



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, March 30, 2015
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

- 1. Invocation**
- 2. Presentations**
- 3. Opening Remarks, Mayor Walter Sendzik**
- 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 Building Services, Planning Services
Zoning By-law Amendment, 63-65 Main Street, Canadian Henley
Rowing Corporation

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

- 7.1 Regular Meeting of Council, [March 23, 2015](#)
- 7.2 General Committee Meeting, [March 23, 2015](#)

- 8. Delegations**

- 8.1 **Public Meeting (Pursuant to Notice By-law 2007-310, as Amended)**
Operating Budget - 2015 (see [General Committee Agenda March 30, 2015, Item 3.1](#))

- 9. Call for Notices of Motion**

- 10. Motions**

- 10.1 **Events of Municipal Significance**

That Council of the City of St. Catharines declare the In the Soil Arts Festival, to be held April 24 and 25, 2015, to be an event of municipal significance with respect to obtaining liquor permits in accordance with the Alcohol and Gaming Commission of Ontario requirements. FORTHWITH

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- 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 the By-laws
- 15. Agencies, Boards, Committee Reports**
- 16. Adjournment**

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CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: March 13, 2015

Date of Meeting: March 30, 2015

Report Number: PBS-080-2015

File: 60.35.1005

Subject: Zoning By-law Amendment, 63-65 Main Street, Canadian Henley Rowing Corporation

Recommendation

That Council approve an amendment to Zoning By-law 2013- 283 for a portion of the lands known municipally as 65 Main Street, more specifically shown in Appendix 1, from Low Density Residential –Traditional Neighbourhood (R2-7) to Minor Open Space (G2); and

That Council direct that fencing without barbed wire be installed along the boundary of the subject lands and the abutting residential zones prior to the Pan Am Games; and

That the City Solicitor be directed to prepare the necessary By-laws to give effect to Council's decisions; 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 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 all necessary notifications. FORTHWITH

Summary

Canadian Henley Rowing Corporation (CHRC) owns 63 Main Street (grandstand) and 65 Main Street (dwelling and garage). The properties have merged and became one parcel of land with both Minor Open Space (G2) zoning (grandstand) and Low Density Residential - Traditional Neighbourhood (R2) zoning (dwelling and garage).

The purpose of the application is to adjust the zone boundary between the Low Density Residential - Traditional Neighbourhood (R2 Zone -7) and the Minor Open Space (G2 zone) to permit the existing garage and surrounding land to be used in conjunction with the existing Canadian Henley grandstand. The zoning will help to facilitate the Pan Am

Games which will take place this summer. The zoning on the remainder of the lands will remain as Low Density Residential - Traditional Neighbourhood (R2) for continued residential use.

The requested zoning amendment to Minor Open Space (G2) for this small portion of land complies with the policies of the Garden City Plan, and with the provision of appropriate chain-link fencing will have minimal impact on the surrounding properties. The proposed use represents good planning and is supported by staff. (See Appendices 1, 2 and 3.)

Background

a) Location:

The property is located in the North Planning District on the south side of Main Street, between Brock Street and Ann Street, as shown on the attached Location Map, Appendix 1.

b) Existing Land Use:

i) Site:

The property contains a mix of uses. The eastern half and rear of the property contains the Canadian Henley main entrance/ticket gate and grandstand. The western portion of the property contains a detached dwelling, detached garage and associated residential yard. The subject lands, the south-west 329 m² of the property shown as the "hatched area" on Appendix 1, contains the existing detached garage.

ii) Land Use in the Neighbourhood:

North: Apartment buildings

South: Detached dwelling, Canadian Henley grandstand, Martindale Pond

East: Detached dwelling, apartment building

West: Detached dwellings

c) Garden City Plan:

The Official Plan for the City of St. Catharines designates the lands as Neighbourhood Residential and more specifically Low Density Residential in the North Planning District Schedule E1, permitting primarily residential uses. Within the Neighbourhood Residential designation additional ancillary uses also are permitted. These include schools, places of worship, local public serving institutional uses, neighbourhood commercial uses, parks and open space. Parkland and open space uses are permitted where compatible through a zoning by-law amendment.

d) Zoning:

