



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Twentieth Meeting, Regular, Monday, October 6, 2014
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Brian McMullan takes the Chair and opens the meeting

- 1. Invocation**
- 2. Opening Remarks, Mayor McMullan**
- 3. Presentations**
- 4. Adoption of the Agendas**
- 5. Declarations of Interest**
- 6. Public Meetings Pursuant to Planning Act (Commencing at 7:30 p.m.)**

6.1 Planning and Development Services, Planning Services
Application for Draft Plan of Condominium Approval at 379 Scott Street;
Applicant: Niagara Innovative Living Inc.; Agent: Matthews, Cameron,
Heywood Surveying Ltd.

- 7. Adoption of the Minutes (Council, General Committee and Special Shareholders)**

- 7.1 Nineteenth Meeting of Council held Monday, [September 22, 2014](#)
- 7.2 Nineteenth Meeting of General Committee held Monday, [September 22, 2014](#)
- 7.3 St. Catharines Hydro Inc. Special Shareholders Meeting held Monday, [September 22, 2014](#)

- 8. Delegations**

- 8.1 **PUBLIC MEETING (Pursuant to Notice By-law 2007-310, as amended):**
Proposed By-law to Rename King's Grant Court to Settler Court (see [General Committee, October 6, 2014, Item 3.1](#))

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8.2 PUBLIC MEETING (Pursuant to Notice By-law 2007-310, as amended):

Proposed By-law to Regulate Property Standards and Associated Rates and Fees within the City of St. Catharines and Other Related Matters (see [General Committee, October 6, 2014, Item 3.2](#))

9. Call for Notices of Motion

10. Motions

11. Resolve into General Committee

12. Motion Arising from In-Camera Session

13. Motion to Ratify Forthwith Recommendations

14. By-laws

14.1 Reading of By-laws

15. Agencies, Boards, Committee Reports

16. Adjournment

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CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Development Services, Planning Services

Date of Report: September 15, 2014 **Date of Meeting:** October 6, 2014

Report Number: PDS-289-2014 **File:** 60.46.402

Subject: Application for Draft Plan of Condominium Approval at 379 Scott Street;
Applicant: Niagara Innovative Living Inc.; Agent: Matthews, Cameron,
Heywood Surveying Ltd.

Recommendation

That Council, after the Public Meeting scheduled for October 6, 2014, grant draft plan of condominium approval for the lands municipally known as 379 Scott Street, subject to the conditions of Draft Plan of Condominium approval outlined in Appendix 1 of this report; and

That the City Clerk be directed to make the necessary 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 Director of Planning and Development Services 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, the City Clerk 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 obtain Draft Plan of Condominium approval (standard condominium) to convert the five storey, 44 unit apartment building to condominium tenure. No new construction is proposed.

Background

The property contains one apartment building with a total of 44 dwelling units. A Site Plan Agreement for the apartment building has been approved and registered on title. Construction on the site is nearing completion, and the units will soon be ready for

occupancy. This application will facilitate the sale of individual condominium dwelling units within the building.

Report Proposal

The applicant is proposing to convert the five storey, 44 unit apartment building, currently under construction, to condominium tenure. The proposed Draft Plan of Condominium is included as Appendix 2.

Site Analysis

Location

The subject lands are located on the north side of Scott, immediately west of Walkers Creek, and opposite Grantham Plaza. A location map is included as Appendix 3.

Existing Land Use

- i. Site: The site is approximately rectangular in shape with a lot area of 0.37 hectares (0.93 acres) and lot frontage of 47 metres (154 feet) on the north side of Scott Street.
- ii. Neighbourhood:
 - North: Residential (single detached dwellings)
 - South: Strip commercial (Grantham Plaza)
 - East: Walkers Creek and strip commercial beyond
 - West: Residential (seven storey apartment building)

Official Plan

The site is designated as High Density Residential on Schedule E3 the Garden City Plan (GCP) which permits a variety of housing types, including apartment dwellings, with a minimum density of 85 units per hectare. Compliance with the GCP and specific policies relating to the conversion from rental to condominium tenure are outlined in the Planning Considerations section of this report.

Zoning By-law

The site is zoned High Density Residential (R4) by Zoning By-law 2013-283. The R4 zone permits a variety of residential uses, including apartment buildings, subject to the provisions. Compliance with the Zoning By-law is addressed in the Planning Considerations section of this report.

Circulation Comments

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

- The applicant will be required to post securities for all of the common elements within this development that are incomplete at the date of registration. These securities will be in addition to the requirements of the Site Plan Agreement. Cost

estimates will be required to establish the required security amounts such as underground servicing and lighting. This requirement will form part of the required Condominium Assumption Agreement.

- The Region of Niagara advises that the site is eligible for public waste collection. The Region has requested a condition that requires the owner to comply with their waste collection policy and to enter into an Indemnity Agreement with the Region.

Public Open House

A public open house was hosted by staff on August 26, 2014. 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. No members of the public attended the open house. PDS has also received no written or verbal concerns from neighbouring residents related to the application.

