.46.397 Submission No. 26CD-10-13003

General Approval

1. That this approval applies to lands known as Lots 662, 663 & 664 and Part of Lots 625, 626, 627, 628 & 629 Corporation Plan No. 2, municipally known as 26 Wellington Street, for 28 apartment dwellings, prepared by The Larocque Group, dated May 15, 2013.

Condominium Assumption Agreement

2. That the owner enter into a Condominium Assumption Agreement with the City of St. Catharines, binding the Condominium Corporation to the terms of the registered site plan agreement, to be registered together with the registration of the final plan of condominium.

(City of St. Catharines)

Administration

3. 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.

Location Map

**SUBJECT LANDS KNOWN AS
26 WELLINGTON STREET
FILE: 60.46.397**