The property has split zoning with both Minor Open Space (G2) zoning (grandstand) and Low Density Residential-Traditional Neighbourhood (R2-7) zoning (dwelling and garage) on one property as shown in Appendix 2. The Minor Open Space (G2) zone permits a boat ramp, cemetery, cultural facility, essential operations for service infrastructure and utilities, golf course/driving range, off leash dog park, petting zoo,

picnic area and shelter, outdoor recreation facility, trail, and certain other uses that are accessory including a concession stand, maintenance building, administrative office, spectator seating, and washroom/change room. The Low Density Residential-Traditional Neighbourhood (R2-7) zoning permits the uses in the R2 zone subject to Special Provision 7. The R2 zone permits detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex and quadruplex dwellings, townhouses and private road developments. Special Provision 7 restricts maximum height of buildings to nine (9) metres. Parks and open space uses are not permitted in the R2 zone. A zoning by-law amendment is required for the proposed use of the garage to be accessory to the Canadian Henley grandstand.

Proposed Zoning

The proposal is to amend the zoning of the rear approximate one third of the residential portion of the property from Low Density Residential-Traditional Neighbourhood (R2-7) to Minor Open Space (G2) to permit the existing detached garage and lands behind the garage to be used in conjunction with the Canadian Henley grandstand (See Appendix 2).

Report

Canadian Henley Rowing Corporation (CHRC) owns 63 Main Street (grandstand) and 65 Main Street (dwelling and garage). The properties have merged and become one parcel of land with both Minor Open Space (G2) zoning (grandstand) and Low Density Residential-Traditional Neighbourhood (R2-7) zoning (dwelling and garage) as shown in Appendix 2. The Canadian Henley grandstand is a privately owned recreation open space that is used primarily for major rowing events. The proposed zoning will adjust the boundary between the two zones, permitting the existing detached garage and land behind the garage to be used with the grandstand, as shown in Appendix 3. If approved, the amended zoning will permit the existing garage to be used to store equipment during the Pan Am Games. After the Games the building will become a maintenance building. The applicant has indicated that the approval of the proposed zoning will facilitate the upcoming Pan Am Games as well as other major rowing events that are held at the grandstand facility.

Circulation Comments

The application was circulated to various agencies and departments. No concerns or objections to the proposal were received from City departments.

The Region of Niagara is not opposed to the zoning by-law amendment from Provincial and Regional perspective. They advise that in accordance with the Memorandum of Understanding for the planning system in Niagara the Region and Niagara Peninsula Conservation Authority (NPCA) will provide a coordinated review regarding natural heritage interests and refer to comments from the NPCA in this regard.

The NPCA advised that the subject property does not contain any NPCA regulated lands. Further, the NPCA states that the lands are located outside of the regulated top of bank associated with the valley shoreline and do not appear to contribute to the natural function of the shoreline and should therefore not be considered to be part of the

Environmental Conservation Area valley shoreline designated area. As such, the NPCA has no concerns with the proposed change.

Public Open House

Planning and Building Services hosted a public open house on March 10, 2015. The owner's agent and nine (9) members of the public were in attendance. The purpose of the meeting was to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. There were no objections to the proposal, however, a number of questions were raised regarding proposed fencing around the area, long term use of the garage and land, and use of the existing dwelling. In addition, the question of whether the proposal complied with NPCA regulations was raised.

Planning Analysis

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) promotes efficient land use patterns involving a mix of land uses including housing, employment, recreation, parks and open space. The Provincial Policy Statement further states that healthy, livable safe communities are sustained by accommodating an appropriate range and mix of uses including recreation and open space to meet long-term needs. As noted, the subject lands with a size of 329 m² are to be used in conjunction with the Canadian Henley grandstand. The standards for hosting international rowing events has changed over time and the addition of the subject land will enhance the usability of the grandstand and, ultimately, the rowing course for major events while maintaining appropriate land for the existing residential use in keeping with Provincial Policy.

Region of Niagara Policy Plan

With regard to the Region of Niagara Policy Plan, the subject lands are within the City's Urban Area defined by the Regional Plan. No portion of the subject lands are constrained by identified natural features since the lands do not contribute to the natural function of the shoreline needs. Staff is of the opinion that the proposal is consistent with the Regional Plan.