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. The proposal is in conformity with Provincial policies.

Regional Policy Plan

The site 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 site is designated High Density Residential in the Garden City Plan (GCP). The High Density Residential designation permits a variety of housing types, including apartment dwellings, with a density of at least 85 units per hectare. The 44 unit apartment building provides a density of 117 units per hectare. The proposal conforms to the Official Plan.

Zoning By-law

The site is zoned High Density Residential (R4) by Zoning By-law 2013-283, the City's new zoning by-law. The R4 zone permits a variety of residential uses, including apartment buildings, subject to the provisions of the zoning by-law. Site Plan approval for this building was issued in accordance with the former zoning by-law, prior to the adoption of the new zoning by-law, and accordingly the Transition clauses in section 1.1.12 of the new zoning by-law apply.

Draft Plan of Condominium

The proposed draft plan of condominium (standard condominium) proposes ownership tenure for 44 apartment units. Upon assumption of the Site Plan Agreement, the new condominium corporation will be responsible for Site Plan Agreement.

Section 50.1(24) of the Planning Act guides staff in assessing applications for draft plan of condominium approval. Staff are satisfied that the proposal fulfills these criteria.

Site Plan Agreement and Condominium Assumption Agreement

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

In order to bind the future condominium corporation to the terms of the Site Plan Agreement, the applicant will be required to enter into a Condominium Assumption Agreement with the City. This requirement is included as a recommended condition of Draft Plan of Condominium approval (Appendix 1).

Second Planning Opinion Advisory

Should Council consider not supporting the 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 City land use planning policies. Staff recommends that the application be approved, subject to the conditions outlined in Appendix 1.

Notification

It is in order to notify Niagara Innovative Living Inc., 2125 Fruitbelt Parkway, Niagara Falls, ON L2E 6S4.

Prepared by:

Scott Ritchie
Urban Design Planner

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

James N. Riddell, MPL, MCIP, RPP
Director, PDS

Proposed Conditions of Draft Plan of Condominium

Conditions of Draft Plan of Condominium Approval 379 Scott Street File No. 60.46.402 Submission No. 26CD-10-14002

General Approval

1. That this approval applies to lands known as Part of Lot 3, Registered Plan TP 77, designated as Part 1 on 30R-13973, municipally known as 379 Scott Street, for 44 apartment dwellings, prepared by Matthews, Cameron, Heywood Surveying Ltd., dated July 23, 2014.

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. The Assumption Agreement shall include;
 - i. The submission of securities for all common elements that are not fully constructed and inspected, at the time of registration
 - ii. The owner shall comply with the Region's Collection of Waste By Way of Entry on Private Property Policy (C3.C17) and enter into an Indemnity Agreement with the Region".

Administration

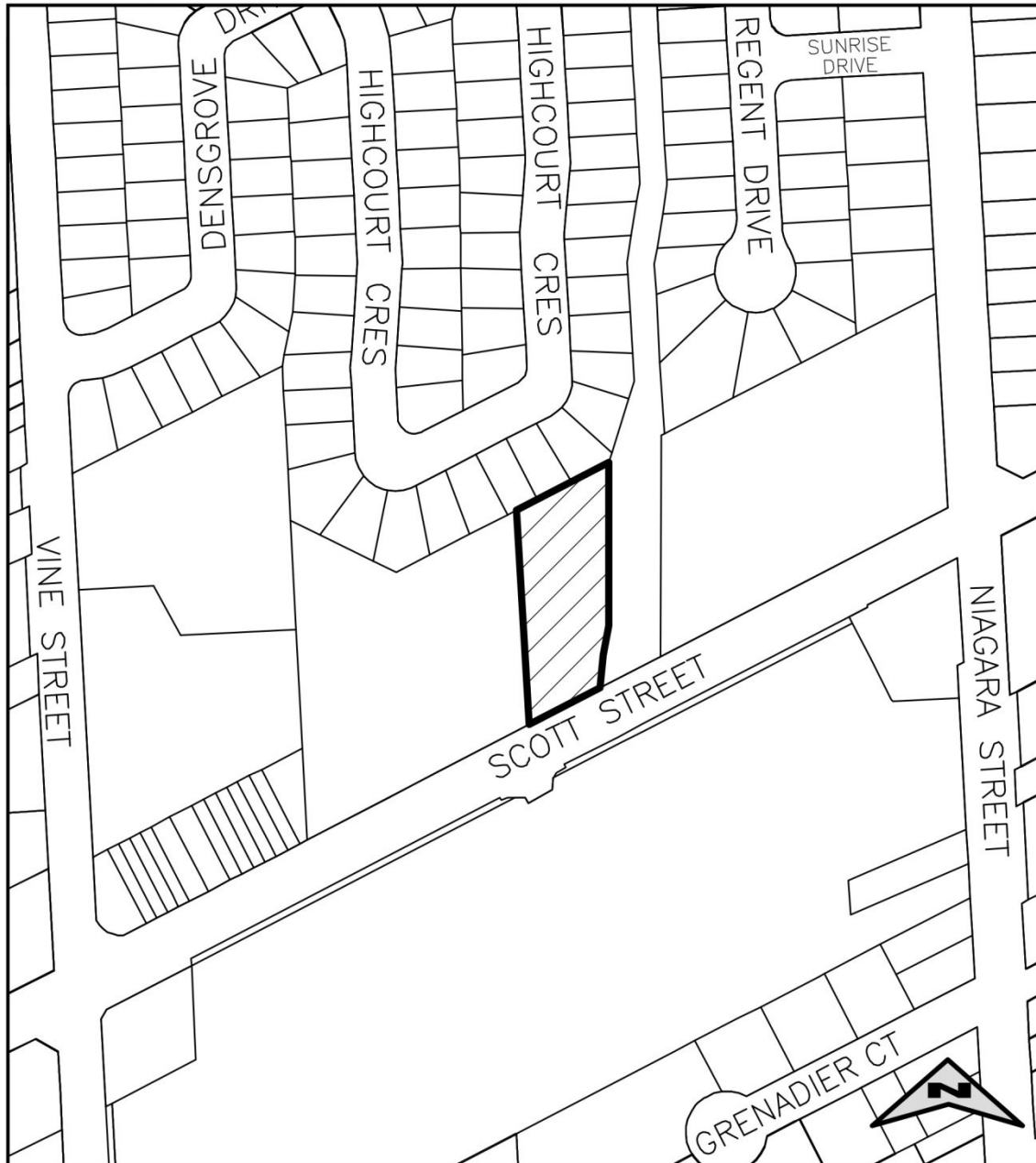
3. That if final approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the owner wished to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be 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.