Garden City Plan

The lands are designated as Low Density Residential and primarily permit residential use. In addition, accessory uses compatible with residential uses also are permitted. Accessory uses such as schools, places of worship as well as recreation and open space uses help create complete neighbourhoods. The area of the lands to be zoned G2 (329 m²) is a relatively minor addition to the G2 land and will help the CHRC to provide facilities required for major rowing events. This area will enhance the usability of the existing G2 zone without detracting from the residential neighbourhood. The proposed recreational use is compatible with residential uses and will enhance the complete neighbourhood.

Open House Questions

At the Open House, questions regarding proposed fencing around the subject land were raised. The existing fencing is generally 1.2 metres in height around the subject lands, however, the remainder of the CHRC has chain-link with barbwire along the top. The residents are concerned that during events individuals may trespass and that discarded waste may blow into their properties. The provision of fencing appropriate to the residential character of the neighbourhood will minimize any impact on abutting properties. The owner's agent has indicated that CHRC will work with the neighbours and will provide appropriate fencing. Staff recommend that fencing be installed prior to the commencement of the Pan Am Games. With regard to the use of the existing dwelling, it is occupied by a tenant and will continue to be used for residential purposes. Approval of this application will retain Low Density Residential -Traditional Neighbourhood (R2-7) zoning on 524 m² (5,647 sq. ft.) of land: this is an appropriate area for residential use. The eventual sale of the residential portion of the property will require a severance application.

In addition, during the Open House, compliance with NPCA regulations was raised. While the subject lands are outside of the NPCA regulated area and do not contribute to the natural function of the shoreline they are adjacent to Martindale Pond and potential impact must be considered. The proposed Minor Open Space (G2) zone permits a limited range of uses and is considered to be more restrictive than the current Low Density Residential – Traditional Neighbourhood (R2-7) zone and, as such, no adverse impacts on Martindale Pond are anticipated.

The proposed zoning amendment is a minor zoning boundary adjustment which augments the existing recreation use of the Canadian Henley Rowing Corporation. The proposal complies with the provisions of the Minor Open Space (G2) zone. The G2 yard requirements will retain appropriate buffering between the recreational use and abutting residential uses and no special provisions are required. Staff support the proposed zoning by-law amendment.

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

Financial Implications

There are no financial implications.

Conclusion

In summary, the proposed zoning by-law amendment will permit a minor zoning boundary adjustment that augments the existing recreational use of the Canadian Henley Rowing Corporation. The proposal conforms to Provincial, and Regional planning policies as well as the City's Garden City Official Plan. The rezoning of the subject land will enhance the usability of the grandstand and rowing course for major events while maintaining appropriate land for the existing residential use. The residential character of the overall area is maintained with existing Minor Open Space (G2) zone provisions. The proposed zoning by-law amendment represents good planning and is supported by Staff.

Notification

It is in order to notify Mr. Victor F. Muratori, Q.C., 40 Queen Street, P.O. Box 1360, St. Catharines ON L2R 6Z2 of Council's decision.

Prepared by:



Ellen Savoia, MCIP, RPP, Planner II

Approved by:

James N. Riddell, M.PL., MCIP, RPP
Director of Planning and Building Services

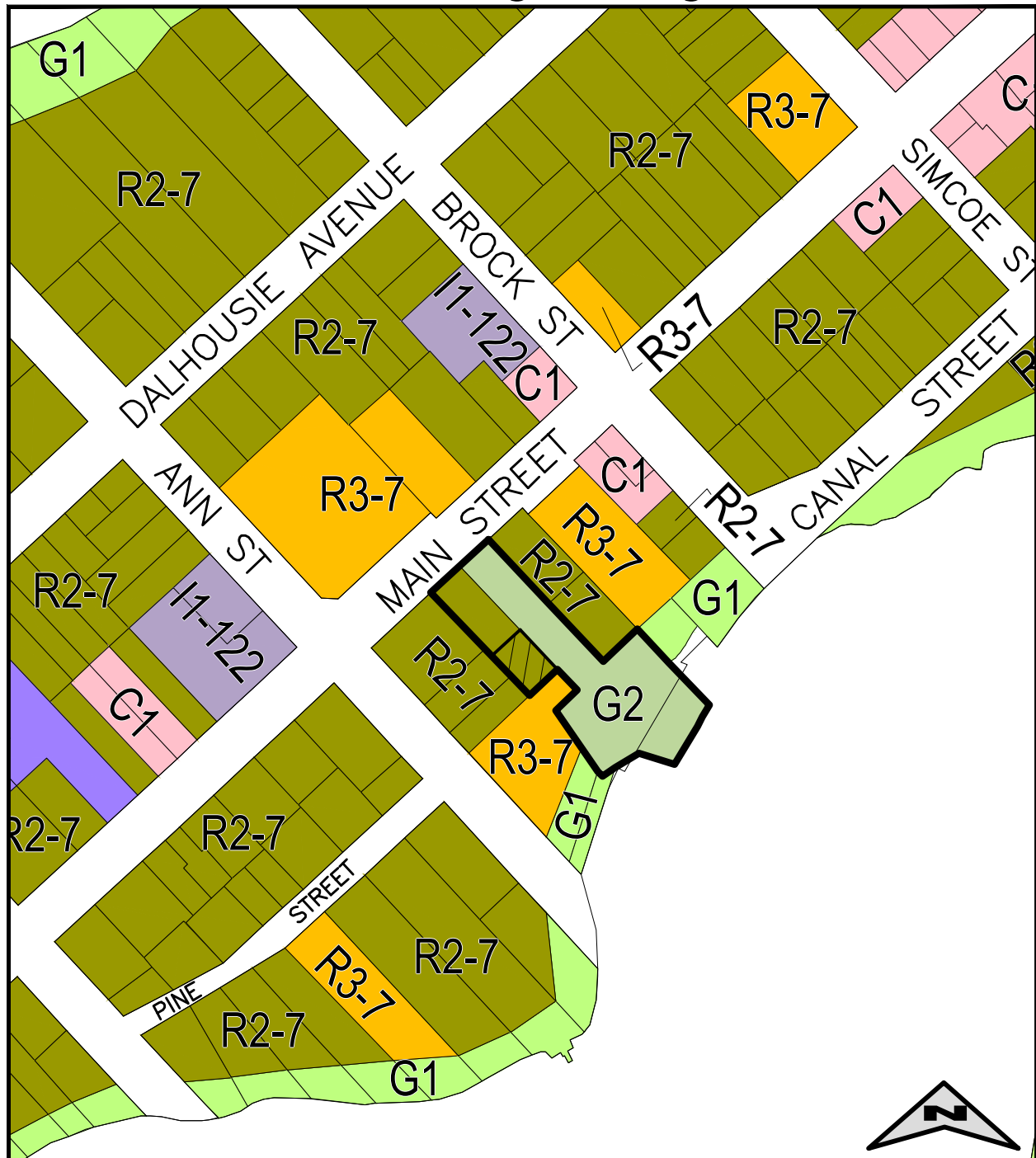


Location Map

-  Subject Lands
-  63 - 65 Main St
File: 60.35.1005

Niagara Regional Air Photo (April, 2013)