[illegible]

Location Map



 Subject Lands

379 Scott Street

File: 60.46.402

By-laws to be considered October 6, 2014

- (a) A By-law to authorize a contract with Scott Construction Niagara Inc. (Three readings – with respect to Interior Renovations / Washroom Reconstruction – West St. Catharines Older Adult Centre, under Project No. P12-179-1. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize an Agreement with Ungerboeck Software International. (Three readings – with respect to Event Management Software System for the Performing Arts Centre. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to change the name of King's Grant Court to Settler Court. (Three readings – with respect to street name change to clarify addressing in the vicinity. To be considered by General Committee, October 6, 2014.)
- (d) A By-law for prescribing minimum standards for the maintenance and occupancy of all property within the City of St. Catharines and requiring such properties to be repaired, maintained or cleared of buildings or structures. (Three readings – with respect to regulating property standards within the City of St. Catharines. To be considered by General Committee, October 6, 2014.)
- (e) A By-law to amend By-law No. 2013-286 entitled "A By-law to impose certain fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters". (Three readings – with respect to discharge of property standards order. To be considered by General Committee, October 6, 2014.)
- (f) A By-law to appoint Property Standards Officers. (Three readings – with respect to appointment of Municipal By-law Enforcement Officers as Property Standards Officers. To be considered by General Committee, October 6, 2014.)
- (g) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff". (Three readings – with respect to appointments of Property Standards Officers. To be considered by General Committee, October 6, 2014.)
- (h) A By-law to authorize an Assignment of Agreement from 344 Glendale Avenue GP Inc. to Crownview Holdings Inc., over lands municipally known as 344 Glendale Avenue. (Three readings – with respect to Brownfield Tax Increment Based Incentive Grant Program dated November 11, 2014. To be considered by General Committee, October 6, 2014.)
- (i) A By-law to appoint Deputy Clerks for the purpose of appointing *Commissioners for Taking Affidavits Act* and to repeal By-law No. 2014-53. (Three readings – with respect to staffing changes - Commissioners for Taking Oaths and Affidavits. To be considered by General Committee, October 6, 2014.)

- (j) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff". (Three readings – with respect to City Clerk appointing Deputy Clerks as Commissioners for taking oaths. To be considered by General Committee, October 6, 2014.)
- (k) A By-law to authorize the acceptance of a conveyance of certain lands from Brox Investments Limited, 842798 Ontario Limited, 912715 Ontario Inc., and Visco Holdings Limited for the widening of Duke Street. (Three readings – with respect to condition of severance for 43 Church Street. Delegation By-law No. 2004-277, as amended.)
- (l) A By-law to authorize the acceptance of a conveyance of certain lands from Darryl Lincoln Wood and Marianne Po-Ling Bork for the widening of York Street. (Three readings –with respect to title description of property at 10 York Street. Delegation By-law No. 2004-277, as amended.)
- (m) A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 6th day of October, 2014. (Three readings – with respect to ratification and adoption of City Council Minutes of September 22, 2014, and General Committee Minutes of September 22, 2014, and Special Shareholder meeting of St. Catharines Hydro Inc. of September 22, 2014.)