Existing Zoning



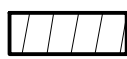
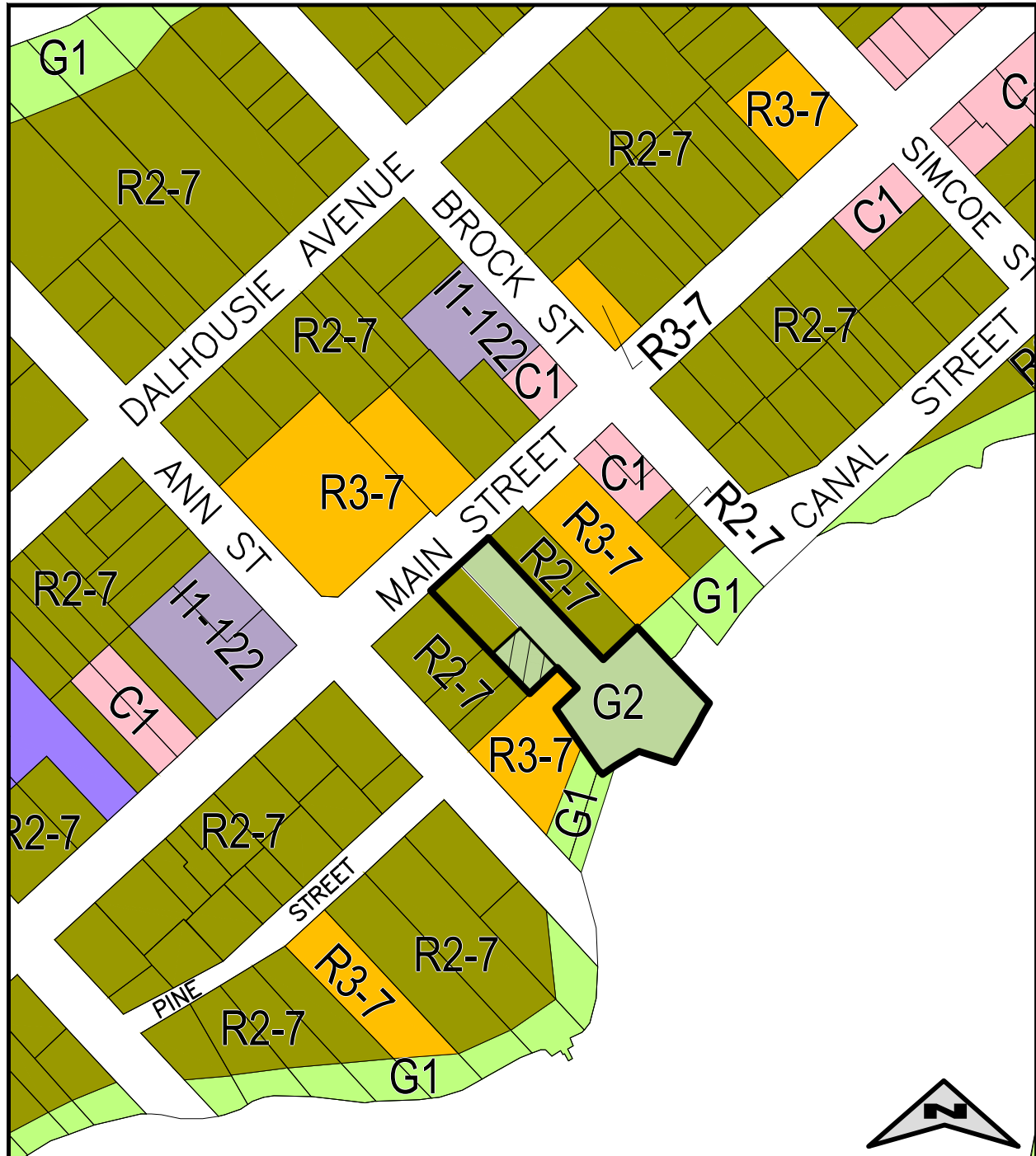
Subject Lands



63 - 65 Main Street
File: 60.35.1005



Proposed Zoning



Subject Lands



63 - 65 Main Street
File: 60.35.1005



By-laws to be considered March 30, 2015

- a) A By-law to amend By-law No. 2013-283 entitled “City of St. Catharines Zoning By-law.” (Three readings – with respect to 63-65 Main Street, to permit existing detached garage and lands behind garage to be used in conjunction with Canadian Henley grandstand. To be considered by General Committee Forthwith.
- (b) A By-law to authorize the acceptance of conveyances of certain lands from Niagara Innovative Living Inc. for the widening of Wood Street. (Three readings – with respect to condition of SPA for 14 and 16 Wood Street. Delegation By-law 2004-277, as amended.)
- (c) A By-law to authorize the acceptance of conveyances of certain lands from 1473941 Ontario Limited for the widening of Parnell Road. (Three readings – with respect to SPA condition for the widening of 140 Parnell Road. Delegation By-law 2004-277, as amended.)
- (d) A By-law to authorize the acceptance of conveyances of certain lands from Dovedale Developments Inc. for the widening of Hartzel Road. (Three readings – with respect to condition of SPA for 60 Canterbury Drive. Delegation By-law 2004-277, as amended.)
- (e) 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 March 30, 2015. (Three readings – with respect to ratification and adoption of City Council Minutes of March 23, 2015, General Committee Minutes of March 23, 2015, and Special Shareholder meeting of St. Catharines Hydro Inc. of March 23, 2015.)